

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, October 7, 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 – The Pledge of Allegiance will be led by Elkins High School Air Force Junior Reserve Officer Training Corps.

3. PRESENTATIONS AND RECOGNITIONS

(a) Proclaim the week of October 6-12, 2019, as “Fire Prevention Week” in the City of Missouri City, Texas.

(b) Proclaim the month of October as “National Community Planning 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 September 16, 2019, the special City Council meetings of September 21, 2019, and September 23, 2019.

(b) Consider an ordinance authorizing the crediting of updated service credits in the Texas Municipal Retirement System for certain City of Missouri City employees who have membership in such-system; providing for increased annuities for certain City of Missouri City retirees and beneficiaries of deceased retirees; providing an effective date; and consider the ordinance on the second and final reading.

- (c) Consider authorizing the execution of an agreement with Harris County related to election services for the November 5, 2019 general election.

7. PUBLIC HEARINGS AND RELATED ACTIONS

(a) Zoning Public Hearings and Ordinances

- (1) Public hearing to receive comments for or against a request to zone a property from R-3, two family residential district, MF-2, multifamily residential district and SD, suburban district to PD, Planned Development District to allow for a unified development to include commercial and residential uses; regulating and restricting the development and use of property within such PD Planned Development District; providing for an amendment to the Comprehensive Plan; providing a penalty; containing other provisions relating to the subject; and consider the related ordinance on the first of two readings. The subject site is located south of Crescent Oak Village at Lake Olympia and Parks Edge residential subdivisions, east of Sunrise Bay at Lake Olympia residential subdivision and west of Olympia Estates residential subdivision.

(b) Public Hearings and related actions

- (1) Public hearing to receive comments for or against an ordinance continuing an interim procedure regarding the administration of plans and platting rules; declaring an emergency; and consider the related ordinance on first and final reading.

8. APPOINTMENTS – *There are no Appointments on this agenda.*

9. AUTHORIZATIONS

- (a) Consider authorizing the City Manager to execute a contract for the purchase and installation of playground equipment at Roane Park.
- (b) Consider authorizing the reimbursement to Century Land Holdings of Texas, LLC as set forth in the audit report dated March 31, 2019.
- (c) Consider authorizing the execution of a letter of approval for Care EMS INC to operate a non-emergency ambulance service.

10. ORDINANCES

- (a) Consider an ordinance providing for the assessment, levy, and collection of ad valorem taxes for the City of Missouri City, Texas, for the 2019 tax year and for each year thereafter until otherwise provided; providing the date on which such taxes shall be due and timely paid; authorizing an additional penalty for the collection of delinquent ad valorem taxes in lieu of recovering attorneys' fees; and consider the ordinance on the first and final reading. *Separate votes are required for the adoption of operations tax rate, the debt service tax rate, and the tax rate ordinance.*
- (b) Consider an ordinance authorizing the issuance and sale of City of Missouri City, Texas, General Obligation Bonds, Series 2019, in the aggregate principal amount not to exceed \$14,000,000; levying a tax in payment thereof; authorizing the execution and delivery of a bond purchase contract, a paying agent/registrar agreement and an officer's pricing certificate; approving the official statement; approving the engagement of certain professionals in connection with the issuance of the bonds; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law; enacting other provisions relating thereto; and consider the ordinance on the first and final reading.

11. RESOLUTIONS

- (a) Consider a resolution nominating a candidate for a position on the Board of Directors of the Harris County Appraisal District.
- (b) Consider a resolution nominating one or more candidates for election to one or more positions on the Board of Directors of the Fort Bend Central Appraisal District.
- (c) Consider a resolution approving and ratifying the submission of a grant application for the Gulf States Regional Law Enforcement Technology assistance program to the United States Department of Justice to fund the purchase a video surveillance security system; and containing other provisions related thereto.

12. CITY COUNCIL ANNOUNCEMENTS

Hear announcements concerning items of community interest from the Mayor, Councilmembers, and City staff, for which no formal action will be discussed or taken.

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

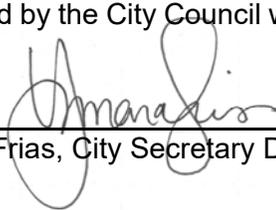
Reconvene into Regular Session and Consider Action, if any, on items discussed in Executive Session.

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 October 7, 2019, agenda of items to be considered by the City Council was posted on the City Hall bulletin board on October 3, 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
October 7, 2019**

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE – The Pledge of Allegiance will be led by Elkins High School Air Force Junior Reserve Officer Training Corps.

3. PRESENTATIONS AND RECOGNITIONS

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(a) City Manager announcements.

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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, September 16, 2019**, at the City Hall, Council Chamber, 1522 Texas Parkway, Missouri City, Texas, 77489, at **6:00 p.m.** to consider the following:

1. CALL TO ORDER

Mayor Ford called the meeting to order at 6:02 p.m.

Those also present: Councilmembers Pearson, Boney, Maroulis, and Emery; City Manager Snipes, City Attorney Iyamu, City Secretary Jackson, Assistant City Manager Atkinson, Assistant City Manager Martel, Director of Human Resources Russell, Director of Development Services Spriggs, Director of Communications Walker, Fire Chief Campbell, Assistant Fire Chief Partido, Senior Budget Analyst Aaron, Media Specialist III Kalimkoottil, and Media Specialist III Sanders. Councilmember Edwards arrived at 6:03 p.m. Mayor Pro Tem Preston arrived at 6:05 p.m.

2. DISCUSSION/POSSIBLE ACTION

- (a) Consider and discuss nominations for the Harris County Appraisal District and the Fort Bend Central Appraisal District board of directors.

City Secretary Jackson presented on nominations for the Harris County Appraisal District and the Fort Bend Central Appraisal District board of directors. City Council requested to submit names to the City Secretary by or before a deadline for consideration during the next City Council meeting.

- (b) Status update on the odor occurring around the McHard (F.M. 2234) and Fort Bend Parkway area.

Fire Chief Campbell presented an update on the odor occurring around the McHard (F.M. 2234) and Fort Bend Parkway area last week. During City investigations, the meter did not read any gas and it was noted the area was not in the City's jurisdiction and the City contacted entities responsible. The Texas Commission on Environmental Quality came out and noted it was not an air quality issue but a drilling issue. Such information was also forwarded to the Railroad Commission. Chief Campbell also presented on the City's current emergency protocols.

Councilmember Boney asked how the City could better communicate with the outside entities about incidents that affect the quality of life in the City. City Attorney Iyamu stated the City would contact the state agencies that have jurisdiction, as they did in this case. They would also communicate to the public which state agencies were affecting them. City Manager Snipes stated that City Council could draft a letter to note the impact on the community and noted that as soon as information was provided, the City would communicate it to its residents.

Director of Communications Walker noted the safety protocol was in place for this incident and the Communication Department followed instructions provided by the City Manager's Office. Walker noted there

was no FAQ for the public as the information was fluid. She expressed concern about obtaining the facts on a timely matter in order to communicate it to Council and residents. Walker also stated they needed to make sure the agencies have a protocol on contacting the City on such incidents and what actions were to be taken. Media Specialist III Sanders shared his feedback on a post to social media about this incident. Mayor Ford requested a workshop for City Council regarding social media postings.

3. CLOSED EXECUTIVE SESSION

After proper notice was given pursuant to the Texas Open Meetings Act, the City Council went into Executive Session at 6:53 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: (i) The City of Missouri City, Texas v. Third Coast Services, LLC (Fort Bend County Cause Number 18-DCV-252938 in the 458th Judicial District of Fort Bend County, Texas); (ii) Ivy Kenneth Joy L. Mirafior and Josefina P. Serrano v. the City of Missouri City, Texas, and Yolanda Ford, in her official capacity as Mayor of the City of Missouri City, Texas (Harris County Cause Number 201920262- 7 in the 151st District Court of Harris County); (iii) Texas Open Meetings Act.

4. RECONVENE

At 7:10 p.m., Council reconvened into open session. No action was taken.

5. ADJOURN

The special City Council meeting adjourned at 7:10 p.m.

Minutes PASSED AND APPROVED this the _____ day of _____ 2019.

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, September 16, 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 7:13 p.m.

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

2. The **PLEDGE OF ALLEGIANCE** was led by Elkins High School Air Force Junior Reserve Officer Training Corps.

3. PRESENTATIONS AND RECOGNITIONS

Mayor Ford proclaimed October 3, 2019, as "Public Administration Day" in the City of Missouri City, Texas.

There were no **PUBLIC COMMENTS**

5. STAFF REPORTS

City Manager Snipes provided weather updates and encouraged residents to visit the City's website. Snipes noted the Employee BBQ cook-off was set for September 27 and non-emergency offices would be closed beginning at 11 a.m. Snipes stated he was elected as a fellow in the National Academy of Public Administration. Snipes announced the following upcoming events: Oktoberfest on September 21; MCTX Job Fair and "Doing Business with the City workshop" on September 24; National Night Out Kick-off party on September 28; National Night Out on October 1; and, Community Night Out on October 5.

6. CONSENT AGENDA

- (a) Consider approving the minutes of the special and regular City Council meetings of September 3, 2019 and the special City Council meeting of September 7, 2019.
- (b) Consider an ordinance changing the zoning classification of an approximate 14.11 acre tract of land from SD, suburban district to LC-3, retail district; providing for an amendment to the Comprehensive Plan; providing a penalty; and consider the ordinance on the second and final reading. The subject site is located south of Vicksburg Boulevard and State Highway 6, east of the Oakwick Forest Estates residential subdivision and west of a Firestone Complete Auto Care.

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

7. PUBLIC HEARINGS AND RELATED ACTIONS

- (a) There were no **Zoning Public Hearings and Ordinances.**

(b) Public Hearings and related actions

- (1) Public hearing on the approval and adoption of the budget for the fiscal year beginning October 1, 2019, and ending September 30, 2020.

Director of Financial Services Portis presented on the budget for the fiscal year beginning October 1, 2019, and ending September 30, 2020.

Councilmember Maroulis moved to open the public hearing at 7:30 p.m. Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

With no public comments, Councilmember Maroulis moved to close the public hearing at 7:30 p.m. Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

Councilmember Boney moved to adopt the proposed Fiscal Year 2020 City Budget as presented, by record vote. Councilmember Pearson seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmembers Edwards, Pearson, Boney, Maroulis, and Emery
Nays: None

Councilmember Emery moved to ratify the increase in property tax revenues reflected in the adopted budget for Fiscal Year 2020. Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

- (2) First of two public hearings to receive comments regarding the City's proposed tax rate of up to \$0.630000.

Councilmember Pearson moved to open the public hearing at 7:33 p.m. Councilmember Maroulis seconded. **MOTION PASSED UNANIMOUSLY.**

Bruce Zaborowski, 7915 Chancel, stated the tax proposal had no exemptions for senior citizens and would like unification of the City.

Lionel Walton, 2311 Doverglen Drive, expressed concerns regarding the proposed tax rate.

Councilmember Maroulis moved to close the public hearing at 7:37 p.m. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

Mayor Ford announced that the City Council of the City of Missouri City was scheduled to vote on the proposed tax rate of up to \$0.630000 at a public meeting to be held on Monday, October 7, 2019, in the City Council Chamber located at 1522 Texas Parkway, Missouri City, at 7:00 p.m.

There were no **APPOINTMENTS.**

9. AUTHORIZATIONS

- (a) Consider authorizing the City Manager to negotiate and execute an amendment to the existing contract for ditch cleaning and excavation services.

Assistant Director of Public Works Brouhard stated the request was to negotiate and execute two (2) amendments to the ditch cleaning and excavation contract as follows: amendment number one was to increase the overall contract limit by 25% from \$120,000 to \$150,000; and, amendment number two was to remove the \$40,000 per year cap.

Councilmember Emery moved to authorize the City Manager to negotiate and execute an amendment to the existing contract for ditch cleaning and excavation services with Texas Drainage Inc. Councilmember Pearson seconded. **MOTION PASSED UNANIMOUSLY.**

- (b) Consider authorizing the City Manager to execute a one (1) year contract extension with Wells Fargo Bank for depository services.

Councilmember Emery moved to authorize the City Manager to execute a one (1) year contract extension with Wells Fargo Bank for depository services. Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

10. ORDINANCES

- (a) Consider an ordinance amending the personnel policy of the City of Missouri City to provide for certain vacation leave; and consider the ordinance on the second and final reading.

Councilmember Emery moved to approve the ordinance. Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

- (b) Consider an ordinance authorizing the crediting of updated service credits in the Texas Municipal Retirement System for certain City of Missouri City employees who have membership in such-system; providing for increased annuities for certain City of Missouri City retirees and beneficiaries of deceased retirees; providing an effective date; and consider the ordinance on the first of two readings.

Mayor Pro Tem Preston moved to adopt the ordinance. Councilmember Pearson seconded. **MOTION PASSED UNANIMOUSLY.**

There were no **RESOLUTIONS.**

12. CITY COUNCIL ANNOUNCEMENTS

Councilmember Emery invited everyone to the Missouri City Police Officers Association golf tournament on September 20. Councilmember Boney stated he attended the Congressional Black Caucus Leadership Conference and spoke to the National Forum for Black Public Administrators group. Councilmember Maroulis noted Channel 13 has featured businesses in the City and encouraged everyone to support local business owners. Councilmember Pearson congratulated City Manager Snipes for being selected a fellow. Pearson also thanked staff who worked with TxDOT for the turn rounds on Texas Parkway.

13. ADJOURN

The regular City Council meeting adjourned at 7:53 p.m.

Minutes PASSED AND APPROVED this the _____ day of _____ 2019.

Maria Jackson, City Secretary

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CITY COUNCIL SPECIAL MEETING MINUTES

The City Council of the City of Missouri City, Texas, met in special session on **Saturday, September 21, 2019**, at Ben E. Keith Foods, 1 Ben E. Keith Way, 1st Floor Conference Room, Missouri City, Texas 77489, at **8:30 a.m.** to consider the following:

1. CALL TO ORDER

Mayor Ford called the meeting to order at 9:03 a.m.

Those also present: Councilmembers Edwards, Pearson, Boney, Maroulis, and Emery; City Manager Snipes, City Attorney Iyamu, City Secretary Jackson, Assistant City Manager Atkinson, Assistant City Manager Martel, Director of Human Resources and Organizational Development Russell, Director of Parks and Recreation Mangum, Director of Development Services Spriggs, Director of Public Works Kumar, Director of Financial Services Portis, Police Chief Berezin, Fire Chief Campbell, Director of Communications Walker, Director of Information Technology Cole, and Director of Economic Development Esch. Also present: Patrick Ibarra of the Mejorando Group. Mayor Pro Tem Preston arrived at 9:06 a.m.

2. DISCUSSION/POSSIBLE ACTION

(a) City Council strategic planning.

Patrick Ibarra recapped the September 7, 2019 special City Council meeting, presented an overview of the strategic planning session outlined for today's agenda, and provided for a brief discussion from the budget presented on September 3, 2019. No questions were asked regarding the budget presentation.

Mr. Ibarra then worked with City Council to identify trends impacting the role of government, the community, and city departments; the types of services residents will require about in the future that were not already provided; and, city processes and practices might need to change to serve a larger population.

Councilmember Pearson stepped away at 9:32 a.m. and returned at 9:36 a.m. Councilmember Maroulis stepped away at 9:36 a.m. and returned at 9:39 a.m.

Mr. Ibarra and City Council continue to discuss the types of infrastructure additions or expansions would be required to handle the City's anticipated growth and the financial resources required to fund this work; and, the types of maintenance and replacements required to maintain the city's existing infrastructure and what financial resources would be available to fund any major replacements.

City Council recessed the special City Council meeting at 9:53 a.m. and returned at 10:13 p.m.

Mr. Ibarra and City Council then discussed what could be done to make our community more attractive for business expansion or development opportunities and "Tailwinds: The City's Evolving Role as a Community Builder."

Councilmember Edwards stepped away at 10:57 a.m. and returned at 11:02 a.m.

Discussions ensued regarding the City's current vision, mission and guiding principles to determine if any adjustments were necessary to build the preferred future.

City Council recessed the special City Council meeting for lunch at 11:34 a.m. and reconvened at 12:25 p.m.

Mr. Ibarra and City Council then addressed the City's Strategic Plan and explored various items discussed up to this point along with others in the current strategic plan, with the intent to create an overall list of priorities based on near-term, short-term and possibly long-term timeframe.

At the conclusion of the meeting, Mr. Ibarra presented City Council with next steps include the draft of the Strategic Plan being provided to the City Manager for he and his staff to add necessary details, such as timelines. The proposed draft will then be provided to Mayor and Council in November for consideration and possible adoption.

3. ADJOURN

The special City Council meeting adjourned at 2:44 p.m.

Minutes PASSED AND APPROVED this the _____ day of _____ 2019.

Maria Jackson, City Secretary

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CITY COUNCIL SPECIAL MEETING MINUTES

The City Council of the City of Missouri City, Texas, met in special session on **Monday, September 23, 2019**, at the City Hall, Council Chamber, 1522 Texas Parkway, Missouri City, Texas, 77489, at **6:00 p.m.** to consider the following:

1. CALL TO ORDER

Mayor Ford called the meeting to order at 6:00 p.m.

Those also present: Mayor Pro Tem Preston, Councilmembers Edwards, Pearson, Boney, and Emery; City Manager Snipes, City Attorney Iyamu, City Secretary Jackson, Assistant City Manager Atkinson, Assistant City Manager Martel, Director of Financial Services Portis, Golf Course Manager Stittleburg and Media Specialist III Sanders. Councilmember Maroulis arrived at 6:01 p.m.

2. DISCUSSION/POSSIBLE ACTION

- (a) Second and final public hearing to receive comments regarding the City's proposed tax rate of up to \$0.630000.

Director of Financial Services Portis presented on the City's proposed tax rate of up to \$0.630000.

Councilmember Boney moved to open the public hearing at 6:02 p.m. Councilmember Maroulis seconded. **MOTION PASSED UNANIMOUSLY.**

With no public comments, Councilmember Boney moved to close the public hearing at 6:02 p.m. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

Mayor Ford announced that the City Council of the City of Missouri City was scheduled to vote on the proposed tax rate of up to \$0.630000 at a public meeting to be held on Monday, October 7, 2019, in the City Council Chamber located at 1522 Texas Parkway, Missouri City, at 7:00 p.m.

3. ADJOURN

The special City Council meeting adjourned at 6:03 p.m.

Minutes PASSED AND APPROVED this the _____ day of _____ 2019.

Maria Jackson, City Secretary



CITY COUNCIL AGENDA ITEM COVER MEMO

October 7, 2019

To: Mayor and City Council
Agenda Item: 6(b) Consider an ordinance authorizing the crediting of updated service credits in the Texas Municipal Retirement System (TMRS) for certain City of Missouri City employees who have membership in such system; providing for increased annuities for certain City of Missouri City employees.
Submitted by: Allena Portis, Director of Financial Services

SYNOPSIS

As part of management's evaluation of benefits and how the structuring of the retirement benefits may affect the costs, staff is presenting an ordinance that maintains our costs for retirement benefits at the same levels as last year. This strategy will allow us to continue to effectively evaluate our long-term plan.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Maintain a financially sound City

BACKGROUND

Since 2012, the City has elected the Ad Hoc TMRS structure for Updated Service Credits (USC) and Cost Of Living Adjustment (COLA) benefits. This election plays a part in calculating the benefit employees receive after retirement.

The 2011 plan design included the provision to automatically repeat these benefits without annual adoption by City Council. However, an option to annually adopt these provisions was approved by City Council in order to give us the flexibility to set our rate at an affordable level. The rate we are proposing considers the future costs associated with the Ad Hoc TMRS method and, if implemented, would gradually raise the funded ratio of the Unfunded Actuarial Accrued Liability (UAAL), and the unfunded ratio would decline over time.

Governmental Accounting Standards Board (GASB) requires the City to present the underfunded liability incurred by electing the Ad Hoc funding method in the financial statements as a liability. The City is recommending opting to continue the plan that includes the Ad Hoc structure, updated Service Credits at 100% and a 70% annuity increase. The minimum contribution rate for this plan would be 9.00%. However, staff is proposing we fund the Ad Hoc plan at a rate of 10% to close the gap for any potential unfunded liability, while maintaining sufficient reserves to meet unanticipated obligations or stakeholder reserve requirements.

BUDGET/FISCAL ANALYSIS

Funding Source	Account Number	Project Code/Name	FY20 Funds Budgeted	FY20 Funds Available	Amount Requested
Various	Various		\$2,411,427	\$2,411,427	\$2,411,427

The FY 2020 Budget was prepared using a 10% rate for TMRS benefits.

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

SUPPORTING MATERIALS

1. Ordinance
2. TMRS Rate Letter

STAFF'S RECOMMENDATION

Staff recommends the City Council adopt the Ordinance Electing Annual Updated Service Credits and COLAs and that this decision be reviewed on an annual basis. This action will not affect city employee current retirement benefits.

Director Approval: Allena Portis, Director of Financial Services

**Assistant City Manager/
City Manager Approval:** Anthony J. Snipes, City Manager

ORDINANCE NO. O-19-__

**AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS,
AUTHORIZING THE CREDITING OF UPDATED SERVICE
CREDITS IN THE TEXAS MUNICIPAL RETIREMENT SYSTEM
FOR CERTAIN CITY OF MISSOURI CITY EMPLOYEES WHO
HAVE MEMBERSHIP IN SUCH SYSTEM; PROVIDING FOR
INCREASED ANNUITIES FOR CERTAIN CITY OF MISSOURI
CITY RETIREES AND BENEFICIARIES OF DECEASED
RETIREES; PROVIDING FOR REPEAL; PROVIDING AN
EFFECTIVE DATE; AND PROVIDING FOR SEVERABILITY.**

* * * * *

WHEREAS, pursuant to Section 853.403 and Section 854.203 of Subtitle G of Title 8, Government Code, as such sections may be amended, this Ordinance may not take effect unless the board of trustees of the Texas Municipal Retirement System (“System”) approves this Ordinance as meeting the requirements of such sections; and

WHEREAS, the board of trustees of the System may not approve this Ordinance unless the actuary of the System first determines, and the board of trustees concurs in the determination, that all obligations charged against the City of Missouri City’s account in the benefit accumulation fund, including obligations proposed in this Ordinance, can be funded by the City of Missouri City within its maximum total contribution rate and within its amortization period as in effect on the effective date of this Ordinance; and

WHEREAS, the City Council of the City of Missouri City has determined that the adoption of this ordinance is in the best interest of the City of Missouri City; now therefore,

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

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

Section 2. Updated Service Credits. (a) Pursuant to Section 853.401 through 853.403 of Subtitle G of Title 8, Government Code, as such sections may be amended, the City of Missouri City hereby authorizes each member of the System who has current service credit or prior service credit in the System in force and effect on the first day of January of the calendar year preceding the effective date of this Ordinance by reason of service in the employment of the City of Missouri City, and on such date has at least 36 months of credited service with the System, to receive updated service credit in an amount that is 100 percent (100%) of the base updated service credit of the member. Base updated service credit and updated service credit shall be determined by the System pursuant to Section 853.402 of Subtitle G of Title 8, Government Code, as such

section may be amended. The updated service credit hereby authorized shall replace any updated service credit, prior service credit, special prior service credit, or antecedent service credit previously authorized for part of the same service.

(b) Pursuant to Section 853.601 of Subtitle G of Title 8, Government Code, as such section may be amended, any member of the System who is eligible for updated service credits on the basis of service with the City of Missouri City, and who has unforfeited credit for prior service or current service with another participating municipality or municipalities by reason of previous employment and was a contributing member on the first day of January of the calendar year preceding the effective date of this Ordinance, shall be credited in the System with updated service credits calculated in accordance with and subject to adjustment as set forth in Section 853.601 of Subtitle G of Title 8, Government Code, as such section may be amended.

Section 3. Increase in Retirement Annuities. (a) Pursuant to Section 854.203 of Subtitle G of Title 8, Government Code, as such section may be amended, the City of Missouri City authorizes and provides for increased annuities to be paid by the System to retirees and beneficiaries of deceased retirees of the City of Missouri City under current service annuities and prior service annuities. An annuity increased pursuant to this Ordinance replaces any annuity or increased annuity previously granted to the same person.

(b) The amount of annuity increase authorized by this Ordinance is computed as the sum of the prior and current service annuities on the effective date of retirement of the person on whose service the annuities are based, multiplied by seventy percent (70%) of the percentage change in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the United States Department of Labor, from December of the year immediately preceding the effective date of the person's retirement to the December that is 13 months before the effective date of this Ordinance.

(c) An increase in an annuity that was reduced because of an option selection is reducible in the same proportion and in the same manner that the original annuity was reduced.

(d) If a computation pursuant to Section 3(b) of this Ordinance does not result in an increase in the amount of an annuity, the amount of the annuity shall not be changed by this Ordinance.

(e) The amount by which an increase under this Ordinance exceeds all previously granted increases to an annuitant is payable as a prior service annuity, is an obligation of the City of Missouri City's account in the benefit accumulation fund of the System, and is subject to reduction by the System at any time pursuant to Section 855.308(f) of Subtitle G of Title 8, Government Code, as such sections may be amended.

Section 4. Repeal. All ordinances or parts of ordinances in conflict herewith shall be and are hereby repealed only to the extent of such conflict.

Section 5. Effective Date. Subject to approval by the Board of Trustees of Texas Municipal Retirement System, the updated service credits and increased annuities shall become effective January 1, 2020.

Section 6. Severability. In the event any 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 16th day of September, 2019.

PASSED, APPROVED and ADOPTED on second and final reading this 7th day of October, 2019.

Yolanda Ford, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Jackson, City Secretary

E. Joyce Iyamu, City Attorney



June 4, 2019

City # 00875

City Official
City of Missouri City
1522 Texas Parkway
Missouri City, TX 77489

Subject: 2020 Municipal Contribution Rate

Dear City Official:

Presented below are your city's contribution requirements to the Texas Municipal Retirement System (TMRS) for Plan Year 2020 (Calendar Year 2020, PY2020) as determined by the December 31, 2018 actuarial valuation. The actuarially determined contribution rates for retirement benefits and Supplemental Death Benefits (SDB), if any, are based on your city's plan provisions in effect as of April 1, 2019 and the actuarial assumptions and methods adopted by the TMRS Board. Effective January 1, 2020, your city's monthly contribution rates will be:

Normal Cost	5.50%
Prior Service	<u>3.36%</u>
Total Retirement Rate	8.86%
Supplemental Death Benefit	<u>0.14%</u>
Total Combined Contribution	9.00%

Full information on your contribution rate, including an explanation of changes and available rate stabilization techniques, is contained in the attached report. The Total Retirement Rate shown above represents the Actuarially Determined Employer Contribution (ADEC) for PY2020 based on current TMRS funding policy.

IMPORTANT NOTE: The pension disclosure and financial statement information necessary to assist your city with the financial reporting requirements of the Governmental Accounting Standards Board (GASB) will be provided in a separate document available later this summer.

If you have questions about your rate or if you wish to evaluate potential changes in your TMRS plan, contact TMRS at 800-924-8677.

Sincerely,

A handwritten signature in blue ink that reads "Eric W. Davis".

Eric W. Davis
Deputy Executive Director

Table of Contents

Rate Stabilization Techniques	A summary of the techniques currently available to assist cities in stabilizing their contribution rate including managing a funding surplus.
Executive Summary	A comparison of the highlights of the December 31, 2018 and December 31, 2017 actuarial valuations for your city. Included are membership counts, asset information, actuarial information, and contribution rate requirements.
Calculation of Contribution Requirements	Details the calculation of the Full Retirement Rate (TMRS Plan Year - ADEC) and the Supplemental Death Rate, if applicable, for your city. A comparison to the 2017 actuarial valuation results is included.
Summary of Benefit Provisions	A summary of plan provisions in effect as of April 1, 2019.
Amortization Bases and Payments	Information on the amortization bases and payments for your city.
Historical and Projected Accumulation of the BAF Balance	This schedule provides your city with historical cash flows, interest credits and the year-end balance of its Benefit Accumulation Fund (BAF), as well as projected values for calendar/plan years 2019 and 2020.
Reconciliation of Full Retirement Rate from Prior Actuarial Valuation Report	A detailed reconciliation of changes in your city's Full Retirement Rate (ADEC) since the prior valuation.
Risks Associated with Measuring the Accrued Liability and Actuarially Determined Contribution	An explanation of risk measurements and how a 10% decline in assets will impact your city's Full Retirement Rate (ADEC).

Rate Stabilization Techniques

Contribution rate stabilization is a strategic goal of the TMRS Board of Trustees. Since 2007, the Board has approved many actuarial changes to minimize short-term volatility in contribution rates while maximizing long-term System sustainability. Even so, some cities continue to experience significant changes in their annual contribution rates. Under the current funding policy in which rates are actuarially determined each year, contribution rate stabilization is fully optimized at the System level; therefore, any further rate stabilization must be achieved at the city level.

The most effective way for a city to stabilize its TMRS contribution rate is to determine, during its budget process, an affordable contribution rate that exceeds the required, calculated contribution rate and continue to pay that same rate, even when the calculated contribution rate goes down. This is particularly true for cities with an Unfunded Actuarial Accrued Liability (UAAL). These additional monthly contributions at a predetermined fixed rate accomplish the following:

- provides a stable annual contribution rate for budgeting purposes;
- directly reduces the UAAL;
- accelerates the years needed to attain full funding (i.e. pays off the UAAL quicker);
- produces cost savings over the long run; and
- provides a contribution rate cushion for future adverse plan experience.

A city can also make one or more lump sum contributions during the year which has a similar impact on the plan's funding status, but is less effective from a rate stabilization perspective.

For cities with an Overfunded Actuarial Accrued Liability (OAAL or surplus), the calculated contribution rate is determined by decreasing the normal cost rate (the cost of the current year accruals for active employees) by a rate equal to a 25-year open amortization of the surplus assets. The result is a required contribution less than the normal cost. This produces contribution rate volatility and pushes the city's funded status back towards 100% by using the surplus assets to pay for the current year accruals. In order to dampen contribution rate volatility and to increase the likelihood of maintaining a funded ratio greater than 100%, TMRS encourages cities in a surplus position to consider paying the full normal cost rate (or as much as possible toward the full normal cost rate) until the funded ratio is at least 110%.

As noted above, additional contributions are entirely voluntary. A city can always revert to paying only the required calculated rate each month if financial circumstances change during the year. There is no formal action that needs to be taken by a city to contribute at a higher level than the required monthly minimum. Additional monthly contributions may be made during the normal payroll reporting process by simply filling out line 2. A. of Form TMRS 3 with the increased employer contribution rate. Lump sum contributions should be reported separately from the regular payroll reporting process and submitted with Form TMRS 3ADD.

If your city would like to explore the impact of any of these rate stabilization techniques on your TMRS plan, please contact Leslee Hardy, Director of Actuarial Services, at lhardy@tmrs.com.

Executive Summary

Valuation as of TMRS Plan Year (PY) Ending	12/31/2018	12/31/2017
Membership as of the Valuation Date		
• Number of		
- Active members	346	336
- Retirees and beneficiaries	193	180
- Inactive members	<u>193</u>	<u>173</u>
- Total	732	689
• Prior year's payroll provided by TMRS	\$ 23,032,609	\$ 23,343,646
• Valuation Payroll	\$ 24,293,554	\$ 23,680,282
Benefit Accumulation Fund (BAF) Assets		
• Market BAF Balance	\$ 97,727,792	\$ 102,106,752
• BAF crediting rate for PY	(3.08%)	13.05%
• Interest credited on beginning BAF balance	\$ (3,141,744)	\$ 11,891,696
• Municipal contributions ^	2,275,514	2,306,217
• Member contributions during year	1,612,283	1,634,055
• Benefit and refund payments ^	5,125,013	4,874,523
Actuarial Value of Assets (AVA)		
• Market BAF Balance	\$ 97,727,792	\$ 102,106,752
• Actuarial Value of Assets (AVA)	103,806,520	99,093,023
• AVA as a Percentage of BAF	106.2%	97.0%
• Return on AVA	6.01%	7.13%
Actuarial Information		
• Actuarial accrued liability (AAL)	\$ 110,433,734	\$ 105,683,019
• Actuarial value of assets (AVA)	103,806,520	99,093,023
• Unfunded actuarial accrued liability (UAAL)	6,627,214	6,589,996
• UAAL as % of pay	28.8%	28.2%
• Funded ratio (AVA/AAL)	94.0%	93.8%
• Employer normal cost	5.50%	5.59%
• Prior Service Rate	3.36%	3.34%
Contribution Rates for TMRS Plan Year (PY)		
	2020	2019
• Member	7.00%	7.00%
• Full retirement rate (ADEC)	8.86%	8.93%
• Supplemental Death rate	0.14%	0.13%
Total Employer Contribution Estimates for PY		
	2020	2019
• Projected payroll	\$ 25,022,361	\$ 24,390,690
• Combined contribution rate	9.00%	9.06%
• Estimated employer contribution	\$ 2,252,012	\$ 2,209,797

Note: TMRS Plan Year coincides with Calendar Year

Results from prior year reflect the plan provisions used in the 12/31/2018 valuation report.

^ Excludes contributions to/benefit payments from the IRC §415(m) Full Benefit Arrangement fund.

Calculation of Contribution Requirements

	From Valuation Report as of	
	<u>December 31, 2018</u>	<u>December 31, 2017</u>
1. Prior year's payroll reported to TMRS	\$ 23,032,609	\$ 23,343,646
2. Valuation payroll	24,293,554	23,680,282
3. Employer normal cost rate	5.50%	5.59%
4. Actuarial liabilities		
a. Active members	\$ 44,685,300	\$ 42,825,444
b. Inactive members	13,622,380	12,596,543
c. Annuitants	<u>52,126,054</u>	<u>50,261,032</u>
d. Total actuarial accrued liability	\$ 110,433,734	\$ 105,683,019
5. Actuarial value of assets	<u>103,806,520</u>	<u>99,093,023</u>
6. Unfunded actuarial accrued liability (UAAL) (4d - 5)	\$ 6,627,214	\$ 6,589,996
7. Funded ratio (5 / 4d)	94.0%	93.8%
8. Equivalent Single Amortization Period*	9.8 Years	10.1 Years
9. Assumed payroll growth rate	3.0%	3.0%
<hr/>		
Contribution Rate for TMRS Plan Year:	2020	2019
<hr/>		
10. Full retirement rate		
a. Normal cost	5.50%	5.59%
b. Prior service	<u>3.36%</u>	<u>3.34%</u>
c. Full retirement rate	8.86%	8.93%
11. Supplemental Death rate	0.14%	0.13%
12. Combined contribution rates (10c+11)	9.00%	9.06%

* New Losses are laddered on 25-year period

Summary of Benefit Provisions

The plan provisions are adopted by the governing body of the City, within the options available in the state statutes governing TMRS. Plan provisions for the City in effect as of April 1, 2019 were as follows:

Employee deposit rate	7%
Matching ratio (city to employee)	2 to 1
Years required for vesting	5
Retirement Eligibility (Age/Service)	60/5, 0/20
Updated Service Credit	100% Transfers
Annuity Increase (to retirees)	70% of CPI
Supplemental Death Benefit to Active Employees	Yes
Supplemental Death Benefit to Retirees	Yes

Amortization Bases and Payments

Year Established	Description	Years Remaining	Base	Payment
2010	2010 Ad Hoc Benefit Change	7	\$ 259,337	\$ 46,161
2011	2011 Ad Hoc Benefit Change	8	480,954	77,189
2012	2012 Ad Hoc Benefit Change	9	334,183	49,109
2013	2013 Ad Hoc Benefit Change	10	496,945	67,679
2014	2014 Ad Hoc Benefit Change	11	584,441	74,485
2015	2015 Ad Hoc Benefit Change	12	1,155,373	138,895
2016	2016 Ad Hoc Benefit Change	13	1,507,494	172,081
2017	2017 Ad Hoc Benefit Change	14	1,680,480	183,169
2018	2018 Newly Underfunded Non-Ad Hoc	25	<u>128,007</u>	<u>7,860</u>
Total			6,627,214	816,628

Historical and Projected Accumulation of the BAF Balance

Year Ending December 31, (1)	Payroll for the Year (2)	Effective Retirement Contribution Rate ^a (3)	Employer Contributions for the Year ^c (4)	Member Contributions for the Year (5)	Benefit Payments ^c (6)	External Cash Flow for the Year (7)	Interest Credit (8)	BAF Balance ^b (9)
		(4) / (2)				(4) + (5) + (6)		
2016	\$ 21,634,924	8.88%	\$ 1,920,960	\$ 1,514,445	\$ (4,786,634)	\$ (1,351,229)	\$ 5,835,655	\$ 91,149,308
2017	23,343,646	9.88%	2,306,217	1,634,055	(4,874,523)	(934,251)	11,891,696	102,106,752
2018	23,032,609	9.88%	2,275,514	1,612,283	(5,125,013)	(1,237,216)	(3,141,744)	97,727,792
2019	24,293,554	8.93%	2,169,414	1,700,549	(6,098,733)	(2,228,770)	6,596,626	102,095,648
2020	25,022,361	8.86%	2,216,981	1,751,565	(5,993,729)	(2,025,183)	6,891,456	106,961,922

a. Effective retirement contribution rate is the actual rate determined by dividing the employer contribution received by the payroll paid.

b. BAF Balance may not sum due to rounding.

c. Excludes contributions to/benefit payments from the IRC §415(m) Full Benefit Arrangement fund.

Reconciliation of Full Retirement Rate from Prior Actuarial Valuation Report

Actuarial valuations are based on long-term assumptions, and actual results in a specific year can, and almost certainly will, differ as actual experience deviates from the assumptions. The following table provides a detailed breakdown of changes in the retirement portion of your city’s contribution rate. This analysis reconciles the change in the retirement portion (ADEC) of your city’s contribution rate from 2019 to 2020, but will not reflect any change in the cost of the Supplemental Death Benefit (SDB), if your city currently has this provision. (Any changes in the cost of the SDB are primarily due to the changes in the average age of your city’s employee group and/or the number of covered retirees.) Following the table below is a brief description of the common sources for deviation from the expected.

Change in Full Retirement Rate	
Full Rate from 12/31/2017 Valuation (PY 2019 Rate)	8.16 %
Benefit changes	0.77 %
Return on Actuarial Value of Assets	0.19
Contribution lag/fully amortized prior bases	(0.04)
Payroll growth	0.01
Normal cost	(0.09)
Liability growth	(0.14)
Total change	0.70 %
Full Rate from 12/31/2018 Valuation (PY 2020 Rate)	8.86 %

Benefit Changes - Shows the increase or decrease in the contribution rate associated with any modifications made to the member city’s TMRS plan provisions. This will also include any changes to the amortization period adopted by ordinance.

Return on Actuarial Value of Assets (AVA) - Shows the change in the contribution rate associated with the return on the AVA being different than the assumed 6.75%. For the year ending December 31, 2018, the return on an AVA basis was 6.01%. The impact may show as 0.00% due to rounding.

Contribution Lag /Fully Amortized Prior Bases - Shows the total increase or decrease in the contribution rate associated with the phase in of contributions and/or any additional contributions above the full rate. The effect of the “Contribution Lag” is also included here and refers to the time delay between the actuarial valuation date and the date the contribution rate becomes effective. For TMRS member cities, the “Contribution Lag” is one year (i.e., the Actuarial Valuation as of December 31, 2018 sets the rate effective for Calendar Year 2020). **The impact of the**

“Contribution Lag” is expected to become immaterial once a city is contributing the Full Rate and the Full Rate stabilizes.

In addition, it shows the impact of the bases, if any, which became fully amortized as of this valuation since payments for those bases are no longer part of the calculation of the prior service rate.

Payroll Growth - Shows the increase or decrease in the contribution rate associated with higher or lower than expected growth in the member city’s overall payroll. The amortization payments were calculated assuming payroll grows at 3.0% per year. Overall payroll growth in excess of 3.0% will typically cause a decrease in the prior service rate.

Normal Cost - Shows the increase or decrease in the contribution rate associated with changes in the average normal cost rate for the individual city’s population. The normal cost rate for an employee is the contribution rate which, if applied to a member’s compensation throughout their period of anticipated covered service with the municipality, would be sufficient to meet all benefits payable on their behalf. The salary-weighted average of the individual rates is the total normal cost rate.

Liability Growth - Shows the increase or decrease in the contribution rate associated with larger or lower than expected growth in the member city’s overall plan liabilities. The most significant sources for variance will be individual salary increases compared to the assumption and turnover.

Risks Associated with Measuring the Accrued Liability and Actuarially Determined Contribution

Risks facing a pension plan evolve over time. A young plan with virtually no investments and paying few benefits may experience little investment risk. An older plan with a large number of members in pay status and a significant trust may be much more exposed to investment risk.

Generally accepted plan maturity measures include the following:

Ratio of the market value of assets to payroll	4.2
Ratio of actuarial accrued liability to payroll	4.8
Ratio of actives to retirees and beneficiaries	1.8
Net cash flow as a percentage of market value of assets	(1.3%)
Duration of liabilities	17.2
Change in Contribution Rate with 10% decline in assets (smoothed)	0.26%
Change in Contribution Rate with 10% decline in assets (unsmoothed)	2.62%

Ratio of Market Value of Assets to Payroll - The relationship between assets and payroll is a useful indicator of the potential volatility of contributions. For example, if the market value of assets is 4.0 times the payroll, a return on assets 5% different than assumed would equal 20% of payroll. A higher (lower) or increasing (decreasing) level of this maturity measure generally indicates a higher (lower) or increasing (decreasing) volatility in plan sponsor contributions as a percentage of payroll.

Ratio of Actuarial Accrued Liability to Payroll - The ratio of liability to payroll may also be used as a measure of sensitivity of the liability itself. For example, if the actuarial accrued liability is 5.0 times the payroll, a change in liability 2% other than assumed would equal 10% of payroll. A higher (lower) or increasing (decreasing) level of this maturity measure generally indicates a higher (lower) or increasing (decreasing) volatility in liability (and also plan sponsor contributions) as a percentage of payroll.

The relationship between the actuarial accrued liability and payroll is a useful indicator of the potential longer term asset-related volatility once the current UAAL is fully amortized. A funding policy that targets a funded ratio of 100% is expected to result in the ratio of assets to payroll and the ratio of liability to payroll converging over time.

Ratio of Actives to Retirees and Beneficiaries - A young plan with many active members and few retirees will have a high ratio of active to retirees. A mature open plan may have close to the same number of actives to retirees resulting in a ratio near 1.0. A super-mature or closed plan may have significantly more retirees than actives resulting in a ratio below 1.0.

Net Cash Flow as a Percentage of Market Value - A positive net cash flow means contributions exceed benefits and expenses. A negative cash flow means existing funds are being used to make payments. A certain amount of negative net cash flow is generally expected to occur when benefits

are prefunded through a qualified trust. Large negative net cash flows as a percent of assets may indicate a super-mature plan or a need for additional contributions.

Duration of Liabilities - The duration of the present value of future benefits may be used to approximate the sensitivity to a 1% change in the assumed rate of return. For example, duration of 10 indicates that the present value of future benefits would increase approximately 10% if the assumed rate of return were lowered 1%. This also is an approximation of the discount-weighted average time horizon of the liability.

Change in Contribution Rate with 10% Decline in Assets (Smoothed) - This shows the rate impact in one year if the actuarial value of assets (AVA) was 10% lower than in the current actuarial valuation with the asset loss smoothed over a 10 year period as is done in the system-wide calculation of the AVA.

Change in Contribution Rate with 10% Decline in Assets (Unsmoothed): This shows the rate impact if the actuarial value of assets was 10% lower than in the current actuarial valuation with the full asset loss recognized in the current valuation.



**CITY COUNCIL
AGENDA ITEM COVER MEMO**

October 7, 2019

To: Mayor and City Council
Agenda Item: 6(c) Consider authorizing the execution of an agreement with Harris County related to election services for the November 5, 2019 general election.
Submitted by: Maria Jackson, City Secretary

SYNOPSIS

The City is being asked to authorize the execution of an agreement and for joint elections and election services with Harris County for the November 8, 2019 general election.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Maintain A Financially Sound City Government

BACKGROUND

The City of Missouri City will contract with Harris County for the City's November 5, 2019, general election. This contract states that the City agrees to hold a joint election with Harris County in accordance with the Texas Election Code.

The Harris County Elections Administrator will coordinate, supervise, and handle all aspects of administering the joint election for Missouri City Harris County Precinct 506. The City will pay Harris County for equipment, supplies, services and administrative costs. The Harris County Elections Administrator is also named as the administrator for the Joint Election and the City remains responsible for the lawful conduct of the election.

City Staff is requesting City Council to approve and execution of the Joint Election Agreement.

The City Council moved to approve the Fort Bend County Joint Election Contract during the August 19, 2019, regular City Council meeting.

BUDGET/FISCAL ANALYSIS

Funding Source	Account Number	Project Code/Name	Proposed FY20 Funds Budgeted	Proposed FY20 Funds Available	Amount Requested
General Fund	101-53511-10-102	Election Expense	\$60,200	\$60,200	\$1,552.39* (estimated)

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.

Sufficient funds have been budgeted for conducting the City’s general election on November 5, 2019. The cost of Missouri City’s general election is dependent upon the shared cost of each jurisdiction contracting with Harris County for election services in November. The total cost for election services may fluctuate due to jurisdictions cancelling their elections, which may increase Missouri City’s shared cost for election services.

Below is the total cost of contracting our election services from 2017 to present:

Year	Total Cost	Election Information
2018	\$67,579.67	<p>November 6, 2018, General Election to elect a Mayor and (2) At-Large City Councilmembers</p> <p>December 8, 2018, Runoff Election to elect a Mayor and At-Large Position 2 City Councilmember</p> <p><i>Expenses Include:</i> Fort Bend County Election Costs: \$54,244.00 Harris County Election Costs: \$3,847.34 Election Signs: \$480.00 Spanish Translation: \$3,381.41 Publications: \$5,626.92</p>
2017	\$21,638.26	<p>November 7, 2017, General Election to elect District City Councilmembers and Special Election regarding the (7) Charter Propositions.</p> <p><i>Total Expenses Include:</i> Fort Bend County Joint Election: \$10,527.55 Harris County Joint Election: \$1,657.03 Publications: \$5,143.68 Election Signs: \$280.00 Translations: \$4,030.00</p>

SUPPORTING MATERIALS

1. Harris County Joint Election Contract

STAFF’S RECOMMENDATION

Authorize the negotiation and execution of the contract.

Director Approval: **Maria Jackson, City Secretary**

**AGREEMENT BETWEEN HARRIS COUNTY AND
City of Missouri City, Texas, RELATING TO JOINT ELECTIONS TO BE
HELD NOVEMBER 5, 2019**

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

THIS AGREEMENT is made and entered into by and between Harris County, a body corporate and politic under the laws of the State of Texas (hereinafter the “County”), and City of Missouri City, Texas, a body corporate and politic under the laws of the State of Texas (hereinafter referred to as the “Entity”).

RECITALS:

The County will be conducting a joint election on November 5, 2019 for multiple entities. The County will be using an electronic voting system, eSlate, (hereinafter “Voting System”) that has been duly approved by the Secretary of State pursuant to Texas Election Code §§122.031-122.039, §122.061, §122.091, as amended, and duly approved by the United States Justice Department for use in Harris County pursuant to Voting Rights Act of 1965.

Part or all of the Entity lies within the boundaries of Harris County.

The Entity desires to join the November 5, 2019 General and Special Elections (hereinafter referred to as the “November 5, 2019 Election”) being conducted by the County.

The County desires to provide certain election services to the Entity for its election to be held on November 5, 2019.

TERMS:

In consideration of the mutual covenants, agreements and benefits to the parties, IT IS AGREED as follows:

I. Entity’s Responsibilities

The Entity agrees that it has furnished the County with a list of race titles and proposition titles and proposition language, if any, for the November 5, 2019 Election. All information must be provided in all four languages.

The Entity agrees that it provided the County with a list of candidates’ names and ballot positions for the November 5, 2019 Election.

Further, the Entity agrees that it has verified its current jurisdictional boundaries and the total number of Harris County precincts required by those jurisdictional boundaries by August 30, 2019. If the Entity failed to provide the County with this information by this stated deadline, then the County is hereby authorized to adopt the current jurisdictional boundaries and total number of Harris County precincts for the non-performing Entity that are provided to the County

by the Harris County Voter Registrar's Office, and the non-performing Entity hereby agrees to the County's use of that information to fulfill the requirements of this paragraph.

The Entity shall agree to appoint positions as the Harris County Commissioners Court, Election Board and the Early Voting Clerk have appointed for positions such as all Election Day Presiding and Alternate Judges, Early Voting Judges and Clerks, Early Voting Ballot Board and Central Count Presiding and Alternate Judges, Central Count Manager and Tabulation Supervisor pursuant to the Texas Election Code. The Entity agrees to accept the Early Voting and Election Day polling places accepted by the Harris County Commissioners Court and the hours designated by Harris County for Early Voting.

The Entity agrees to prepare, post and publish any and all notices required of the Entity by state law for the November 5, 2019 Election. Unless otherwise expressly provided herein, the Entity agrees to do all things that may be required of it in connection with the November 5, 2019 Election. The Entity is responsible for the preparation of election orders, resolutions, notices and other pertinent documents for adoption or execution by the appropriate officer of the Entity with regard to the November 5, 2019 Election. The County shall not have any responsibility or duty in connection with such preparations by the Entity. The Entity is responsible for making their own submissions, if any is required or desired, to the United States Justice Department and the County shall have no responsibility or duty in connection with such submission relating to the November 5, 2019 Election.

Regarding Debt Obligation Elections, if an entity is holding a bond election, the Entity accepts the responsibility to ensure that the order of the election is posted at each polling location where its precincts will be voting on Election Day. The Entity will provide eight hundred thirty (830) packets to be used for Early Voting and Election Day to the County by September 27, 2019. Documents for the voters will be in four (4) languages: English, Spanish, Vietnamese and Chinese.

II. County's Responsibilities

The County agrees to follow the Texas Election Code in the conduct of the November 5, 2019 General and Special Elections. The County agrees to provide mail ballots to all voters who request a ballot in the Entity's jurisdictions. The County shall provide space on the ballot sufficient to encompass all candidate races and issues of the Entity.

The County will provide the Entity with all dates and times for Early Voting no later than the 21st day before Election Day. The County agrees to provide polling locations for use during Early Voting. The County will arrange for the delivery of the Voting System equipment and other equipment and supplies for use in Early Voting by personal appearance in the November 5, 2019 Election. The County Clerk shall select election officers for the main Early Voting location, as well as any branch Early Voting location, pursuant to the Texas Election Code §85.009.

The County agrees to provide all equipment and supplies for use in Early Voting by mail in the November 5, 2019 Election. The County is authorized to employ or use such personnel, as it deems necessary or desirable, to prepare and conduct Early Voting by mail.

Further, the County agrees to provide all the Election Day polling places, Voting System equipment, and other equipment as it deems necessary or desirable for the holding of the November 5, 2019 Election and cause same to be delivered to the polling places. The Joint Election shall be conducted utilizing county-wide polling places pursuant to Section 43.007(a) (5) of the Texas Election Code. The County agrees to provide the Voting System to all polling places at least one (1) hour before the time set for opening the polls. The County shall determine the amount of voting equipment available for the November 5, 2019 Election and its decision shall be final.

The County will employ or use such personnel as it deems necessary to program and operate the automatic tabulating equipment in accordance with Texas Election Code.

The Harris County Commissioners Court shall appoint the Presiding and Alternate Election Judges for each county election precinct and the Central Counting Station, the Early Voting Ballot Board, Central Count Manager and Tabulation Supervisor according the Texas Election Code. Necessary additional appointments shall be made under the Texas Election Code. The County agrees to pay the Presiding Judges of the County and their clerks, pursuant to Texas Election Code §§32.091-32.093 and §271.013, as amended, for their services in connection with the November 5, 2019 Election at the expense of the Entity. The County agrees to pay the Presiding Judge and clerks of the Early Voting Ballot Board to process Early Voting results pursuant to Texas Election Code §§87.001-87.025, §87.101, and §87.103, as amended at the expense of the Entity.

The County agrees to perform its obligations under this Agreement in accordance with all applicable federal and state laws, rules and regulations.

Regarding the posting of Debt Obligation Election Orders, Harris County, as a courtesy, will post a copy of all Debt Obligation Election Orders in four (4) languages in a notebook on the qualifying table of every Early Voting and Election Day location for this election. A notice, approved by the Secretary of State, will be posted on the wall stating that information regarding the Debt Obligation Election Orders is available. Harris County will train judges on the importance of making this information available. However, it is still the responsibility of the entity to ensure that the judge received the order and that the order was posted at each polling location within the jurisdiction.

III. Compensation

The fair and reasonable compensation for use of the County's Voting System, equipment, supplies, and staff and for other services provided for administration of the election is detailed in the itemized list of estimated election expenses under **Exhibit A**, attached hereto and incorporated herein. The Entity agrees to pay its pro rata share of costs to the County for the Voting System, equipment, furniture, telephones, election kits, Early Voting Ballot by Mail, printing, supplies, delivery and transportation services, personnel, polling places, technical support, training, administrative costs and any other costs incurred by the Entity under this

Agreement for the November 5, 2019 Election held by the County and the Entity and to share the cost of the November 5, 2019 Election in accordance with the terms of this Agreement.

The Entity's pro rata shares will be computed by attributing the total number of registered voters in each of the Entity's precincts that will be serviced by the County in the November 5, 2019 Election. The Voter Registry of the Entity, as of seventy (70) days before the November 5, 2019 Election, will be used to determine the total number of registered voters in each of the Entity's precincts. An estimate of the Entity's total cost is attached and incorporated herein as **Exhibit B**. The final determination of the Entity's pro rata share of the costs incurred by the County for November 5, 2019 Election necessary for the purposes contemplated by this Agreement shall be made by the County and its decision shall be final.

The fair and reasonable value of the general overall supervision and advisory services of the County in connection with decisions to be made and actions to be taken by officers of the Entity is ten percent (10%) of the total amount of the Agreement for the Entity, in accordance with the applicable provisions of Chapters 31 and 271 of the Texas Election Code, as amended. The Entity agrees to pay the County this ten percent (10%) fee for advisory services for its November 5, 2019 Election. It is understood that the fees paid for these advisory services shall be deposited in a separate fund in the County treasury, in accordance with Texas Election Code §31.100, as amended.

The Entity agrees to deliver sixty percent (60%) of their respective total estimated cost for its share of the November 5, 2019 Election to the County within ten (10) days of the execution of this Agreement. The County agrees to furnish a final accounting of the November 5, 2019 Election expenses actually incurred within ninety (90) days after the November 5, 2019 Election. The Entity agrees to pay the County's invoice for the balance of its November 5, 2019 Election expenses within thirty (30) days of receipt of the invoice. Payments, in the name of Harris County, must be submitted to Diane Trautman, Harris County Clerk, Attn: Elections Division, P.O. Box 1148, Houston, TX 77251-1148. Copies of all related invoices, records or documentation used in calculating the total cost of the elections will be made available as soon as practicable by the County upon written request to the County at the address above. Within ten (10) days of execution of this Agreement, the County will provide the Entity with a Personal Entity I.D. ("PEID") number assigned by the County Auditor. Each payment by the Entity to the County shall reference and include their respective PEID number.

If an entity has a proposition that is longer than 500 characters for one language or if there are more than five (5) contests, the entity may incur additional coding and supply fees to accommodate the additional costs. The additional amount will represent the additional time to code the ballot, the additional space on the sample ballot, additional costs for ballot by mail and postage, and any other associated costs.

Waiver of any penalty fees imposed upon the Entity under this Agreement is at the discretion of the County.

IV. Additional Entities

It is understood that other political subdivisions may wish to participate in the November 5, 2019 Election and request the use of the above-mentioned election equipment, voting places and personnel, etc. It is agreed that the County may contract with other political subdivisions for such purposes. It is understood and agreed that the County will use the same formula for determining a pro rata share for each entity as described in this Agreement.

V. Cancellation of Election

In the event the Entity's November 5, 2019 Election is enjoined or canceled, or if for any reason whatsoever the Entity shall decide not to proceed with its November 5, 2019 Election, the Entity agrees that it shall be responsible for its share of any costs and expenses incurred by the County up to the cancellation date.

VI. Presiding Judges and Clerks

Presiding Judges and clerks shall be selected pursuant to the Texas Election Code Chapter 32. Regarding powers and duties, the Presiding Judge is in charge of and responsible for the conduct of the election at the polling place of the election precinct that the judge serves. See Texas Election Code §32.071.

VII. Notice

Any notices permitted or required to be given under this Agreement must be made by certified mail, return receipt requested or hand-delivered to the parties at the following addresses:

Harris County:

Harris County Clerk
1001 Preston, 4th Floor
Houston, TX 77002
Attention: Maureen Fisbeck

Entity:

City of Missouri City, Texas
1522 Texas Parkway
Missouri City, Texas 77489
Attention: Maria Jackson

VIII. Termination

Each party may terminate this agreement upon thirty days (30) notice as provided in this agreement. Should the Entity terminate this contract, the Entity shall be responsible for its pro rata share of expenses incurred up unto the time of termination or as described herein specifically.

IX. Miscellaneous

Third Party Beneficiaries. The County is not obligated or liable to any party other than the Entity for the performance of this Agreement. Nothing in the Agreement is intended or shall be deemed or construed to create or increase any additional rights or remedies in any third party, or the duties or responsibilities of the County with respect to any third party.

Successors and Assigns. The County and Entity bind themselves and their successors, executors, administrators, and assigns to the other party of this Agreement and to the successors, executors, administrators and assigns of such other party, in respect to all covenants of this Agreement. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of any public body, which may be a Party hereto.

Applicable Law and Venue. This Agreement is governed by the laws of the State of Texas. The Agreement is subject to Texas state and federal laws, orders, rules, and regulations. Each Party shall comply with all applicable federal, state, and local laws, ordinances, rules, and regulations concerning the performance of this Agreement.

Entire Agreement. This instrument contains the entire agreement between the parties. Any oral or written representations or modifications concerning this instrument shall be of no force and effect excepting a subsequent modification in writing signed by both parties to this Agreement.

Severability. If any provision of this Agreement is construed to be illegal or invalid, this will not affect the legality or validity of any of the other provisions hereof. The illegal or invalid provisions will be deemed stricken and deleted here from to the same extent and effect as if never incorporated herein.

Subtitles. The subtitles in this Agreement are provided for organizational purposes only and do not provide substantive meaning to the Agreement.

Multiple Counterparts. This Agreement will be executed in several counterparts, each of which shall be an original and all of which shall constitute but one instrument.

EXECUTED on this the _____ day of _____, 2019.

ATTEST:

HARRIS COUNTY

DIANE TRAUTMAN
County Clerk

APPROVED AS TO FORM:

VINCE RYAN
County Attorney

By _____
DOUGLAS P. RAY
Assistant County Attorney

ATTEST/SEAL:

Name: _____

Title: _____

City of Missouri City, Texas
Signed by:

Name: _____

Title: _____

COUNTERSIGNED BY:

Name: _____

Title: _____

DATE COUNTERSIGNED:

APPROVED AS TO FORM:

Name: _____

Attorney for City of Missouri City, Texas

Item	Estimated Costs			Actual Costs		
	Qty.	Cost	Total	Qty.	Cost	Total
EARLY VOTING						
Early Voting/Absentee Personnel			\$1,100,000.00	Early Voting Personnel and Absentee Personnel		\$0.00
Ballot Board			\$15,000.00			\$0.00
Early Voting Polling Places			\$5,000.00			\$0.00
Sheriff/Constables (security)			\$2,500.00			\$0.00
Ballot by Mail						
Postage*			\$133,750.00			\$0.00
Absentee/Early Print & Supply			\$76,875.00			\$0.00
			\$1,333,125.00			\$0.00
Equipment - 52 EV locations						
JBC	156	\$129.75	\$20,241.00	0	\$129.75	\$0.00
DAU	140	\$156.24	\$21,873.60	0	\$156.24	\$0.00
eSlate	1370	\$132.49	\$181,511.30	0	\$132.49	\$0.00
Caddy	203	\$29.25	\$5,937.75	0	\$29.25	\$0.00
			\$229,563.65			\$0.00
ELECTION DAY						
Training Booklets			\$25,000.00			\$0.00
Judge/Clerk Payroll, eSlate Training, Judge Supply Pickup, Law School, ePoll			\$1,220,000.00	Judge/Clerk Payroll, eSlate Training, Judge Supply Pickup, Law School, ePoll		\$0.00
Interpreters' Training			\$7,500.00			\$0.00
Training Sites			\$10,000.00			\$0.00
Technical Support			\$206,000.00			\$0.00
Trainers			\$45,000.00			\$0.00
Polling Places	757		\$110,000.00			\$0.00
Election Day Print & Supplies	757		\$185,000.00			\$0.00
			\$1,808,500.00			\$0.00
Equipment - 757 ED locations						
JBC	1514	\$129.75	\$196,441.50	0	\$129.75	\$0.00
DAU	1514	\$156.24	\$236,547.36	0	\$156.24	\$0.00
eSlate	5213	\$132.49	\$690,670.37	0	\$132.49	\$0.00
Caddy	1148	\$29.25	\$33,579.00	0	\$29.25	\$0.00
			\$1,157,238.23			\$0.00
ELECTION NIGHT						
Sheriff/Constables (security)			\$7,000.00			\$0.00
Election Night Drop Off site (usage)			\$10,000.00			\$0.00
SERVICES						
Coding fee	1	\$1,800.00	\$1,800.00	0	\$1,800.00	\$0.00
Tally Equipment	1	\$220.00	\$220.00	0	\$220.00	\$0.00
Delivery						
Early Voting	52		\$19,760.00	0		\$0.00
Election Day	757		\$72,000.00	0		\$0.00
ETC Pickup and Deliveries	50		\$5,000.00	0		\$0.00
			\$115,780.00			\$0.00
Miscellaneous			\$60,000.00			\$0.00
Base Contract Total			\$4,704,206.88			\$0.00
10% Fee [TEC Sect. 31.100 (d)]			\$470,420.69			\$0.00
Total			\$5,174,627.57			\$0.00
Grand total for November 2019 Election			\$5,174,627.57			\$0.00
Deposits Paid						\$0.00
Balance Owed						\$0.00

	% Share	Base Cost	Admin 10%	Total	Deposit
	100.00%	\$4,704,206.88	\$470,420.69	\$5,174,627.57	
HARRIS COUNTY	41.62%	\$1,957,890.90	\$195,789.09	\$2,153,679.99	\$1,292,208.00
METRO	26.81%	\$1,261,197.86	\$126,119.79	\$1,387,317.65	\$832,390.59
CITY OF HOUSTON	13.33%	\$627,070.78	\$62,707.08	\$689,777.85	\$413,866.71
CYPRESS-FAIRBANKS ISD	4.56%	\$214,511.83	\$21,451.18	\$235,963.02	\$141,577.81
HOUSTON ISD	3.36%	\$158,061.35	\$15,806.14	\$173,867.49	\$104,320.49
HOUSTON COMM COLLEGE	2.42%	\$113,841.81	\$11,384.18	\$125,225.99	\$75,135.59
KLEIN ISD	2.19%	\$103,022.13	\$10,302.21	\$113,324.34	\$67,994.61
ALDINE ISD	1.51%	\$71,033.52	\$7,103.35	\$78,136.88	\$46,882.13
SPRING ISD	1.33%	\$62,565.95	\$6,256.60	\$68,822.55	\$41,293.53
ALIEF ISD	1.13%	\$53,157.54	\$5,315.75	\$58,473.29	\$35,083.97
HC ESD NO. 60	0.38%	\$17,875.99	\$1,787.60	\$19,663.58	\$11,798.15
CITY OF BAYTOWN	0.37%	\$17,405.57	\$1,740.56	\$19,146.12	\$11,487.67
CITY OF BELLAIRE	0.18%	\$8,467.57	\$846.76	\$9,314.33	\$5,588.60
CITY OF FRIENDSWOOD	0.14%	\$6,585.89	\$658.59	\$7,244.48	\$4,346.69
NEWPORT MUD	0.13%	\$6,115.47	\$611.55	\$6,727.02	\$4,036.21
HC MUD NO 165	0.12%	\$5,645.05	\$564.50	\$6,209.55	\$3,725.73
WOODLANDS TOWNSHIP	0.10%	\$4,704.21	\$470.42	\$5,174.63	\$3,104.78
CITY OF MISSOURI CITY	0.05%	\$2,352.10	\$235.21	\$2,587.31	\$1,552.39
SPRING MEADOWS MUD	0.05%	\$2,352.10	\$235.21	\$2,587.31	\$1,552.39
BILMA PUD	0.04%	\$1,881.68	\$188.17	\$2,069.85	\$1,241.91
HC FWSD NO 1A	0.03%	\$1,411.26	\$141.13	\$1,552.39	\$931.43
HC MUD NO 180	0.03%	\$1,411.26	\$141.13	\$1,552.39	\$931.43
HC MUD NO 33	0.03%	\$1,411.26	\$141.13	\$1,552.39	\$931.43
WESTLAKE MUD NO 1	0.03%	\$1,411.26	\$141.13	\$1,552.39	\$931.43
ENCANTO REAL UD	0.02%	\$940.84	\$94.08	\$1,034.93	\$620.96
FRY ROAD MUD	0.02%	\$940.84	\$94.08	\$1,034.93	\$620.96
NEW CANEY ISD	0.01%	\$900.00	\$90.00	\$990.00	\$594.00
HC WCID NO 113	0.01%	\$900.00	\$90.00	\$990.00	\$594.00
HC MUD NO 565	0.00%	\$900.00	\$90.00	\$990.00	\$594.00
KATY MGMT DIST NO 1	0.00%	\$900.00	\$90.00	\$990.00	\$594.00
HC MUD NO 25	0.00%	\$900.00	\$90.00	\$990.00	\$594.00
HC MUD NO 518	0.00%	\$900.00	\$90.00	\$990.00	\$594.00
NORTHWOOD MUD NO 1	0.00%	\$900.00	\$90.00	\$990.00	\$594.00
HC ID NO 25	0.00%	\$900.00	\$90.00	\$990.00	\$594.00
HC MUD NO 540 <i>PROPOSED</i>	0.00%	\$900.00	\$90.00	\$990.00	\$594.00



CITY COUNCIL AGENDA ITEM COVER MEMO

October 7, 2019

To: Mayor and City Council
Agenda Item: 7a1 - DeVue at Lake Olympia - PD, Planned Development District
Submitted by: Jennifer Thomas Gomez, AICP, Planning Manager

SYNOPSIS

This is the first of two readings of an ordinance to zone a property from R-3, two family residential district, MF-2, multifamily residential district and SD, suburban district to PD, Planned Development District to allow for a unified development to include commercial and residential uses.

The subject site is located south of Crescent Oak Village at Lake Olympia and Parks Edge residential subdivisions, east of Sunrise Bay at Lake Olympia residential subdivision and west of Olympia Estates residential subdivision.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Have quality development through buildout

BACKGROUND

The applicant seeks a PD, Planned Development district to provide for a mixed use development to include residential and restricted commercial uses. The applicant has provided a conceptual development plan, general development plan and residential builder guidelines for the development. The development includes a plan for 34 patio home lots to be constructed along a 50 foot street right-of-way from an entrance of off Lake Olympia Parkway. Restricted commercial uses are proposed to be located within an approximate 1.7 acre parcel to be placed along Lake Olympia Parkway frontage. The site includes a portion of the Mustang Bayou detention facility and this area would be maintained for the development. The balance of the land would be dedicated towards detention and open space.

The applicant has provided a general development schedule to include the following:

November 2019-June 2020: Platting; site design; commercial building design
July 2020 – June 2021: Commercial construction; Residential site bidding & construction
April 2021 – 2022: Residential sale to build

Staff recommended approval and the Planning and Zoning Commission forwards a positive recommendation.

SUPPORTING MATERIALS

1. Ordinance
2. Draft Planning and Zoning Commission meeting minutes (*September 11, 2019*)
3. Planning and Zoning Commission final report
4. Application

5. Ortho map
6. Notice of public hearing
7. Notice of public hearing to adjoining property owners
8. Mailing labels for adjoining property owners
9. Rezoning application protest letters analysis
10. Protest letters received from property owners within 200 feet of subject site
11. Protest letters received from property owners not within 200 feet of subject site
12. Support letter received

STAFF'S RECOMMENDATION

Approve the ordinance on the first reading.

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

**Assistant City Manager/
City Manager Approval:** Glen A. Martel, Assistant City Manager

ORDINANCE NO. O-19-__

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, CHANGING THE ZONING CLASSIFICATION OF APPROXIMATELY 13.36 ACRES OF LAND FROM R-3 TWO-FAMILY RESIDENTIAL DISTRICT, MF-2 MULTIFAMILY RESIDENTIAL DISTRICT, AND SD SUBURBAN DISTRICT TO PD PLANNED DEVELOPMENT DISTRICT NO. 108; DESCRIBING SAID 13.36 ACRES OF LAND; REGULATING AND RESTRICTING THE DEVELOPMENT AND USE OF PROPERTY WITHIN SUCH PD PLANNED DEVELOPMENT DISTRICT; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MISSOURI CITY; PROVIDING FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, HTV Holding Company, LLC is the owner of approximately 13.36 acres of land within the corporate limits of the City of Missouri City, Texas (the "Property"); and

WHEREAS, the Property presently has a zoning classification of R-3 two-family residential district and MF-2 multifamily residential district under Ordinance No. O-82-42, adopted on September 7, 1982, and SD suburban district under Ordinance No. O-82-29, adopted on June 21, 1982; and

WHEREAS, the owner's agent, Kathryn Parker of META Planning + Design LLC has made an application to the City of Missouri City to change the zoning classification of the Property from R-3 two-family residential district, MF-2 multifamily residential district, and SD suburban district to PD Planned Development District No. 108; and

WHEREAS, pursuant to Section 8.2 of the City of Missouri City Zoning Ordinance, said application was submitted to the City of Missouri City with proof of unified ownership or control of all of the Property; 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 state law and the City of Missouri City Zoning Ordinance, a public hearing on such proposed change in zoning classification; and

WHEREAS, the Planning and Zoning Commission of the City of Missouri City has issued its final report and the City Council of the City of Missouri City now deems it appropriate to grant such requested change in zoning classification; 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, the City Council of the City of Missouri City conducted the public hearing on the request for zoning reclassification and closed the public hearing prior to the final adoption of this Ordinance.

Section 3. The zoning classification of the Property is hereby changed from R-3 two-family residential district, MF-2 multifamily residential district, and SD suburban district to PD Planned Development District No. 108 ("PD No. 108"). The Property is more fully described in the legal description in Exhibit "A," attached hereto and made a part hereof for all purposes, and is depicted in Exhibit "A-1," attached hereto and made a part hereof for reference purposes only. In the event that Exhibit "A-1" conflicts with Exhibit "A," Exhibit "A" shall prevail.

Section 4. PD No. 108 shall be developed in accordance with the Missouri City Code, including the City of Missouri City Zoning Ordinance, and is subject to the following regulations and restrictions:

- A. Purpose.** The zoning regulations of PD Planned Development District No. 108 herein are established in accordance with the Comprehensive Plan for the purpose of promoting the health, safety and general welfare of the City of Missouri City, Texas and its inhabitants. Each regulation is designated to lessen congestion on the streets; to secure safety from fire, panic and other dangers; to facilitate adequate provisions for transportation; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; or to facilitate adequate provisions of water. PD Planned Development District No.108 is a mixed-use development divided into two subdistricts to include a residential subdistrict and a commercial subdistrict.
- B. Site Plan.** The planned development district shall be developed generally in accordance with the site plan, Exhibit "B," attached hereto and made a part hereof for all purposes.
- C. Residential Subdistrict regulations.** The property designated as "RESIDENTIAL (R-4)" on the zoning plan for the Property, Exhibit "C," attached hereto and made a part hereof for all purposes, is designated PD Planned Development District No. 108 Residential Subdistrict ("PD No.108 Residential Subdistrict"). PD No. 108 Residential Subdistrict shall be located in the area designated as "RESIDENTIAL (R-4)" in Exhibit "C." Unless otherwise stated in this Ordinance, Appendix A of the City Code of Missouri City, Texas ("City of Missouri City Zoning Ordinance") and the district regulations of Section 7.5, R-4 patio-cluster district, of the City of Missouri City Zoning Ordinance shall apply to the PD No. 108 Residential Subdistrict. In PD Planned Development District No. 108 Residential Subdistrict, no building, structure, or land shall be used and no building or structure shall be hereafter erected, reconstructed, altered or enlarged unless otherwise provided for in this Ordinance.
- D. Commercial Subdistrict regulations.** The property designated as "COMMERCIAL (LC-1)" on Exhibit "C" is designated PD Planned Development District No. 108 Commercial Subdistrict ("PD No. 108 Commercial Subdistrict"). PD No. 108 Commercial Subdistrict shall be located in the area designated as

“COMMERCIAL (LC-1)” in Exhibit “C.” Unless otherwise provided for in this Ordinance, the City of Missouri City Zoning Ordinance and the district regulations of Section 7.10, LC-1 local retail restricted district, of the Missouri City Zoning Ordinance shall apply to the property within the PD No. 108 Commercial Subdistrict. In PD Planned Development District No. 108 Commercial Subdistrict, no building, structure, or land shall be used and no building or structure shall be hereafter erected, reconstructed, altered or enlarged unless otherwise provided for in this Ordinance

E. Use regulations.

1. Only the following uses are allowed in PD No. 108 Residential Subdistrict:
 - a. R-4 patio-cluster district uses, as set forth in Section 7.5 of the Missouri City Zoning Ordinance.

2. Only the following uses are allowed in PD No. 108 Commercial Subdistrict:
 - a. Accounting, auditing, tax and bookkeeping services,
 - b. Adjustment and collection services,
 - c. Advertising services,
 - d. Architectural firms,
 - e. Art, music and dance studios,
 - f. Bank,
 - g. Book, stationery stores and newsstands,
 - h. Brokerage offices,
 - i. Business associations,
 - j. Consultant services office,
 - k. Consumer and mercantile credit reporting,
 - l. Dental offices or clinics, dental laboratories,
 - m. Engineering firms,
 - n. Health and physical fitness centers,
 - o. Insurance carriers, agents, brokers and related services,
 - p. Jewelry stores, optical goods,
 - q. Legal services,
 - r. Limited service postal facility,
 - s. Medical offices or clinics,
 - t. Neighborhood convenience center (no fuel sales),
 - u. Office buildings,
 - v. Photographic shop and studio,
 - w. Professional offices,
 - x. Real estate and sales offices,
 - y. Specialty shops,
 - z. Stenographic, duplicating and mailing services,
 - aa. Tailor, clothing or weaving apparel shops,
 - bb. Telephone answering service,
 - cc. Title abstractors and appraisers, and

dd. Travel agencies.

F. Height and area regulations. Except as set forth herein, the height and area regulations of Section 7.5, R-4 patio-cluster district, of the City of Missouri City Zoning Ordinance shall apply to PD No. 108 Residential Subdistrict, and the height and area regulations for Section 7.10, LC-1 local retail restricted district, of the City of Missouri City Zoning Ordinance shall apply to the property within PD No. 108 Commercial Subdistrict.

1. PD No. 108 Residential Subdistrict. The following area regulations are required in the PD No. 108 Residential Subdistrict:

a. *Rear yard.* There may be a rear yard of not less than 10 feet, provided that such yard shall not be adjacent to a lot located within a residential district or a residential subdistrict.

b. *Side yard.*

i. There may be a side-yard of 0 where a minimum 10-foot side yard is provided on the adjacent lot. A proposed 0-foot side yard and its adjacent 10-foot side yard shall be designated on a final plat for the Property. Each residential dwelling shall be at least 10-feet apart.

ii. There shall be a minimum 10-foot side yard where such side yard abuts a private or public street.

G. Architectural Design Standards. Except as provided herein and except as provided by House Bill 2439 of the 86th Texas Legislature, Regular Session (2019), Section 7A, Architectural Design Standards, of the City of Missouri City Zoning Ordinance shall apply to PD No. 108.

1. Except as provided by House Bill 2439 of the 86th Texas Legislature, Regular Session (2019), architectural design standards shall be constructed in accordance with the guidelines set forth in Exhibit "D," attached hereto and made a part hereof for all purposes.

H. Parking regulations. Except as set forth herein, the parking regulations contained in Section 12, Parking Regulations, of the City of Missouri Zoning Ordinance shall apply to PD No. 108. Designated off-street parking structures for bicycles are required and must be located within 50-feet of an entrance to each commercial building located within the PD No. 108 Commercial Subdistrict. Such parking shall include racks and other structures intended for parking bicycles.

I. Landscaping regulations. Except as set forth herein, the landscaping regulations contained in Section 11, Landscaping, of the City of Missouri City Zoning Ordinance shall apply to PD No. 108.

1. PD No. 108 Residential Subdistrict. The following landscaping standards are required in the PD No. 108 Residential Subdistrict:

- a. A buffer yard of at least 25-feet is required between the Lake Olympia Parkway right-of-way and the side yard and rear yards of a residential lot. Landscaping within such buffer yard shall be as follows:
 - i. A combination of trees, shrubs and berms shall be located within the buffer yard.
 - ii. Trees shall be a minimum of 3-inch calipers at the time of installation and shall be planted and spaced a minimum of 30-feet on center.
 - iii. Berms must be at a 4:1 ratio and must be a minimum of 2-feet in height at the time of installation.
- b. A solid masonry wall, at least eight (8) feet in height, shall be installed along the property lines of residential lots and the buffer yard.

2. PD No. 108 Commercial Subdistrict. The following landscaping standards are required in the PD No. 108 Commercial Subdistrict:

- a. A buffer yard of at least 10-feet is required along the common property lines between residential and commercial uses. Landscaping within such buffer yard shall be as follows:
 - i. A minimum of one 3-inch caliper tree at the time of installation shall be planted and spaced a minimum of 30-feet on center.
 - ii. Parking, paving and structures are not allowed within the buffer.
- b. A solid masonry wall, at least eight (8) feet in height, shall be installed along the property line of residential lots and the buffer yard.
- c. A minimum 20-foot buffer yard is required where a buffer yard abuts a street.
- d. A minimum 10-foot buffer yard is required where a buffer yard abuts an access driveway.
- e. A minimum 5-foot buffer yard is required where a buffer yard abuts any other property line.
- f. Except as provided by Section 4.I.b.1, landscaping within a buffer yard located in the PD No. 108 Commercial Subdistrict shall be as follows:

- i. Canopy trees shall have a minimum 4-inch caliper and be a minimum of 10-feet in height as measured at the ground level.

J. Garages regulations. Except as set forth herein, the garage regulations contained in Section 9.8, Garages, of the City of Missouri City Zoning Ordinance shall apply to PD No. 108 Residential Subdistrict.

1. Garages shall be constructed in accordance with the guidelines set forth in Exhibit "D," attached hereto and made a part hereof for all purposes.

K. Signs regulations. Except as set forth herein, the sign regulations contained in Section 13, Sign Regulations, of the City of Missouri City Zoning Ordinance shall apply to PD No. 108.

1. Each builder may have one lighted sign per model home.

L. Conflicts. The City of Missouri City Zoning Ordinance and this Ordinance are intended to be read together. In the event that there is a conflict between the text of this Ordinance and City of Missouri City Zoning Ordinance, the text of this Ordinance shall prevail.

Section 5. The Zoning District Map of the City of Missouri City shall be revised and amended to show the zoning classification of said approximately 13.36-acre tract of land with the appropriate references thereon to the number and effective date of this Ordinance and a brief description of the nature of these changes.

Section 6. 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 changes in zoning classification described in Section 3 hereof and the imposition of the findings, regulations, restrictions and conditions contained herein.

Section 7. *Comprehensive plan deviation.* To the extent this Ordinance represents any deviation from the Future Land Use and Character map of the City of Missouri City Comprehensive Plan, such map is hereby amended to conform with this Ordinance.

Section 8. *Repeal.* Any ordinance or any other part of any other ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

Section 9. *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 10. 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 7th day of October, 2019.

PASSED, APPROVED and ADOPTED on second and final reading this ____ day of _____, 2019.

Yolanda Ford, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Jackson, City Secretary

E. Joyce Iyamu, City Attorney

STATE OF TEXAS §
 §
 §
 §
 §
 §
COUNTY OF FORT BEND §

Metes & Bounds Description

A tract of land containing 13.356 Acres situated in the David Bright League, Abstract 13, Fort Bend County, Texas being the same tract recorded in the name of Solstice Capital LLC. under Fort Bend County Clerk's File (F.B.C.C.F.) No. 20150571999 of the Official Public Records of Fort Bend County Texas, (O.P.R.F.B.C.T.) and being more particularly described by metes and bounds as follows: (bearings based on said F.B.C.C.F. No. 20150571999 of the O.P.R.F.B.C.T.)

BEGINNING at a point on a north right-of-way line of Senior Road (variable width) being the southeast corner of Sunrise Bay at Lake Olympia, Section 3, as recorded under Slide No. 1351B of the Plat Records of Fort Bend County, and being the southwest corner of this tract from which a 5/8 Inch iron rod bears South 71° 24' 15" West, a distance of 1.09 Feet;

THENCE, with the easterly lines of said Sunrise Bay at Lake Olympia, Section 3, the following twenty-eight (28) courses:

1. NORTH 00° 39' 04" EAST, a distance of 84.77 Feet to a point at a corner of this tract;
2. NORTH 10° 43' 25" EAST, a distance of 75.30 Feet to a point at a corner of this tract from which a 5/8 Inch iron rod bears South 70° 44' 30" West, a distance of 0.72 Feet;
3. NORTH 35° 57' 34" EAST, a distance of 47.01 Feet to a point at a corner of this tract;
4. NORTH 54° 10' 09" WEST, a distance of 41.55 Feet to a point at a corner of this tract from which a iron rod found bears South 62° 05' 50" West, a distance of 0.94 Feet;
5. NORTH 03° 35' 05" EAST, a distance of 98.82 Feet to a point at a corner of this tract;
6. NORTH 01° 04' 39" WEST, a distance of 19.23 Feet to a point at a corner of this tract from which a fence corner bears South 49° 40' 10" West, a distance of 1.68 Feet;
7. NORTH 74° 47' 27" WEST, a distance of 61.38 Feet to a point at a corner of this tract from which a iron rod found bears North 86° 46' 55" West, a distance of 0.83 Feet;
8. NORTH 49° 40' 37" WEST, a distance of 60.63 Feet to a point at a corner of this tract;
9. NORTH 57° 14' 36" WEST, a distance of 84.85 Feet to a iron rod found at a corner of this tract;
10. NORTH 27° 47' 39" WEST, a distance of 84.22 Feet to a point at a corner of this tract from which South 89° 43' 44" West, a distance of 1.09 Feet;
11. NORTH 67° 20' 59" WEST, a distance of 64.87 Feet to a point at a corner of this tract;
12. NORTH 65° 17' 12" WEST, a distance of 65.03 Feet to a point at a corner of this tract from which a fence corner bears South 89° 18' 16" West, a distance of 0.53 Feet;
13. NORTH 20° 43' 40" WEST, a distance of 57.44 Feet to a point at a corner of this tract from which a fence corner bears South 79° 13' 29" West, a distance of 0.57 Feet;
14. NORTH 11° 47' 26" WEST, a distance of 88.85 Feet to a point at a corner of this tract from which a fence corner bears North 89° 24' 33" West, a distance of 0.92 Feet;
15. NORTH 02° 32' 23" EAST, a distance of 51.48 Feet point at a corner of this tract;
16. NORTH 16° 51' 58" WEST, a distance of 28.04 Feet to a point at a corner of this tract fomr which a fence corner bears North 69° 12' 24" West, a distance of 0.43 Feet;
17. NORTH 47° 26' 44" EAST, a distance of 46.45 Feet to a point at a corner of this tract;
18. NORTH 44° 49' 07" EAST, a distance of 25.23 Feet to a 5/8 Inch iron rod found at a corner of this tract

19. NORTH 31° 25' 11" WEST, a distance of 49.93 Feet to a point at a corner of this tract from which a 5/8 Inch iron rod found bears North 28° 24' 42" East, a distance of 1.48 Feet;
 20. NORTH 50° 26' 12" WEST, a distance of 45.57 Feet to a point at a corner of this tract from which a 1/2 Inch iron rod found bears North 50° 12' 43" East, a distance of 0.57 Feet;
 21. NORTH 33° 13' 19" WEST, a distance of 80.02 Feet to a point at a corner of this tract from which a fence corner bears South 67° 36' 53" West, a distance of 0.30 Feet;
 22. NORTH 49° 56' 43" WEST, a distance of 66.55 Feet to a iron rod found at a corner of this tract
 23. NORTH 18° 33' 38" WEST, a distance of 45.78 Feet to a fence post at a corner of this tract
 24. NORTH 00° 39' 29" WEST, a distance of 29.17 Feet to a 5/8 Inch iron rod found at a corner of this tract;
 25. NORTH 39° 55' 04" WEST, a distance of 78.11 Feet to a 1/2 Inch iron rod found at a corner of this tract;
 26. NORTH 63° 27' 39" WEST, a distance of 41.57 Feet to a point at a corner of this tract
 27. NORTH 25° 48' 19" EAST, a distance of 30.21 Feet to a 5/8 Inch iron rod found at a corner of this tract;
 28. NORTH 31° 56' 21" WEST, a distance of 5.57 Feet to an iron rod found on the south right-of-way line of Lake Olympia Parkway (100 Feet wide) being the northwest corner of this tract;
- THENCE, with said south right-of-way line of Lake Olympia Parkway, in a northeasterly direction with the arc of a curve to the right, having a radius of 1,350.00 Feet, and arc length of 639.78 Feet, a central angle of 27° 09' 11" and a chord bearing of NORTH 71° 38' 14" EAST, and a chord distance of 633.81 Feet to an iron rod found at a corner of this tract;
- THENCE, with the lines of Palmer Plantation M.U.D. No. 2, Water Plant Site as recorded under Slide No. 1810/A of the Plat Records of Fort Bend County and F.B.C.C.F. No. 1999016131 of the O.P.R.F.B.C.T. the following twelve (12) courses:
1. SOUTH 01° 06' 58" EAST, a distance of 174.29 Feet to an iron rod found at a corner of this tract;
 2. WEST, a distance of 120.10 Feet to an iron rod found at a corner of this tract;
 3. SOUTH 76° 52' 07" WEST, a distance of 176.53 Feet to a point at a corner of this tract from which a fence corner bears South 41° 09' 16" East, a distance of 1.09 Feet
 4. SOUTH 00° 00' 05" WEST, a distance of 75.36 Feet to an iron rod found at a corner of this tract;
 5. SOUTH 70° 31' 56" EAST, a distance of 32.90 Feet to a point at a corner of this tract from which a fence corner bears South 20° 38' 32" West, a distance of 1.12 Feet;
 6. SOUTH 62° 02' 11" EAST, a distance of 62.32 Feet to a point at a corner of this tract;
 7. SOUTH 74° 05' 14" EAST, a distance of 54.75 Feet to a point at a corner of this tract;
 8. SOUTH 42° 55' 03" EAST, a distance of 55.91 Feet to an iron rod found at a corner of this tract;
 9. SOUTH 76° 31' 18" EAST, a distance of 35.14 Feet to an iron rod found at a corner of this tract;
 10. NORTH 45° 53' 11" EAST, a distance of 57.04 Feet to a point at a corner of this tract from which a iron rod found bears South 00° 04' 14" West, a distance of 1.07 Feet;
 11. NORTH 88° 36' 11" EAST, a distance of 77.61 Feet to a point at a corner of this tract from which a iron rod found bears South 45° 03' 29" West, a distance of 0.51 Feet;
 12. NORTH 01° 06' 58" WEST, a distance of 354.93 Feet to an iron rod found on the aforementioned south right-of-way line of Lake Olympia Parkway being a corner of this tract;

THENCE, NORTH 88° 27' 40" EAST, a distance of 115.00 to point at the northeast corner of this tract;

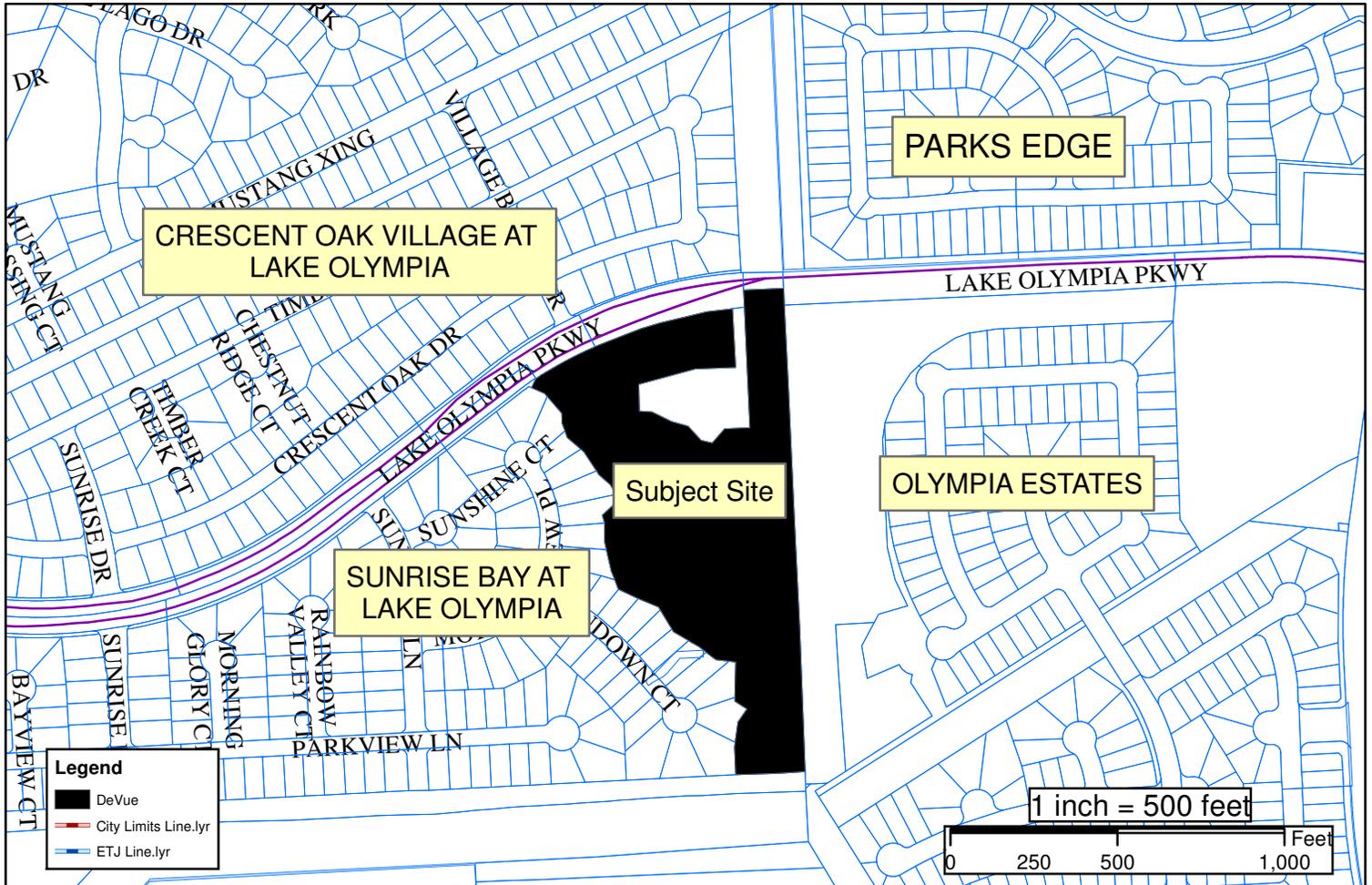
THENCE, SOUTH 01° 06' 58" EAST, with the east line of a 115 Foot wide Fort Bend County Drainage District Drainage Easement as recorded in Volume 2413, Pages 2033 to 2044 of the O.P.R.F.B.C.T., being the west line of a tract recorded in the name of Equitable Home Mortgage, Inc. under H.C.C.F. No. 2014008011 of the O.P.R.F.B.C.T., a distance of 1,399.78 Feet to point on the aforementioned north right-of-way line of Senior Road, being the southeast corner of this tract;

THENCE, SOUTH 88° 37' 48" WEST, with said north right-of-way line Senior Road, a distance of 217.18 Feet to the POINT OF BEGINNING and containing 13.356 Acres of land.

(See attached drawing)



Terrance P. Mish
Registered Professional Land Surveyor
No. 4981
Job No. 16-04984
June 14, 2016





PLAN DESIGNED BY CF LIN

LEGEND

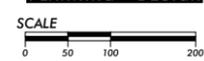
- COMMERICAL
- PATIO HOMES (TYP 47.5' X 95')

a conceptual development plan for
DE VUE AT LAKE OLYMPIA
 ±13.35 ACRES OF LAND

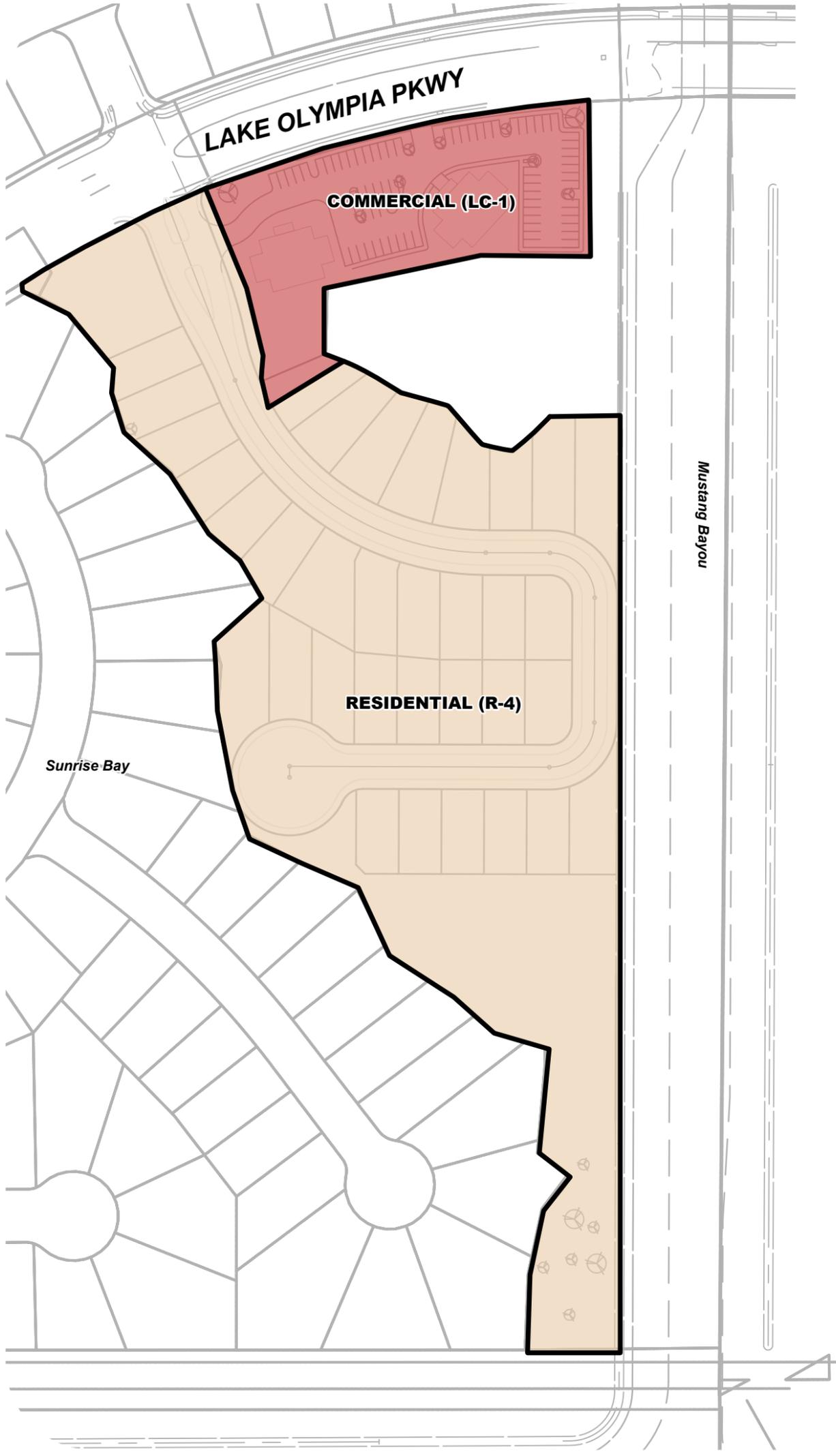
THIS DRAWING IS A GRAPHIC REPRESENTATION FOR PRESENTATION PURPOSES ONLY AND IS NOT FOR COMPUTATION OR CONSTRUCTION PURPOSES. SAID DRAWING IS A SCANNED IMAGE ONLY AND IS SUBJECT TO CHANGE WITHOUT NOTICE. META PLANNING + DESIGN MAY OR MAY NOT INTEGRATE ADDITIONAL INFORMATION PROVIDED BY OTHER CONSULTANTS, INCLUDING BUT NOT LIMITED TO THE TOPICS OF ENGINEERING AND DRAINAGE, FLOODPLAINS, AND/OR ENVIRONMENTAL ISSUES AS THEY RELATE TO THIS DRAWING. NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE PHYSICAL DESIGN, LOCATION, AND CHARACTER OF THE FACILITIES SHOWN ON THIS MAP ARE INTENDED. ADDITIONALLY, NO WARRANTY IS MADE TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.



24275 Katy Freeway, Ste. 200
 Katy, Texas 77494
 Tel: 281-810-1422



MTA-I-502
 JULY 9, 2019



LEGEND	
	COMMERICAL
	RESIDENTIAL

a zoning for
DE VUE AT LAKE OLYMPIA
 ±13.35 ACRES OF LAND

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24275 Katy Freeway, Ste. 200
 Katy, Texas 77494
 Tel: 281-810-1422



MTA-I-502
 JULY 9, 2019

DESIGN GUIDELINES

PREPARED BY:

META
PLANNING + DESIGN

24275 Katy Freeway, Suite 200
Katy, TX 77494

Table of Contents

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 - 1.) Lot Types/ Setbacks
 - 2.) Garages

- II. Architectural Guidelines Residential Subdistrict**
 - 1.) Square Footage Requirements
 - 2.) Housing Plan and Elevation Repetition
 - 3.) Roofs
 - 4.) Garages

- III. Architectural Guidelines Commercial Subdistrict**
 - 1.) Building Regulations

I. Site Plan Guidelines

Prior to constructing on a lot, the builder must submit the required information for review and approval by all applicable entities. All regulations listed within this document, the Planned Development District and any other applicable ordinances shall be adhered to. In the event of a conflict with City adopted codes and regulations, including the International Building Code, Fire Code and Public Infrastructure Design Manual, the most restrictive requirement shall prevail.

1) Lot types/ Building Setbacks

- a) The following lot types are permitted within the development.
 - i) Interior Lot - Front, rear and side yards are adjacent to neighboring lots
 - ii) Corner Lot – A lot that adjoins another lot on the side and rear and is adjacent to the street on the other side.
 - iii) Greenbelt lot - A lot that backs to a greenspace, park, detention area and/or any similar landscape/open space.
 - iv) Patio Lot – A lot that is positioned to one side of the property. The side yard setback is only required on one side of the property.

All building setbacks will be in compliance with those set forth within the PUD Document.

2) Garages

- a) All lots must have a garage that will accommodate a minimum of 2 vehicles side by side.
- b) On a corner lot, the garage must be located on the side of the lot not adjacent to the side street.
- c) Three car garages
 - i) 3 car tandem garages are allowed
 - ii) side by side three (3) car garages are not allowed.

II. Architectural Guidelines Residential Subdistrict

The following Architectural guidelines are intended to establish minimum criteria for the construction of homes within the development. All construction must be high quality and incorporate a mixture of roofline and elevation articulation.

1) Square Footage Requirements

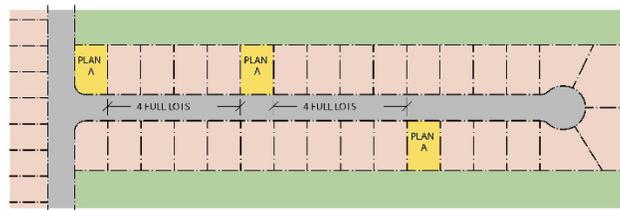
- a) All homes must meet the applicable square footage requirements:

Lot Width	Minimum Home Size
Minimum 45'	1,500 Sq. Ft.

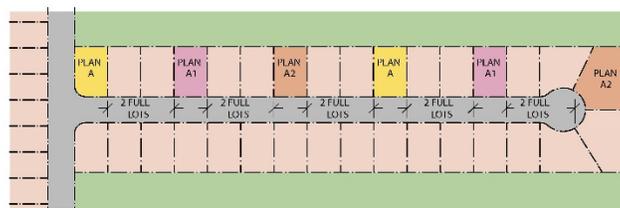
2) Housing Plan and Elevation Repetition

- a) The following three scenarios represent the guidelines for determining when a plan and elevation can be repeated within the subdivision:
- When building the same plan, same elevation, on the same side of the street or on both sides of the street, four (4) full lots must be skipped.
 - When building the same plan, different elevation, on the same side of the street, two (2) lots must be skipped.
 - When building the same plan, different elevation, on opposite sides of the street, one (1) full lot must be skipped.
 - An elevation that closely resembles that of a nearby home or in any way detracts from the overall street scene can be rejected.

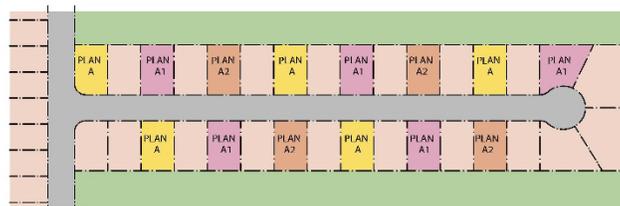
1. SAME PLAN, SAME ELEVATION, SAME OR OPPOSITE SIDE



2. SAME PLAN, DIFFERENT ELEVATION, SAME SIDE



3. SAME PLAN, DIFFERENT ELEVATION, OPPOSITE SIDE



3.) Roofs

- a) Pitches
 - i) Roof pitch must be a minimum of 6:12
 - ii) Porches and/or dormers may have a roof pitch of 3:12 or greater
 - iii) Flat roofs are PROHIBITED

- b) Roof top Accessories
 - i) Antennas, towers, satellite dishes or similar devices for receiving and/or sending signals are permitted.
 - ii) Placement must be in the least obtrusive location of the rear yard, no higher than the highest point of the rear roof line of the residence and must not be visible from the street.

4.) Garages

- a) Attached Garages
 - i) Front loaded garages
 - (1) Storage extensions may not exceed ten (10) feet in width beyond the side of the garage
 - ii) Three Car garages
 - (1) Three car tandem garages are permitted
 - (2) Three side by side garages are not permitted

- b) Detached garages
 - i) Detached garages are not permitted on greenbelt or lake lots
 - ii) On corner lots, detached garages must be located on the interior side of the lot, away from the street.

- c) Porte Cocheres
 - i) Must be the same architectural style of the home

- d) Garage doors
 - i) One (1) double door is permitted or two (2) single wide doors separated by a column

III. Architectural Guidelines Commercial Subdistrict

1.) Building Regulations

The building regulations in the planned development district shall be as follows:

A. Commercial Sub District

1. Horizontal and vertical building planes shall be interrupted by offsets, changes in building materials, colors, textures, or other methods allowed in Section 7A, Architectural Design Standards, of the City of Missouri City Zoning Ordinance.
2. In order to blend in with the surrounding residential, Pitch roofs are required for all commercial buildings.
3. Architectural details that create shade and cast shadows shall be incorporated to provide visual relief.
4. Any uninterrupted street-facing facade may not exceed 100 feet in length.
5. Exterior lighting shall be shielded to prohibit illumination in excess of 0.25 foot-candles of average general light overflow or 0.50 foot-candles at any point on the boundary of an adjacent residential zoning district.



**MINUTES
PLANNING AND ZONING COMMISSION
CITY OF MISSOURI CITY, TEXAS
September 11, 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 Chair Brown-Marshall, at 7:00 PM.

2. ROLL CALL

Commissioners Present:

Sonya Brown-Marshall
Tim Haney
John O'Malley
Monica L. Rasmus
James G. Norcom III
Gloria Lucas

Commissioners Absent: James R. Bailey, Courtney Johnson Rose, Hugh Brightwell

Councilmembers Present: Anthony G. Maroulis, Floyd Emory

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
James Santangelo, Assistant City Attorney
Thomas White, Planner II
Gretchen Pyle, Interim Planning Specialist
Glen Martel, Assistant City Manager
Shashi Kumar, Director of Public Works
Jeremy Davis, Assistant City Engineer

Others Present: Kathryn Parker; META Planning, Richard Pedde, Rebecca Wells, Michael Wells, Debra Moore, Brianna Fields

3. ZONING MAP AMENDMENTS

A. PUBLIC HEARING FOR A PLANNED DEVELOPMENT DISTRICT

- (1) To receive comments for or against a request by META Planning + Design LLC to zone a property from R-3, two family residential district, MF-2, multifamily residential district and SD, suburban district to PD, Planned Development District to allow for a unified development to include commercial and residential uses; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.
- (2) Consideration of the approval of a final report to City Council on item 7A(1) above.

Planning Manager, Jennifer Gomez, presented this item. Ms. Gomez informed that the subject property is located on Lake Olympia Parkway; west of Vicksburg Boulevard; south of Lake Olympia, and to the corner east of Parks Edge subdivision.

Ms. Gomez informed that over a period of time after the area was annexed into the City the property was zoned in the early 1980s as part of the original Palmer Plantation area. The subject site maintains the zoning designations from the initial zoning of the Palmer Plantation area in September, 1982.

Ms. Gomez informed that what was currently being proposed was a commercial and residential development. The proposal consisted of a commercial frontage along Lake Olympia Parkway of approximately 1.7 acres. The balance of the area would consist of residential patio homes, and also detention that would be contained in the existing Mustang Bayou facility, as well as general open space within the development.

Ms. Gomez informed that the applicant provided a general development plan, residential builder guidelines, and a proposed development schedule. The applicant does not propose phasing the development. However, a general timeline over the next two to three years to plat and develop the site has been provided.

Ms. Gomez informed that the applicant was proposing specific commercial uses as permitted within the R-4, district. The proposed commercial use consisted of less intense services that could be located near residential.

Ms. Gomez informed that the applicant had proposed the LC-3 district height and area standards, except for proposing a maximum height of 2-stories for the commercial uses and to provide a minimum setback from a Lake Olympia right-of-way of 25 feet. Additionally, the proposal includes the provision of a 10 foot rear yard and a zero foot side yard setback.

Ms. Gomez informed that staff's recommendation is to apply LC-1 district height and area standards for the commercial area and not LC-3, as its purpose is for regional commercial uses. The LC-1 district is designed for being in closer proximity to residential. Staff also recommends the R-4 district height and area standards for residential areas. However, a reduced rear yard for those lots that do not backup to a residential district is recommended.

Ms. Gomez informed that of the building and architectural design standards, the applicant proposed applying Section 7A. The standards include regulations on articulation, pitched roofs, design details to create shade and shadows, and an overall complementary design

throughout development; applicable to the commercial area.

Ms. Gomez informed that staff's recommendation was to apply Section 7A as applicable and to adopt the applicant's proposed standards.

Ms. Gomez informed that for landscaping regulations, the applicant proposed a 25 foot landscape/open space buffer and associated landscaping to be located between the Lake Olympia right-of-way, and the side and rear yard of a residential lot. In addition, the applicant proposed an 8 foot tall masonry wall between a residential lot and where the lot would be adjacent to the open space area.

Ms. Gomez informed that for the commercial area, the applicant proposed landscape buffers, minimum 10 feet along the driveway and Lake Olympia frontage. A minimum 5 feet along all property lines.

Ms. Gomez informed that staff's recommendation was to apply Section 11, landscaping regulations, except that the standard transitional buffer that is required for commercial uses throughout the city should be applied, which would mean a minimum of 20 feet buffer along Lake Olympia.

Ms. Gomez informed that for parking regulations, the applicant proposed to provide minimum parking setbacks. The setbacks coincide with the proposed landscape buffers. Bicycle parking was also proposed within the development.

Ms. Gomez informed that staff's recommendation was to apply Section 12 standards. There was no need to apply the minimum parking buffers due to the transitional buffers, which parking could not go closer than what would be permitted by the transitional buffer. Staff's recommendation was also to adopt the proposed bicycle parking standards.

Ms. Gomez informed that for other district regulations, staff's recommendation was to apply the current standards for signs, fence, trash disposal, portable storage and trash disposal for residential areas. The recommendation was also to prohibit outside placement, storage, sales and services in the commercial areas.

Ms. Gomez informed that the applicant proposed standards for garages, fencing, architectural details for the homes, and signage for model homes "sale" signs.

Ms. Gomez informed that staff's recommendation was to apply all the applicable sections, and to adopt the applicant's residential build guidelines.

Ms. Gomez informed that there was an existing water treatment plant that had been in place for a while. All the factors made the property unique to utilize.

Commissioner O'Malley asked about the timeline of the development with the expansion of the bridge over the bayou.

Assistant Public Works Director, Cliff Brouhard, informed that there were two separate issues, the bridge and the roadway. The bridge and the roadway were both being determined by the Parks Edge development. Once the Parks Edge (residential) development reached 200 building permits, the bridge and the roadway had to be in construction. It is in the works, based on Parks Edge.

Senior Planner/META Planning, Kathryn Parker, addressed the concern about the traffic. Ms. Parker informed that the same engineer for Parks Edge was also the engineer for the proposed development. The TIA (Traffic Impact Analysis) had also been coordinated,

submitted and approved.

Ms. Parker presented the same proposed details as Ms. Gomez. The biggest constraints the subject property include the location of the existing water plant, the detention, drainage ditch for the Mustang Bayou on the east, and existing lots to the west. Ms. Parker informed that a benefit was over 40 percent of the tract was going to be open space, either through the drainage ditch or the proposed onsite detention, with the landscape buffers along the remainder of the land along Lake Olympia.

Ms. Parker informed that they proposed a minimum of 2 car garages, 5 foot wide sidewalks, fencing requirements, and minimum square footage for the homes of 1,500. The homes would have a 100 percent masonry on the first floor.

Chair Brown-Marshall asked if the approved TIA related to the construction of the bridge and its mobility.

Ms. Parker informed that she was not involved with the drafting.

Mr. Brouhard informed that the TIA did assume that the bridge and the roadway were in place.

Ms. Parker informed that they received staff's recommendations and would comply, and asked for the consideration of the setback requirement on the residential. Staff recommended 20 feet opposed to the 10 feet. Due to the constraints of the site, 15 feet would be appreciated.

Chair Brown-Marshall asked Ms. Parker if the concept plan was based on the 10 foot setback.

Ms. Parker informed that the homes adjacent to the west was planned for 15 feet setbacks.

Chair Brown-Marshall asked if 15 feet was approved, would the applicant be able to keep the 34 lots, and if the setback was 20 feet, would they lose lots.

Ms. Parker replied, "Yes."

Ms. Parker asked if there was an alternative fencing desire between the neighborhoods, could it be consider.

Richard Pedee, 1611 Morning Dew Place, informed that when they bought their home 6 years ago, they were informed that their home backed a nature reserve. Mr. Pedee's provided that there are 19 homes that back onto this wooded property and indicated that they have a lower elevation and that there is a water problem. Mr. Pedee informed that he desired the property to remain as is. Mr. Pedee asked if the developer would provide a drainage system.

Rebecca Wells, 1607 Morning Dew Place, informed that her existing community would be affected by the development. Ms. Wells' concern was that her neighborhood would become transient.

Michael Wells, 1607 Morning Dew Place, informed that he and his wife picked the location of their home due to being affordable and near their jobs. If they knew they would be staring at pump stations and living next to 2 story patio homes/duplexes, they probably would have chosen to live elsewhere. During Hurricane Harvey, they did not flood. Mr. Wells was concerned about an increase in flooding due to the proposed development. The property

values would be affected, along with the live appeal.

Debra Moore, 4619 Sundown Court, informed that the back of her property would face the proposed community. There was enough property on Highway 6 for commercial development, with roadways that could accommodate the traffic for that commercial property. Ms. Moore was concerned about drainage and how it would affect her property as well as traffic. Ms. Moore informed that she was against the proposed development.

Brianna Fields, 4619 Sundown Court, informed that her home would back the proposed development. Ms. Fields was concerned about keeping as much green alive in the neighborhood and the quality of life.

Motion: To close the public hearing

Made By: Commissioner Haney

Second: Commissioner Lucas

AYES: Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Rasmus, Commissioner Norcom III, Commissioner Lucas

NAYES: None

ABSTENTIONS: None

The motion passed

Chair Brown-Marshall asked Ms. Gomez to inform the public of the type of development that would be allowed without presentation to the Planning and Zoning Commission and City Council.

Ms. Gomez informed of development that could occur under the existing zoning for the property.

Vice Chair Haney asked if homes could start being built on the property.

Ms. Gomez informed that platting would be first and then the permitting process.

Vice Chair Haney asked staff if the 20 foot setback was across all R, residential, categories.

Ms. Gomez informed that it was not across all R, residential categories. It is based on the density. In residential districts, the property structure is setback a little further. There may be a detached garage that may be closer to the property line within 8 feet or so. Ms. Gomez informed that between two properties, the structures would be at a minimum 10 feet on the side yard.

Mr. Spriggs informed that on cul-de-sacs with irregular pie shape lots sometimes present situations in terms of what Vice Chair Haney described.

Motion: The Planning and Zoning Commission forwards a positive recommendation to Council; to apply LC-1 for commercial; to apply the R-4 standards.

Made By: Commissioner Lucas

Second: Commissioner O'Malley

AYES: Commissioner Brown-Marshall, Commissioner Haney,
Commissioner O'Malley, Commissioner Rasmus,
Commissioner Norcom III, Commissioner Lucas

NAYES: None

ABSTENTIONS: None

The motion passed



**PLANNING AND ZONING COMMISSION
FINAL REPORT**

AGENDA DATE: October 7, 2019

AGENDA ITEM SUBJECT: De Vue at Lake Olympia – Planned Development District

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: PD1900008

PROPERTY ID: 0013-00-000-0554-907

LOCATION: The subject site is located south of Crescent Oak Village at Lake Olympia and Parks Edge residential subdivisions, east of Sunrise Bay at Lake Olympia residential subdivision and west of Olympia Estates residential subdivision.

RECOMMENDED ACTION:

The proposal complies with the goals 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:

The applicant seeks a PD to provide for a mixed use development to include residential and restricted commercial uses. The applicant has provided a conceptual development plan, general development plan and residential builder guidelines for the development.

The development includes a plan for 34 patio homes lots to be constructed along a 50 foot street right-of-way from an entrance off of Lake Olympia Parkway. Restricted commercial uses are proposed to be located within an approximate 1.7 acre parcel to be placed along the Lake Olympia Parkway frontage. The site includes a portion of the Mustang Bayou detention facility and this area would be maintained for the development. The balance of the land would be dedicated towards detention and open space.

REQUIREMENTS FOR A PD DISTRICT APPLICATION (SECTION 8.2)

A. Ownership:

The applicant has submitted proof of unified control of the entire area within the proposed PD district.

B. Legal Description:

The subject site can be described as being a tract of land containing 13.356 acres situated in the David Bright League, A-13, Fort Bend County, Texas being the same tract recorded in the name of Solstice Capital LLC under Fort Bend County Clerk's File (F.B.C.C.F.) No. 20150571999 of the Official Public Records of Fort Bend County Texas.

C. Site Plan:

A proposed conceptual development plan has been submitted which constitutes the required site plan.

D. Total acreage:

13.356 acres

E. Minimum design standards:

The applicant has complied with City standards, except as requested below.

F. Development Schedule. The applicant has advised the development shall be completed within the required five-year timeframe pursuant to Section 8.2.D.

The applicant has provided a general development schedule to include the following:

November 2019-June 2020: Platting; site design; commercial building design
July 2020 – June 2021: Commercial construction; Residential site bidding & construction
April 2021 – 2022: Residential sale to build

GENERAL SITE INFORMATION:

A. Existing Land Use and Zoning Designation:

Undeveloped / R-3, two-family residential district; MF-2, multifamily residential district; SD, suburban district

B. Surrounding Land Uses and Zoning Designations:

North: Crescent Oak Village at Lake Olympia residential subdivision / R-2, single family residential district

South: Lake Shore Harbour residential subdivision / R-2, single family residential district

East: Olympia Estates residential subdivision / R-2, single family residential district

West: Sunrise Bay at Lake Olympia residential subdivision / R-2, single family residential district.

C. Zoning History:

06-21-1982: Subject site annexed by the City of Missouri City and classified SD, suburban district (Ordinance O-82-29).

09-07-1982: Subject site zoned R-3, two-family residential district in part; and MF-2, multifamily residential district in part (Ordinance O-82-42).

SUBSECTIONS 8.2.C AND 8.5 – SITE PLAN AND USE REGULATIONS: Per Section 8.2.C, Site Plan, and 8.5, Use regulations, the applicant is required to propose minimum development guidelines for the site.

A. Purpose. PD, Planned Development District No. ___ is a proposed mixed use development to include residential and restricted commercial uses. Improvements to the site will be designed to enhance the overall urban design and nature of the surrounding area.

The applicant seeks a PD to provide for a mixed use development to include residential and restricted commercial uses. The applicant has provided a conceptual development plan, general development plan and residential builder guidelines for the development.

The development includes a plan for 34 patio homes lots to be constructed along a 50 foot street right-of-way from an entrance off of Lake Olympia Parkway. Restricted commercial uses are proposed to be located within an approximate 1.7 acre parcel to be placed along the Lake Olympia Parkway frontage. The site includes a portion of the Mustang Bayou detention facility and this area would be maintained for the development. The balance of the land would be dedicated towards detention and open space.

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

- Goal 2.3: Encourage multiple housing types and floor plans to offer a variety of housing choices to residents.
- Goal 2.4: Continue to provide opportunity for neighborhood-oriented businesses and services by focusing on the scale and potential impact of such development near residences rather than simply restricting allowable uses.

Conformance with the Future Land Use Plan: The Future Land Use Map identifies the subject tract suburban residential allowing for the Suburban Character as summarized below:

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 intervening spaces are devoted more to trees and vegetation than paved surfaces. Some developments that have relatively small lots or closely spaced dwellings may still achieve a Suburban character if they include golf courses, significant water features, or other common open space that offsets the residential density on a portion of the overall site. This set-aside open space can be devoted to parks and greenways, to buffer adjacent uses, and/or to preserve wooded areas or stream corridors. A certain percentage of other types of housing such as patio, village and twin homes could be allowed in a Suburban residential area subject to density limitations and other design criteria to preserve the character and ensure compatibility.

The predominance of “green” versus “gray” is also necessary for commercial development to achieve a Suburban character (usually through application of site and building design standards). 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 zoning to PD to allow for a development to include mixed use, single family residential and restricted commercial and subject to the regulations provided in this report. The Future Land Use map should be updated to reflect both suburban residential and suburban commercial if approved.

Planning and zoning commission recommends: Approve as staff recommended.

B. Use regulations. In PD, Planned Development District No. ____, no building, structure, or land shall be used and no building or structure shall be hereafter erected, reconstructed, altered or enlarged unless otherwise provided in the proposed ordinance.

The applicant has proposed the uses outlined in the attached general development plan. The plan outlines specific commercial uses to be permitted within the commercial area. For the residential area, the applicant proposes uses permitted in the R-4, patio-cluster residential district.

Staff recommended: Approve the uses as proposed.

Planning and zoning commission recommends: Approve as staff recommended.

- C. Height and area regulations.** In PD, Planned Development District No. ____, the following height and area regulations should apply.

The applicant has proposed development regulations outlined in the attached general development plan.

The plan proposes to apply the LC-3, retail district regulations to the commercial area except as follows:

Section 7.12.C.1 Height. No limit; provided, however, if a building is to be built in this district within 150 feet of a residential district, its building height shall be limited to the height limits of such adjoining residential district or a height based on the ratio of one foot of height for each 1.75 feet of distance from the commercial building to the nearest property line in the nearest residential district, whichever height limit is least restrictive.

Applicant request: No building may exceed two stories.

Front yard. Primary building shall not be closer than 30 feet to the front property line; however those canopies without walls and which are supported by columns which do not impede sight lines shall not be closer than 20 feet from the front property line.

Applicant request: Buildings shall be set back a minimum distance of 25 feet from the Lake Olympia right-of-way.

Staff recommended: Disapprove the application of the LC-3, retail district regulations and apply the LC-1, local retail restricted district regulations. The LC-1 district is intended to provide neighborhood scale retail services and provide that the architectural of retail structures complement and reflect the surrounding neighborhoods. The LC-1 district allows for a maximum height of 2 stories or 35 feet; a minimum 30 foot front yard; a minimum 15 foot rear yard and a minimum 30 foot side yard where siding a street or thoroughfare but in no event less than 15 feet.

Planning and zoning commission recommends: Approve as staff recommended.

The plan proposes to apply the R-4, patio-cluster residential district standards to the residential areas except where setbacks are proposed for patio home development. The proposed generally complies with the standards of the R-4 district except as follows:

Section 7.5.C.3. Rear yard. There shall be a rear yard not less than 20 feet; provided, however, when the rear yard is adjacent to a common owned open space, the rear yard shall be not less than ten feet.

Applicant request: Provide a minimum 10 foot rear property line.

Section 7.5.C.4. Side yard. There shall be a side yard of five feet; provided, however, there may be zero feet when not less than ten-foot side yard is provided by the adjacent lot...There shall be not less than a ten-foot side yard at plat boundaries. There shall be no less than a ten-foot side yard on the street side of corner lots, with a minimum of a 20-foot side yard if the side street is a major thoroughfare. Garages facing a side street must have a setback of not less than 20 feet. Where a corner lot has a major thoroughfare as a side street there shall be no less than a 20-foot side yard setback and no driveway access onto the major thoroughfare.

Applicant request: Provide a zero foot side setback when a minimum 10 foot setback is provided on the adjacent lot...Minimum 10 foot setback on corner lots.

Staff recommended: Apply the R-4, patio cluster district regulations except as follows: a reduced rear yard of not less than 10 feet may be permitted for those lots that do not back up to a residential lot located within a residential district. A zero foot side yard may be provided consistent with the provisions provided in the general development plan.

Planning and zoning commission recommends: Approve as staff recommended.

- D. Garage regulations.** Except as provided herein, the garage regulations of Section 7.5., R-4, patio-cluster residential district should apply to the residential areas contained in PD, Planned Development District ____.

The applicant has proposed garage regulations outlined in the attached residential building guidelines.

Staff recommended: Adopt the applicant's proposed garage regulations and apply the garage regulations contained within Section 9.8 as applicable to the R-4 patio-cluster residential district. The standards are generally the same except that Section 9.8 provides details on the minimum size for a garage.

Planning and zoning commission recommends: Approve as staff recommended.

- E. Building regulations.** In PD, Planned Development District No. ____, the following building regulations should apply.

The applicant has proposed building regulations outlined in the attached residential building guidelines and the general development plan.

Staff recommended: Adopt the applicant's proposed building regulations the commercial area as well as the residential areas.

Planning and zoning commission recommends: Approve as staff recommended.

- F. Architectural standards.** In PD, Planned Development District No. ____, the following building regulations should apply.

The applicant has proposed architectural standards outlined in the attached general development plan and architectural guidelines in the attached residential building guidelines.

Staff recommended: Adopt the applicant's proposed architectural standards and architectural guidelines and apply Section 7A to the commercial area.

Planning and zoning commission recommends: Approve as staff recommended.

- G. Outside placement, storage, sales and services regulations.** In PD, Planned Development District No. ____, outside placement, storage, sales and services should be prohibited.

- H. Landscaping regulations.** Except as provided herein, Section 11, landscaping regulations should apply in PD, Planned Development District ____.

The applicant has proposed buffering and screening requirements in the attached general development plan.

The requirements proposed are generally more restrictive than what would be required by Section 11 for a transitional buffer yard.

The applicant proposes a landscape/open space buffer at minimum width of 25 feet between the Lake Olympia Parkway right-of-way and the side or rear property line of a residential lot. Within such buffer yard, landscaping shall include a combination of trees having a minimum 3 inch caliper at the time of planting; shrubs and berms at a 4:1 ratio and minimum 2 feet in height at the time of planting.

Additionally, a solid masonry wall, at a minimum height of 8 feet would be required along the property line of a single family lot where adjacent to a landscape or open space buffer.

For the commercial areas, buffer yards would be required along all streets (minimum 10 feet), access driveways (minimum 10 feet) and property lines (minimum 5 feet). Landscaping within these buffer yards would include canopy trees having a minimum 4 inch caliper and at a minimum 10 feet in height at the time of planting.

Staff recommended: Apply section 11, landscaping regulations except as proposed by the applicant's buffering and screening requirements. One exception to these requirements should be that the a buffer yard, as would be required along Lake Olympia Parkway and where the commercial area would abut, should be a minimum of 20 feet as required by section 11.

Planning and zoning commission recommends: Approve as staff recommended.

- I. **Parking regulations.** Except as provided herein, Section 12, parking regulations should apply in PD, Planned Development District ____.

The applicant has proposed parking requirements in the attached general development plan. These regulations include standards for a minimum parking setback to coincide with the landscape buffer yard and the provision of designated bicycle parking.

Staff recommended: Apply section 12, parking regulations and adopt the proposed bicycle parking regulations. The minimum setbacks as proposed should not be adopted. Parking would be setback based upon the requirements imposed by the landscaping buffer yard.

Planning and zoning commission recommends: Approve as staff recommended.

- J. **Sign regulations.** Except as provided herein, Section 13, sign regulations should apply in PD, Planned Development District ____.

The applicant has proposed sign requirements in the attached residential builder guidelines. These regulations include requirements for model home sales signs.

Staff recommended: Apply section 13, sign regulations and adopt the proposed regulations for model home sales signs except that the applicant should clarify what is meant by a "lighted" sign.

Planning and zoning commission recommends: Approve as staff recommended.

- K. **Fence regulations.** Except as provided herein, Section 14, fence regulations should apply in PD, Planned Development District ____.

The applicant has proposed fence regulations in the attached residential builder guidelines.

Staff recommended: Apply section 14, fence regulations and adopt the proposed fence regulations.

Planning and zoning commission recommends: Approve as staff recommended.

- L. District regulations.** In PD, Planned Development District _____, the following district regulations shall apply.

Staff recommended: In addition to the above, the trash disposal regulations for residential zones contained in Section 9.14 should apply to the residential areas and the regulations for nonresidential zones contained in the same section should apply to the commercial areas. The portable storage unit regulations contained in Section 9.15 should apply to the residential areas.

Planning and zoning commission recommends: Approve as staff recommended.

- M. Utilities.** The provision and construction of all utilities shall comply with the Public Infrastructure Design Manual.

The applicant has submitted standards for grading, drainage and berms within the residential builder guidelines. All standards must comply with the Public Infrastructure Design Manual and will be reviewed prior to the approval of any development plans.

The applicant should note that a no objection letter from both the Palmer Plantation Municipal Utility District #2 and the Fort Bend County Drainage District will be required to be submitted prior to the approval of any development plans.

The letter from the MUD must indicate that water and sewer capacity are available to service the proposed development. The Drainage District letter must indicate that storm water capacity if available for the proposed development and must include a detention analysis.

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

The applicant has submitted standards for driveways within the residential builder guidelines. All standards must comply with the Public Infrastructure Design Manual and will be reviewed prior to the approval of any development plans.

The applicant had previously provided a traffic impact analysis (TIA) which was approved by city staff in February 2019.

- O. Sidewalks.** Sidewalks shall meet the requirements of the City Infrastructure Code.

The applicant has submitted standards for sidewalks within the residential builder guidelines. All standards must comply with the Public Infrastructure Design Manual and will be reviewed prior to the approval of any development plans.

- P. Platting.** The subject site is required to be platted prior to subdivision.

Q. Dedication of land for neighborhood parks; reservation of land for public uses. A parkland dedication shall be provided in accordance with Subsection 82-174 of the Code of Ordinances of the City of Missouri City.

-----**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**

Date of Application:

1. Project Name:	De Vue Planned Development
2. Address/Location of Property:	Lake Olympia Pkwy, west of Parks Edge Blvd, east of Sunshine Lane
3. Applicant's Name:	META Planning + Design LLC
Mailing Address:	P.O. Box 598 Katy, TX 77492
Phone No.:()	- 281-810-1422
Email:	kedwards@metaplanningdesing.com
4. Status of Applicant:	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Agent <input type="checkbox"/> Attorney <input type="checkbox"/> Trustee <input type="checkbox"/> Corporation <input type="checkbox"/> Relative (If other than Owner, submit written authorization from Owner with application.)
5. Property Owner:	HTV Holdings Company, LLC
Mailing Address:	7902 Hillmont St. Houston, TX 77040
Phone No.:()	-
Email:	gchen@centurydevelopment.us
6. Existing Zoning District:	R-2
7. Total Acreage:	13.4 Ac
8. Proposed Development and Reasons for Application:	Create a commercial and residential development
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.):	13.356 ACRES SITUATED IN THE DAVID BRIGHT LEAGUE, ABSTRACT 13, FORT BEND COUNTY
10. Central Appraisal District tax identification numbers of property (Attach Paid Tax Receipts):	0013-00-000-0554-907
11. Do deed restrictions or restrictive covenants exist for the property? (Circle One):	YES <input checked="" type="radio"/> NO
(If yes, submit with application.)	
12. Does this application include an Architectural Design Review: (Circle One):	YES <input checked="" type="radio"/> NO
(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.

Print Name of Applicant

HTV Holding Company
Print Name of Property Owner

Signature of Applicant

[Signature]
Signature of Property Owner, Agent or Attorney
HANK VU



CRESCENT OAK VILLAGE AT LAKE OLYMPIA

PARKS EDGE

Subject Site

SUNRISE BAY AT LAKE OLYMPIA

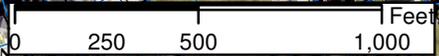
OLYMPIA ESTATES

LAKE SHORE HARBOUR

Legend

-  DeVue
-  City Limits Line.lyr
-  ETJ Line.lyr

1 inch = 500 feet



NOTICE OF PUBLIC HEARING

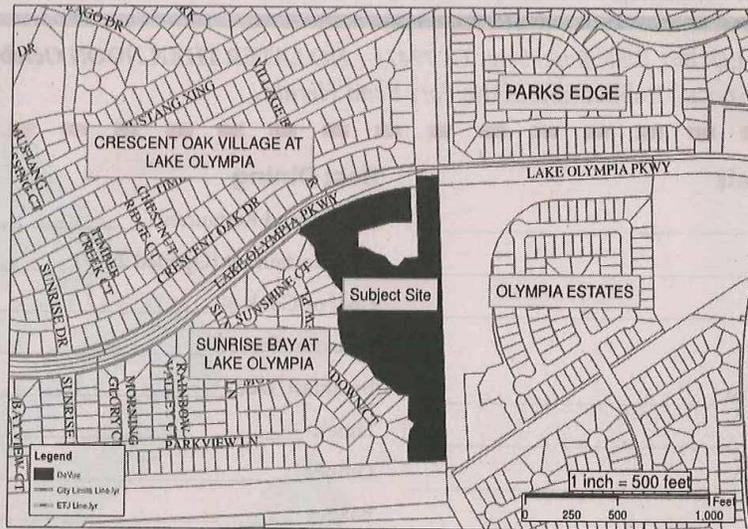
LOCATION/DATE: The City Council of the City of Missouri City will hold a public hearing on Monday, October 7, 2019, at the City Council Chambers – 2nd Floor, City Hall Building, 1522 Texas Parkway (FM-2234), Missouri City, Texas at 7:00 p.m.

PURPOSE: To receive comments for or against a request by META Planning + Design LLC to zone a property from R-3, MF-2, multifamily residential district and SD, suburban district to PD, Planned Development District to allow for a unified development to include commercial and residential uses; and to the extent such zoning 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 south of Crescent Oak Village at Lake Olympia and Parks Edge residential subdivisions, east of Sunrise Bay at Lake Olympia residential subdivision and west of Olympia Estates residential subdivision.

SITE LEGAL DESCRIPTION: The subject site can be described as being a tract of land containing 13.356 acres situated in the David Bright League, A-13, Fort Bend County, Texas being the same tract recorded in the name of Solstice Capital LLC under Fort Bend County Clerk's File (F.B.C.C.F.) No. 20150571999 of the Official Public Records of Fort Bend County Texas.

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 ZONING**

DATE OF NOTICE: August 29, 2019

LOCATION/DATE: The Planning and Zoning Commission of the City of Missouri City will hold a public hearing on Wednesday, September 11, 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 META Planning + Design LLC to zone a property from R-3, two family residential district, MF-2, multifamily residential district and SD, suburban district to PD, Planned Development District to allow for a unified development to include commercial and residential uses; and to the extent such zoning 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 south of Crescent Oak Village at Lake Olympia and Parks Edge residential subdivisions, east of Sunrise Bay at Lake Olympia residential subdivision and west of Olympia Estates residential subdivision.

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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.

Mailing labels for adjoining property owners

HTV Holding Company LLC 7902 Hillmont ST Houston, TX 77040-6110	Palmer Plantation MUD #2 6363 WOODWAY DR STE 725 HOUSTON, TX 77057-1799	Vicksburg Estates Ltd 1616 S Voss RD STE 618 Houston, TX 77057-2620
Olympia Estates I Association Ltd c/o Raymond G Tiedje 7373 E DOUBLETREE RANCH RD SCOTTSDALE, AZ 85258-2145	Equitable Home Mortgage Inc 6831 E 5th AVE Scottsdale, AZ 85251-3811	Lake Olympia Civic Association c/o Association Management 5295 Hollister ST Houston, TX 77040-6293
Palmer Plantation MUD 2 6363 WOODWAY DR STE 725 HOUSTON, TX 77057-1799	Sikand Prithal & Gurjit 1623 Crescent Oak DR Missouri City, TX 77459-4575	Jacob Jancy & Roney 1619 CRESCENT OAK DR Missouri City, TX 77459-4575
Singh Jaswant & Karamjot Kaur 1615 Crescent Oak DR Missouri City, TX 77459-4575	Cavalier Movita 1611 Crescent Oak DR Missouri City, TX 77459-4575	OKONKWO FRANCISCA 1607 CRESCENT OAK DR MISSOURI CITY, TX 77459-4575
Abdi Hassan A & Salam T Alamawi 1603 Crescent Oak DR Missouri City, TX 77459-4575	Agonsi Chinyere Ann & Donatus E 6654 Villarreal DR Missouri City, TX 77489-3535	Graylish/McZeal & Law Office of Victor D Walker PC 700 Louisiana St #FL 48th Houston, TX 77002-5824
Kanattu Bindu & James Oliyilputhen 1503 Crescent Oak DR Missouri City, TX 77459-4574	Marsh Ronald 1507 Crescent Oak DR Missouri City, TX 77459-4574	Cheatham Jerry & Angela 1511 Crescent Oak DR Missouri City, TX 77459-4574
Rojas Fabian & Ruth 1515 Crescent Oak DR Missouri City, TX 77459-4574	Johnson Donna 1519 Crescent Oak DR Missouri City, TX 77459-4574	Hu Xiaomin 1523 Crescent Oak DR Missouri City, TX 77459-4574
Fort Bend County Municipal Utility District No. 47 C/o Radcliffe Bobbitt Adams Polley PLLC 2929 Allen PKWY Houston, TX 77019-7120	Ray Lisa & Robert 3658 Worley Dr Missouri City, TX 77459-1924	Joseph Rashad & Darrell Williams 3662 Worley Dr Missouri City, TX 77459-1924
Roberts Tanya A & Shtanley P 3666 Worley Dr Missouri City, TX 77459-1924	DR Horton -Texas LTD 14100 Southwest FWY STE 500 Sugar Land, TX 77478-3483	Cabrera Julio 1642 Morning Dew PL Missouri City, TX 77459-4527
Crain Cercourtney S & Kikeisha N 1634 Morning Dew PL Missouri City, TX 77459-4527	Gillette John R & Mary Jane 1626 Morning Dew PL Missouri City, TX 77459-4527	TORRY DEBORAH A & THELMA L 1618 MORNING DEW PL MISSOURI CITY, TX 77459-4527

Mailing labels for adjoining property owners

Dunne Heather Joy & John M 1614 Morning Dew PL Missouri City, TX 77459-4527	Sutphen Nakia 1610 Morning Dew PL Missouri City, TX 77459-4527	Griffin David 1606 Morning Dew PL Missouri City, TX 77459-4527
THOMPSON ANTHONY 1602 MORNING DEW PL MISSOURI CITY, TX 77459-4527	Copeland Jacob & Stacia 1603 Morning Dew PL Missouri City, TX 77459-4525	Wells Michael David & Rebecca Rose 1607 Morning Dew PL Missouri City, TX 77459-4525
Pedde Richard & Maria 1611 Morning Dew PL Missouri City, TX 77459-4525	Cisneros Daniel & Alissa 1615 Morning Dew PL Missouri City, TX 77459-4525	Arceneaux, Austin Douglas 1619 Morning Dew PL Missouri City, TX 77459-4525
Hestland, Jessica Leigh 1619 Morning Dew PL Missouri City, TX 77459-4525	Varughese Benson & Elizabeth Varkey 1623 Morning Dew PL Missouri City, TX 77459-4525	Nair Sanjai 1627 Morning Dew PL Missouri City, TX 77459-4525
Thomas Renu & Koruthu 1631 MORNING DEW PL MISSOURI CITY, TX 77459-4525	Dyer Carl O III & Holly M 1635 Morning Dew PL Missouri City, TX 77459-4525	SAMUEL ABRAHAM & MARY A 4607 SUNDOWN CT MISSOURI CITY, TX 77459-4524
IMREK ALAN 4611 SUNDOWN CT MISSOURI CITY, TX 77459-4524	Hibler Benny D & Anita 4615 Sundown CT Missouri City, TX 77459-4524	Moore Debra 4619 Sundown CT Missouri City, TX 77459-4524
Fox Bruce L & Carol T Block 4623 Sundown CT Missouri City, TX 77459-4524	Johnson Sherman 4627 Sundown CT Missouri City, TX 77459-4524	Schindler Tyson E & Joy K 4631 Sundown CT Missouri City, TX 77459-4524
Jackson Fredrick L & Jinnette S Smith 4635 Sundown CT Missouri City, TX 77459-4524	Jackson Christal 6401 Shellmound ST APT 6318 Emeryville, CA 94608-1066	D'SOUZA ALAN & MARIA 4643 SUNDOWN CT MISSOURI CITY, TX 77459-4524
Fontenot Mark & Quynh Ngoc N 4638 Sundown CT Missouri City, TX 77459-4523	McCledon Lenda 4634 Sundown CT Missouri City, TX 77459-4523	GANTT GERALD D JR & THERESE A 4630 SUNDOWN CT MISSOURI CITY, TX 77459-4523
Wilson Arlether 4626 Sundown CT Missouri City, TX 77459-4523	Cornelius Kim etal 4622 Sundown CT Missouri City, TX 77459-4523	Daniel Sam & Elizabeth A Varghese 4618 SUNDOWN CT MISSOURI CITY, TX 77459-4523

Mailing labels for adjoining property owners

VARGHESE BENNY & SHAINY
4614 SUNDOWN CT
MISSOURI CITY, TX 77459-4523

MELENDEZ RICHARD C & MARIA E
4610 Sundown CT
MISSOURI CITY, TX 77459-4523

Clayton Daniel R & Mona M
1643 Morning Dew PL
Missouri City, TX 77459-4526

Schonen Eugene & Michele
1647 Morning Dew PL
Missouri City, TX 77459-4526

Gateway Land Development/Olympia
52 LP
7676 Hillmont St Ste 345
Houston, TX 77040-6425

HOAs:
Lake Olympia
Olympia Estates

Max Cleaver
FBISD
16431 Lexington Blvd
Sugar Land, TX 77479

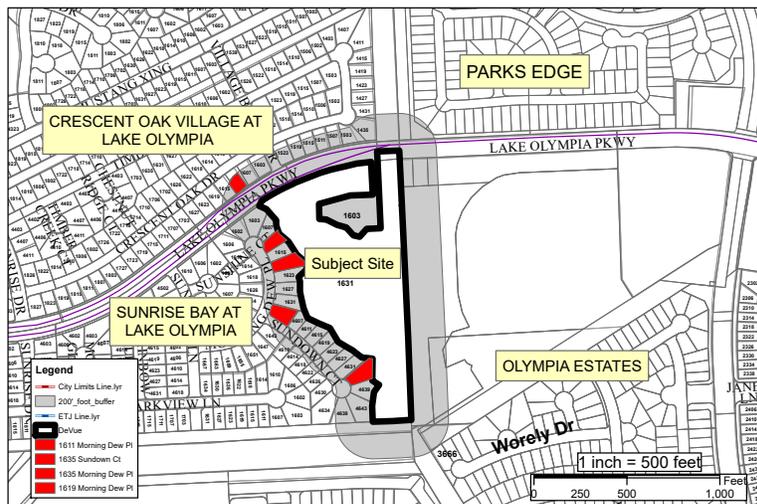
City of Missouri City, Texas
Development Services Department – Planning Division
Rezoning Application Protest Letters Analysis

Application: DeVue at Lake Olympia - PD, Planned Development
City Council First Reading: October 7, 2019

Protest Letters Received

Name	Property Address OR Fort Bend County Account Number	Land Area (Square Feet) Within 200 Feet
Austin Arceneaux, Jessica Arceneaux	1619 Morning Dew Pl	11,309.19
Carl Dyer	1635 Morning Dew Pl	9,952.54
Jinnette Smith Jackson, Fredrick Jackson	4635 Sundown Ct	11,714.16
Movita Cavalier	1611 Crescent Oak Dr	5,957.71
Richard Pedde	1611 Morning Dew Pl	7,358.73
Stanley Roberts	3666 Worley Dr	128.47
Total Area Represented by Protest(s):		46,420.79
Total Land Area <i>Including</i> Subject Site:		1,557,279.72
Subject Site <i>Only</i> Land Area:		581,787.36
Total Land Area <i>Only Within 200 Feet</i> of Subject Site:		975,492.36
Protest(s) Percentage of Land Area Within 200 Feet:		5%

Note: A total of 1 letter of support and 19 letters of protest has been received for the application request as of October 3, 2019.



Protest letters received from property owners
within 200 feet of subject property



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

August 2, 2019

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:
Wednesday, August 14, 2019
City Council Chambers
2nd Floor, City Hall Building
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by META Planning + Design LLC to zone a property from R-3, two family residential district and SD, suburban district to PD, Planned Development District to allow for a unified development to include commercial and residential uses; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

This letter is being sent to property owners within 200' of the subject property as required by law. It is also sent to others on request.

Dear City Representatives:

X IWe protest this proposed zoning because Already seen so much deforestation behind our property since 2013. This part of L.O. is now overdeveloping. Lake Olympia Parkway is one lane w/ an unsafe bridge and I have seen many accidents, this could just make things worse. IWe support this proposed zoning because

[Empty rectangular box]

Sincerely, [Signature]

Signature 1619 Morning Dew Place

Street Address [Redacted] Phone Number

Return to:

Austin Arceneaux

Print Name Lake Olympia / Sunrise Plantation

Subdivision Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281)403-8962

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Austin Arceneaux
Print Name Jessica Arceneaux

[Signature] Signature

City of Missouri City, TX
Received
SEP 17 2019
Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

August 29, 2019

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

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Dear City Representatives:

I/We protest this proposed zoning because (Lake Olympia)
Not a good fit for this part of L.O. the Parkway goes to 1 lane each way and this makes 0 sense.
I/We support this proposed zoning because

Sincerely,
Signature
1601 Mommy Dew Pl
Street Address
Phone Number

Austin Arceneaux
Print Name
Sunrise Bay @ Lake Olympia
Subdivision
Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281)403-8962

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Austin Arceneaux
Print Name
Signature
City of Missouri City, TX
Received

SEP 17 2019

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

August 2, 2019

CITY OF MISSOURI CITY, TEXAS
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Dear City Representatives:

X I/we protest this proposed zoning because

WE PROTEST this proposal. we do not support this plan there is tons of wild life in this area + there is no where for it to go. Also there is already

I/we support this proposed zoning because

TOO much development in the surrounding areas. Also the main reason we bought this house was

Sincerely,

Signature

Jessica Arceneaux
1619 Morning Dew Place

Print Name

Jessica Arceneaux

Street Address

Missouri City, TX 77450

Subdivision

Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281)403-8962

Phone Number

Return to:

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Print Name

Jessica Arceneaux

Signature Missouri City, TX

[Handwritten Signature]

Received

SEP 17 2019

Planning Division

built in our backya Please DO NOT allow this



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

August 29, 2019

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

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Dear City Representatives:

I/We protest this proposed zoning because

We strongly protest this plan. One of the main reasons we wanted info

I/We support this proposed zoning because this house was because there was no one directly behind us.

Sincerely

Signature

Street Address

Phone Number

Jessica Arceneaux

Print Name

Subdivision

Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281)403-8962

Please DO NOT allow this development.

there is already too much development in this area

causing traffic pollution!

Please do not build in this area.

There is a lot of wildlife in this area (birds, squirrels) as well that we enjoy

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Jessica Arceneaux
Print Name

Jessica Arceneaux
Signature

SEP 17 2019

Planning Division

Received

9/3/19



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

August 29, 2019

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission



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Dear City Representatives:

X

I/We protest this proposed zoning because

NEGATIVE IMPACT TO PROPERTY VALUES, CRIME RATES, REDUCED QUALITY OF LIFE, LIGHT & NOISE POLLUTION, AND TWO PLANNED GAS STATIONS LESS THAN 1/4 MILE AWAY

I/We support this proposed zoning because

[Empty box for supporting reasons]

Sincerely,

[Handwritten signature]

Signature

1635 MORNING DEW PLACE MO. CITY

Street Address

Phone Number

Return to:

CARL DYER

Print Name

SUNRISE BAY

Subdivision

Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281)403-8962

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CARL DYER

Print Name

[Handwritten signature]

Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

Rec'd 9/11/19 RWTJr @meeting

August 2, 2019

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

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Dear City Representatives:

[check] I/we protest this proposed zoning because

Water management; NO COMMERCIAL TRAFFIC; PART OF THE LAND BETWEEN MY LAND & WATER WAY TO NARROW.

I/we support this proposed zoning because

Due to flooding issues the circle was just widened

FLOODING CONCERNS. NOISE MANAGEMENT. Building on it is NOT going to benefit with 3 other subdivisions being built.

Sincerely,

[Signature]

JINETTE SMITH-JACKSON
FREDRICK JACKSON

Signature

Print Name

4635 Sundown Ct

Street Address

Subdivision

[Redacted] Return to:
Phone Number

Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281)403-8962

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FREDRICK JACKSON
Print Name

[Signature]
Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

August 2, 2019

CITY OF MISSOURI CITY, TEXAS
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Dear City Representatives:

X I/We protest this proposed zoning because

Our area would be impacted by population as well as traffic and noise.

I/We support this proposed zoning because

[Empty box for support text]

Sincerely,
Movita G. Cavalier

Signature
1611 Crescent Oak Dr.

Street Address

[Redacted] Return to:
Phone Number

Movita G. Cavalier

Print Name
Lake Olympia / Crescent Oak Village

Subdivision
Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281)403-8962

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City of Missouri City, TX

Print Name

Signature

Received

AUG 20 2019

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

August 2, 2019

CITY OF MISSOURI CITY, TEXAS
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Dear City Representatives:

[X] We protest this proposed zoning because
1. NIGHT NOISE LEVEL FROM EXISTING PUMPING STATIONS,
2. EXISTING GRADES AT ALL ADJOINING RESIDENTIAL PROPERTIES
3. OWNERSHIP OF APPROX. 60,000 CY OF EXCAV. FILL ON SUBJECT SITE?

[] We support this proposed zoning because

Sincerely, [Signature]

Signature

1611 MORNINGB DEN TR

Street Address

[Redacted]

Phone Number

Return to:

RICHARD A. PEDDE

Print Name

SUNRISE BAY

Subdivision

Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281)403-8962

City of Missouri City, TX
Received

AUG 27 2019

Planning Division

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Print Name
R.A. PEDDE

Signature
[Signature]



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

August 29, 2019

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

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Dear City Representatives:

I/We protest this proposed zoning because FOR OVER 20 YEARS, HAS THIS GREEN BELT BEEN OUR DRAINAGE OFF OUR BACK YARDS AS PREVIOUSLY APPROVED BY "AS BUILT ELEVATIONS."

I/We support this proposed zoning because

Sincerely, [Signature]

RICHARD A PEDDE

Signature 1611 MORNING DEN PL.

Print Name SUNRISE BAY AT L. B.

Street Address [Redacted]

Subdivision Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281)403-8962

Phone Number Return to:

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Print Name R A PEDDE

Signature [Signature]

City of Missouri City, TX Received

SEP 09 2019

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

August 29, 2019

CITY OF MISSOURI CITY, TEXAS
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Dear City Representatives:

[X] I/We protest this proposed zoning because

We would like to see this remaining a residential area

___ I/We support this proposed zoning because

[Empty box for supporting reasons]

Sincerely,

Stanley P. Roberts
Signature

3666 Worley Dr.
Street Address

[Redacted]
Phone Number

Return to:

Stanley P. Roberts
Print Name

Olympia Estates
Subdivision

Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281)403-8962

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Stanley P. Roberts
Print Name

Stanley P. Roberts
Signature

Received

SEP 18 2019

Planning Division

Protest letters received from property owners
not within 200 feet of subject property



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489



CITY OF MISSOURI CITY, TEXAS
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Dear City Representatives:

I/We protest this proposed zoning because

Not in the best interest of The People - see letter

I/We support this proposed zoning because

Sincerely,

[Handwritten signature]
Signature

2655 Turning Row Ln.
Street Address

Phone Number

Return to:

[Handwritten signature]
Print Name
Jake O. - Palmer Plantation
Subdivision
Duke of Northern Ireland

Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281)403-8962

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Print Name

Signature

[Handwritten signature]
jesm@hrh-cni.uk

Joshua Edward Stow-Moulden, Esq., Duke of Northern Ireland
2655 Turning Row Lane
Missouri City, TX 77459-4343

██████████
██████████
8/30/19



Development Services Department
City of Missouri City
1522 Texas Parkway
Missouri City, TX 77489

Dear Development Services Department:

I am a long-time resident of our city, and I am writing to express my concern about recent discussion and the pending decision/proposal to modify current zoning structure, including but not limited to those in your 'Notice of Public Hearing' document. I understand that the proposal is effectively to considerably modify our current zoning structure and allow the construction of multiple new types of Family Housing (multi-family – aka 'apartments, townhomes, etc.'). The areas include R-3, MF-2, SD, and PD. Not only does the notice indicate a modification to the zoning, but it 'unifies' multiple zones, thus allowing 3rd party companies to build housing and have major influence of the community without our consent. More importantly, it removes all current residents' right to reject such a ridiculous modification.

This is our community – not a 3rd party or outside unaffiliated entities.

I do not believe that the benefits of moving forward with the City's proposal compare favorably to the benefits of keeping everything in place, as is; without modification. Consider: Home values have been steady, and their value increases with the housing market due to not only the home itself, but its location and all structures and communities surrounding it. Merging, modifying, and building new/different family home types all have an enormous impact to all current homeowners, the City, and the County. Multi-family housing has been proven to degrade surrounding areas, lower the home value of those surrounding it, and bring potential negative impacts to the current, established, community of Lake Olympia, and the City of Missouri City. The City and County will see a significant drop in tax revenue to fund public projects, maintain adequate law enforcement protection (tax funded), and in general maintain the appearance, culture, and outside-view of what has been established for years. Residents will move away, and even with new residents moving in, home values will have already dropped, thus enforcing a reduction in revenue for the City. It will also increase payroll for law enforcement, City planning and maintenance crews, etc.

Development Services Department

8/30/19

Page 2

Additionally, the proposed modifications will not only increase the sight and sound of traffic, but force all residents to modify their routes to their home, work, other homes, major freeways, businesses, public buildings, etc.

Modifying our current structure and zoning would bring decreased growth, a significant decrease of community morale, and thus a worse economy, to our City. However, should this proposed plan move forward, the effects of doing so will be seen immediately, and continue for years. In the long-term, and short-term, this is a horrible proposition. Being a resident of our community is a privilege, something we all have worked for, and should not be subject to outside influence and forced change. The ONLY reason I would understand a proposal of some sort, is if it arose from a resident of our community, and already had a majority backing of the community itself.

Are these tradeoffs that we really want to make? I am looking forward to your response.

Regards,



Joshua Edward Stow-Moulden, Esq., Duke of Northern Ireland





DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

August 2, 2019

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

Planning Division

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:

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AUG 12 2019

Received

City of Missouri City, TX

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Dear City Representatives:

I/We protest this proposed zoning because

IF COMMERCIAL GRANTED, NO CONTROL OVER TYPE BUSINESS

I/We support this proposed zoning because

Sincerely,

Kendall L Farley

KENDALL L FARLEY

Signature

Print Name

4610 RAINBOW VALLEY CT

SUNRISE BAY

Street Address

Subdivision

Phone Number

Return to:

Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281)403-8962

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KENDALL FARLEY

Kendall Farley

Print Name

Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

August 29, 2019

CITY OF MISSOURI CITY, TEXAS
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To receive comments for or against a request by META Planning + Design LLC to zone a property from R-3, two family residential district, MF-2, multifamily residential district and SD, suburban district to PD, Planned Development District to allow for a unified development to include commercial and residential uses; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

This letter is being sent to property owners within 200' of the subject property as required by law. It is also sent to others on request.

Dear City Representatives:

[X] I/We protest this proposed zoning because

traffic congestion, crime + too close to residential.

___ I/We support this proposed zoning because

[Empty box for supporting reasons]

Sincerely,

[Handwritten signature of Jackie Montgomery]

Signature

14426 Oak Forest Drive
M.C. TX. 77459

Street Address

Phone Number

Return to:

Jackie Montgomery
Print Name
Lakeshore Forest Estates
Subdivision
Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281)403-8962

The Texas Public Information Act provides the right of the public to access information that governmental bodies produce and how governmental bodies should respond. By submitting this letter to the City, the personal information included can be accessed by the public subject to this Act. Please print and sign your name below if you do not consent to the release of your personal information to the public.

Jackie Montgomery
Print Name

[Handwritten signature]
Signature
City of Missouri City, TX
Received
SEP 17 2019



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

August 29, 2019

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:
Wednesday, September 11, 2019
City Council Chambers
2nd Floor, City Hall Building
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by META Planning + Design LLC to zone a property from R-3, two family residential district, MF-2, multifamily residential district and SD, suburban district to PD, Planned Development District to allow for a unified development to include commercial and residential uses; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

This letter is being sent to property owners within 200' of the subject property as required by law. It is also sent to others on request.

Dear City Representatives:

I/We protest this proposed zoning because

TRAFFIC CONGESTION, INCREASED CRIME, DEVALUATION OF PROPERTY; NO COMMERCIAL, NO MULTIFAMILY; KEEP AS

SINGLE FAMILY RESIDENTIAL

I/We support this proposed zoning because

[Empty box for supporting reasons]

Sincerely, Phillip G. Montgomery

Phillip G. Montgomery

Signature 4436 OAK FOREST DR MISSOURI CITY, TX 77459

Print Name LAKE SHORE FOREST ESTATES

Street Address [Redacted]

Subdivision Development Services Department 1522 Texas Parkway Missouri City, TX 77489 FAX (281)403-8962

Phone Number [Redacted] Return to:

The Texas Public Information Act provides the right of the public to access information that governmental bodies produce and how governmental bodies should respond. By submitting this letter to the City, the personal information included can be accessed by the public subject to this Act. Please print and sign your name below if you do not consent to the release of your personal information to the public.

Phillip G. Montgomery

Phillip G. Montgomery

Print Name

Signature

SEP 17 2019

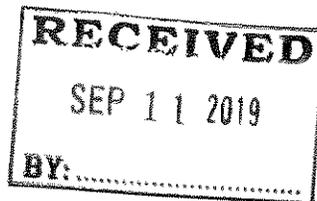
Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489



August 29, 2019

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

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This letter is being sent to property owners within 200' of the subject property as required by law. It is also sent to others on request.

Dear City Representatives:

____ I/We protest this proposed zoning because the commercial aspect of the zoning or variance will alter the essential character of the neighborhood, as Lake Olympia is valued for its natural beauty with commercial conveniences located OUTSIDE of the neighborhood.
____ I/We support this proposed zoning because

Sincerely,

Signature

Street Address

Phone Number

4406 Crow Valley Drive



Return to:

Print Name

Subdivision

Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281)403-8962

John Bertram

Lake Olympia

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Print Name

Signature

John Bertram

[Signature]



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

August 2, 2019

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:

Wednesday, August 14, 2019
City Council Chambers
2nd Floor, City Hall Building
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by META Planning + Design LLC to zone a property from R-3, two family residential district and SD, suburban district to PD, Planned Development District to allow for a unified development to include commercial and residential uses; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

This letter is being sent to property owners within 200' of the subject property as required by law. It is also sent to others on request.

Dear City Representatives:

X I/We protest this proposed zoning because

This would disturb the neighborhoods with noise

I/We support this proposed zoning because

Sincerely
[Signature]
Signature
823 Buckeye Place
Street Address
[Redacted]
Phone Number

Return to:

Marianne Plant
Print Name
Cyster Creek
Subdivision
Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281)403-8962

The Texas Public Information Act provides the right of the public to access information that governmental bodies produce and how governmental bodies should respond. By submitting this letter to the City, the personal information included can be accessed by the public subject to this Act. Please print and sign your name below if you do not consent to the release of your personal information to the public.

Marianne Plant
Print Name

[Signature]
Signature

City of Missouri City, TX
Received

AUG 14 2019

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

August 29, 2019

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

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Wednesday, September 11, 2019
City Council Chambers
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This letter is being sent to property owners within 200' of the subject property as required by law. It is also sent to others on request.

Dear City Representatives:



I/We protest this proposed zoning because

No commercial/residential development needed or wanted in this area.



I/We support this proposed zoning because

[Empty box for supporting reasons]

Sincerely,

Reagan Daniels (handwritten signature)

Signature

4403 Oak Forest Dr

Street Address



Phone Number

Return to:

Reagan Daniels (handwritten name)

Print Name

Lakeshore Forest Estates

Subdivision

Development Services Department

1522 Texas Parkway

Missouri City, TX 77489

FAX (281)403-8962

The Texas Public Information Act provides the right of the public to access information that governmental bodies produce and how governmental bodies should respond. By submitting this letter to the City, the personal information included can be accessed by the public subject to this Act. Please print and sign your name below if you do not consent to the release of your personal information to the public.

Reagan Daniels (handwritten name)

Print Name

Reagan Daniels (handwritten signature)

Signature

City of Missouri City, TX

Received

SEP 17 2019

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

August 29, 2019

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:
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City Council Chambers
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This letter is being sent to property owners within 200' of the subject property as required by law. It is also sent to others on request.

Dear City Representatives:

X I/We protest this proposed zoning because

The commercial area is way too close to the residential and the development would mean the clearing of further natural habitat, fauna and forest, more concrete will pose a danger of flooding issues.

I/We support this proposed zoning because

[Empty box for supporting reasons]

Sincerely,

[Handwritten signature of Ron and Gabriella Galbraith]

Signature

3027 Four Winds Dr. 77459

Street Address

Phone Number

Return to:

Ron and Gabriella Galbraith

Print Name

Lake Olympia

Subdivision

Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281)403-8962

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Gabriella Galbraith
Print Name

[Handwritten signature of Gabriella Galbraith]
Signature

City of Missouri City, TX
Received

SEP 10 2019

Planning Division

Letter of support



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

August 29, 2019

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

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This letter is being sent to property owners within 200' of the subject property as required by law. It is also sent to others on request.

Dear City Representatives:

I/We protest this proposed zoning because

[Empty box for protest reason]

X I/We support this proposed zoning because

A "PD" ZONE IS BETTER THAN AN R-3 MF-2

Sincerely, [Signature]

Signature 4503 PARKVIEW CE.

Street Address

[Redacted]

Phone Number

DAVID HOON

Print Name PARKVIEW VILLAGE 2

Subdivision

Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281)403-8962

The Texas Public Information Act provides the right of the public to access information that governmental bodies produce and how governmental bodies should respond. By submitting this letter to the City, the personal information included can be accessed by the public subject to this Act. Please print and sign your name below if you do not consent to the release of your personal information to the public.

DAVID HOON
Print Name

[Signature]
Signature

City of Missouri City, TX
Received

SEP 1-6 2019

Planning Division



CITY COUNCIL AGENDA ITEM COVER MEMO

October 7, 2019

To: Mayor and City Council
Agenda Item: 7(b)1 - Extend Interim procedure for the administration of certain plans and plats
Submitted by: Jennifer Thomas Gomez, AICP, Planning Manager

SYNOPSIS

Public hearing and consideration of an emergency ordinance to provide for an extension of the interim procedures for the administration of regulations relating to certain plans and plats in accordance with Texas House Bill 3167 that were made effective on September 1, 2019 is herein provided.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Develop a high performing City team
- Have quality development through buildout

BACKGROUND

Texas House Bill 3167 was signed by the governor on June 14, 2019 and is effective as of September 1, 2019. The bill provides for approval procedures for land development applications processed by a municipal or county government.

This ordinance is proposed to provide for interim procedures to align the city's land development application processes with the new legislation. The ordinance provides for the following:

- (1) Adoption of the city's platting manual which includes the required form and content for all conceptual plan, preliminary plat and final plat applications in addition to required documents, notice, and support studies.
- (2) Establishes that certain plans, plats or related applications shall be **approved, approved with conditions, or disapproved** within 30 days of the date the plan, plat, or related application is filed with the city.
(Written responses received to a previously conditionally approved or disapproved plan or plat must be approved or disapproved by the city within 15 days of the date the application is filed).
- (3) Defines a plan to include (a) construction plans; (b) commercial civil plans; (c) commercial ground up construction plans; (d) commercial parking lot plans; (e) detention pond plans; (f) grading plans; (g) retention pond plans; (h) flatwork plans; and (i) floodplain permit plans.
- (4) Defines a plat to include conceptual plans, preliminary plat, final plat, and amending plat.
- (5) Establishes dates for the acceptance and processing of plans and plats (submittal deadline) through November 2019.
- (6) Establishes that applications and filings occurring on a date other than a date as specified will be disapproved in accordance with the process to act on a plan or plat.

(7) Establishes that an applicant may request in writing a request to extend a 30 day period and that such request must be approved by the planning commission.

This proposed ordinance allows for an extension of the interim procedures as described above, and previously made effective on September 1, 2019 through October 7, 2019 by Ordinance No. O-19-19, as adopted by Council on September 3, 2019.

Additional amendments to Chapter 82, Subdivisions of the City's Code of Ordinances, also known as the subdivision ordinance and applicable city regulations for land development applications will be presented to the City Council at a later date.

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. House Bill 3167 Implementation Survey

STAFF'S RECOMMENDATION

Approve the ordinance.

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

**Assistant City Manager/
City Manager Approval:** Glen A. Martel, Assistant City Manager

ORDINANCE NO. O-19-__

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, CONTINUING AN INTERIM PROCEDURE REGARDING THE ADMINISTRATION OF PLANS AND PLATTING RULES; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND DECLARNG AN EMERGENCY.

* * * * *

WHEREAS, House Bill 3167, which passed during the 86th Regular Session of the Texas Legislature, provides that a municipal authority or governing body that conditionally approves or disapproves a plan or plat under Subchapter A of Chapter 212 of the Texas Local Government Code shall provide an applicant with a written statement of the conditions for which certain applications are conditionally approved or disapproved; and

WHEREAS, House Bill 3167 took effect on September 1, 2019; and

WHEREAS, Section 212.002 of the Texas Local Government Code allows a municipality, after a public hearing on the matter, to adopt rules governing plats and the subdivision of land within the municipality's jurisdiction to promote the health, safety, morals, and general welfare of the municipality and the safe, orderly, and healthful development of the municipality; and

WHEREAS, the City of Missouri City (the "City") has adopted rules and regulations governing the administration of platting rules within the City's jurisdiction; and

WHEREAS, House Bill 3167 requires conditions or reasons for conditional approvals and disapprovals to be directly related to the requirements under Subchapter A of Chapter 212 of the Texas Local Government Code and to include a citation to the law, specifically, a statute or municipal ordinance, that is the basis for the conditional approval or disapproval; and

WHEREAS, pursuant to Ordinance No. O-19-19, adopted on September 3, 2019, to provide for the enforcement of rules relating to plans and plats after House Bill 3167 takes effect, the City adopted the City's platting rules and an interim process to administer plans and plats subject to House Bill 3167 (the "Interim Process"); and

WHEREAS, pursuant to Ordinance No. O-19-19, the Interim Process expires on October 7, 2019; and

WHEREAS, City staff continues to review the process by which House Bill 3167 will be implemented on a permanent basis; and

WHEREAS, after proper notice, the City held a public hearing where all interested persons were given an opportunity to speak and present evidence for and against the regulations regarding the continuation of the Interim Process; and

WHEREAS, the City Council finds that it is necessary and in the interest of the health, safety, morals, and general welfare of the residents of the City to continue the Interim Process by setting forth new dates for such process; 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 and are made a part of this Ordinance for all purposes.

Section 2. The City Council of the City of Missouri City conducted the public hearing on the continuation of the Interim Process and closed the public hearing prior to the final adoption of this Ordinance.

Section 3. Plans, as such term is defined by Chapter 212 of the Texas Local Government Code, and plats, as such term is defined by Chapter 212 of the Texas Local Government Code, shall be approved, approved with conditions, or disapproved within 30 days of the date the plan, plat, or related application is filed. Plans shall include construction plans, commercial civil plans, commercial ground up construction plans, commercial parking lot plans, detention pond plans, grading plans, retention pond plans, flatwork plans and floodplain permit plans. Plats shall include conceptual plans and preliminary, final, and amending plats.

Section 4. *Development Review Schedule.*

(a) New dates for the Interim Process shall be as set forth in this Ordinance. The Director of Development Services shall:

- (1) process and accept plans, other than subdivision construction plans, and related applications on October 7, 2019, October 14, 2019, October 21, 2019, October 28, 2019, November 4, 2019, November 11, 2019, and November 18, 2019;
- (2) process and accept subdivision construction plans and related applications on any City business day;
- (3) process and accept plats and related applications between October 21, 2019, and October 25, 2019, and between November 18, 2019, and November 22, 2019; and
- (4) publish the processing dates for plans and plats on the City's website.

- (b) An applicant filing a plan, plat, or related application shall file such plan, plat or related application on an applicable date set forth in Section 4(a) of this Ordinance.
- (c) All applications and filings shall occur on the dates, as applicable, set forth in Section 4(a) of this Ordinance. Any application or filing submitted on a date other than a date, as applicable, set forth in Section 4(a) of this Ordinance shall be considered filed as of the date or period set forth in Section 4(a) of this Ordinance and shall be disapproved by the authority responsible for approving the plan, plat, or related application for violating this Ordinance.

Section 5. *Extensions.* The 30-day period described by Section 3 may be extended for a period not exceed 30 days if:

- (A) the applicant requests the extension in writing to the planning commission; and
- (B) the planning commission approves the extension request.

Section 6. *Repeal.* All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict only.

Section 7. *Precedence.* In the event this Ordinance conflicts with Chapter 82 of the Missouri City Code, or any other ordinance, rule, or policy of the City of Missouri City, this Ordinance shall prevail.

Section 8. *Severability.* In the event any 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, whether there be one or more parts.

Section 9. *Emergency.* The City Council finds and determines that the adoption and enforcement of rules relating to plans, plats, and subdivision inures to the benefit of the public and, therefore, bears directly upon the health, safety, morals, and general welfare of the City and the safe, orderly, and healthful development of the City; that this Ordinance shall be adopted as an emergency measure; and that, pursuant to Section 3.11 of the City Charter of the City of Missouri City, the requirement that this Ordinance be considered and favorably acted on at two (2) separate meetings does not apply for the final passage of this Ordinance.

Section 10. *Expiration.* This Ordinance shall remain in full force and effect until November 18, 2019, and shall automatically expire as of 12:01 a.m. on November 19, 2019, unless repealed on or before November 18, 2019.

PASSED and APPROVED on first and final reading this ___ day of _____, 2019.

Yolanda Ford, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Jackson, City Secretary

E. Joyce Iyamu, City Attorney

House Bill 3167 Implementation¹

	Pearland	Stafford	Sugar Land
Preliminary Plat Retained?	Yes	No	Optional
Adopt Changes by Sept. 1?	No	No	No
Filed when received or date certain?	When received	When received	Undecided

¹ The information provided by this document is preliminary and based on an informal survey of the specified cities.



**Council Agenda Item
October 7, 2019**

8. **APPOINTMENTS** – *There are no Appointments on this agenda.*
-



**CITY COUNCIL
AGENDA ITEM COVER MEMO**

October 7, 2019

To: Mayor and City Council
Agenda Item: 9(a) Consider authorizing the City Manager to execute a contract for the purchase and installation of playground equipment at Roane Park
Submitted by: Jason Mangum, CPRP, Director of Parks and Recreation

SYNOPSIS

The Department of Parks and Recreation requests authorization for the City Manager to enter into a contract with Lone Star Recreation for the provision and installation of playground equipment in Roane Park.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live

BACKGROUND

Parks and Recreation have determined a need for completing phase two of the playground at Roane Park. The first phase of the playground was sponsored by The Kaboom Grant and due to lack of funding the second phase could not be completed. The expansion of Roane Park had already been planned and drafted out. The completed play structure will continue to bring the community together and bring even more excitement to the neighborhood park. Staff have decided to enter a contact with Lone Star Recreation to purchase and install the second phase playground equipment at Roane Park. The use of Park Zone Funds would be used to pay for this advancement.

BuyBoard Contract # 152-16 for Purchase and Installation of the play equipment.

BUDGET/FISCAL ANALYSIS

Funding Source	Account Number	Project Code/Name	Funds Budgeted	Funds Available	Amount Requested
FY2019	277-58200-16-999-30037	Roane Park	\$291,712	\$291,712	\$291,712
FY2020	277-58200-16-999-30037	Roane Park	\$468,590	\$468,590	\$176,878

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. BuyBoard Quote
2. Renders

STAFF'S RECOMMENDATION

Staff recommends approval of this purchase through the Park Zone 7 Fund in the amount of \$299,956.80.

Director Approval: Jason S. Mangum, CPRP

**Assistant City Manager/
City Manager Approval:** Glen A. Martel, Assistant City Manager



Lone Star Recreation of Texas, LLC.

10701 Corporate Drive Suite 390
 Stafford, TX 77477
 Phone: 281-970-9010

PROPOSAL

Quote # 10165-07

Contact: Jason Mangum
Company: City of Missouri City
Phone: 281-403-8637
Email: jason.mangum@missouricitytx.gov

Ship To: Adams Constructor
 9502 Fairbanks N. Houston Rd.
 Houston, TX 77064

Bill To: City of Missouri City
 2701 Cypress Point Dr.
 Missouri City, TX 77459

Installation Site: Roane Park
 1440 Turtle Creek Dr.
 Missouri City, TX 77489

Date: 8/12/2019
Proposal Expires: 10/31/2019

Terms
 INCO Terms: F.O.B. Manufacturing Plant
 Estimated Shipping Time: 8-10 weeks ARO
 LSRT Payment Terms: Based upon approved terms

Proposal Prepared By
 Contact: Vanessa Zelaya
 Phone: 281-970-9010
 Email: vanessa.zelaya@LonestarRecreation.com

Sales
 Contact: Todd Garrett
 Phone: 281-970-9010
 Email: Todd.Garrett@LonestarRecreation.com

We are pleased to submit this proposal to supply the following items:

QTY	ITEM NO.	DESCRIPTION	UNIT PRICE	EXTENDED AMT
5-12 Area				
1	254627A	Super Netplex 8' to 12' Towers DTR IND	\$ 121,900.00	\$ 121,900.00
1	1131720-02-09	SKYWAYS® MULTI-PANEL OPTION, 8 HDPE Tops, INTEGRATED SWING	\$ 28,644.00	\$ 28,644.00
1	173591A	OmniSpin Spinner SM	\$ 7,430.00	\$ 7,430.00
1	185927A	Flywheel Spinner DB Only	\$ 3,030.00	\$ 3,030.00
3	247179A	Curva Spinner DB Only	\$ 1,695.00	\$ 5,085.00
2	158105A	Wobble Pod DB Only	\$ 1,390.00	\$ 2,780.00
1	100041A	Curved Balance Beam DB	\$ 745.00	\$ 745.00
1	164075B	Double Bobble Rider DB	\$ 1,875.00	\$ 1,875.00
1	182503C	Welcome Sign (LSI Provided) Ages 5-12 years DB	\$ -	\$ -
2-5 Area				
1	1131720-02-09	Weevos® (2-5 years) DB, Aluminum	\$ 30,450.00	\$ 30,450.00
1	200677A	Wee Planet Climber DB	\$ 2,230.00	\$ 2,230.00
1	152179A	Saddle Spinner DB 12" Height	\$ 1,060.00	\$ 1,060.00
2	164075B	Double Bobble Rider DB	\$ 1,875.00	\$ 3,750.00
1	168099A	Cozy Dome DB	\$ 4,025.00	\$ 4,025.00
1	182503A	Welcome Sign (LSI Provided) Ages 2-5 years DB	\$ -	\$ -
1	INSTALLATION	Installation of Landscape Structures equipment referenced above by Manufacturer Trained and Certified CPSI Installer w/ 12 month labor warranty	\$ 66,353.00	\$ 66,353.00
1	SURFACE	Delivered and installed IPEMA certified EWF - Engineering Wood Fiber approx. 493 cubic yards w/ geofabric weed barrier	\$ 22,000.00	\$ 22,000.00

EQUIPMENT	\$ 213,004.00
BUYBOARD #512-16	\$ (10,650.20)
INSTALLATION	\$ 66,353.00
SURFACE	\$ 22,000.00
FREIGHT #320-19-67	\$ 9,250.00
SALES TAX	Exempt
TOTAL	\$ 299,956.80

Accepted by Customer _____ Date _____

Print Name _____ Title _____

Pricing is for the above listed equipment only, no installation of specified items, additional items, change orders, insured addendum, off loading of equipment, storage, security, or any applicable taxes, bonds, permits or freight are included unless listed as separate line item.

Tax Exemption Certificate must be on file with company before submittal of the order, otherwise tax will be billed with order. Credit can be issued upon receipt of proper documentation only prior to shipment.

Change orders and/or cancellations after 5 days will be subject to incurred freight and restocking fees.

1.5% per month thereafter for late payments

Roane Park

Missouri City, TX July 17, 2019 1131720-02-09-01



*Custom products are shown as conceptual only. *Custom product manufacturing time for this project will be approximately 6 weeks from the time of LSI order acceptance.

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FOR A BETTER TOMORROW
WE PLAY TODAY
shapedbyplay.com



Proudly presented by:
Vanessa Zelaya



Roane Park

Missouri City, TX July 17, 2019 1131720-02-09-02



*Custom products are shown as conceptual only. *Custom product manufacturing time for this project will be approximately 6 weeks from the time of LSI order acceptance.

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FOR A BETTER TOMORROW
WE PLAY TODAY
shapedbyplay.com



Proudly presented by:
Vanessa Zelaya



Roane Park

Missouri City, TX July 17, 2019 1131720-02-09-03



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Roane Park

Missouri City, TX July 17, 2019 1131720-02-09-04



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Roane Park

Missouri City, TX July 17, 2019 1131720-02-09-05



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Vanessa Zelaya



Roane Park

Missouri City, TX July 17, 2019 1131720-02-09-06



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Proudly presented by:

Vanessa Zelaya



Roane Park

Missouri City, TX July 17, 2019 1131720-02-09-07



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Proudly presented by:
Vanessa Zelaya



Roane Park

Missouri City, TX July 17, 2019 1131720-02-09-08



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Proudly presented by:
Vanessa Zelaya





Roane Park
Missouri City, TX July 17, 2019 1131720-02-09-09

*Custom products are shown as conceptual only. *Custom product manufacturing time for this project will be approximately 6 weeks from the time of LSI order acceptance.

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Vanessa Zelaya



LONE STAR
Recreation



The play components identified on this plan are IPEMA certified. (Unless model number is preceded with *) The use and layout of these components conform to the requirements of ASTM F1487. To verify product certification, visit www.ipema.org

THIS PLAY AREA & PLAY EQUIPMENT IS DESIGNED FOR AGES 5-12 YEARS UNLESS OTHERWISE NOTED ON PLAN.

IT IS THE MANUFACTURER'S OPINION THAT THIS PLAY AREA DOES CONFORM TO THE A.D.A. ACCESSIBILITY STANDARDS, ASSUMING AN ACCESSIBLE PROTECTIVE SURFACING IS PROVIDED, AS INDICATED, OR WITHIN THE ENTIRE USE ZONE.

THIS CONCEPTUAL PLAN WAS BASED ON INFORMATION AVAILABLE TO US, PRIOR TO CONSTRUCTION. DETAILED SITE INFORMATION INCLUDING: SITE DIMENSIONS, TOPOGRAPHY, EXISTING UTILITIES, SOIL CONDITIONS, AND DRAINAGE SOLUTIONS SHOULD BE OBTAINED, EVALUATED, & UTILIZED IN THE FINAL DESIGN. PLEASE VERIFY ALL DIMENSIONS OF PLAY AREA, SIZE, ORIENTATION, AND LOCATION OF ALL EXISTING UTILITIES, EQUIPMENT, AND SITE FURNISHINGS PRIOR TO ORDERING. SLIDES SHOULD NOT FACE THE HOT AFTERNOON SUN.

CHOOSE A PROTECTIVE SURFACING MATERIAL THAT HAS A CRITICAL HEIGHT VALUE TO MEET THE MAXIMUM FALL HEIGHT FOR THE EQUIPMENT (REF. ASTM F1487 STANDARD CONSUMER SAFETY PERFORMANCE SPECIFICATION FOR PLAYGROUND EQUIPMENT FOR PUBLIC USE, SECTION 8 CURRENT REVISION). THE SUBSURFACE MUST BE WELL DRAINED IF THE SOIL DOES NOT DRAIN NATURALLY IT MUST BE TILED OR SLOPED 1/8" TO 1/4" PER FOOT TO A STORM SEWER OR A "FRENCH DRAIN".

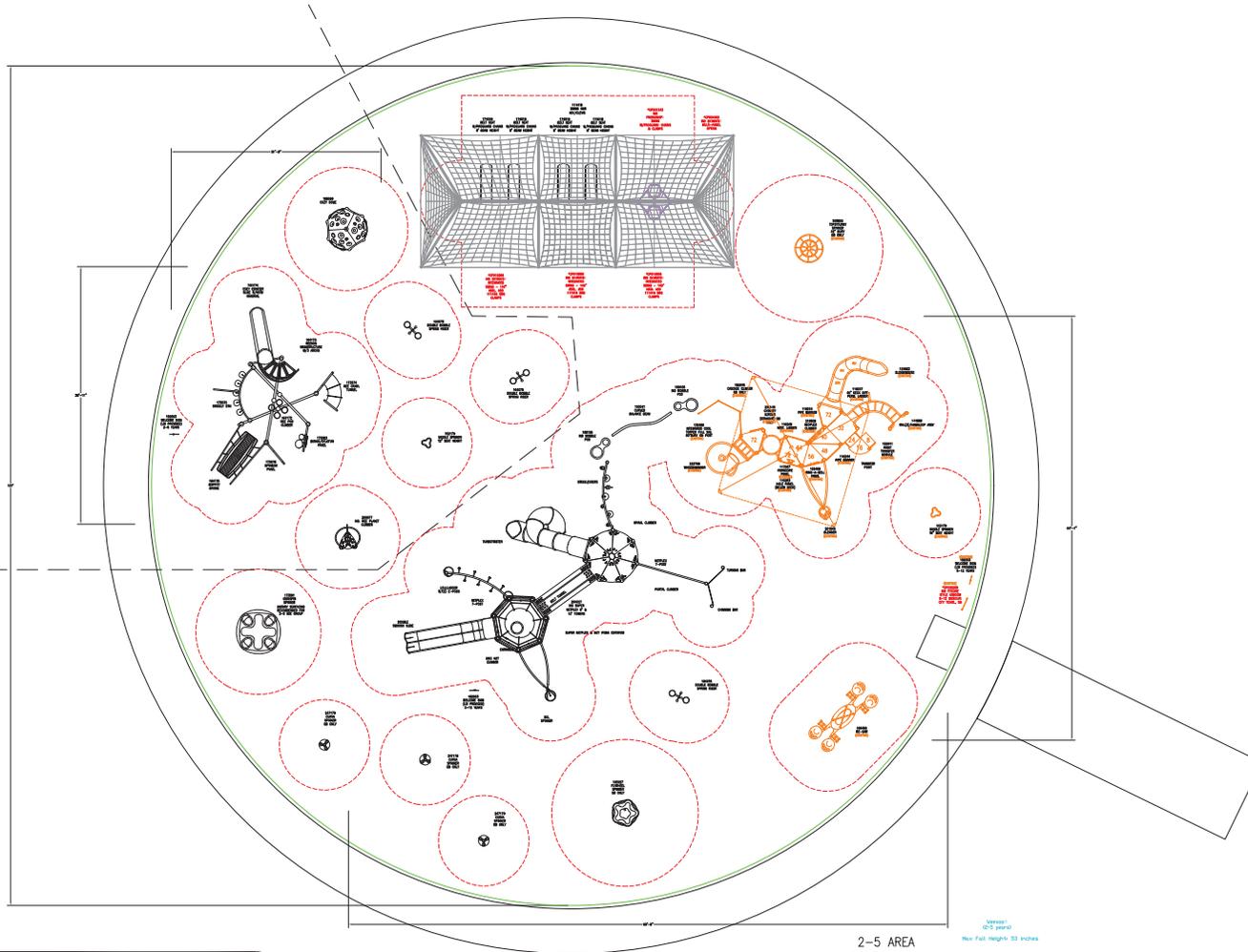
ACCESSIBLE/PROTECTIVE
LOOSE FILL MATERIAL
(ENGINEERED WOOD FIBER SUGGESTED)
12659 SQ FT

DESIGNED BY:

SG

COPYRIGHT: 7/3/19
LANDSCAPE STRUCTURES, INC.
601 7th STREET SOUTH - P.O. BOX 198
SELANO, MINNESOTA 55229
Ph: 1-800-328-0035 FAX: 1-763-972-6091

Date	Previous Drawing #	Initials
1/15/19	1131720-02-06	SG
2/12/19	1131720-02-08	SG
2/4/19	1131720-02-07	SG



5-12 AREA

PlayBooster and Parts
12-25 years
Max Fall Height: 144 inches

5-12 AREA

2-5 AREA

Accessories
12-25 years
Max Fall Height: 55 inches

TOTAL ELEVATED PLAY COMPONENTS	15		
TOTAL ELEVATED COMPONENTS ACCESSIBLE BY RAMP	0	REQUIRED	0
TOTAL ELEVATED COMPONENTS ACCESSIBLE BY TRANSFER	10	REQUIRED	8
TOTAL ACCESSIBLE GROUND LEVEL COMPONENTS SHOWN	23	REQUIRED	5
TOTAL DIFFERENT TYPES OF GROUND LEVEL COMPONENTS	15	REQUIRED	15

Estimated manufacturing time:
6 weeks from the time of
LSI order acceptance, or receipt of
SkyWays release of fabrication
form if applicable.

TOTAL ELEVATED PLAY COMPONENTS	0		
TOTAL ELEVATED COMPONENTS ACCESSIBLE BY RAMP	0	REQUIRED	0
TOTAL ELEVATED COMPONENTS ACCESSIBLE BY TRANSFER	0	REQUIRED	0
TOTAL ACCESSIBLE GROUND LEVEL COMPONENTS SHOWN	12	REQUIRED	0
TOTAL DIFFERENT TYPES OF GROUND LEVEL COMPONENTS	11	REQUIRED	11

SCALE IN FEET:



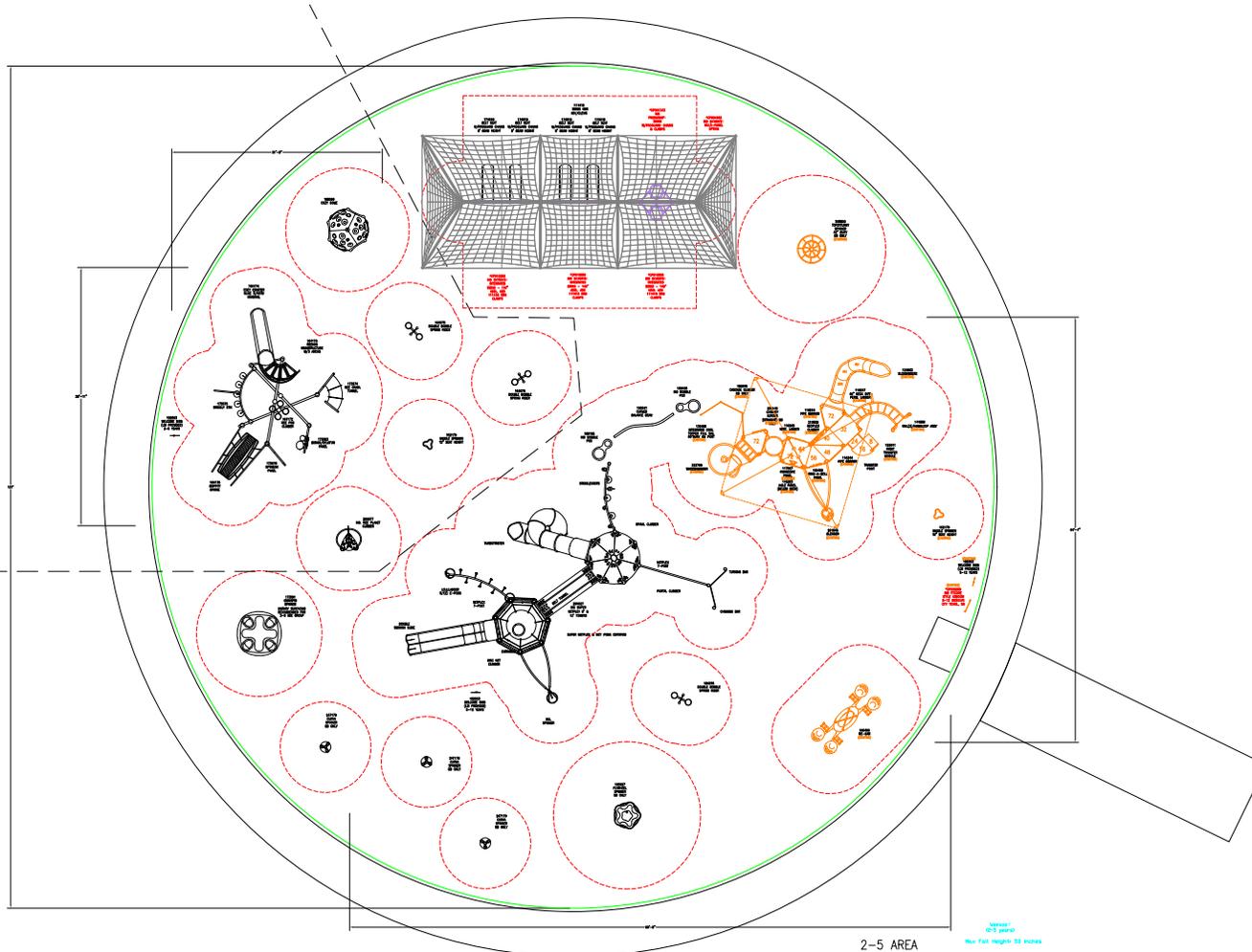
Roane Park
Missouri, TX

Lone Star
Recreation of Texas
Vanessa Zelaya

SYSTEM TYPE:
PlayBooster

DRAWING #:
1131720-02-09





The play components identified on this plan are IPEMA certified. (Unless model number is preceded with *) The use and layout of these components conform to the requirements of ASTM F1487. To verify product certification, visit www.ipema.org

THIS PLAY AREA & PLAY EQUIPMENT IS DESIGNED FOR AGES 5-12 YEARS UNLESS OTHERWISE NOTED ON PLAN.

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ACCESSIBLE/PROTECTIVE
LOOSE FILL MATERIAL
(ENGINEERED WOOD FIBER SUGGESTED)
12659 SQ FT

DESIGNED BY:

SG

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Ph: 1-800-328-0035 FAX: 1-763-972-6091

1/15/19	1131720-02-06	SG
2/12/19	1131720-02-08	SG
2/4/19	1131720-02-07	SG
Date	Previous Drawing #	Initials

TOTAL ELEVATED PLAY COMPONENTS	15		
TOTAL ELEVATED COMPONENTS ACCESSIBLE BY RAMP	0	REQUIRED	0
TOTAL ELEVATED COMPONENTS ACCESSIBLE BY TRANSFER	10	REQUIRED	8
TOTAL ACCESSIBLE GROUND LEVEL COMPONENTS SHOWN	23	REQUIRED	5
TOTAL DIFFERENT TYPES OF GROUND LEVEL COMPONENTS	15	REQUIRED	15

Estimated manufacturing time:
6 weeks from the time of
LSI order acceptance, or receipt of
SkyWays release of fabrication
form if applicable.

TOTAL ELEVATED PLAY COMPONENTS	0		
TOTAL ELEVATED COMPONENTS ACCESSIBLE BY RAMP	0	REQUIRED	0
TOTAL ELEVATED COMPONENTS ACCESSIBLE BY TRANSFER	0	REQUIRED	0
TOTAL ACCESSIBLE GROUND LEVEL COMPONENTS SHOWN	12	REQUIRED	0
TOTAL DIFFERENT TYPES OF GROUND LEVEL COMPONENTS	11	REQUIRED	11



Roane Park
Missouri, TX

Lone Star
Recreation of Texas
Vanessa Zelaya

SYSTEM TYPE:
PlayBooster
DRAWING #:
1131720-02-09





Landscape Structures Inc. (“Manufacturer”) warrants that all equipment sold will conform in kind and in quality to the specifications manual for the products identified in the Acknowledgment of Order and will be free of defects in manufacturing and material. Manufacturer further warrants:

20-Year Limited Warranty On all SkyWays® and CoolToppers® steel components against structural failure due to material or manufacturing defects.

10-Year Limited Warranty On SkyWays® and CoolToppers® fabric and thread against failure from significant fading, deterioration, breakdown, mildew, outdoor heat, cold or discoloration. This warranty is limited to the design loads as stated in the manual. Should the fabric need to be replaced under the warranty, Manufacturer will manufacture and ship a new fabric at no charge for the first 6 years, thereafter pro-rated at 18% per annum over the last 4 years. This warranty applies to standard colors only.

3-Year Limited Warranty On all other parts, including Rapid Release®, against failure due to corrosion/natural deterioration or manufacturing defects.

The environment near a saltwater coast can be extremely corrosive. Some corrosion and/or deterioration is considered “normal wear” in this environment. Product installed within 500 yards (457 meters) of a saltwater shoreline will only be covered for half the period of the standard product warranty, up to a maximum of five years, for defects caused by corrosion. Products installed in direct contact with saltwater or that are subjected to salt spray are not covered by the standard warranty for any defects caused by corrosion.

This warranty does not include any cosmetic issues or wear and tear from normal use of the product, or misuse or abuse of the product. It is valid only if the equipment is erected to conform with Landscape Structures’ installation instructions and maintained according to the maintenance procedures furnished by Landscape Structures Inc. Maintenance is particularly critical in regions where dirt and/or sand may cause abrasion of the fabric.

This warranty is void if conditions exceed local building codes.



2019 SkyWays® and CoolToppers® Shade Warranty

You have our word.

All the warranties commence on date of Manufacturer’s invoice. Should any failure to conform to the above express warranties appear within the applicable warranty period, Manufacturer shall, upon being notified in writing promptly after discovery of the defect and within the applicable warranty period, correct such nonconformity either by repairing any defective part or parts, or by making available a replacement part within 60 days of written notification. Manufacturer shall deliver the repaired or replacement part or parts to the site free of charge, but will not be responsible for providing labor or the cost of labor for the removal of the defective part or parts, the installation of any replacement part or parts or for disposal costs of any part or parts. Replacement parts will be warranted for the balance of the original warranty.

THIS WARRANTY IS EXCLUSIVE AND IN LIEU OF ALL OTHER WARRANTIES, WHETHER EXPRESSED OR IMPLIED, INCLUDING BUT NOT LIMITED TO ANY WARRANTY OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE.

The remedies hereby provided shall be the exclusive and sole remedies of the purchaser. Manufacturer shall not be liable for any direct, indirect, special, incidental or consequential damages.

Manufacturer neither assumes nor authorizes any employee, representative or any other person to assume for Manufacturer any other liability in connection with the sale or use of the structures sold, and there are no oral agreements or warranties collateral to or affecting this agreement. The warranties stated above are valid only if the structures and/or equipment are erected in conformance with Landscape Structures’ installation instructions and maintained according to the maintenance procedures furnished by Landscape Structures Inc.; have been subjected to normal use for the purpose for which the goods were designed; have not been exposed to saltwater or salt spray; have not been subject to misuse, negligence, vandalism, or accident; have not been subjected to addition or substitution of parts; and have not been modified, altered, or repaired by persons other than Manufacturer or Manufacturer’s designees in any respect which, in the judgement of Manufacturer, affects the condition or operation of the structures.

To make a claim, send your written statement of claim, along with the original job number or invoice number to: Landscape Structures Inc. 601 7th Street South, Delano, Minnesota, 55328-8605.

Signed:  President Date: 01/01/2019



Landscape Structures Inc. ("Manufacturer") warrants that all playstructures and/or equipment sold will conform in kind and in quality to the specifications manual for the products identified in the Acknowledgment of Order and will be free of defects in manufacturing and material. Manufacturer further warrants:

100-Year Limited Warranty On all PlayBooster® and PlayShaper® aluminum posts, stainless steel fasteners, clamps, beams and caps against structural failure due to corrosion/natural deterioration or manufacturing defects, and on PlayBooster steel posts against structural failure due to material or manufacturing defects.

15-Year Limited Warranty On all Evos® and Weevos® steel arches, all plastic components (including TuffTimbers™ edging), all aluminum and steel components not covered above, Mobius® climbers, Rhapsody® Outdoor Musical Instruments, decks and TenderTuff™ coatings (except Wiggle Ladders, Chain Ladders and Swing Chain) against structural failure due to material or manufacturing defects.

10-Year Limited Warranty On concrete products against structural failure due to natural deterioration or manufacturing defects. Does not cover minor chips, hairline cracks or efflorescence.

8-Year Limited Warranty On Aeronet® climbers and climbing cables against defects in materials or manufacturing defects.

5-Year Limited Warranty On Rhapsody® cables and mallets against defects in materials or manufacturing defects.

3-Year Limited Warranty On all other parts, i.e.: Pulse® products, all swing seats and hangers, Mobius climber handholds, Wiggle Ladders, Chain Ladders and ProGuard™ Swing Chain, Track Ride trolleys and bumpers, all rocking equipment including Sway Fun® gliders, belting material, HealthBeat® resistance mechanism, Seesaws, etc., against failure due to corrosion/natural deterioration or manufacturing defects.

The environment near a saltwater coast can be extremely corrosive. Some corrosion and/or deterioration is considered "normal wear" in this environment. Product installed within 500 yards (457 meters) of a saltwater shoreline will only be covered for half the period of the standard product warranty, up to a maximum of five years, for defects caused by corrosion. Products installed in direct contact with saltwater or that are subjected to salt spray are not covered by the standard warranty for any defects caused by corrosion.

This warranty does not include any cosmetic issues or wear and tear from normal use of the product, or misuse or abuse of the product. It is valid only if the playstructures and/or equipment are erected to conform with Landscape Structures' installation instructions and maintained according to the maintenance procedures furnished by Landscape Structures Inc.



2019 Play Equipment Warranty

You have our word.

All the warranties commence on date of Manufacturer's invoice. Should any failure to conform to the above express warranties appear within the applicable warranty period, Manufacturer shall, upon being notified in writing promptly after discovery of the defect and within the applicable warranty period, correct such nonconformity either by repairing any defective part or parts, or by making available a replacement part within 60 days of written notification. Manufacturer shall deliver the repaired or replacement part or parts to the site free of charge, but will not be responsible for providing labor or the cost of labor for the removal of the defective part or parts, the installation of any replacement part or parts or for disposal costs of any part or parts. Replacement parts will be warranted for the balance of the original warranty.

THIS WARRANTY IS EXCLUSIVE AND IN LIEU OF ALL OTHER WARRANTIES, WHETHER EXPRESSED OR IMPLIED, INCLUDING BUT NOT LIMITED TO ANY WARRANTY OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE.

The remedies hereby provided shall be the exclusive and sole remedies of the purchaser. Manufacturer shall not be liable for any direct, indirect, special, incidental or consequential damages.

Manufacturer neither assumes nor authorizes any employee, representative or any other person to assume for Manufacturer any other liability in connection with the sale or use of the structures sold, and there are no oral agreements or warranties collateral to or affecting this agreement. The warranties stated above are valid only if the structures and/or equipment are erected in conformance with Landscape Structures' installation instructions and maintained according to the maintenance procedures furnished by Landscape Structures Inc.; have been subjected to normal use for the purpose for which the goods were designed; have not been exposed to saltwater or salt spray; have not been subject to misuse, negligence, vandalism, or accident; have not been subjected to addition or substitution of parts; and have not been modified, altered, or repaired by persons other than Manufacturer or Manufacturer's designees in any respect which, in the judgement of Manufacturer, affects the condition or operation of the structures.

To make a claim, send your written statement of claim, along with the original job number or invoice number to: Landscape Structures Inc. 601 7th Street South, Delano, Minnesota, 55328-8605.

Signed:  President Date: 01/01/2019



**CITY COUNCIL
AGENDA ITEM COVER MEMO**

October 7, 2019

To: Mayor and City Council
Agenda Item: 9(b) Authorize the City Manager to execute the re-imbursement to Century Land Holdings of Texas, LLC as indicated in the fully executed Economic Development Agreement
Submitted by: Shashi Kumar, P.E., Director of Public Works

SYNOPSIS

Staff is requesting authorization of the City Manager to execute the re-imbursement to Century Land Holdings of Texas, LLC as indicated in the fully executed Economic Development Agreement

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live

BACKGROUND

On May 7, 2018, the City Council authorized (Item 11a) the City of Missouri City to enter into an Economic Development Agreement with Century Land Holdings of Texas, LLC for the provision of construction of a portion of Independence Boulevard (Liberty Ridge Section 1).

Century Land Holdings of Texas, LLC (developer) developed the Liberty Ridge Subdivision located near the Independence Boulevard Segment 1 roadway expansion project. As part of the development, the developer dedicated right-of-way for the above referenced project. In order for the developer to continue progress, maintain adequate drainage, and allow a safe passage for builders and future homeowners, the developer constructed a small section of the subject project, ahead of the city's schedule.

This portion of the project is now complete and requires reimbursement of \$281,964.00 to the developer.

BUDGET/FISCAL ANALYSIS

Funding Source	Account Number	Project Code/Name	FY19 Funds Budgeted	FY19 Funds Available	Amount Requested
General Bond	410-58700-40-403-50084	50084 / Independence Segment 1 / Staffordshire	\$3,650,000	\$404,534	\$ 281,964

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. Final Audit Report

STAFF'S RECOMMENDATION

Staff recommends authorization of the City Manager to execute the re-imbusement to Century Landholdings of Texas, LLC based on the Economic Development Agreement for \$ 281,964.00.

Director Approval:

Shashi K. Kumar, P.E.

**Assistant City Manager/
City Manager Approval:**

Glen A. Martel, Assistant City Manager

**THE CITY OF MISSOURI CITY, TEXAS
ECONOMIC DEVELOPMENT**

REPORT ON APPLYING AGREED-UPON PROCEDURES TO
CONSTRUCTION COSTS REIMBURSABLE TO
CENTURY LAND HOLDINGS OF TEXAS, LLC (DEVELOPER)

MARCH 31, 2019

**THE CITY OF MISSOURI CITY, TEXAS
ECONOMIC DEVELOPMENT**

REPORT ON APPLYING AGREED-UPON PROCEDURES TO
CONSTRUCTION COSTS REIMBURSABLE TO
CENTURY LAND HOLDINGS OF TEXAS, LLC (DEVELOPER)

MARCH 31, 2019

TABLE OF CONTENTS

SCHEDULE

INDEPENDENT ACCOUNTANT'S REPORT ON APPLYING
AGREED-UPON PROCEDURES

SCHEDULE OF CONSTRUCTION COSTS REIMBURSABLE TO
CENTURY LAND HOLDINGS OF TEXAS, LLC

A

SCHEDULE COMPARING ACTUAL REIMBURSABLE COSTS
WITH EXHIBIT B OF THE DEVELOPMENT AGREEMENT

B

McCALL GIBSON SWEDLUND BARFOOT PLLC
Certified Public Accountants

13100 Wortham Center Drive
Suite 235
Houston, Texas 77065-5610
(713) 462-0341
Fax (713) 462-2708
E-Mail: mgsb@mgsbpllc.com

9600 Great Hills Trail
Suite 150W
Austin, Texas 78759
(512) 610-2209
www.mgsbpllc.com

March 31, 2019

City Council Members
City of Missouri City, Texas

Independent Accountant's Report
on Applying Agreed-Upon Procedures

We have performed the procedures enumerated below, which were agreed to by the Missouri City Development Authority, a nonprofit local government corporation formed by and on behalf of the City of Missouri City, Texas (the "City"), on the invoices and schedules submitted by Century Land Holdings of Texas, LLC (the "Developer") included for payment from economic development incentive funds. These procedures were performed solely to assist you in determining the amount to be reimbursed to the Developer involved and to facilitate the preparation of a comparison of the actual costs incurred with the project agreement. The responsible parties of the report are the intended users of the report. According to Section 4.2 of the Development Agreement, "the City shall hire a certified public accountant... to calculate the amount due to the recipient for the reimbursement". Our engagement was limited to a review of the documentation and information submitted for review by the respective parties and will be for the purpose of determining the amount to be reimbursed as approved on Exhibit B of the Economic Development Agreement

This engagement to apply agreed-upon procedures was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of the procedures is solely the responsibility of the Council Members of the City. Consequently, we make no representation regarding the sufficiency of the procedures either for the purpose for which this report has been requested or for any other purpose. The procedures performed are summarized as follows:

- A. We reviewed certain schedules and supporting invoices submitted by the Developer in substantiation of the costs to be reimbursed. Our review included all documentation supporting items, amounts, and proof of payment for which reimbursement is requested.

- B. We read the development and financing agreements for particular items that might affect the reimbursement. The agreements reviewed are referenced in our report.
- C. We reviewed the computation of certain costs, looking for any amounts required to be paid 100% by the Developer, in accordance with the Development Agreement.
- D. For the construction pay estimates, we footed the final pay estimates, and we calculated the extensions on a test basis.
- E. For all payments, we compared the payment dates to copies of cancelled checks.
- F. We obtained verbal confirmation from Wadecon LLC that the contract estimates to date have been paid in full and there are no claims to be made against either the City or the Developer on the project.
- G. We prepared a reimbursement report for the benefit of the City, including the accountant's report and schedule of amounts reimbursable to the Developer, and compared the amounts in the Economic Development Agreement and Project Improvements on Exhibit B of that agreement with the actual reimbursable costs.

The attached Schedule A, titled "Schedule of Construction Costs Reimbursable to Century Land Holdings of Texas, LLC (Developer)", sets forth their reimbursable costs. This reimbursement is in accordance with the terms and conditions of the Economic Development Agreement between the City and the Developer dated May 7, 2018.

The Developer originally submitted schedules and invoices totaling \$388,299.00 for paving and drainage. We revised the reimbursable amount to \$281,964.00, the approved cost reimbursable under the agreement. The following changes were made to the Developer's schedule:

- A. We reduced the amount due to the Developer for amounts paid which were not in the approved construction costs in accordance with the Economic Development Agreement, resulting in a decrease of \$106,335.00.

Schedule B compares the actual reimbursable costs due the Developer with Exhibit B of the Economic Development Agreement.

We were not engaged to and did not conduct an audit, the objective of which would be the expression of an opinion on the aforementioned reimbursable costs. Accordingly, we do not express an opinion on the costs to be reimbursed as of March 31, 2019. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the use of the City and is not intended to be and should not be used by anyone other than this specified party. However, this report is a matter of public record and its distribution is not limited. This report should not be associated with the presentation of any financial data of the City except to comply with filing requirements as required by the respective agreements.

We appreciate this opportunity to be of service to you.

McCall Gibson Swedlund Barfoot PLLC

McCall Gibson Swedlund Barfoot PLLC
Certified Public Accountants
Houston, Texas

2019 Missouri City AUP

CITY OF MISSOURI CITY, TEXAS
SCHEDULE OF CONSTRUCTION COSTS
REIMBURSABLE TO CENTURY LAND HOLDINGS OF TEXAS, LLC (DEVELOPER)
MARCH 31, 2019

(SEE ACCOMPANYING DISCLAIMER OF OPINION AND
EXPLANATION OF AGREED-UPON PROCEDURES PERFORMED)

DESCRIPTION	REIMBURSABLE COST
Wadecon LLC	
Paving and Drainage - Independence Blvd. Liberty Ridge, Section One	
Amount Paid by Developer	\$ 388,299.00
Less: Amount Not Included in Approved Costs	\$ 106,335.00
	\$ 281,964.00
 TOTAL AMOUNT REMBURSABLE TO CENTURY LAND HOLDINGS OF TEXAS, LLC AS OF MARCH 31, 2019	
	\$ 281,964.00

CITY OF MISSOURI CITY, TEXAS
SCHEDULE COMPARING ACTUAL REIMBURSABLE COSTS
WITH EXHIBIT B OF THE DEVELOPMENT AGREEMENT
MARCH 31, 2019

(SEE ACCOMPANYING DISCLAIMER OF OPINION AND
EXPLANATION OF AGREED-UPON PROCEDURES PERFORMED)

DESCRIPTION	PROJECTS ON EXHIBIT B	REIMBURSABLE TO CENTURY LAND HOLDINGS OF TEXAS, LLC AS OF MARCH 31, 2019	ESTIMATED ADDITIONAL COST TO COMPLETE
PUBLIC IMPROVEMENTS			
Paving and Drainage - Independence Blvd. and Heritage Court Liberty Ridge, Phase 1	\$ 281,964	\$ 281,964	\$ -
TOTAL	\$ 281,964	\$ 281,964	\$ -

TOTAL ACTUAL COSTS AND ESTIMATED ADDITIONAL COST TO COMPLETE	ACTUAL OVER (UNDER) ESTIMATE	% VARIANCE OVER (UNDER) ESTIMATE
\$ 281,964	\$ -	0.00%
<u>\$ 281,964</u>	<u>\$ -</u>	



CITY COUNCIL AGENDA ITEM COVER MEMO

October 7, 2019

To: Mayor and City Council
Agenda Item: 9(c) Authorize the Mayor to sign a letter of approval for Care EMS Inc. to operate a non-emergency ambulance service.
Submitted by: Eugene Campbell, Jr, Fire Chief

SYNOPSIS

Staff received a request from Care EMS Inc., a non-911 emergency medical service (EMS) provider to operate within the city limits of Missouri City. Pursuant to Texas Health and Safety Code Section 773.0573, City Council may issue a letter of approval if the Council determines certain conditions exist. Pursuant to Council's direction, staff is presenting this item for consideration by Council.

STRATEGIC PLAN 2019 GOALS ADDRESSED

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

BACKGROUND

In the 2013 legislative session, a provision was passed creating a new requirement (approval by the governing body of a city or county, as applicable) for emergency medical services providers to cut back on fraud and waste in certain federal programs. The Centers of Medicare and Medicaid Services established a moratorium on licensing new emergency medical services providers from about July 2013 to August 2014, which stopped the establishment of certain new EMS providers during that time.

Pursuant to Texas Health and Safety Code Section 773.0573, city council may issue a letter of approval to an emergency medical services provider applicant who is applying to provide emergency medical services in the city **only if** the city council determines that:

- (1) the addition of another licensed emergency medical services provider will not interfere with or adversely affect the provision of emergency medical services by the licensed emergency medical services providers operating in the municipality;
- (2) the addition of another licensed emergency medical services provider will remedy an existing provider shortage that cannot be resolved through the use of the licensed emergency medical services providers operating in the municipality; and
- (3) the addition of another licensed emergency medical services provider will not cause an oversupply of licensed emergency medical services providers in the municipality.

Care EMS Inc. contacted Fire Chief Eugene Campbell seeking approval to operate a non-emergency EMS service in Missouri City.

According to the Texas Department of State Health Services (TDSHS), Missouri City currently has two (2) licensed EMS providers in the City, excluding Fort Bend County EMS. Sugar Land has five (5), Stafford has nine (9), and Conroe has two (2) providers. According to the City of Pearland, there are 19 providers authorized to operate in their city. This results in an average of 10 providers in cities of similar size in the Houston metropolitan area.

SUPPORTING MATERIALS

1. Letter of approval
2. Care EMS Inc. request

STAFF'S RECOMMENDATION

Authorize the Mayor to sign a letter approving Care EMS Inc. to operate within the City of Missouri City with the following determinations and stipulations:

- (1) the addition of another licensed emergency medical services provider will not interfere with or adversely affect the provision of emergency medical services by the licensed emergency medical services providers operating in the City of Missouri City;
- (2) based on limited information at the City's disposal, the addition of another licensed emergency medical services provider will remedy an existing provider shortage that cannot be resolved through the use of the licensed emergency medical services providers operating in the City of Missouri City; and
- (3) the addition of another licensed emergency medical services provider will not cause an oversupply of licensed emergency medical services providers in the City of Missouri City.

Additionally, the provider will refer all emergency (911) medical calls within Missouri City to the appropriate 911 Communications Center. Finally, if the provider is unable to maintain the necessary license, permit or other related authority to operation in the State of Texas for a period of more than five (5) days, the approval shall be deemed revoked.

Director Approval: Eugene Campbell, Jr, Fire Chief



MAYOR YOLANDA FORD

1522 Texas Parkway
Missouri City, Texas 77489

Phone: 281.403.8500
www.missouricitytx.gov

October ____, 2019

Care EMS Inc.
Attention: Edith Hart-Ray, Owner and Administrator
8018 Montague Manor Ln Houston, Tx 77072

Dear Edith Hart-Ray:

This letter is in response to your request to provide non-emergency emergency medical services in the City of Missouri City, Texas, in accordance with Texas Health and Safety Code Section 773.0573. The City Council of the City of Missouri City considered your request at the October 7, 2019 regular meeting of the City Council, at which the City Council determined the following:

- (1) the addition of another licensed emergency medical services provider will not interfere with or adversely affect the provision of emergency medical services by the licensed emergency medical services providers operating in the City of Missouri City;
- (2) based on limited information at the City's disposal, the addition of another licensed emergency medical services provider will remedy an existing provider shortage that cannot be resolved through the use of the licensed emergency medical services providers operating in the City of Missouri City; and
- (3) the addition of another licensed emergency medical services provider will not cause an oversupply of licensed emergency medical services providers in the City of Missouri City.

As such, your request to provide non-emergency emergency medical services in the City of Missouri City, Texas, is hereby approved, provided that, in the event you receive a request for emergent emergency medical services within Missouri City you must route those calls to Missouri City's or Fort Bend County's 911 center. Additionally, if, at any time after you receive this letter, you fail to hold or maintain a necessary license, permit, or other related authority to operate in the State of Texas for a period of five (5) or more days, this approval shall be deemed to be revoked.

If you have any questions, please contact Missouri City Fire & Rescue at 281-403-4300.

Sincerely,

Yolanda Ford
Mayor

Copy to:
Eugene Campbell, Jr., Fire Chief
E. Joyce Iyamu, City Attorney

CARE EMS INC
8018 MONTAGUE MANOR LN
HOUSTON, TX 77072
OFFICE: 281-940-9958



To: Mr. Eugene Campbell, Fire Chief, Missouri City
Missouri City Council

From: Edith Hart-Ray , Owner and Administrator, CARE EMS INC
Telephone # (281)940-9958
Date: 09/17/2019

Re: Letter of Approval for Missouri City

This letter is to seek the approval of the governing body, the Missouri City City Council, in order for our EMS Provider company to become licensed through the Texas Department of State Health Services to be able to provide and render our services to the community and patients of Missouri City and Fort Bend county area.

We are asking City Council to please grant CARE EMS INC permission and rights to operate within Missouri City and its city limits. This letter is being submitted prior to the actual TDSHS EMS Provider License application, since we are trying to ensure we would be able to operate within the City before beginning the application process. We have formed a partnership with NOA EMS INC, as part of the State's required Mutual Aid Agreement. We have come to an agreement, that if for whatever reason, due to a shortage, high volume, or in case of a disaster, we are unable to take some of our own calls, they would be forwarded to NOA EMS INC to ensure that all are responded to and taken care of.

CARE EMS INC strives to follow all rules, regulations, and guidelines set in place by the Texas Department of State Health Services, CMS, Medicare, TMHP, and by the Missouri City EMS Program. CARE EMS INC. would conduct internal inspections and monitor the company's office, vehicle(s) and documentation to ensure that we remain in compliance at all times. We would hold each and every one of our employees accountable and make them responsible for their assigned roles in our day to day operations. We are also in close touch with our Medical Director and make our office, vehicle(s), and documentation readily available to him for inspections, evaluations, and input for corrections and concerns.

CARE EMS INC assures that with the addition of our EMS Provider License, our company will not interfere or adversely affect any other existing EMS Providers and would be able to coexist within the same city in a professional manner. Also, since we believe our EMS company would not cause an oversupply for the City of EMS Providers. With Missouri City being a city that is continuously expanding, there are many patients that require EMS Providers to meet their needs. CARE EMS INC would ensure that any patients served by our company would be receiving the highest quality of care that can be given.

Please take our request for a Letter of Approval into consideration, if there are any questions or concerns, please contact me at the phone # and email listed above.

Thank you,

DocuSigned by:

4B9B0F4917A64EA

Edith Hart-Ray,
Owner and Administrator of Record
Care EMS Inc



CITY COUNCIL AGENDA ITEM COVER MEMO

October 7, 2019

To: Mayor and City Council
Agenda Item: 10(a) Consider and take action on an ordinance approving an ad valorem tax rate for the City of Missouri City, Texas, upon all taxable property within the corporate limits of the City for the Fiscal Year ending September 30, 2020; directing the assessment and collection thereof; providing for a severability clause; and providing for an effective date.

Staff requests first and final reading.

Submitted by: Allena Portis, Director of Financial Services

SYNOPSIS

Approval of this ordinance will set a property tax rate of \$0.63000 per \$100 for Fiscal Year 2020.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Maintain a financially sound City

BACKGROUND

Section 102.009 9a) of the Local Government Code states, "The governing body of the municipality may levy taxes only in accordance with the budget." On September 16, 2019, City Council adopted the Fiscal Year 2020 Budget based on a property tax rate of \$0.63000 per \$100 valuation. On September 3, 2019, City Council proposed a tax rate of \$0.63000 per \$100 for Fiscal Year 2020 and ratified a tax increase based upon a tax rate of \$0.63000 per \$100 valuation. Since the proposed rate exceeded the effective tax rate of \$0.0, public hearings were required. These hearings were held on September 12th and September 23rd.

Total Tax Rate	\$0.630000
Debt Rate	\$0.163613
M&O Rate	\$0.466387

Effective M&O Rate	\$0.440982
Effective Rate	\$0.603916
Rollback Rate	\$0.639873

BUDGET ANALYSIS

Using a 99% collection factor, the total tax revenue proposed to be raised in FY2020 at the proposed tax rate of **\$0.630000** for each \$100 of taxable value, including tax revenue to be raised from new property added to the tax roll this year, is \$44,076,188. The proposed property tax rate is the same rate for the 2018 tax year. Any increase/decrease in tax to property owners would be due to an increase or decrease in their property's assessed valuation.

SUPPORTING MATERIALS

1. Tax Rate Ordinance

STAFF'S RECOMMENDATION

Staff recommends approval of the FY2020 Tax Rate of \$0.63000.

Director Approval: Allena Portis, Director of Financial Services

**Assistant City Manager/
City Manager Approval: Anthony J. Snipes, City Manager**

ORDINANCE NO. O-19-__

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, PROVIDING FOR THE ASSESSMENT, LEVY, AND COLLECTION OF AD VALOREM TAXES FOR THE CITY OF MISSOURI CITY, TEXAS, FOR THE TAX YEAR 2019 AND FOR EACH YEAR THEREAFTER UNTIL OTHERWISE PROVIDED; PROVIDING THE DATE ON WHICH SUCH TAXES SHALL BE DUE AND TIMELY PAID; AND AUTHORIZING AN ADDITIONAL PENALTY FOR THE COLLECTION OF DELINQUENT AD VALOREM TAXES IN LIEU OF RECOVERING ATTORNEYS' FEES.

* * * * *

WHEREAS, the Budget of the City of Missouri City, Texas, for the fiscal year period beginning October 1, 2019, and ending September 30, 2020 ("Fiscal Year 2020"), has been adopted; and

WHEREAS, certain revenues from sources other than ad valorem taxes will be available for a portion of the expenditures of such budget; and

WHEREAS, ad valorem taxes should be levied and collected to provide the additional revenues necessary to meet the remaining portion of such expenditures; now, therefore, in accordance with such Budget and pursuant hereto,

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

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

Section 2. All property subject to ad valorem taxation by the City of Missouri City, Texas, shall be equally and uniformly assessed for such purposes at one hundred percent (100%) of the full cash market value of such property.

Section 3. There is hereby levied for general purposes for use by the City of Missouri City, Texas, for tax year 2019, and for each year thereafter until otherwise provided, an annual ad valorem tax at the rate of \$0.466387 on each One Hundred Dollars (\$100.00) of assessed valuation on all property, real, personal, and mixed, within the corporate limits upon which an ad valorem tax is authorized by law to be levied by the City of Missouri City, Texas. THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 5.76 (INSERT PERCENTAGE BY WHICH

THE TAX RATE EXCEEDS THE EFFECTIVE MAINTENANCE AND OPERATIONS RATE) PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$6.39. The proceeds from such tax shall be applied to the payment of the general and current expenses of the government of the City, including payment of any obligations for which taxes are not levied by another section hereof and for the payment for which provision is not otherwise made. All such taxes shall be assessed and collected in current money of the United States of America.

Section 4. For the purpose of paying the interest on bonds, warrants, certificates of obligation, or other lawfully authorized evidence of indebtedness issued by the City of Missouri City, Texas, including the various installments of principal due on the serial bonds, warrants, certificates of obligation, or other lawfully authorized evidence of indebtedness issued by the City as such installments shall respectively mature, and for the purpose of repaying any sums borrowed in anticipation of current revenues for use in the payment of bonds and certificates of obligation and interest therein maturing in the Fiscal Year 2020, and for the purpose of paying interest and making provisions for the sinking fund on such other bond issues, warrants, certificates of obligation, or other lawfully authorized evidence of indebtedness as may be authorized, there is hereby levied for the tax year 2019 and for each year thereafter until otherwise provided, to be assessed and collected upon all property described in Section 3 of this Ordinance, an annual ad valorem tax rate at the rate of \$0.163613 on each One Hundred Dollars (\$100.00) of assessed valuation.

Section 5. All ad valorem taxes levied hereby in the total amount of \$0.63000 on each One Hundred Dollars (\$100.00) of assessed valuation, as reflected in Sections 3 and 4 hereof, shall be due and payable upon receipt of the tax bill. All ad valorem taxes due to the City of Missouri City, Texas, and not paid on or before February 1 following the year for which they were levied shall bear penalty and interest as prescribed in the Texas Tax Code Annotated, as such code may be amended.

Section 6. That on July 1, 2020, all tax accounts which are delinquent for the tax year 2019 will incur, in addition to the interest and penalties referenced in Section 5, above, additional penalties in the amount of fifteen percent (15%) of the sum of the tax, penalty and interest then due, and to be due, in order to help defray the cost of collection of the same.

Section 7. That the Tax Collector shall deliver a notice of delinquency and of this additional penalty to the property owner of each tax account, at least thirty (30) and not more than sixty (60) days before July 1, 2020.

PASSED, APPROVED and ADOPTED on first and final reading this 7th day of October, 2019.

Yolanda Ford, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Jackson, City Secretary

E. Joyce Iyamu, City Attorney



**CITY COUNCIL
AGENDA ITEM COVER MEMO**

October 7, 2019

To: Mayor and City Council
Agenda Item: 10(b) Consideration and approval of an ordinance authorizing sale of General Obligation and Refunding Bonds, Series 2019, in the aggregate principal not to exceed \$14,000,000
Submitted by: Allena Portis, Director of Financial Services

SYNOPSIS

The City's Fiscal Year 2020 Budget includes the sale of general obligation and refunding bonds in a principal amount of up to \$14,000,000 to refund General Obligation Bonds Series 2010A and fund a variety of critical public purposes including the costs of issuance.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Maintain a financially sound City
- Have quality development through buildout

BACKGROUND

In 2003, 2008 and 2014, the voters approved the sale of general obligation bonds in the amounts and for the purposes shown below. This sale is part of those previously authorized issues.

Purpose	Date Authorized	Bond Amount Authorized	Total Amount Previously Issued	Unissued Balance	FY2020 Proposed	Remaining Authorization
Drainage Improvements	9/13/2003	20,000,000	6,737,000	13,263,000	1,640,000	11,623,000
Public Safety	9/13/2003	8,200,000	8,172,000	28,000	28,000	-
Parks & Recreation	11/4/2008	17,500,000	17,500,000	-		-
Drainage Improvements	5/10/2014	6,500,000	2,550,000	3,950,000		3,950,000
Mobility & Transportation	5/10/2014	22,800,000	21,923,000	877,000	877,000	-
Fire Station 6 Facility Improvements	5/10/2014	5,000,000	-	5,000,000	4,072,000	928,000
Totals		132,500,000	113,105,000	27,721,000	7,401,000	20,320,000

As shown in the table above, the General Obligation Bonds, Series 2019, will fund improvements for Public Safety, Drainage, Mobility, Fire Station #6 and Facilities. All of the projects included in these areas were discussed as part of the FY2020-24 Capital Improvement Plan adopted with the Fiscal Year 2020 Budget at the September 16 meeting. The projects identified for this bond sales are as follows:

Drainage:

Cangelosi Detention (Project No. 40038)	\$1,600,000
American Legion (Project No. 1DRNEW2)	\$20,000
Buffalo Run (Project No. 1DRNEW3)	\$20,000

Facilities:

Expansion of Public Safety (Project No. 20018)	\$284,000
Park Maintenance Facility	\$500,000

Mobility

Waterfall Drive Construction	\$877,000
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Public Safety

Fire Station #1 Renovation	\$28,000
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Fire Station

Fire Station #6 Design & Construction	\$4,072,000
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The method of the sale being described in the attached ordinance allows the City Council to give authority to certain officials to negotiate with the underwriter to finalize the transaction. This ordinance prescribes the terms of the sale that are acceptable to the City and authorizes specified officers to act on behalf of the City in relation to the sale. The parameters of the sale are outlined in Section 3.01(a) of the ordinance.

BUDGET ANALYSIS

The funding source for 2019 G O Bonds will be ad valorem taxes. The total amount of new money issued is \$7,401,000. The issue also includes refunding Series 2010 A Bonds in the amount of \$5,640,000 for an estimated net present value savings of approximately \$574,000 or 10%.

Purchasing Review: N/A

Financial/Budget Review: N/A

SUPPORTING MATERIALS

1. Ordinance

STAFF'S RECOMMENDATION

Approve the ordinance authorizing the sale of General Obligation and Refunding Bonds, Series 2019, in a principal amount of \$14,000,000 through a parameter sale.

Director Approval:

Allena Portis, Director of Financial Services

**Assistant City Manager/
City Manager Approval:**

Anthony J. Snipes, City Manager

ORDINANCE NO. O-19-__

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF MISSOURI CITY, TEXAS, GENERAL OBLIGATION AND REFUNDING BONDS, SERIES 2019, IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$14,000,000; LEVYING A TAX IN PAYMENT THEREOF; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE CONTRACT, A PAYING AGENT/REGISTRAR AGREEMENT AND AN OFFICER'S PRICING CERTIFICATE; APPROVING THE OFFICIAL STATEMENT; APPROVING THE ENGAGEMENT OF CERTAIN PROFESSIONALS IN CONNECTION WITH THE ISSUANCE OF THE BONDS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND ENACTING OTHER PROVISIONS RELATING THERETO.

* * * * *

WHEREAS, the City of Missouri City, Texas (the "City") is authorized, pursuant to the general laws of the State of Texas, and particularly Chapter 1331, Texas Government Code, as amended, to issue its bonds for the purpose of making certain public facilities improvements, street improvements, drainage improvements, and to pay the costs in connection with the issuance of the Bonds; and

WHEREAS, the issuance of certain of the Bonds herein authorized was approved by the voters of the City at an election which was held for such purpose on September 13, 2003 ("2003 Election"), which was called by the City Council (the "City Council") pursuant to Ordinance No. O-03-21 adopted on July 21, 2003; and

WHEREAS, the issuance of certain of the Bonds herein authorized was approved by the voters of the City at an election which was held for such purpose on November 4, 2008 ("2008 Election"), which was called by the City Council pursuant to Ordinance No. O-08-48 adopted on August 18, 2008; and

WHEREAS, the issuance of certain of the Bonds herein authorized was approved by the voters of the City at an election which was held for such purpose on May 10, 2014 ("2014 Election"), which was called by the City Council pursuant to Ordinance No. O-14-09 adopted on February 17, 2014; and

WHEREAS, the voters approved the issuance of bonds in the aggregate principal amount of \$75,000,000 for the 2003 Election, \$8,200,000 which was for public safety (the "Public Safety Authorization") and \$20,000,000 of which was for drainage improvements (the "2003 Drainage Authorization"); and

WHEREAS, the voters approved the issuance of bonds in the aggregate principal amount of \$40,000,000 for the 2014 Election, \$6,500,000 for drainage improvements ("2014 Drainage Authorization"), \$22,800,000 for mobility improvements ("Mobility Authorization"), \$5,000,000 for the construction of a fire station ("Fire Station Authorization"), and \$5,700,000 for facilities improvements ("2014 Facilities Authorization"); and

WHEREAS, the City has previously issued (1) \$6,737,000 from the 2003 Drainage Authorization, (2) \$8,172,000 from the Public Safety Authorization, (3) \$21,923,000 from the

Mobility Authorization, and (4) \$1,097,000 from the 2014 Facilities Authorization, and (5) \$2,550,000 from the 2014 Drainage Authorization; and

WHEREAS, by this Ordinance the City Council is authorizing the issuance of its bonds in an amount not to exceed the aggregate principal amount of \$7,401,000, including any premium, which shall be counted against such voted authorizations, (1) \$28,000 to be allocated from the Public Safety Authorization, (2) \$4,072,000 to be allocated from the Fire Station Authorization, (3) \$1,640,000 to be allocated from the 2003 Drainage Authorization, (4) \$877,000 to be allocated from the Mobility Authorization, (5) \$784,000 to be allocated from the 2014 Facilities Authorization, and (6) to pay the costs in connection with the issuance of the Bonds; and

WHEREAS, the principal amount of bonds authorized by the 2003 Election, in connection with 2003 Drainage Authorization, remaining unissued after this issuance is \$11,623,000; and

WHEREAS, the principal amount of bonds authorized by the 2003 Election, in connection with Public Safety Authorization, remaining unissued after this issuance is \$0; and

WHEREAS, the principal amount of bonds authorized by the 2014 Election, in connection with 2014 Drainage Authorization, remaining unissued after this issuance is \$3,950,000; and

WHEREAS, the principal amount of bonds authorized by the 2014 Election, in connection with Mobility Authorization, remaining unissued after this issuance is \$0; and

WHEREAS, the principal amount of bonds authorized by the 2014 Election, in connection with Fire Station Authorization, remaining unissued after this issuance is \$928,000; and

WHEREAS, the principal amount of bonds authorized by the 2014 Election, in connection with 2014 Facilities Authorization, remaining unissued after this issuance is \$3,819,000; and

WHEREAS, the City has previously issued and there are presently outstanding certain obligations of the City; and

WHEREAS, the City is authorized, pursuant to the general laws of the State of Texas, and particularly Chapter 1207, Texas Government Code, as amended ("Chapter 1207"), to issue its bonds for the purpose of refunding all or a portion of its outstanding obligations; and

WHEREAS, by this Ordinance the City Council is authorizing the issuance of its bonds in the principal amount not exceed \$14,000,000 for the purposes set forth above and of refunding the City's outstanding obligations identified and described on Schedule I attached hereto and incorporated herein by reference for all purposes (the "Refunded Obligations"); and

WHEREAS, the City Council hereby finds, determines and declares that the refunding of the Refunded Obligations will result in a debt service savings representing a net present value savings for the City and that the issuance of the bonds herein authorized is necessary in order to lower the overall annual debt service requirements of the City; and

WHEREAS, the City is a home-rule municipality that has adopted a charter under Article XI, Section 5 of the Texas Constitution, has a population in excess of 50,000 and has a principal amount of at least \$100,000,000 in a combination of outstanding long-term indebtedness and long-term indebtedness proposed to be issued, and some amount of such long-term indebtedness is rated in one of the four highest rating categories for long-term debt instruments by a nationally recognized rating agency for municipal securities without regard to the effect of any credit agreement or other form of credit enhancement entered into in connection with the obligation, and therefore qualifies as an "Issuer" under Chapter 1371 of the Texas Government Code, as amended ("Chapter 1371"); and

WHEREAS, pursuant to Chapters 1371 and 1207, Texas Government Code, as amended, the City desires to delegate the authority to effect the sale of the certificates to the Authorized Officer (hereinafter defined); and

WHEREAS, the City Council has found and determined that it is necessary and in the best interest of the City and its citizens that it authorize by this Ordinance the issuance and delivery of its bonds in one or more series at this time; and

WHEREAS, the meeting at which this Ordinance is considered 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 by Chapter 551, Texas Government Code, as amended; now therefore;

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

ARTICLE I

DEFINITIONS AND OTHER PRELIMINARY MATTERS

Section 1.01. Definitions.

Unless otherwise expressly provided or unless the context clearly indicates otherwise in this Ordinance, the following terms shall have the meanings specified below:

"Authorized Officer" means the Mayor, City Manager, or Director of Finance of the City, who are authorized to act on behalf of the City in selling and delivering the Bonds, or such other officers of the City as designated in writing.

"Bond" means any of the Bonds.

"Bond Counsel" means Holland & Knight LLP

"Bond Date" means the date designated as the date of the Bonds by Section 3.02 of this Ordinance.

"Bonds" means any of the City's bonds authorized by this Ordinance and designated as "City of Missouri City, Texas, General Obligation and Refunding Bonds, Series 2019."

"Business Day" means any day which is not a Saturday, Sunday or legal holiday, or day on which banking institutions in the State of Texas or the city in which the Designated

Payment/Transfer Office is located are generally authorized or obligated by law or executive order to close.

"City" means the City of Missouri City, Texas.

"Closing Date" means the date of the initial delivery of and payment for the Bonds.

"Code" means the Internal Revenue Code of 1986, as amended, and with respect to a specific section thereof, such reference shall be deemed to include (a) the Regulation promulgated under such section, (b) any successor provision of similar import hereafter enacted, (c) any corresponding provision of any subsequent Internal Revenue Code and (d) the regulations promulgated under the provisions described in (b) and (c).

"Designated Payment/Transfer Office" means (i) with respect to the initial Paying Agent/Registrar named herein, its office in Dallas, Texas, or at such other location designated by the Paying Agent/Registrar and (ii) with respect to any successor Paying Agent/Registrar, the office of such successor designated and located as may be agreed upon by the City and such successor.

"DTC" means The Depository Trust Company of New York, New York, or any successor securities depository.

"DTC Participant" means brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants.

"Escrow Agent" means the entity identified in the Officers' Pricing Certificate.

"Escrow Agreement" means that certain Escrow Agreement, dated as of the Closing Date, between the City and the Escrow Agent.

"Escrow Fund" means the fund or funds established by the Escrow Agreement to hold cash and securities for the payment of debt service on the Refunded Obligations.

"Escrow Securities" means (1) direct noncallable obligations of the United States, including obligations that are unconditionally guaranteed by the United States; (2) noncallable obligations of any agency or instrumentality of the United States, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date of hereof, are rated as to investment quality by a nationally recognized investment rating firm not less than "AAA" or its equivalent; and (3) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date hereof, are rated as to investment quality by a nationally recognized investment rating firm not less than "AAA" or its equivalent.

"Event of Default" means any event of default as set forth in Section 9.01 of this Ordinance.

"Fiscal Year" means such fiscal year as shall from time to time be set by the City Council.

"Initial Bond" means the Initial Bond authorized by Section 3.01 of this Ordinance.

"Interest and Sinking Fund" means the interest and sinking fund established by Section 2.02 of this Ordinance.

"Interest Payment Date" means the date or dates on which interest on the Bonds is scheduled to be paid until their respective dates of maturity or prior redemption, such dates being June 15 and December 15, commencing June 15, 2020.

"MSRB" means the Municipal Securities Rulemaking Board.

"Officer's Pricing Certificate" means a certificate or certificates to be signed by the Authorized Officer in connection with the issuance of Bonds under this Ordinance.

"Ordinance" as used herein and in the Bonds means this ordinance authorizing the Bonds.

"Owner" means the person who is the registered owner of a Bond or Bonds, as shown in the Register.

"Paying Agent/Registrar" means initially The Bank of New York Mellon Trust Company, N.A., Dallas, Texas, or any successor thereto as provided in this Ordinance.

"Paying Agent/Registrar Agreement" means the Paying Agent/Registrar Agreement between the Paying Agent/Registrar and the City relating to the Bonds.

"Project" means the purposes for which the Bonds are issued as set forth in Section 3.01.

"Record Date" means the close of business on the last business day of the month preceding the applicable Interest Payment Date.

"Refunded Obligations" means the obligations of the City being refunded with a portion of the proceeds of the Bonds as described on Schedule I.

"Register" means the bond register specified in Section 3.09(a) of this Ordinance.

"Regulations" means the applicable, proposed, temporary or final Treasury Regulations promulgated under the Code, or, to the extent applicable to the Code, under the Internal Revenue Code of 1954, as such regulations may be amended or supplemented from time to time.

"Representation Letter" means the Blanket Letter of Representations between the City and DTC.

"Rule" means SEC Rule 15c2-12, as amended from time to time.

"SEC" means the United States Securities and Exchange Commission.

"Special Payment Date" means the Special Payment Date prescribed by Section 3.06(b) of this Ordinance.

"Special Record Date" means the Special Record Date prescribed by Section 3.06(b) of this Ordinance.

"Unclaimed Payments" means money deposited with the Paying Agent/Registrar for the payment of principal of, redemption premium, if any, or interest on the Bonds as the same becomes due and payable or money set aside for the payment of Bonds duly called for redemption prior to maturity and remaining unclaimed by the Owners of such Bonds for 90 days after the applicable payment or redemption date.

"Underwriters" mean UMB Bank, N.A., to serve as the senior underwriter, Loop Capital Markets LLC and Stifel, Nicolaus & Company, together, as co-managers, in connection with the issuance and sale of the Bonds.

Section 1.02. Findings.

The declarations, determinations and findings declared, made and found in the preamble to this Ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

Section 1.03. Titles and Headings.

The titles and headings of the Articles and Sections of this Ordinance have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof and shall never be considered or given any effect in construing this Ordinance or any provision hereof or in ascertaining intent, if any question of intent should arise.

Section 1.04. Interpretation.

(a) Unless the context requires otherwise, words of the masculine gender shall be construed to include correlative words of the feminine and neuter genders and vice versa, and words of the singular number shall be construed to include correlative words of the plural number and vice versa.

(b) Any action required to be taken on a date which is not a Business Day shall be taken on the next succeeding Business Day and have the same effect as if taken on the date so required.

(c) This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein to sustain the validity of this Ordinance.

(d) Article and section references shall mean references to articles and sections of this Ordinance unless otherwise designated.

ARTICLE II

SECURITY FOR THE BONDS; INTEREST AND SINKING FUND

Section 2.01. Tax Levy.

(a) Pursuant to the authority granted by the Texas Constitution and the laws of the State of Texas, there shall be levied and there is hereby levied for the current year and for each succeeding year thereafter while any of the Bonds or any interest thereon is outstanding and unpaid, an ad valorem tax on each one hundred dollars valuation of taxable property within the City, at a rate sufficient, within the limit prescribed by law, to pay the debt service requirements of the Bonds, being (i) the interest on the Bonds, and (ii) a sinking fund for their redemption at maturity or a sinking fund of 2% per annum (whichever amount is greater), when due and payable, full allowance being made for delinquencies and costs of collection.

(b) The ad valorem tax thus levied shall be assessed and collected each year against all property appearing on the tax rolls of the City most recently approved in accordance with law and the money thus collected shall be deposited as collected to the Interest and Sinking Fund.

(c) Said ad valorem tax, the collections therefrom, and all amounts on deposit in or required hereby to be deposited to the Interest and Sinking Fund are hereby pledged and committed irrevocably to the payment of the principal of and interest on the Bonds when and as due and payable in accordance with their terms and this Ordinance.

Section 2.02. Interest and Sinking Fund.

(a) The City hereby establishes a special fund or account, to be designated the "City of Missouri City, Texas, General Obligation Improvement and Refunding Bonds, Series 2019, Interest and Sinking Fund," said fund to be maintained at an official depository bank of the City separate and apart from all other funds and accounts of the City.

(b) Money on deposit in or required by this Ordinance to be deposited to the Interest and Sinking Fund shall be used solely for the purpose of paying the interest on and principal of the Bonds when and as due and payable in accordance with their terms and this Ordinance.

ARTICLE III

AUTHORIZATION; GENERAL TERMS AND PROVISIONS REGARDING THE BONDS

Section 3.01. Amount, Purpose and Authorization.

The City's bonds to be designated "City of Missouri City, Texas General Obligation and Refunding Bonds, Series 2019" are hereby authorized to be issued and delivered in accordance with the Constitution and the laws of the State of Texas, including particularly Chapters 1331, 1371, and 1207, Texas Government Code. Bonds shall be issued in fully registered form, without coupons, under and pursuant to the authority of the Ordinance in the total authorized aggregate principal amount not to exceed \$14,000,000 as set forth in the Officer's Pricing Certificate (form of which is attached hereto as **EXHIBIT B**) for the purpose of (1) funding certain drainage improvement needs of the City; (2) funding public safety improvement needs of

the City; (3) funding certain mobility improvement needs of the City, (4) funding certain facilities (including a fire station) needs of the City; (5) refunding and defeasing the Refunded Obligations; and (6) paying certain costs related to the issuance of the Bonds and the refunding and defeasing of the Refunded Obligations. Premium from the sale of the Bonds used for (1)-(5) above, if any, will be counted against the amount of bonds authorized by the voters.

Section 3.01A. Sale, Execution and Delivery of the Bonds.

As authorized by Chapter 1371, Texas Government Code, as amended, Authorized Officer is hereby authorized to act on behalf of the City in selling and delivering the Bonds and carrying out other procedures specified herein, including agreeing to and stipulating the price at which the Bonds will be sold, the date or dates on which the Bonds will be sold, the years in which the Bonds will mature, the total principal amount of the Bonds and the principal amount to mature in each of such years of maturity, the rate of interest to be borne by each such maturity, the dates, prices and terms, if any, upon which the Bonds will be subject to optional redemption, if applicable, prior to maturity, the purchase of a bond insurance policy or policies, if any, for all or any portion of the Bonds, and all other matters relating to the issuance, sale and delivery of the Bonds, all of which shall be specified in the Officer's Pricing Certificate, provided that:

(1) the price to be paid for the Bonds shall be not be less than 90% of the aggregate original principal amount of the Bonds;

(2) none of the Bonds shall bear interest at a rate greater than 15% per annum or in excess of the maximum rate allowed by Chapter 1204, Texas Government Code, as amended;

(3) prior to delivery, the Bonds to be issued must have been rated by a nationally recognized rating agency for municipal securities in one of the four highest rating categories for long-term obligations; and

(4) in connection with each series of Bonds issued in whole or in part for refunding purposes, the refunding of the Refunded Obligations shall produce a net present value debt service savings of at least 6.0% of the principal amount of the Refunded Obligations being refunded with such series of Bonds.

The authority granted to the Authorized Officer in this Section shall expire on a date one year from the date of this Ordinance, unless otherwise extended by the City by separate action.

The issuance of the Bonds is hereby authorized under and in accordance with the Officer's Pricing Certificate, the officers of the City are each hereby authorized to execute, attest, and affix the City's seal to the Bonds and to deliver the Bonds to the Attorney General of the State of Texas for approval, the Comptroller of Public Accounts for registration and the Paying Agent/Registrar for authentication, and thereafter to deliver such Bonds to the Underwriters pursuant to the Bond Purchase Contract authorized in Section 6.01 herein.

Section 3.02. Designation, Date and Interest Payment Dates.

Bonds shall be designated as the "City of Missouri City, Texas, General Obligation and Refunding Bonds, Series 2019," and shall be dated November 15, 2019. The Bonds shall bear interest at the rates set forth herein, from the later of the Closing Date or the most recent Interest Payment Date to which interest has been paid or duly provided for, calculated on the

basis of a 360-day year of twelve 30-day months, payable on each June 15 and December 15, beginning June 15, 2020, until maturity or prior redemption.

If interest on any Bond is not paid on any Interest Payment Date and continues unpaid for thirty (30) days thereafter, the Paying Agent/Registrar shall establish a new record date for the payment of such interest, to be known as a Special Record Date. The Paying Agent/Registrar shall establish a Special Record Date when funds to make such interest payment are received from or on behalf of the City. Such Special Record Date shall be fifteen (15) days prior to the date fixed for payment of such past due interest, and notice of the date of payment and the Special Record Date shall be sent by United States mail, first class, postage prepaid, not later than five (5) days prior to the Special Record Date, to each affected Registered Owner as of the close of business on the day prior to mailing of such notice.

Section 3.03. Numbers Denomination Interest Rates and Maturities.

The Bonds shall be initially issued bearing the numbers, in the principal amounts and bearing interest at the rates set forth below and may be transferred and exchanged as set out in this Ordinance. The Bonds shall mature on June 15 in each of the years and in the amounts as set forth in the Officer's Pricing Certificate. Bonds delivered in transfer of or in exchange for other Bonds shall be numbered in order of their authentication by the Paying Agent/Registrar, shall be in the denomination of \$5,000 or integral multiples thereof and shall mature on the same date and bear interest at the same rate as the Bond or Bonds in lieu of which they are delivered. The Bonds shall be numbered separately from R-1 upward, except the Initial Bond, which shall be numbered T-1.

Section 3.04. Redemption Prior to Maturity.

The Bonds are subject to optional redemption and mandatory redemption as set forth herein.

(a) *Optional Redemption.* The Bonds maturing on or after June 15, 2029 are subject to redemption at the option of the City on June 15, 2028 or on any date thereafter, in whole or in part, at a redemption price of par plus accrued interest to the date of redemption.

The City, at least 45 days before the redemption date, unless a shorter period shall be satisfactory to the Paying Agent/Registrar, shall notify the Paying Agent/Registrar of such redemption date and of the principal amount of Bonds to be redeemed.

(b) *Mandatory Sinking Fund Redemption.*

(i) The Bonds designated as "Term Bonds" in the Officer's Pricing Certificate ("Term Bonds"), if any, are subject to scheduled mandatory redemption and will be redeemed by the City, in part, at a price equal to the principal amount thereof, without premium, plus accrued interest to the redemption date, out of moneys available for such purpose in the Interest and Sinking Fund, on the dates and in the respective principal amounts as set forth in the Officer's Pricing Certificate.

(ii) Prior to each scheduled mandatory redemption date, the Paying Agent/Registrar shall select for redemption by lot, or by any other customary method that results in a random selection, a principal amount of Term Bonds equal to the aggregate principal amount of such Term Bonds to be redeemed, shall call such Term Bonds for

redemption on such scheduled mandatory redemption date, and shall give notice of such redemption, as provided in Section 3.04(d).

(iii) The principal amount of the Term Bonds required to be redeemed on any redemption date pursuant to Section 3.04(b)(i) shall be reduced, at the option of the City, by the principal amount of any Term Bonds which, at least 45 days prior to the mandatory sinking fund redemption date shall have been acquired by the City at a price not exceeding the principal amount of such Term Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, or shall have been redeemed pursuant to the optional redemption provisions hereof and not previously credited to a mandatory sinking fund redemption.

(c) *Partial Redemption.* If less than all of the Bonds are to be redeemed pursuant to this Section, the City shall determine the maturity or maturities and the amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot the Bonds, or portions thereof, within such maturity or maturities and in such principal amounts for redemption at the close of business on the Business Day next preceding the date of mailing such notice.

A portion of a single Bond of a denomination greater than \$5,000 may be redeemed, but only in a principal amount equal to \$5,000 or any integral multiple thereof. If such a Bond is to be partially redeemed, the Paying Agent/Registrar shall treat each \$5,000 portion of a Bond as though it were a single Bond for purposes of selection for redemption.

Upon surrender of any Bond for redemption in part, the Paying Agent/Registrar, in accordance with Section 3.10 of this Ordinance, shall authenticate and deliver an exchange Bond or Bonds in an aggregate principal amount equal to the unredeemed portion of the Bond so surrendered, such exchange being without charge, notwithstanding any provision of Section 3.10 to the contrary.

(d) *Notice of Redemption.* Notice of any redemption shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, at least 30 days prior to the date fixed for any such redemption, to the registered owner of each Bond, or portion thereof to be redeemed, at its address as it appeared on the Register on the close of business on the business day next preceding the date of mailing such notice; provided, however, that the failure to send, mail, or receive such notice, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond. By the date fixed for any such redemption, due provision shall be made by the City with the Paying Agent/Registrar for the payment of the required redemption price for this Bond or the portion hereof which is to be so redeemed, plus accrued interest thereon to the date fixed for redemption. If such notice of redemption is given, and if due provision for such payment is made, all as provided above, this Bond, or the portion thereof which is to be so redeemed, thereby automatically shall be redeemed prior to its scheduled maturity, and shall not bear interest after the date fixed for its redemption, and shall not be regarded as being outstanding except for the right of the registered owner to receive the redemption price plus accrued interest to the date fixed for redemption from the Paying Agent/Registrar out of the funds provided for such payment. The Paying Agent/ Registrar shall record in the Register all such redemptions of principal of this Bond or any portion hereof. If a portion of any Bond shall be redeemed, a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in any denomination or denominations in any integral multiple of \$5,000, at the written request of the registered owner, and in aggregate principal amount equal to the unredeemed portion

thereof, will be issued to the registered owner upon the surrender thereof for cancellation, at the expense of the City, all as provided in the Ordinance.

(e) *Conditional Redemption.* The City reserves the right in the case of an optional redemption to give notice of its election or direction to redeem Bonds conditioned upon the occurrence of subsequent events. Such notice may state (i) that the redemption is conditioned upon the deposit of moneys and/or authorized securities, in an amount equal to the amount necessary to effect the redemption, with the Paying Agent/Registrar, or such other entity as may be authorized by law, no later than the redemption date or (ii) that the City retains the right to rescind such notice at any time prior to the scheduled redemption date if the City delivers a certificate of the City to the Paying Agent/Registrar instructing the Paying Agent/Registrar to rescind the redemption notice, and such notice and redemption shall be of no effect if such moneys and/or authorized securities are not so deposited or if the notice is rescinded. The Paying Agent/Registrar shall give prompt notice of any such rescission of a conditional notice of redemption to the affected owners. Any Bonds subject to conditional redemption where redemption has been rescinded shall remain outstanding, and the rescission shall not constitute an Event of Default. Further, in the case of a conditional redemption, the failure of the City to make moneys and/or authorized securities available in part or in whole on or before the redemption date shall not constitute an Event of Default.

Section 3.05. This section intentionally deleted.

Section 3.06. Medium, Method and Place of Payment.

(a) The principal of and interest on the Bonds shall be paid in lawful money of the United States of America.

(b) Interest on the Bonds shall be payable to the Owners as shown in the Register at the close of business on the Record Date; provided, however, that in the event of nonpayment of interest on a scheduled Interest Payment Date and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date," which date shall be fifteen (15) days after the Special Record Date) shall be sent at least five (5) Business Days prior to the Special Record Date by United States mail, first class, postage prepaid, to the address of each Owner of a Bond appearing in the Register at the close of business on the last Business Day next preceding the date of mailing of such notice.

(c) Interest on each Bond shall be paid by check, dated as of the Interest Payment Date, and mailed on or before such Interest Payment Date, by United States mail, first class, postage prepaid, by the Paying Agent/Registrar to each Owner at the address of each Owner as it appears in the Register, or by such other customary banking arrangements acceptable to the Paying Agent/Registrar and the Owner; provided, however, that such Owner shall bear all risk and expense of such other customary banking arrangements.

(d) The principal of each Bond shall be paid to the Owner thereof on the due date (whether at the maturity date or the date of prior redemption thereof) upon presentation and surrender of such Bond at the Designated Payment/Transfer Office.

(e) If the date for the payment of the principal of or interest on the Bonds is not a Business Day, the date for such payment shall be the next succeeding Business Day, and payment on such date shall have the same force and effect as if made on the original date payment was due and no additional interest shall be due by reason of nonpayment on the date on which such payment is otherwise stated to be due and payable.

(f) Unclaimed Payments of amounts due hereunder shall be segregated in a special account and held in trust, uninvested by the Paying Agent/Registrar, for the account of the Owner of the Bonds to which such Unclaimed Payments pertain. Subject to Title 6 of the Texas Property Code, any Unclaimed Payments remaining unclaimed by the Owners entitled thereto for three years after the applicable payment or redemption date shall be applied to the next payment or payments on the Bonds thereafter coming due and, to the extent any such money remains three years after the retirement of all outstanding Bonds, such money shall be paid to the City to be used for any lawful purpose. Thereafter, neither the City, the Paying Agent/Registrar nor any other person shall be liable or responsible to any holders of such Bonds for any further payment of such unclaimed moneys or on account of any such Bonds, subject to Title 6 of the Texas Property Code.

Section 3.07. Execution and Registration of Bonds.

(a) The Bonds shall be executed on behalf of the City by the Mayor and the City Secretary, by their manual or facsimile signatures, and the official seal of the City shall be impressed or placed in facsimile thereon. Such facsimile signatures on the Bonds shall have the same effect as if each of the Bonds had been signed manually and in person by each of said officers, and such facsimile seal on the Bonds shall have the same effect as if the official seal of the City had been manually impressed upon each of the Bonds.

(b) In the event that any officer of the City whose manual or facsimile signature appears on the Bonds ceases to be such officer before the authentication of such Bonds or before the delivery thereof, such manual or facsimile signature nevertheless shall be valid and sufficient for all purposes as if such officer had remained in such office.

(c) Except as provided below, no Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit of this Ordinance unless and until there appears thereon the Certificate of Paying Agent/Registrar substantially in the form provided herein, duly authenticated by manual execution by an officer or duly authorized signatory of the Paying Agent/Registrar. It shall not be required that the same officer or authorized signatory of the Paying Agent/Registrar sign the Certificate of Paying Agent/Registrar on all of the Bonds. In lieu of the executed Certificate of Paying Agent/Registrar described above, the Initial Bond delivered at the Closing Date shall have attached thereto the Comptroller's Registration Certificate substantially in the form provided herein, manually executed by the Comptroller of Public Accounts of the State of Texas, or by her duly authorized agent, which certificate shall be evidence that the Initial Bond has been duly approved by the Attorney General of the State of Texas and that it is a valid and binding obligation of the City, and that it has been registered by the Comptroller of Public Accounts of the State of Texas.

(d) On the Closing Date, one Initial Bond representing the entire principal amount of all Bonds, payable in stated installments to the representative of the Underwriters, or its designee, executed by the manual or facsimile signatures of the Mayor and City Secretary of the City, approved by the Attorney General, and registered and manually signed by the Comptroller of Public Accounts, will be delivered to the representative of the Underwriters or its

designee. Upon payment for the Initial Bond, the Paying Agent/Registrar shall cancel the Initial Bond and deliver to DTC on behalf of the representative of the Underwriters one registered definitive Bond for each year of maturity of the Bonds in the aggregate principal amount of all Bonds for such maturity, registered in the name of Cede & Co., as nominee of DTC.

Section 3.08. Ownership.

(a) The City, the Paying Agent/Registrar and any other person may treat the person in whose name any Bond is registered as the absolute owner of such Bond for the purpose of making and receiving payment of the principal thereof, for the further purpose of making and receiving payment of the interest thereon, and for all other purposes (except interest will be paid to the person in whose name such bond is registered on the Record Date or Special Record Date, as applicable), whether or not such Bond is overdue, and neither the City nor the Paying Agent/Registrar shall be bound by any notice or knowledge to the contrary.

(b) All payments made to the Owner of a Bond shall be valid and effectual and shall discharge the liability of the City and the Paying Agent/Registrar upon such Bond to the extent of the sums paid.

Section 3.09. Registration, Transfer and Exchange.

(a) So long as any Bonds remain outstanding, the City shall cause the Paying Agent/Registrar to keep at the Designated Payment/Transfer Office a register (the "Register") in which, subject to such reasonable regulations as it may prescribe, the Paying Agent/Registrar shall provide for the registration and transfer of Bonds in accordance with this Ordinance.

(b) The ownership of a Bond may be transferred only upon the presentation and surrender of the Bond at the Designated Payment/Transfer Office with such endorsement or other evidence of transfer as is acceptable to the Paying Agent/Registrar. No transfer of any Bond shall be effective until entered in the Register.

(c) The Bonds shall be exchangeable upon the presentation and surrender thereof at the Designated Payment/Transfer Office for a Bond or Bonds of the same maturity and interest rate and in any denomination or denominations of any integral multiple of \$5,000 and in an aggregate principal amount equal to the unpaid principal amount of the Bonds presented for exchange. The Paying Agent/Registrar is hereby authorized to authenticate and deliver Bonds exchanged for other Bonds in accordance with this Section.

(d) Each exchange Bond delivered by the Paying Agent/Registrar in accordance with this Section shall constitute an original contractual obligation of the City and shall be entitled to the benefits and security of this Ordinance to the same extent as the Bond or Bonds in lieu of which such exchange Bond is delivered.

(e) No service charge shall be made to the Owner for the initial registration, subsequent transfer, or exchange for a different denomination of any of the Bonds. The Paying Agent/Registrar, however, may require the Owner to pay a sum sufficient to cover any tax or other governmental charge that is authorized to be imposed in connection with the registration, transfer or exchange of a Bond.

(f) Neither the City nor the Paying Agent/Registrar shall be required to issue, transfer, or exchange any Bond called for redemption, in whole or in part, within forty-five (45)

calendar days prior to the date fixed for redemption; provided, however, such limitation shall not be applicable to an exchange by the Owner of the uncalled principal balance of a Bond.

Section 3.10. Cancellation.

All Bonds paid or redeemed before scheduled maturity in accordance with this Ordinance, and all Bonds in lieu of which exchange Bonds or replacement Bonds are authenticated and delivered in accordance with this Ordinance, shall be cancelled and proper records shall be made regarding such payment, redemption, exchange or replacement. The Paying Agent/Registrar shall dispose of cancelled Bonds in accordance with the Securities Exchange Act of 1934.

Section 3.11. Temporary Bonds.

(a) Following the delivery and registration of the Initial Bond and pending the preparation of definitive Bonds, the proper officers of the City may execute and, upon the City's request, the Paying Agent/Registrar shall authenticate and deliver, one or more temporary Bonds that are printed, lithographed, typewritten, mimeographed or otherwise produced, in any authorized denomination, substantially of the tenor of the definitive Bonds in lieu of which they are delivered, without coupons, and with such appropriate insertions, omissions, substitutions and other variations as the officers of the City executing such temporary Bonds may determine, as evidenced by their signing of such temporary Bonds.

(b) Until exchanged for Bonds in definitive form, such Bonds in temporary form shall be entitled to the benefit and security of this Ordinance.

(c) The City, without unreasonable delay, shall prepare, execute and deliver to the Paying Agent/Registrar the Bonds in definitive form; thereupon, upon the presentation and surrender of the Bonds in temporary form to the Paying Agent/Registrar, the Paying Agent/Registrar shall cancel the Bonds in temporary form and shall authenticate and deliver in exchange therefor Bonds of the same maturity and series, in definitive form, in the authorized denomination, and in the same aggregate principal amount, as the Bonds in temporary form surrendered. Such exchange shall be made without the making of any charge therefor to any Owner.

Section 3.12. Replacement Bonds.

(a) Upon the presentation and surrender to the Paying Agent/Registrar of a mutilated Bond, the Paying Agent/Registrar shall authenticate and deliver in exchange therefor a replacement Bond of like tenor and principal amount, bearing a number not contemporaneously outstanding. The City or the Paying Agent/Registrar may require the Owner of such Bond to pay a sum sufficient to cover any tax or other governmental charge that is authorized to be imposed in connection therewith and any other expenses connected therewith.

(b) In the event that any Bond is lost, apparently destroyed or wrongfully taken, the Paying Agent/Registrar, pursuant to the applicable laws of the State of Texas and in the absence of notice or knowledge that such Bond has been acquired by a bona fide purchaser, shall authenticate and deliver a replacement Bond of like tenor and principal amount, bearing a number not contemporaneously outstanding, provided that the Owner first:

(i) furnishes to the Paying Agent/Registrar satisfactory evidence of his or her ownership of and the circumstances of the loss, destruction or theft of such Bond;

(ii) furnishes such security or indemnity as may be required by the Paying Agent/Registrar to save it and the City harmless;

(iii) pays all expenses and charges in connection therewith, including, but not limited to, printing costs, legal fees, fees of the Paying Agent/Registrar and any tax or other governmental charge that is authorized to be imposed; and

(iv) satisfies any other reasonable requirements imposed by the City and the Paying Agent/Registrar.

(c) If, after the delivery of such replacement Bond, a bona fide purchaser of the original Bond in lieu of which such replacement Bond was issued presents for payment such original Bond, the City and the Paying Agent/Registrar shall be entitled to recover such replacement Bond from the person to whom it was delivered or any person taking therefrom, except a bona fide purchaser, and shall be entitled to recover upon the security or indemnity provided therefor to the extent of any loss, damage, cost or expense incurred by the City or the Paying Agent/Registrar in connection therewith.

(d) In the event that any such mutilated, lost, apparently destroyed or wrongfully taken Bond has become or is about to become due and payable, the Paying Agent/Registrar, in its discretion, instead of issuing a replacement Bond, may pay such Bond if it has become due and payable or may pay such Bond when it becomes due and payable.

(e) Each replacement Bond delivered in accordance with this Section shall constitute an original additional contractual obligation of the City and shall be entitled to the benefits and security of this Ordinance to the same extent as the Bond or Bonds in lieu of which such replacement Bond is delivered.

Section 3.13. Book-Entry Only System.

Upon issuance of the Initial Bonds, the ownership of each such Bond shall be registered in the name of Cede & Co., as nominee of DTC. The definitive Bonds shall be initially issued in the form of a separate typewritten fully registered Bond for each of the maturities thereof. Upon initial issuance, the ownership of such Bonds shall be registered in the name of Cede & Co., as nominee of DTC, and except as provided in Section 3.11 hereof, all of the outstanding Bonds shall be registered in the name of Cede & Co., as nominee of DTC.

With respect to Bonds registered in the name of Cede & Co., as nominee of DTC, the City and the Paying Agent/Registrar shall have no responsibility or obligation to any DTC Participant or to any person on behalf of whom such a DTC Participant holds an interest in the Bonds. Without limiting the immediately preceding sentence, the City and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any DTC Participant or any other person, other than a Bondholder, as shown on the Register, of any notice with respect to the Bonds, including any notice of redemption or (iii) the payment to any DTC Participant or any other person, other than a Bondholder, as shown in the Register of any amount with respect to principal of or interest on the Bonds. Notwithstanding any other provision of this Ordinance to the contrary, the City and

the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Bond is registered in the Register as the absolute owner of such Bond for the purpose of payment of principal of and interest on the Bonds, for the purpose of all matters with respect to such Bond, for the purpose of registering transfer with respect to such Bond, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of and interest on the Bonds only to or upon the order of the respective owners, as shown in the Register as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payment of, premium, if any, and interest on the Bonds to the extent of the sum or sums so paid. No person other than an owner, as shown in the Register, shall receive a certificate evidencing the obligation of the City to make payments of amounts due pursuant to this Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the word "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

Section 3.14. Successor Securities Depository; Transfer Outside Book-Entry Only System.

In the event that the City or the Paying Agent/Registrar determines that DTC is incapable of discharging its responsibilities described herein and in the representation letter of the City to DTC, and that it is in the best interest of the beneficial owners of the Bonds that they be able to obtain certificated Bonds, or in the event DTC discontinues the services described herein, the City or the Paying Agent/Registrar shall (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Bonds to such successor securities depository or (ii) notify DTC and DTC Participants of the availability through DTC of Bonds and transfer one or more separate Bonds to DTC Participants having Bonds credited to their DTC accounts. In such event, the Bonds shall no longer be restricted to being registered in the Register in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Owners transferring or exchanging Bonds shall designate, in accordance with the provisions of this Ordinance.

Section 3.15. Payments to Cede & Co.

Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bonds are registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on such Bonds, and all notices with respect to such Bonds, shall be made and given, respectively, in the manner provided in the representation letter of the City to DTC.

ARTICLE IV

PAYING AGENT/REGISTRAR

Section 4.01. Appointment of Initial Paying Agent/Registrar.

The Bank of New York Mellon Trust Company, N.A. is hereby appointed as the initial Paying Agent/Registrar for the Bonds.

The Paying Agent/Registrar Agreement submitted to this City Council, the form of which is attached hereto as Exhibit C, is hereby approved. The Mayor is hereby authorized to amend, complete or modify such agreement as necessary and is further authorized to execute such agreement and the City Secretary is hereby authorized to attest such agreement.

Section 4.02. Qualifications.

Each Paying Agent/Registrar shall be a commercial bank, a trust company organized under the laws of the State of Texas, or any other entity duly qualified and legally authorized to serve as and perform the duties and services of paying agent and registrar for the Bonds.

Section 4.03. Maintaining Paying Agent/Registrar.

(a) At all times while any Bonds are outstanding, the City will maintain a Paying Agent/Registrar that is qualified under Section 4.02 of this Ordinance. The Mayor is hereby authorized and directed to execute an agreement with the Paying Agent/Registrar specifying the duties and responsibilities of the City and the Paying Agent/Registrar in substantially the form presented at this meeting, the form, terms and provisions of which are hereby approved. The signature of the Mayor shall be attested by the City Secretary.

(b) If the Paying Agent/Registrar resigns or otherwise ceases to serve as such, the City will promptly appoint a replacement, provided no such resignation shall be effective until a successor Paying Agent/Registrar has accepted the duties of Paying Agent/Registrar for the Bonds.

Section 4.04. Termination.

The City, upon not less than sixty (60) days notice, reserves the right to terminate the appointment of any Paying Agent/Registrar by delivering to the entity whose appointment is to be terminated written notice of such termination, provided, that such termination shall not be effective until a successor Paying Agent/Registrar has been appointed and has accepted the duties of Paying Agent/Registrar for the Bonds.

Section 4.05. Notice of Change to Owners.

Promptly upon each change in the entity serving as Paying Agent/Registrar, the City will cause notice of the change to be sent to each Owner by United States mail, first class, postage prepaid, at the address in the Register, stating the effective date of the change and the name and mailing address of the replacement Paying Agent/Registrar.

Section 4.06. Agreement to Perform Duties and Functions.

By accepting the appointment as Paying Agent/Registrar and executing the Paying Agent/Registrar Agreement, the Paying Agent/Registrar is deemed to have agreed to the provisions of this Ordinance and that it will perform the duties and functions of Paying Agent/Registrar prescribed thereby.

Section 4.07. Delivery of Records to Successor.

If a Paying Agent/Registrar is replaced, such Paying Agent/Registrar, promptly upon the appointment of the successor, will deliver the Register (or a copy thereof) and all other pertinent books and records relating to the Bonds to the successor Paying Agent/Registrar.

ARTICLE V

FORM OF THE BONDS

Section 5.01. Form Generally.

(a) The Bonds, including the Registration Certificate of the Comptroller of Public Accounts of the State of Texas to accompany the Initial Bond, the Certificate of the Paying Agent/Registrar, and the Assignment form to appear on each of the Bonds, (i) shall be substantially in the form set forth in this Article with such omissions, insertions and variations as may be required by the terms of this Ordinance, and (ii) may have such letters, numbers, or other marks of identification (including identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including any reproduction of an opinion of counsel) thereon as, consistently herewith, may be determined by the City or by the officers executing such Bonds, as evidenced by their execution thereof.

(b) Any portion of the text of any Bonds may be set forth on the reverse side thereof, with an appropriate reference thereto on the face of the Bonds.

(c) The definitive Bonds shall be typewritten, printed, lithographed, or engraved, and may be produced by any combination of these methods or produced in any other similar manner, all as determined by the officers executing such Bonds, as evidenced by their execution thereof.

(d) The Initial Bond submitted to the Attorney General of the State of Texas may be typewritten and photocopied or otherwise reproduced.

Section 5.02. Form of the Bonds.

The form of the Bonds, including the form of the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, to accompany the Initial Bond, the form of Certificate of the Paying Agent/Registrar and the form of Assignment appearing on the Bonds, shall be substantially as follows:

(a) The form of the Bonds, including the form of the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, to accompany the Initial Bond, the form of Certificate of the Paying Agent/Registrar and the form of Assignment appearing on the Bonds, shall be substantially as follows:

(a) Form of Bonds.

REGISTERED

REGISTERED

No. _____

\$ _____

United States of America
State of Texas

CITY OF MISSOURI CITY, TEXAS
GENERAL OBLIGATION AND REFUNDING BONDS
SERIES 2019

<u>INTEREST RATE:</u>	<u>MATURITY DATE:</u>	<u>CLOSING DATE:</u>	<u>CUSIP NUMBER:</u>
_____ %	June 15, _____	November 13, 2019	_____

The City of Missouri City, Texas (the "City"), in Fort Bend and Harris Counties, State of Texas, for value received, hereby promises to pay to

or registered assigns, on the Maturity Date specified above, the sum of

_____ DOLLARS

unless this Bond shall have been sooner called for redemption and the payment of the principal hereof shall have been paid or provided for, and to pay interest on such principal amount from the later of the Closing Date specified above or the most recent interest payment date to which interest has been paid or provided for until payment of such principal amount has been paid or provided for, at the per annum rate of interest specified above, computed on the basis of a 360-day year of twelve 30-day months, such interest to be paid semiannually on June 15 and December 15 of each year, commencing June 15, 2020.

The principal of this Bond shall be payable without exchange or collection charges in lawful money of the United States of America upon presentation and surrender of this Bond at the designated office in Dallas, Texas, of The Bank of New York Mellon Trust Company, N.A., as Paying Agent/Registrar (the "Designated Payment/Transfer Office"), or, with respect to a successor paying agent/registrar, at the Designated Payment/Transfer Office of such successor. Interest on this Bond is payable by check dated as of the interest payment date, and will be mailed on or before such interest payment date, by United States mail, first class, postage prepaid, by the Paying Agent/Registrar to the registered owner at the address shown on the registration books kept by the Paying Agent/Registrar, or by such other customary banking arrangements acceptable to the Paying Agent/Registrar and the person to whom interest is to be paid; provided, however, that such person shall bear all risk and expense of such other customary banking arrangements. For the purpose of the payment of interest on this Bond, the registered owner shall be the person in whose name this Bond is registered at the close of business on the "Record Date," which shall be the last business day of the month preceding

such interest payment date; provided, however, that in the event of nonpayment of interest on a scheduled interest payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date," which date shall be fifteen (15) days after the Special Record Date) shall be sent at least five (5) Business Days (as hereinafter defined) prior to the Special Record Date by United States mail, first class, postage prepaid, to the address of each registered owner of a Bond appearing on the books of the Paying Agent/Registrar at the close of business on the last Business Day next preceding the date of mailing of such notice.

If the date for the payment of the principal of or interest on this Bond is not a Business Day, the date for such payment shall be the next succeeding day which is not a Saturday, Sunday or legal holiday, or day on which banking institutions in the State of Texas or the city in which the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are generally authorized or obligated by law or executive order to close (a "Business Day"), and payment on such date shall for all purposes be deemed to have been made on the original date payment was due.

This Bond is dated November 15, 2018 and is one of a series of fully registered bonds specified in the title hereof issued in the aggregate principal amount of \$_____¹ (herein referred to as the "Bonds"), issued pursuant to a certain ordinance of the City (the "Bond Ordinance") and an officer's pricing certificate executed pursuant to the Bond Ordinance (together with the Bond Ordinance, the "Ordinance") for the purpose of funding certain drainage improvement needs of the City, funding public safety improvement needs of the City, funding certain mobility improvement needs of the City, funding certain facilities needs of the City and to pay the costs of issuing the Bonds.

The Bonds of this series scheduled to mature on and after June 15, 20__ may be redeemed prior to their scheduled maturities, in whole or in part, in principal amounts of \$5,000 or any integral multiple thereof, at the option of the City, on June 15, 20__, or on any date thereafter, at the redemption price of par plus accrued interest to the date fixed for redemption.

[Bonds maturing on June 15, 20__ (the "Term Bonds") are subject to mandatory sinking fund redemption prior to their scheduled maturity, and will be redeemed by the City, in part at a redemption price equal to the principal amount thereof, without premium, plus interest accrued to the redemption date, on the dates and in the principal amounts shown in the following schedule:

<u>\$ _____ Term Bonds Maturing June 15, 20__</u>	
<u>Mandatory Redemption Date</u>	<u>Principal Amount</u>
_____ (maturity)	\$ _____
	\$ _____

The Paying Agent/Registrar will select by lot or by any other customary method that results in a random selection the specific Term Bonds (or with respect to Term Bonds having a denomination in excess of \$5,000, each \$5,000 portion thereof) to be redeemed by mandatory

¹ Insert from Officer's Pricing Certificate.

redemption. The principal amount of Term Bonds required to be redeemed on any redemption date pursuant to the foregoing mandatory sinking fund redemption provisions hereof shall be reduced, at the option of the City, by the principal amount of any Term Bonds which, at least 45 days prior to the mandatory sinking fund redemption date (i) shall have been acquired by the City at a price not exceeding the principal amount of such Term Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, or (ii) shall have been redeemed pursuant to the optional redemption provisions hereof and not previously credited to a mandatory sinking fund redemption.]²

Not less than 30 days prior to a redemption date for the Bonds, the City shall cause a notice of redemption to be sent by United States mail, first class, postage prepaid, to the Owners of the Bonds to be redeemed at the address of the Owner appearing on the registration books of the Paying Agent/Registrar at the close of business on the business day next preceding the date of mailing such notice.

In the Ordinance, the City reserves the right in the case of an optional redemption to give notice of its election or direction to redeem Bonds conditioned upon the occurrence of subsequent events. Such notice may state (i) that the redemption is conditioned upon the deposit of moneys and/or authorized securities, in an amount equal to the amount necessary to effect the redemption, with the Paying Agent/Registrar, or such other entity as may be authorized by law, no later than the redemption date or (ii) that the City retains the right to rescind such notice at any time prior to the scheduled redemption date if the City delivers a certificate of the City to the Paying Agent/Registrar instructing the Paying Agent/Registrar to rescind the redemption notice, and such notice and redemption shall be of no effect if such moneys and/or authorized securities are not so deposited or if the notice is rescinded. The Paying Agent/Registrar shall give prompt notice of any such rescission of a conditional notice of redemption to the affected owners. Any Bonds subject to conditional redemption where redemption has been rescinded shall remain outstanding, and the rescission shall not constitute an Event of Default. Further, in the case of a conditional redemption, the failure of the City to make moneys and/or authorized securities available in part or in whole on or before the redemption date shall not constitute an Event of Default.

As provided in the Ordinance, and subject to certain limitations therein set forth, this Bond is transferable upon surrender of this Bond for transfer at the Designated Payment/Transfer Office of the Paying Agent/Registrar with such endorsement or other evidence of transfer as is acceptable to the Paying Agent/Registrar; thereupon, one or more new fully registered Bonds of the same stated maturity, of authorized denominations, bearing the same rate of interest, and for the same aggregate principal amount will be issued to the designated transferee or transferees.

The City, the Paying Agent/Registrar, and any other person may treat the person in whose name this Bond is registered as the owner hereof for the purpose of receiving payment as herein provided (except interest shall be paid to the person in whose name this Bond is registered on the "Record Date" or "Special Record Date," as applicable) and for all other purposes, whether or not this Bond be overdue, and neither the City, nor the Paying Agent/Registrar nor any other person shall be affected by notice to the contrary.

² Delete if Term Bonds are not issued.

IT IS HEREBY CERTIFIED AND RECITED that the issuance of this Bond and the series of which it is a part is duly authorized by law and has been authorized by a vote of the properly qualified electors of the City; that all acts, conditions and things required to be done precedent to and in the issuance of the Bonds have been properly done and performed and have happened in regular and due time, form and manner, as required by law; and that ad valorem taxes upon all taxable property in the City have been levied for and pledged to the payment of the debt service requirements of the Bonds, within the limit prescribed by law.

IN WITNESS WHEREOF, the City has caused this Bond to be executed by the manual or facsimile signature of the Mayor of the City and countersigned by the manual or facsimile signature of the City Secretary of the City, and the official seal of the City has been duly impressed or placed in facsimile on this Bond.

City Secretary,
City of Missouri City, Texas

Mayor,
City of Missouri City, Texas

[SEAL]

(b) Form of Comptroller's Registration Certificate.

The following Comptroller's Registration Certificate may be deleted from the definitive Bonds if such certificate on the Initial Bond is fully executed.

OFFICE OF THE COMPTROLLER §
OF PUBLIC ACCOUNTS § REGISTER NO. _____
OF THE STATE OF TEXAS §

I hereby certify that there is on file and of record in my office a certificate of the Attorney General of the State of Texas to the effect that this Bond has been examined by him as required by law, that he finds that it has been issued in conformity with the Constitution and laws of the State of Texas, and that it is a valid and binding obligation of the City of Missouri City, Texas, and that this Bond has this day been registered by me.

Witness my hand and seal of office at Austin, Texas, _____.

Comptroller of Public Accounts
of the State of Texas

[SEAL]

(c) Form of Certificate of Paying Agent/Registrar.

The following Certificate of Paying Agent/Registrar may be deleted from the Initial Bond if the executed Comptroller's Registration Certificate appears thereon.

CERTIFICATE OF PAYING AGENT/REGISTRAR

The records of the Paying Agent/Registrar show that the Initial Bond of this series of bonds was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas, and that this is one of the Bonds referred to in the within-mentioned Ordinance.

The Bank of New York Mellon Trust Company,
N.A., as Paying Agent/Registrar

Dated: _____

By: _____
Authorized Signatory

(d) Form of Assignment.

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns, and transfers unto (print or typewrite name, address and Zip Code of transferee):

(Social Security or other identifying number: _____) the within Bond and all rights hereunder and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Bond on the books kept for registration hereof, with full power of substitution in the premises.

Dated: _____

NOTICE: The signature on this Assignment must correspond with the name of the registered owner as it appears on the face of the within Bond in every particular and must be guaranteed in a manner acceptable to the Paying Agent/Registrar.

Signature Guaranteed:

Authorized Signatory

(e) The Initial Bond shall be in the form set forth in paragraphs (a), (b) and (d) of this Section, except for the following alterations:

(i) immediately under the name of the Bond, the headings "INTEREST RATE" and "MATURITY DATE" shall both be completed with the words "As shown below" and the words "CUSIP NUMBER" deleted; and

(ii) in the first paragraph of the Bond, the words "on the Maturity Date specified above," shall be deleted and the following will be inserted: "on June 15 in each of the years, in the principal installments and bearing interest at the per annum rates in accordance with the following schedule:

<u>Year</u>	<u>Principal Installment</u>	<u>Interest Rate</u>
-------------	----------------------------------	--------------------------

(Information to be inserted from the Officer's Pricing Certificate)

Section 5.04. CUSIP Registration.

The City may secure identification numbers through the CUSIP Global Services, which is managed on behalf of the American Bankers Association by S&P Global Market Intelligence, or another entity that provides securities identification numbers for municipal securities, and may print such numbers on the face of the Bonds. It is expressly provided, however, that the presence or absence of CUSIP numbers on the Bonds or any errors or omissions in the printing of such number shall be of no significance or effect in regard to the legality thereof and neither the City nor Bond Counsel to the City are to be held responsible for CUSIP numbers incorrectly printed on the Bonds.

Section 5.05. Legal Opinion.

The approving legal opinion of Bond Counsel may be printed on the reverse side of or attached to each Bond over the certification of the City Secretary of the City, which may be executed in facsimile.

Section 5.06. Statement of Insurance.

A statement relating to a municipal bond insurance policy, if any, to be issued for the Bonds may be printed on or attached to each Bond.

ARTICLE VI

SALE AND DELIVERY OF BONDS, DEPOSIT OF PROCEEDS, OFFICIAL STATEMENT

Section 6.01. Sale of Bonds and Official Statement.

(a) The Bonds are hereby officially sold and awarded to and shall be delivered to the Underwriters at the price and on the terms specified in the Bond Purchase Contract and for the price set out in the Officer's Pricing Certificate. The form, terms and provisions of the Bond Purchase Contract are hereby approved and the City Manager is hereby authorized and directed to execute and deliver such Bond Purchase Contract upon completion of the terms thereof in accordance with the Officer's Pricing Certificate. It is hereby officially found, determined and declared that the terms of this sale are the most advantageous reasonably obtainable. The Bonds shall initially be registered in the name of the representative of the Underwriters, or its designee. The Mayor and all other officers, agents and representatives of the City are hereby authorized to do any and all things necessary or desirable to satisfy the conditions to and to provide for the issuance and delivery of the Bonds.

(b) The form and substance of the Preliminary Official Statement, and any addenda, supplement or amendment thereto, and the final Official Statement (the "Official Statement") presented to and considered at this meeting, are hereby in all respects approved and adopted, and the Preliminary Official Statement is hereby deemed final as of its date (except for the omission of pricing and related information) within the meaning and for the purposes of paragraph (b)(1) of Rule 15c2-12 under the Securities Exchange Act of 1934, as amended. The Mayor and City Secretary of the City are hereby authorized and directed to execute the same and deliver appropriate numbers of copies thereof to the Underwriters. The Official Statement as thus approved and delivered, with such appropriate variations as shall be approved by the Mayor of the City and the Underwriters, may be used by the Underwriters in the public offering and sale thereof. The use and distribution of the Preliminary Official Statement in the public offering of the Bonds by the Underwriters is hereby ratified, approved and confirmed. The City Secretary is hereby authorized and directed to include and maintain a copy of the Official Statement and any addenda, supplement or amendment thereto thus approved among the permanent records of this meeting. The use and distribution of the Official Statement and the preliminary public offering of the Bonds by the Underwriters is hereby ratified, approved and confirmed.

(c) All officers of the City are authorized to execute such documents, certificates and receipts, and to make such elections with respect to the tax-exempt status of the Bonds, as they may deem appropriate in order to consummate the delivery of the Bonds.

(d) The obligation of the Underwriters to accept delivery of the Bonds is subject to the Underwriters being furnished with the final, approving opinion of Bond Counsel for the City, which opinion shall be dated and delivered the Closing Date.

Section 6.02. Control and Delivery of Bonds.

(a) The Mayor of the City is hereby authorized to have control of the Initial Bond and all necessary records and proceedings pertaining thereto pending investigation, examination, and approval of the Attorney General of the State of Texas, registration by the Comptroller and registration with, and initial exchange or transfer by, the Paying Agent/Registrar.

(b) After registration by the Comptroller, delivery of the Bonds shall be made to the Underwriters under and subject to the general supervision and direction of the Mayor, against receipt by the City of all amounts due to the City under the terms of sale.

(c) All officers of the City are authorized to execute such documents, certificates and receipts and to make such elections with respect to the tax-exempt status of the Bonds, as they may deem necessary to consummate the delivery of the Bonds.

Section 6.03. Deposit of Proceeds.

Proceeds from the sale of the Bonds shall, promptly upon receipt by the City, be applied as set out in the Officer's Pricing Certificate.

ARTICLE VII

INVESTMENTS

Section 7.01. Investments.

(a) Money in the Interest and Sinking Fund created by this Ordinance, at the option of the City, may be invested in such securities or obligations as permitted under applicable law as in effect on the date of the investment.

(b) Any securities or obligations in which money in the Interest and Sinking Fund is so invested shall be kept and held in trust for the benefit of the Owners and shall be sold and the proceeds of sale shall be timely applied to the making of all payments required to be made from the Interest and Sinking Fund.

Section 7.02. Investment Income.

(a) Interest and income derived from investment of the Interest and Sinking Fund shall be credited to such Fund.

(b) Interest and income derived from investment of the funds to be deposited pursuant to Section 6.03(b) hereof shall be credited to the account where deposited until the acquisition or construction of the Projects is completed and thereafter, to the extent such interest and income are present, such interest and income shall be deposited to the Interest and Sinking Fund.

ARTICLE VIII

PARTICULAR REPRESENTATIONS AND COVENANTS

Section 8.01. Payment of the Bonds.

On or before each Interest Payment Date for the Bonds and while any of the Bonds are outstanding and unpaid, there shall be made available to the Paying Agent/Registrar, out of the Interest and Sinking Fund, money sufficient to pay such interest on and principal of the Bonds as will accrue or mature on the applicable Interest Payment Date, maturity date or date of prior redemption. Such transfer of funds shall be made in such manner as will cause immediately available funds to be deposited with the Paying Agent/Registrar not later than the close of business on the Business Day next preceding the date of payment for the Bonds.

Section 8.02. Other Representations and Covenants.

(a) The City will faithfully perform at all times any and all covenants, undertakings, stipulations, and provisions contained in this Ordinance and in each Bond; the City will promptly pay or cause to be paid the principal of and interest on each Bond on the dates and at the places and manner prescribed in such Bond; and the City will, at the times and in the manner prescribed by this Ordinance, deposit or cause to be deposited the amounts of money specified by this Ordinance.

(b) The City is duly authorized under the laws of the State of Texas to issue the Bonds; all action on its part for the creation and issuance of the Bonds has been duly and effectively taken; and the Bonds in the hands of the Owners thereof are and will be valid and enforceable obligations of the City in accordance with their terms.

Section 8.03. Provisions Concerning Federal Income Tax Exclusion.

(a) General. The City intends that the interest on the Bonds be excludable from gross income for federal income tax purposes pursuant to sections 103 and 141 through 150, inclusive, of the Code. The City covenants and agrees not to take any action, or knowingly omit to take any action within its control, that if taken or omitted, respectively, would (i) cause the interest on the Bonds to be includable in gross income, as defined in section 61 of the Code, for federal income tax purposes or (ii) result in the violation of or failure to satisfy any provision of Section 103 and 141 through 150, inclusive, of the Code. In particular, the City covenants and agrees to comply with each requirement of this Section 8.03; provided, however, that the City will not be required to comply with any particular requirement of this Section 8.03 if the City has received an opinion of nationally recognized bond counsel (“Counsel’s Opinion”) that (i) such noncompliance will not adversely affect the excludability of interest on the Bonds from gross income for federal income tax purposes or (ii) compliance with some other requirement set forth in such Counsel’s Opinion will satisfy the applicable requirements of the Code, in which case compliance with such other requirement will constitute compliance with the corresponding requirement specified in this Section 8.03.

(b) No Private Use or Payment and No Private Loan Financing. The City covenants and agrees that it will make such use of the proceeds of the Bonds including interest or other investment income derived from Bond proceeds, regulate the use of property financed or refinanced, directly or indirectly, with such proceeds, and take such other and further action as may be required so that the Bonds will not be “private activity bonds” within the meaning of section 141 of the Code. Moreover, the City will certify, through an authorized officer, employee or agent that, based upon all facts and estimates known or reasonably expected to be in existence on the date the Bonds are delivered, the proceeds of the Bonds will not be used in a manner that would cause the Bonds to be “private activity bonds” within the meaning of section 141 of the Code.

(c) No Federal Guarantee. The City covenants and agrees not to take any action, or knowingly omit to take any action within its control, that, if taken or omitted, respectively, would cause the Bonds to be “federally guaranteed” within the meaning of section 149(b) of the Code, except as permitted by section 149(b)(3) of the Code.

(d) No Hedge Bonds. The City covenants and agrees not to take any action, or knowingly omit to take any action within its control, that, if taken or omitted, respectively, would cause the Bonds to be “hedge bonds” within the meaning of section 149(g) of the Code.

(e) No Arbitrage. The City covenants and agrees that it will make such use of the proceeds of the Bonds, including interest or other investment income derived from Bond proceeds, regulate investments of proceeds of the Bonds, and take such other and further action as may be required so that the Bonds will not be “arbitrage bonds” within the meaning of section 148(a) of the Code. Moreover, the City will certify, through an authorized officer, employee or agent that based upon all facts and estimates known or reasonably expected to be in existence on the date the Bonds are delivered, the proceeds of the Bonds will not be used in a manner that would cause the Bonds to be “arbitrage bonds” within the meaning of section 148(a) of the Code.

(f) Arbitrage Rebate. If the City does not qualify for an exception to the requirements of section 148(f) of the Code relating to the required rebate to the United States, the City will take all steps necessary to comply with the requirement that certain amounts earned by the City on the investment of the “gross proceeds” of the Bonds (within the meaning of section 148(f)(6)(B) of the Code), be rebated to the federal government. Specifically, the City will (i) maintain records regarding the investment of the gross proceeds of the Bonds as may be required to calculate the amount earned on the investment of the gross proceeds of the Bonds separately from records of amounts on deposit in the funds and accounts of the City allocable to other bond issues of the City or moneys that do not represent gross proceeds of any bonds of the City, (ii) determine at such times as are required by applicable Regulations, the amount earned from the investment of the gross proceeds of the Bonds that is required to be rebated to the federal government, and (iii) pay, not less often than every fifth anniversary date of the delivery of the Bonds or on such other dates as may be permitted under applicable Regulations, all amounts required to be rebated to the federal government. Further, the City will not indirectly pay any amount otherwise payable to the federal government pursuant to the foregoing requirements to any person other than the federal government by entering into any investment arrangement with respect to the gross proceeds of the Bonds that might result in a reduction in the amount required to be paid to the federal government because such arrangement results in a smaller profit or a larger loss than would have resulted if the arrangement had been at arm’s length and had the yield on the issue not been relevant to either party.

(g) Information Reporting. The City covenants and agrees to file or cause to be filed with the Secretary of the Treasury, not later than the 15th day of the second calendar month after the close of the calendar quarter in which the Bonds are issued, an information statement concerning the Bonds, all under and in accordance with section 149(e) of the Code.

(h) Record Retention. The City will retain all pertinent and material records relating to the use and expenditure of the proceeds of the Bonds until three years after the last Bond is redeemed or paid at maturity, or such shorter period as authorized by subsequent guidance issued by the Department of the Treasury, if applicable. All records will be kept in a manner that ensures their complete access throughout the retention period. For this purpose, it is acceptable that such records are kept either as hardcopy books and records or in an electronic storage and retrieval system, provided that such electronic system includes reasonable controls and quality assurance programs that assure the ability of the City to retrieve and reproduce such books and records in the event of an examination of the Bonds by the Internal Revenue Service.

(i) Registration. The Bonds will be issued in registered form.

(j) Deliberate Actions. The City will not take a deliberate action (as defined in section 1.141-2(d)(3) of the Regulations) that causes the Bonds to fail to meet any requirement

of section 141 of the Code after the issue date of the Bonds unless an appropriate remedial action is permitted by section 1.141-12 of the Regulations, the City takes such remedial action and the City receives a Counsel's Opinion that such remedial action cures any failure to meet the requirements of section 141 of the Code.

(k) Continuing Obligation. Notwithstanding any other provision of this Order, the City's obligations under the covenants and provisions of this Section 8.03 will survive the defeasance and discharge of the Bonds for as long as such matters are relevant to the excludability of interest on the Bonds exclusion from gross income for federal income tax purposes.

ARTICLE IX

DEFAULT AND REMEDIES

Section 9.01. Events of Default.

Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:

(a) the failure to make payment of the principal of or interest on any of the Bonds when the same becomes due and payable; or

(b) default in the performance or observance of any other covenant, agreement or obligation of the City, which default materially and adversely affects the rights of the Owners, including but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of sixty (60) days after notice of such default is given by any Owner to the City.

Section 9.02. Remedies for Default.

(a) Upon the happening of any Event of Default, then any Owner or an authorized representative thereof, including but not limited to, a trustee or trustees therefor, may proceed against the City for the purpose of protecting and enforcing the rights of the Owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the Owners hereunder or any combination of such remedies.

(b) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all Owners of Bonds then outstanding.

Section 9.03. Remedies Not Exclusive.

(a) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Bonds or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Bonds shall not be available as a remedy under this Ordinance.

(b) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

ARTICLE X

DISCHARGE

Section 10.01. Discharge.

The Bonds may be refunded, discharged or defeased in any manner permitted by applicable law.

ARTICLE XI

CONTINUING DISCLOSURE UNDERTAKING

Section 11.01. Annual Reports.

(a) The City shall provide annually to the MSRB, within six (6) months after the end of each Fiscal Year, financial information and operating data with respect to the City of the general type included in the final Official Statement, being the information described in **Exhibit A** hereto. Any financial statements so to be provided shall be (i) prepared in accordance with the accounting principles described in **Exhibit A** hereto, and (ii) audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not complete within such period, then the City shall provide notice that audited financial statements are not available and shall provide unaudited financial statements for the applicable Fiscal Year to the MSRB. Thereafter, when and if audited financial statements become available, the City shall provide such audited financial statements as required to the MSRB.

(b) If the City changes its Fiscal Year, it will notify the MSRB of the change (and of the date of the new Fiscal Year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

(c) The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document) that theretofore has been provided to the MSRB or filed with the SEC.

Section 11.02. Event Notices.

(a) The City shall provide the following to the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner not in excess of ten (10) Business Days after the occurrence of the event, notice of any of the following events with respect to the Bonds:

- (i) principal and interest payment delinquencies;
- (ii) nonpayment related defaults, if material;
- (iii) unscheduled draws on debt service reserves reflecting financial difficulties;

- (iv) unscheduled draws on credit enhancements reflecting financial difficulties;
- (v) substitution of credit or liquidity providers, or their failure to perform;
- (vi) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notice of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (vii) modifications to rights of holders of the Bonds, if material;
- (viii) bond calls, if material, and tender offers;
- (ix) defeasance;
- (x) release, substitution, or sale of property securing repayment of the Bonds, if material;
- (xi) rating changes;
- (xii) bankruptcy, insolvency, receivership, or similar event of the City;

Note to paragraph xii: For the purposes of the event identified in paragraph xii of this section, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City.

- (xiii) the consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action, or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (xiv) the appointment of a successor or additional paying agent/registrars or the change in the name of the paying agent/registrars, if material;
- (xv) incurrence of a financial obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the City, any of which affect security holders, if material; and
- (xvi) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the City any of which reflect financial difficulties.

(b) The City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with Section 11.01 of this Ordinance by the time required by such Section.

(c) The City reserves the right to file all information and notices required under this Article through the facilities of DisclosureUSA or any other central post office approved by the SEC for such purpose.

Section 11.03. Limitations, Disclaimers and Amendments.

(a) The City shall be obligated to observe and perform the covenants specified in this Article for so long as, but only for so long as, the City remains an "obligated person" with respect to the Bonds within the meaning of the Rule, except that the City in any event will give notice of any deposit made in accordance with Article XI that causes Bonds no longer to be Outstanding.

(b) The provisions of this Article are for the sole benefit of the Owners and beneficial owners of the Bonds, and nothing in this Article, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Article and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Article or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE OWNER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS ARTICLE, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

(c) No default by the City in observing or performing its obligations under this Article shall comprise a breach of or default under the Ordinance for purposes of any other provisions of this Ordinance.

(d) Nothing in this Article is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

(e) The provisions of this Article may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (i) the provisions of this Article, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (ii) either (A) the Owners of a majority in aggregate principal amount (or any greater amount required by any other provisions of this Ordinance that authorizes such an amendment) of the Outstanding Bonds consent to such amendment or (B) a

person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the Owners and beneficial owners of the Bonds. The provisions of this Article may also be amended from time to time or repealed by the City if the SEC amends or repeals the applicable provisions of the Rule or a court of final jurisdiction determines that such provisions are invalid, but only if and to the extent that reservation of the City's right to do so would not prevent Underwriters of the initial public offering of the Bonds from lawfully purchasing or selling Bonds in such offering. If the City so amends the provisions of this Article, it shall include with any amended financial information or operating data next provided in accordance with Section 11.01 an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided.

ARTICLE XII ENGAGEMENT OF PROFESSIONALS

Section 12.01. Engagement of Professionals.

The City Council hereby confirms the prior engagement of (1) Holland & Knight LLP, as Bond Counsel to the City and (2) First Southwest, a division of Hilltop Securities Inc., as Financial Advisor to the City, in connection with the issuance and sale of the Bonds and (3) the engagement of UMB Bank, N.A., to serve as the senior underwriter, Loop Capital Markets LLC and Stifel, Nicolaus & Company, to serve together as the co-managers, in connection with the issuance and sale of the Bonds.

ARTICLE XIII

REDEMPTION OF REFUNDED OBLIGATIONS; APPROVAL OF ESCROW AGREEMENT; PURCHASE OF ESCROWED SECURITIES

Section 13.01. Appointment of Escrow Agent; Approval of Escrow Agreement.

U.S. Bank, National Association is hereby appointed Escrow Agent for the purpose of refunding the Refunded Obligations. The Mayor and the City Secretary are hereby authorized and directed to execute the Escrow Agreement on behalf of the City, the term and provisions of which are hereby approved.

Section 13.02. Purchase of Securities for Escrow Fund.

Pursuant to Chapter 1207, the Mayor is hereby authorized to make necessary arrangements for the purchase of the Escrow Securities referenced in the Escrow Agreement, including, without limitation, the execution of such documents, certificates or instruments as may be necessary in connection therewith including the execution of subscriptions for the purchase of the Escrow Securities. All actions of the Mayor taken prior to the date of this Ordinance in connection with making arrangements for the purchase of such Escrow Securities are hereby ratified and affirmed.

Section 13.03. Redemption of Refunded Obligations; Verification Agent.

(a) The Refunded Obligations are hereby called for redemption prior to maturity on the dates and at the redemption prices set forth in **Schedule I**. The

City Secretary is hereby authorized and directed to cause to be delivered to the paying agent/registrant for the Refunded Obligations a certified copy of this Ordinance calling the Refunded Obligations for redemption. The delivery of this Ordinance to the paying agent/registrant for the Refunded Obligations shall constitute the giving of notice of redemption to the paying agent/registrant for the Refunded Obligations, and such paying agent/registrant is hereby authorized and directed to give notice of redemption to the owners of the Refunded Obligations in accordance with the requirements of the respective ordinances authorizing the issuance thereof. Following the deposit to the Escrow Fund, the Refunded Obligations shall be payable solely from and secured by the cash and securities on deposit in the Escrow Fund for the purpose of refunding the Refunded Obligations and shall cease to be payable from any other source.

(b) If necessary a verification agent shall be appointed as described in the Officers' Pricing Certificate.

ARTICLE XIV MISCELLANEOUS

Section 14.01. Changes to Ordinance.

Bond Counsel is hereby authorized to make any changes to the terms of this Ordinance if necessary or desirable to carry out the purposes hereof or in connection with the approval of the issuance of the Bonds by the Attorney General of Texas.

Section 14.02. Partial Invalidity.

If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 14.03. Repealer.

All ordinances or resolutions, or parts thereof, heretofore adopted by the City and inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 14.04. Individuals Not Liable.

No covenant, stipulation, obligation or agreement herein contained shall be deemed to be a covenant, stipulation, obligation or agreement of any member of City Council or agent or employee of City Council or of the City in his or her individual capacity and neither the members of City Council nor any officer thereof, nor any agent or employee of City Council or of the City, shall be liable personally on the Bonds, or be subject to any personal liability or accountability by reason of the issuance thereof.

Section 14.05. Related Matters.

To satisfy in a timely manner all of the City's obligations under this Ordinance, the Mayor or Mayor Pro Tem, the City Secretary and all other appropriate officers and agents of the City

are hereby authorized and directed to do any and all things necessary and/or convenient in order to consummate the delivery of the Bonds, pay the costs of issuance on the Bonds, and effectuate the terms and purposes of this Ordinance.

Section 14.06. Force and Effect.

This Ordinance shall be in full force and effect from and after its final passage, and it is so ordained.

[Signature Page Follows]

PASSED, APPROVED and ADOPTED on first and final reading this ___ day of _____, 2019, with ___ members voting yes, ___ members voting no, and ___ members abstaining.

Name: _____
Title: _____

ATTEST:

Name: _____
Title: _____

[SEAL]

APPROVED AS TO FORM:

Name: _____
Title: _____

SCHEDULE I

REFUNDED OBLIGATIONS

The Refunded Obligation previously issued by the City of Missouri City, Texas shall be identified in the Officers' Pricing Certificate.

EXHIBIT A

DESCRIPTION OF ANNUAL DISCLOSURE OF FINANCIAL INFORMATION

The following information is referred to in Article XI of this Ordinance.

Annual Financial Statements and Operating Data

The financial information and operating data with respect to the City to be provided annually in accordance with such Article are as specified (and included in the Appendix or other headings of the Official Statement referred to) below:

1. The portions of the financial statements of the City appended to the Official Statement as Appendix B, but for the most recently concluded Fiscal Year.
2. The quantitative financial information and operating data with respect to the City of the general type included in the main text of the Official Statement is numbered Tables 1 through 6 and 8 through 14, both inclusive.

Accounting Principles

The accounting principles referred to in such Article are the accounting principles described in the notes to the financial statements referred to in Paragraph 1 above, as such principles may be changed from time to time to comply with State law.

EXHIBIT B

**FORM OF
OFFICER'S PRICING CERTIFICATE**

CITY OF MISSOURI CITY, TEXAS

GENERAL OBLIGATION AND REFUNDING BONDS, SERIES 2019

THIS OFFICER'S PRICING CERTIFICATE is executed as of _____, 2019 by the _____, Missouri City Texas (the "City") pursuant to the authorization contained in Ordinance of the City Council of the City adopted on October 7, 2019 (the "Ordinance"), authorizing the issuance of the captioned series of bonds and delegating to the undersigned the authority to agree to and stipulate certain terms and provisions thereof, all of which are set forth herein.

Capitalized terms used in this Officer's Pricing Certificate shall have the meanings assigned to them in the Ordinance.

1. Principal Amount, Numbers, Interest Rates and Maturities. The Bonds shall be issued in the total authorized principal amount of \$_____. The Bonds shall bear interest from November 13, 2019 (the "Closing Date") and mature on June 15 in each of the years, in the principal installments and shall bear interest at the per annum rates set out in the following schedule:

<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
_____	\$_____	_____ %	_____	\$_____	_____ %
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

2. Form of Bond. The Form of Bond as set forth in Exhibit A hereto is hereby approved.

3. Redemption Prior to Maturity. The Bonds are subject to optional [and mandatory] redemption as set forth in Exhibit A.

4. Purchase Price. The sale of the Bonds is authorized pursuant to the form of Bond Purchase Contract approved in the Ordinance at the following price:

PRINCIPAL AMOUNT \$
 Plus Original Issue Premium
 Less Original Issue Discount
 Less Underwriter's Discount
 PURCHASE PRICE \$

5. The undersigned hereby finds, determines and declares, that in accordance with the requirements of the Ordinance, this Officer's Pricing Certificate complies with and satisfies the terms and provisions of Sections 3.01 and 3.01A the Ordinance in accordance with the delegation contained therein.

6. Deposit of Proceeds.

a. All amounts received on the Closing Date as accrued interest on the Bonds from the Bond Date to the Closing Date, shall be deposited to the Interest and Sinking Fund.

b. \$_____ shall be deposited in the funds for the purposes as described in Section 3.01 of the Ordinance.

c. \$_____ shall be deposited in the Escrow Fund.

d. The remaining balance shall be used to pay the costs of issuing the Bonds; provided that any amount representing a rounding or contingency amount shall be applied solely to pay costs of issuance of the Bonds. Amounts remaining after payment of costs of issuance shall be deposited to the Interest and Sinking Fund and applied to the payment of debt service on the Bonds.

6. The undersigned hereby finds, determines and declares that the terms of sale of the Bonds are in the City's best interests and are the most advantageous reasonable attainable by the City.

<EXECUTION PAGE FOLLOWS>

EXECUTED as of this _____, 2019.

[Title]

EXHIBIT C

PAYING AGENT/REGISTRAR AGREEMENT

[Attached]

PAYING AGENT/REGISTRAR AGREEMENT

between

CITY OF MISSOURI CITY, TEXAS

and

THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A.

Pertaining to

City of Missouri City, Texas
General Obligation and Refunding Bonds
Series 2019

Dated as of _____, 2019

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Annex A - Schedule of Fees for Service as Paying Agent/Registrar

PAYING AGENT/REGISTRAR AGREEMENT

THIS PAYING AGENT/REGISTRAR AGREEMENT (the or this “Agreement”), dated as of _____, 2019, is by and between CITY OF MISSOURI CITY, TEXAS (the “Issuer”) and THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A. (the “Bank”), a national banking association duly organized and existing under the laws of the United States of America.

WHEREAS, the Issuer has duly authorized and provided for the issuance of its General Obligation and Refunding Bonds, Series 2019, dated _____, 2019 (the “Bonds”), to be issued as registered securities without coupons; and

WHEREAS, all things necessary to make the Bonds the valid obligations of the Issuer, in accordance with their terms, will be taken upon the issuance and delivery thereof;

WHEREAS, the Issuer desires that the Bank act as the Paying Agent of the Issuer in paying the principal, redemption premium, if any, and interest on the Bonds, in accordance with the terms thereof, and that the Bank act as Registrar for the Bonds; and

WHEREAS, the Issuer has duly authorized the execution and delivery of this Agreement, and all things necessary to make this Agreement the valid agreement of the Issuer, in accordance with its terms, have been done;

NOW, THEREFORE, it is mutually agreed as follows:

ARTICLE I

APPOINTMENT OF BANK AS PAYING AGENT AND REGISTRAR

Section 1.01. Appointment.

(a) The Issuer hereby appoints the Bank to act as Paying Agent with respect to the Bonds in paying to the Owners of the Bonds the principal, redemption premium, if any, and interest on all or any of the Bonds.

(b) The Issuer hereby appoints the Bank as Registrar with respect to the Bonds.

(c) The Bank hereby accepts its appointment, and agrees to act as, the Paying Agent and Registrar.

Section 1.02. Compensation.

(a) As compensation for the Bank’s services as Paying Agent/Registrar, the Issuer hereby agrees to pay the Bank the fees and amounts set forth in Annex A.

(b) In addition, the Issuer agrees to reimburse the Bank upon its request for all reasonable expenses, disbursements and advances incurred or made by the Bank in accordance

with any of the provisions hereof, including the reasonable compensation and the expenses and disbursements of its agents and counsel.

ARTICLE II

DEFINITIONS

Section 2.01. Definitions.

The terms “Agreement,” “Bank,” “Bonds,” and “Issuer” have the meanings assigned them in the recitals hereto. Capitalized terms used herein and not defined herein shall have the meanings assigned in the Bond Ordinance (as hereinafter defined). For all purposes of this Agreement, except as otherwise expressly provided or unless the context otherwise requires, the following terms have the following meanings when used in this Agreement:

“Bank Office” means the Bank’s office in Dallas, Texas. The Bank will notify the Issuer in writing of any change in location of the Bank Office.

“Bond Ordinance” means the ordinance of the City Council of the Issuer authorizing the issuance and delivery of the Bonds and the pricing certificate executed pursuant thereto.

“Financial Advisor” means Hilltop Securities Inc., and its successor in that capacity.

“Issuer Request” and “Issuer Order” means a written request or order signed in the name of the Mayor of the Issuer, or any other authorized representative of the Issuer and delivered to the Bank.

“Owner” means the Person in whose name a Bond is registered in the Register.

“Paying Agent” means the Bank when it is performing the functions associated with the terms in this Agreement.

“Person” means any individual, corporation, partnership, joint venture, association, joint stock company, trust, unincorporated organization, or government or any agency or political subdivision of a government.

“Predecessor Bonds” of any particular Bond means every previous Bond evidencing all or a portion of the same obligation as that evidenced by such particular Bond (and, for the purposes of this definition, any Bond registered and delivered under Section 4.06 in lieu of a mutilated, lost, destroyed or stolen Bond shall be deemed to evidence the same obligation as the mutilated, lost, destroyed or stolen Bond).

“Record Date” has the meaning assigned in the Bond Ordinance.

“Register” means a register in which the Registrar shall provide for the registration and transfer of Bonds.

“Responsible Officer” means, when used with respect to the Bank, the officer or officers

of the Bank with in the corporate trust department having direct responsibility for the administration of this Agreement.

“Stated Maturity” means the date or dates specified in the Bond Ordinance as the fixed date on which the principal of the Bonds is due and payable or the date fixed in accordance with the terms of the Bond Ordinance for redemption of the Bonds, or any portion thereof, prior to the fixed maturity date.

ARTICLE III

PAYING AGENT

Section 3.01. Duties of Paying Agent.

(a) The Bank, as Paying Agent and on behalf of the Issuer, shall pay to the Owner, at the Stated Maturity and upon the surrender of the Bond or Bonds so maturing at the Bank Office, the principal amount of the Bond or Bonds then maturing, and redemption premium, if any, provided that the Bank shall have been provided by or on behalf of the Issuer adequate funds to make such payment.

(b) The Bank, as Paying Agent and on behalf of the Issuer, shall pay interest when due on the Bonds to each Owner of the Bonds (or their Predecessor Bonds) as shown in the Register at the close of business on the Record Date, provided that the Bank shall have been provided by or on behalf of the Issuer adequate funds to make such payments. The Paying Agent/Registrar shall make such payments in accordance with the Bond Ordinance by computing the amount of interest to be paid each Owner, preparing the checks, and mailing the checks (or other payment method allowed under the terms of the Bond Ordinance) on each Interest Payment Date addressed to each Owner’s address as it appears in the Register at the close of business on the Record Date.

Section 3.02. Payment Dates.

The Issuer hereby instructs the Bank to pay the principal of, redemption premium, if any, and interest on the Bonds at the dates specified in the Bond Ordinance.

ARTICLE IV

REGISTRAR

Section 4.01. Transfer and Exchange.

(a) The Bank is hereby appointed “Registrar” for the purpose of registering and transferring the Bonds as herein provided. The Bank agrees to maintain the Register while it is Registrar. The Bank shall keep the Register at the Bank Office, and subject to such reasonable written regulations as the Issuer may prescribe, which regulations shall be furnished to the Bank herewith or subsequent hereto by Issuer Order, the Bank shall provide for the registration and transfer of the Bonds.

(b) The Bonds shall be subject to transfer and exchange as set forth in the Bond Ordinance.

Section 4.02. The Bonds.

The Issuer shall provide an adequate inventory of unregistered Bonds to facilitate transfers. The Bank covenants that it will maintain the unregistered Bonds in safekeeping and will use reasonable care in maintaining such unregistered Bonds in safekeeping, which shall be not less than the care it maintains for debt securities of other governments or corporations for which it serves as registrar, or which it maintains for its own securities.

Section 4.03. Form of Register.

(a) The Bank as Registrar will maintain the records of the Register in accordance with the Bank's general practices and procedures in effect from time to time. The Bank shall not be obligated to maintain such Register in any form other than a form which the Bank has currently available and currently utilizes at the time.

(b) The Register may be maintained in written form or in any other form capable of being converted into written form within a reasonable time.

Section 4.04. List of Owners.

(a) The Bank will provide the Issuer at any time requested by the Issuer, upon payment of the cost, if any, of reproduction, a copy of the information contained in the Register. The Issuer may also inspect the information in the Register at any time the Bank is customarily open for business, provided that reasonable time is allowed the Bank to provide an up-to-date listing or to convert the information into written form.

(b) The Bank will not release or disclose the content of the Register to any person other than to, or at the written request of, an authorized officer or employee of the Issuer, except upon receipt of a subpoena or court order or as otherwise required by law. Upon receipt of a subpoena or court order the Bank will notify the Issuer so that the Issuer may contest the subpoena or court order.

Section 4.05. Cancellation of Bonds.

All Bonds surrendered to the Bank for payment, redemption, transfer, exchange, or replacement, shall be promptly cancelled by it upon the making of proper records regarding such payment, transfer, exchange or replacement. The Issuer may at any time deliver to the Bank for cancellation any Bonds previously certified or registered and delivered which the Issuer may have acquired in any manner whatsoever, and all Bonds so delivered shall be promptly cancelled by the Bank. All cancelled Bonds held by the Bank shall be disposed of pursuant to the Securities Exchange Act of 1934.

Section 4.06. Mutilated, Destroyed, Lost, or Stolen Bonds.

(a) Subject to the provisions and conditions of this Section 4.06, Sections 3.09, 3.10 and 3.12 of the Bond Ordinance, the Issuer hereby instructs the Bank to deliver fully registered Bonds in exchange for or in lieu of mutilated, destroyed, lost, or stolen Bonds as long as the same does not result in an overissuance.

(b) The Issuer hereby accepts the Bank's current blanket bond for lost, stolen, or destroyed Bonds and any future substitute blanket bond for lost, stolen, or destroyed Bonds that the Bank may arrange, and agrees that the coverage under any such blanket bond is acceptable to it and meets the Issuer's requirements as to security or indemnity. The Bank need not notify the Issuer of any changes in the security or other company giving such bond or the terms of any such bond, provided that the amount of such bond is not reduced below the amount of the bond on the date of execution of this Agreement. The blanket bond then utilized by the Bank for lost, stolen, or destroyed Bonds by the Bank is available for inspection by the Issuer on request.

Section 4.07. Transaction Information to Issuer.

The Bank will, within a reasonable time after receipt of written request from the Issuer, furnish the Issuer information as to the Bonds it has paid pursuant to Section 3.01; Bonds it has delivered upon the transfer or exchange of any Bonds pursuant to Section 4.01; and Bonds it has delivered in exchange for or in lieu of mutilated, destroyed, lost, or stolen Bonds pursuant to Section 4.06 of this Agreement.

ARTICLE V

THE BANK

Section 5.01. Duties of Bank.

The Bank undertakes to perform the duties set forth herein and in accordance with the Bond Ordinance and agrees to use reasonable care in the performance thereof. The Bank hereby agrees to use the funds deposited with it for payment of the principal of, redemption premium, if any, and interest on the Bonds to pay the Bonds as the same shall become due and further agrees to establish and maintain all accounts and funds as may be required for the Bank to function as Paying Agent.

Section 5.02. Reliance on Documents, Etc.

(a) The Bank may conclusively rely, as to the truth of the statements and correctness of the opinions expressed therein, on certificates or opinions furnished to the Bank.

(b) The Bank shall not be liable for any error of judgment made in good faith by a Responsible Officer, unless it shall be proved that the Bank was negligent in ascertaining the pertinent facts.

(c) No provisions of this Agreement shall require the Bank to expend or risk its own funds or otherwise incur any financial liability for performance of any of its duties hereunder, or in the exercise of any of its rights or powers, if it shall have reasonable grounds for believing that

repayment of such funds or adequate indemnity satisfactory to it against such risks or liability is not assured to it.

(d) The Bank may rely and shall be protected in acting or refraining from acting upon any ordinance, resolution, certificate, statement, instrument, opinion, report, notice, request, direction, consent, order, certificate, note, security, or other paper or document believed by it to be genuine and to have been signed or presented by the proper party or parties. Without limiting the generality of the foregoing statement, the Bank need not examine the ownership of any Bonds, but is protected in acting upon receipt of Bonds containing an endorsement or instruction of transfer or power of transfer which appears on its face to be signed by the Owner or an attorney-in-fact of the Owner. The Bank shall not be bound to make any investigation into the facts or matters stated in an ordinance, resolution, certificate, statement, instrument, opinion, report, notice, request, direction, consent, order, certificate, note, security, or other paper or document supplied by Issuer.

(e) The Bank is also authorized to transfer funds relating to the closing and initial delivery of the Bonds in the manner disclosed in the closing memorandum as prepared by the Issuer's Financial Advisor or other agents. The Bank may act on a facsimile or e-mail transmission of the closing memorandum acknowledged by the Financial Advisor or the Issuer as the final closing memorandum. The Bank shall not be liable for any losses, costs or expenses arising directly or indirectly from the Bank's reliance upon and compliance with such instructions.

(f) The Bank may consult with counsel, and the written advice of such counsel or any opinion of counsel shall be full and complete authorization and protection with respect to any action taken, suffered, or omitted by it hereunder in good faith and in reliance thereon.

(g) The Bank may exercise any of the powers hereunder and perform any duties hereunder either directly or by or through agents or attorneys of the Bank.

Section 5.03. Recitals of Issuer.

(a) The recitals contained herein and in the Bond Ordinance shall be taken as the statements of the Issuer, and the Bank assumes no responsibility for their correctness.

(b) The Bank shall in no event be liable to the Issuer, any Owner or Owners, or any other Person for any amount due on any Bond except as otherwise expressly provided herein with respect to the liability of the Bank for its duties under this Agreement.

Section 5.04. May Hold Bonds.

The Bank, in its individual or any other capacity, may become the Owner or pledgee of Bonds and may otherwise deal with the Issuer with the same rights it would have if it were not the Paying Agent/Registrar, or any other agent.

Section 5.05. Money Held by Bank.

(a) Money held by the Bank hereunder need not be segregated from any other funds provided appropriate accounts are maintained.

(b) The Bank shall be under no liability for interest on any money received by it hereunder.

(c) Subject to the provisions of Title 6, Texas Property Code, any money deposited with the Bank for the payment of the principal, redemption premium, if any, or interest on any Bond and remaining unclaimed for three years after final maturity of the Bond has become due and payable will be paid by the Bank to the Issuer, and the Owner of such Bond shall thereafter look only to the Issuer for payment thereof, and all liability of the Bank with respect to such monies shall thereupon cease.

(d) The Bank will comply with the reporting requirements of Chapter 74 of the Texas Property Code.

(e) The Bank shall deposit any moneys received from the Issuer into a trust account to be held in a paying agent capacity for the payment of the Bonds, with such moneys in the account that exceed the deposit insurance, available to the Issuer, provided by the Federal Deposit Insurance Corporation to be fully collateralized with securities or obligations that are eligible under the laws of the State of Texas and to the extent practicable under the laws of the United States of America to secure and be pledged as collateral for trust accounts until the principal and interest on the Bonds have been presented for payment and paid to the owner thereof. Payments made from such trust account shall be made by check drawn on such trust account unless the owner of such Bonds shall, at its own expense and risk, request such other medium of payment.

Section 5.06. Indemnification.

To the extent permitted by law, the Issuer agrees to indemnify the Bank and its officers, directors, employees, and agents and save them harmless from and against, any and all actions or suits, whether groundless or otherwise, and from any and against any and all loss, liability, or expense incurred without negligence, bad faith or willful misconduct on their part arising out of or in connection with its acceptance or administration of the Bank's duties hereunder, and under Article IV of the Bond Ordinance, Article V of the Series 2019A Certificate Ordinance, and Article V of the Series 2019B Certificate Ordinance, including the cost and expense (including the reasonable counsel fees and expenses outside counsel engaged by the Bank; the Issuer shall not be responsible for the salary, expenses or any costs associated with counsel employed by the Bank or any affiliate, subsidiary or parent of the Bank) of defending itself against any claim or liability in connection with the exercise or performance of any of its powers or duties under this Agreement.

Section 5.07. Interpleader.

The Issuer and the Bank agree that the Bank may seek adjudication of any adverse claim, demands or controversy over its persons as well as funds on deposit in a court of competent jurisdiction within the State of Texas; waive personal service of any process; and agree that service of process by certified or registered mail, return receipt requested, to the address set forth in this Agreement shall constitute adequate service. The Issuer and the Bank further agree that the Bank has the right to file a Bill of Interpleader in any court of competent jurisdiction within the State of Texas to determine the rights of any person claiming any interest herein.

ARTICLE VI

MISCELLANEOUS PROVISIONS

Section 6.01. Amendment.

This Agreement may be amended only by an agreement in writing signed by both of the parties hereof.

Section 6.02. Assignment.

This Agreement may not be assigned by either party without the prior written consent of the other.

Section 6.03. Notices.

Any request, demand, authorization, direction, notice, consent, waiver, or other document provided or permitted hereby to be given or furnished to the Issuer or the Bank shall be mailed or delivered to the Issuer or the Bank, respectively, at the addresses shown below:

- (a) if to the Issuer: City of Missouri City, Texas
1522 Texas Parkway
Missouri City, Texas 77489
Attention: Mayor

- (b) if to the Bank: The Bank of New York Mellon Trust Company
2001 Bryan Street, 10th Floor
Dallas, Texas 75201
Attention: Corporate Trust Department

Section 6.04. Bank to Give Notice of Change.

The Bank hereby agrees that it will give notice to the Issuer, the Owners and the Municipal Securities Rulemaking Board of (a) any change in the name of the Bank after the date hereof, (b) any change in the location of the Bank Office or a change in the mailing address of the Bank, and (c) any merger or other change in the corporate structure affecting the name, location and address of the Bank, in each case within ten (10) business days of the effective date of such change.

Section 6.05. Anti-Boycott Verification.

The Bank represents that, to the extent this Agreement constitutes a contract for goods or services within the meaning of Section 2270.002 of the Texas Government Code, as amended, solely for purposes of compliance with Chapter 2270 of the Texas Government Code, and subject to applicable Federal law, neither the Bank nor any wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of the Bank (i) boycotts Israel or (ii) will boycott Israel through the term of this Agreement. The terms “boycotts Israel” and “boycott Israel” as used in this paragraph have the meanings assigned to the term “boycott Israel” in Section 808.001 of the Texas Government Code, as amended.

Section 6.06. Iran, Sudan and Foreign Terrorist Organizations.

The Bank represents that, as of the date of this Agreement, to the extent this Agreement constitutes a governmental contract within the meaning of Section 2252.151 of the Texas Government Code, as amended, solely for purposes of compliance with Chapter 2252 of the Texas Government Code, and except to the extent otherwise required by applicable federal law, neither the Bank nor any wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of the Bank is an entity listed by the Texas Comptroller of Public Accounts under Sections 2252.153 or 2270.0201 of the Texas Government Code.

Section 6.07. Effect of Headings.

The Article and Section headings herein are for convenience only and shall not affect the construction hereof.

Section 6.08. Successors and Assigns.

All covenants and agreements herein by the Issuer shall bind its successors and assigns, whether so expressed or not.

Section 6.09. Separability.

If any provision herein shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

Section 6.10. Benefits of Agreement.

Nothing herein, express or implied, shall give to any Person, other than the parties hereto and their successors hereunder, any benefit or any legal or equitable right, remedy, or claim hereunder.

Section 6.11. Entire Agreement.

This Agreement and the Bond Ordinance constitute the entire agreement between the parties hereto relative to the Bank acting as Paying Agent/Registrar, and if any conflict exists between this Agreement and the Bond Ordinance, the Bond Ordinance shall govern.

Section 6.12. Counterparts.

This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and all of which shall constitute one and the same Agreement.

Section 6.13. Termination.

(a) This Agreement will terminate on the date of final payment by the Bank issuing its checks for the final payment of principal, redemption premium, if any, and interest of the Bonds.

(b) This Agreement may be earlier terminated upon 60 days written notice by either party; provided, that, no termination shall be effective until a successor has been appointed by the

Issuer and has accepted the duties imposed by this Agreement. A resigning Paying Agent/Registrar may petition any court of competent jurisdiction for the appointment of a successor Paying Agent/Registrar if an instrument of acceptance by a successor Paying Agent/Registrar has not been delivered to the resigning Paying Agent/Registrar within 60 days after the giving of notice of resignation.

(c) The provisions of Section 1.02 and of Article V shall survive and remain in full force and effect following the termination of this Agreement.

Section 6.14. Merger, Conversion, Consolidation or Succession.

Any corporation into which the Bank may be merged or converted or with which it may be consolidated, or any corporation resulting from any merger, conversion, or consolidation to which the Bank shall be a party, or any corporation succeeding to all or substantially all of the corporate trust business of the Bank shall be the successor of the Bank hereunder without the execution or filing of any paper or any further act on the part of either of the parties hereto; provided, however, that the resulting entity must qualify to serve as the Paying Agent/Registrar under the terms of the Ordinance and Texas law. In case any Bond shall have been registered, but not delivered, by the Bank then in office, any successor by merger, conversion, or consolidation to such authenticating Bank may adopt such registration and deliver the Bond so registered with the same effect as if such successor Bank had itself registered such Bond. The Bank shall notify the Issuer of any changes described in this paragraph in accordance with Section 6.04.

Section 6.15. Governing Law.

This Agreement shall be construed in accordance with and governed by the laws of the State of Texas.

Section 6.16. Electronic Means.

The Bank shall have the right to accept and act upon instructions, including funds transfer instructions (“Instructions”) given pursuant to this Agreement and delivered using Electronic Means (“Electronic Means” shall mean the following communications methods: e-mail, facsimile transmission, secure electronic transmission containing applicable authorization codes, passwords and/or authentication keys issued by the Bank, or another method or system specified by the Bank as available for use in connection with its services hereunder.); provided, however, that the Issuer shall provide to the Bank an incumbency certificate listing officers with the Issuer to provide such Instructions (“Authorized Officers”) and containing specimen signatures of such Authorized Officers, which incumbency certificate shall be amended by the Issuer, whenever a person is to be added or deleted from the listing. If the Issuer elects to give the Bank Instructions using Electronic Means and the Bank in its discretion elects to act upon such Instructions, the Bank’s understanding of such Instructions shall be deemed controlling. The Issuer understands and agrees that the Bank cannot determine the identity of the actual sender of such Instructions and that the Bank shall conclusively presume that directions that purport to have been sent by an Authorized Officer listed on the incumbency certificate provided to the Bank have been sent by such Authorized Officer. The Issuer shall be responsible for ensuring that only Authorized Officers transmit such Instructions to the Bank and that the Issuer and all Authorized Officers are solely responsible to

safeguard the use and confidentiality of applicable user and authorization codes, passwords and/or authentication keys upon receipt by the Issuer. The Bank shall not be liable for any losses, costs or expenses arising directly or indirectly from the Bank's reliance upon and compliance with such Instructions notwithstanding such directions conflict or are inconsistent with a subsequent written instruction. To the extent allowed by law, the Issuer agrees: (i) to assume all risks arising out of the use of Electronic Means to submit Instructions to the Bank, including without limitation the risk of the Bank acting on unauthorized Instructions, and the risk of interception and misuse by third parties; (ii) that it is fully informed of the protections and risks associated with the various methods of transmitting Instructions to the Bank and that there may be more secure methods of transmitting Instructions than the method(s) selected by the Issuer; (iii) that the security procedures (if any) to be followed in connection with its transmission of Instructions provide to it a commercially reasonable degree of protection in light of its particular needs and circumstances; and (iv) to notify the Bank immediately upon learning of any compromise or unauthorized use of the security procedures.

Section 6.17. Resignation or Removal of the Bank.

Any time, other than on a day during the forty-five (45) day period preceding any payment date for the Issuer's Bonds, the Bank may resign by giving at least forty-five (45) days' prior written notice to the Issuer; and the Bank's agency shall be terminated and its duties shall cease upon expiration of such forty-five (45) days or such lesser period of time as shall be mutually agreeable to the Bank and the Issuer; provided, however, that no such termination shall be effective until a successor paying agent/registrar has assumed the duties of paying agent/registrar for the Bonds. The Issuer agrees that it will use commercially responsible efforts to engage a replacement paying agent/registrar following the receipt of such notice. At any time, following at least forty-five (45) days' prior written notice (or such lesser period of time as shall be mutually agreeable to the Bank and the Issuer) from the Issuer, the Bank may be removed from its agency. Such removal shall become effective upon the expiration of the forty-five (45) day or agreed upon lesser time period, and upon payment to the Bank of all amounts payable to it in connection with its agency, provided, however, that no such termination shall be effective unless a successor paying agent/registrar has assumed the duties of paying agent/registrar with respect to the Bonds. In such event, the Bank shall deliver to the Issuer, or to the Issuer's designated representative, all Bonds and cash belonging to the Issuer and shall furnish to the Issuer, or to the Issuer's designated representative, the register and all other pertinent books and records relating to the Bonds, including reasonably detailed information regarding the status of the Issuer's outstanding Bonds and copies of other pertinent records then in the Bank's possession, reasonably requested by the Issuer.

[Signature Pages to Follow]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first written above.

CITY OF MISSOURI CITY, TEXAS

By: _____
Mayor

ATTEST:

By: _____
City Secretary

Signature Page to Paying Agent/Registrar Agreement

THE BANK OF NEW YORK MELLON
TRUST COMPANY, N.A.,
as Paying Agent/Registrar

By: _____

Title: _____

Signature Page to Paying Agent/Registrar Agreement

ANNEX A

SCHEDULE OF FEES FOR SERVICE AS PAYING AGENT/REGISTRAR

[Attached]



CITY COUNCIL AGENDA ITEM COVER MEMO

October 7, 2019

To: Mayor and City Council
Agenda Item: 11(a) Consider a resolution of the City Council of the City of Missouri City, Texas, nominating a candidate for a position on the Board of Directors of the Harris County Appraisal District.
Submitted by: Maria Jackson, City Secretary

SYNOPSIS

Consider a resolution of the City Council of the City of Missouri City, Texas, nominating a candidate for a position on the Board of Directors of the Harris County Appraisal District.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Maintain A Financially Sound City Government

BACKGROUND

On August 27, 2019, City Council was provided with notice of a letter from the Harris County Appraisal District (HCAD) requesting that City Council consider nominating a candidate to serve the board of directors for cities or towns other than the City of Houston for the 2020-2021 term.

To vote, the governing body must adopt a resolution casting its vote for a candidate by formal action. The mayor, as presiding officer of the city council, must submit the name cast to the chief appraiser of the Harris County Appraisal District no later than Tuesday, October 15.

During the Monday, September 16th special City Council meeting, City Council discussed nominations for the Harris County Appraisal District and the Fort Bend Central Appraisal District board of directors. City Council also requested that nominations be submitted to the City Secretary by a certain deadline. Councilmember Emery responded, indicated that the existing Harris County and Fort Bend County board members were acceptable, and should be nominated for their board positions.

On September 3, 2019, the City received a nomination request from Mr. Mike Sullivan, requesting that City Council consider passing a resolution nominating him to serve another two-year term. Attached is a letter from Mr. Sullivan. The City has not received another nomination request from a candidate.

Before Wednesday, October 30, 2019, the chief appraiser will prepare a ballot listing the nominees in alphabetical order to the Mayor.

Prior to December 15, 2019, each City Council must cast its vote for one of the nominees, formally adopt a resolution naming the person for whom it votes and submit a certified copy to the chief appraiser. Ballots received by the chief appraiser **after** December 15 may not be counted.

RESOLUTION NO. R-19-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS, NOMINATING A CANDIDATE FOR ELECTION TO A POSITION ON THE BOARD OF DIRECTORS OF THE HARRIS COUNTY APPRAISAL DISTRICT FOR THE TWO-YEAR TERM COMMENCING ON JANUARY 1, 2020; AND OTHER PROVISIONS RELATED THERETO.

* * * * *

WHEREAS, Section 6.01 of the Texas Tax Code provides that an appraisal district is established in each county; and

WHEREAS, Section 6.03 of the Texas Tax Code provides that an appraisal district is governed by a board of directors, that members of the board of directors serve two-year terms beginning on January 1 of even-numbered years, and that certain taxing units that participate in the district may nominate by resolution adopted by the governing body one candidate for each position to be filled on the board of directors; and

WHEREAS, the City of Missouri City (the "City") participates in the Harris County Appraisal District (the "District"); and

WHEREAS, the District has initiated the selection process for selecting members of its board of directors (the "Board") for two-year terms beginning on January 1, 2020; and

WHEREAS, the District has notified the City that the City may nominate a single candidate for a position on the Board representing and to be filled by the cities, other than the City of Houston, within the District; and

WHEREAS, Section 6.03 of the Texas Tax Code provides that the governing body must nominate a candidate by resolution and submit the name of its nominee to the Chief Appraiser before October 15; and

WHEREAS, the City Council deems it appropriate and in the public interest to nominate a candidate to fill such position; now therefore,

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

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

Section 2. The City Council of the City of Missouri City, Texas, hereby nominates _____ as a candidate for the position on the Board of Directors of the Harris County Appraisal District represented and to be filled by the cities, other than the City of Houston, within the Harris County Appraisal District, for a two-year term of office commencing on January 1, 2020.

Section 3. The City Secretary is hereby authorized and directed to deliver, or cause to be delivered a certified copy of the this Resolution as passed, approved and resolved to the Chief Appraiser of the Harris County Appraisal District before October 15, 2019.

PASSED, APPROVED and RESOLVED this 7th day of October, 2019.

Yolanda Ford, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Jackson, City Secretary

E. Joyce Iyamu, City Attorney

City Secretary
AUG 27 2019 MJ
Missouri City, TX



Harris County Appraisal
District
Interoffice Memorandum
OFFICE OF CHIEF APPRAISER

TO: PRESIDING OFFICERS OF TAXING UNITS
SERVED BY THE HARRIS COUNTY APPRAISAL DISTRICT

FROM: ROLAND ALTINGER, CHIEF APPRAISER

SUBJECT: SELECTION OF APPRAISAL DISTRICT BOARD MEMBERS

DATE: AUGUST 21, 2019

Your taxing unit participates in selecting members of the Harris County appraisal District's board of directors. The board is composed of six members who serve two-year terms, all of which expire December 31, 2019. This memorandum describes the process of selecting directors for the two-year term that begins January 1, 2020.

Functions of the Board

The appraisal district appraises all property in the county for ad valorem tax purposes. The board of directors is the governing body for the district. This board employs the chief appraiser, sets general policies for the district, and adopts the budget for the district. By law, board members cannot communicate with the chief appraiser regarding appraisals. There is no compensation for service on the appraisal district board of directors; however, directors are reimbursed for travel expenses if incurred. The board of directors typically meets once a month.

Participating Units

The current method of selecting directors was established by resolutions of the county, cities, and school districts participating in the appraisal district in 1981. The method of selection was modified in 1991 after the law was changed to provide a voting entitlement to conservation and reclamation districts and has been modified to provide a voting entitlement for junior college districts. Sec. 6.031, Tax Code, authorizes an appraisal district to vary both the size and the method of selecting its board members

The six members of the Harris County Appraisal District's board of directors are selected as follows:

- One member appointed by the Harris County Commissioners Court.
- One member appointed by the Houston City Council.
- One member appointed by the board of trustees of the Houston Independent School District.

- One member appointed by votes of the city councils of the cities other than Houston. Each city council casts a single vote. The candidate who receives the most votes is elected.
- One member appointed by vote of the boards of trustees of the school districts other than Houston Independent School District and by boards of directors of the junior colleges with territory in Harris County. Each school district board casts a single vote. The junior college districts collectively cast a single vote. The candidate who receives the most votes is elected.
- One member appointed by vote of the governing bodies of the conservation and reclamation districts that participate in the appraisal district. Each body casts a single vote. The candidate who receives the most votes is elected.

In the event the county appoints someone other than the county assessor-collector to the board, the county assessor-collector will serve ex officio in a non-voting capacity as a seventh member.

Board members whose terms expire December 31, 2019, are:

- Ann Harris Bennett, Tax Assessor-Collector, Ex-Officio Director
- Glenn E. Peters, representing conservation and reclamation districts
- Wanda Adams, representing Houston ISD
- Al Odom, representing City of Houston
- Jim Robinson, representing Harris County
- Mike Sullivan, representing cities & towns, except City of Houston
- Ben Pape, representing junior college districts and school districts other than Houston ISD

Eligibility Requirements

An individual must satisfy certain residency, employment, and conflict-of-interest requirements to be eligible to serve on the board of directors.

Residency: The candidate must be a resident of Harris County, and must have resided in the county for at least two years immediately preceding the date he or she takes office. The appraisal district's boundaries are the same as those for Harris County.

Employment: An employee of a taxing unit served by the appraisal district may not serve, with one exception. An employee may serve if the employee is also a member of the governing body or an elected official of a taxing unit that participates in the district. For example, a member of the governing body of a school district who is also a city employee would be *eligible* to serve on the board.

An individual is *ineligible* to serve on an appraisal district board of directors if the individual has engaged in the business of appraising property for compensation for use in proceedings under this title or of representing property owners for compensation in proceedings under this title in the appraisal district at any time during the preceding five years.

Conflict-of-interest: A candidate may not serve if the candidate is related to a person who is in the business of appraising property or representing property owners for a fee in proceedings in the appraisal district. Relatives barred are those within the second degree by consanguinity (blood) or affinity (marriage). These persons include: spouse; children; brothers and sisters; parents; grandparents; and grandchildren. The spouse's relatives in the same degree are included.

A candidate who contracts with the appraisal district for any purpose, or who contracts with a taxing unit served by the district for a property tax related purpose, may not serve. The same rule applies to candidates who have a substantial interest in businesses contracting with the appraisal district (for any purpose) or with the taxing unit (for property tax purposes). A candidate has a substantial interest if the candidate or the candidate's spouse has combined ownership of at least ten percent (10%) of the voting stock or shares of the business. A candidate also has a substantial interest if the candidate or the candidate's spouse is a partner, limited partner, or an officer of the business. These prohibitions on contracting continue for the duration of the affected director's term of office.

The appraisal district may not employ any person who is related to an appraisal district director within the second degree by affinity or by the third degree of consanguinity. This provision applies to existing employees at the time the director takes office and to employees hired during the director's term.

Delinquent taxes: Texas law makes a person ineligible to serve as an appraisal district director if he or she has delinquent property taxes owing to any taxing unit 60 days after the person knew or should have known of the delinquency.

Selection Procedures

The procedures for selecting members of the board of directors for the two-year term beginning January 1, 2020, are as follows:

For Cities and Towns Other Than the City of Houston

The cities and towns other than the City of Houston appoint one member by majority vote of their city council. The process for these cities and towns involves two steps: nomination and election.

Nomination

The city council of each city and town has the right to nominate a single candidate for the position. To nominate, the governing body must adopt a resolution nominating the candidate by formal action. The mayor, as presiding officer of the city council, must submit the nominee's name to the chief appraiser of the Harris County Appraisal District no later than **Tuesday, October 15, 2019**. The mayor must provide a certified copy of the resolution and may include a cover letter naming the nominee.

Election

Before Wednesday, **October 30, 2019**, the chief appraiser will prepare a ballot listing the nominees in alphabetical order. The chief appraiser will deliver a copy of the ballot to the mayor of each city or town.

Prior to December 15, 2019, each city council must cast its vote for one of the nominees, formally adopt a resolution naming the person for whom it votes and submit a certified copy to the chief appraiser. *Ballots received by the chief appraiser after December 15 may not be counted.*

Prior to December 20, 2019, the chief appraiser will count the votes, declare the results, and notify the winner, the nominees and the managers of each city and town. A tie vote will be resolved by a method of chance chosen by the chief appraiser.

For Junior Colleges and School Districts other than The Houston Independent School District

With the exception described below for junior college districts, exactly the same procedure described for cities and towns above applies to the selection of the member who represents junior college districts and school districts other than Houston ISD. The board of trustees of the school districts must nominate and elect following the deadlines and procedures described above. The four junior college districts with territory in Harris County may participate in the selection of the member who represents school districts other than Houston ISD and the junior colleges. However, the junior college districts collectively have the same voting authority as a single school district. See Sec. 6.031(b-1), Tax Code. The boards of trustees of junior college districts may each nominate a candidate following the deadlines and procedures described above. However, the four junior colleges collectively have a single vote in the election. Each board of trustees may cast a vote by resolution and file the resolution with the chief appraiser. The collective vote will be automatically cast for the candidate who receives the most votes from among the junior colleges. As an example, if one candidate receives three votes and another receives one vote, the junior colleges will be deemed to have collectively cast their vote for the candidate who received the three votes.

For Conservation and Reclamation Districts

The procedure and timetable for selecting the member who represents the conservation and reclamation districts are the same as that described above for small cities and school districts.

The conservation and reclamation districts that participate in the appraisal district may cast a single vote. The candidate who receives the most votes is elected.

**For Harris County, the City of Houston
And the Houston Independent School District**

By **December 15, 2019**, the governing body of each of these entities appoints a single person to represent it on the board. Each governing body must formally adopt a resolution naming the person who will serve as a board member and submit it to the chief appraiser at the address shown below:

Roland Altinger
Chief Appraiser
Harris County Appraisal District
13013 Northwest Freeway
P. O. Box 920975
Houston, Texas 77292-0975

To assist you in this process, I have enclosed a suggested form of resolution for the nomination of a candidate to the board of directors of the Harris County Appraisal District.

We invite your questions or comments on the board selection process. Please do not hesitate to call me at (713) 957-5670

Sincerely,



Roland Altinger, CAE, RPA, CTA
Chief Appraiser

Attachments

Cc: HCAD Board Members
Tax Assessors
Attorneys

RESOLUTION NO. _____

**A RESOLUTION OF THE BOARD OF TRUSTEES OF
THE _____ INDEPENDENT SCHOOL
DISTRICT NOMINATING A CANDIDATE
FOR A POSITION ON THE BOARD OF DIRECTORS OF
THE HARRIS COUNTY APPRAISAL DISTRICT**

WHEREAS, those school districts other than the Houston Independent School District within the Harris County Appraisal District and the junior college districts within the Harris County Appraisal District have the right and responsibility to elect one person to the board of directors of the Harris County Appraisal District for a term of office commencing on January 1, 2020, and extending through December 31, 2021; and

WHEREAS, this governing body desires to exercise its right to nominate a candidate for such position on said board of directors; now, therefore

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF _____

Section 1. That the facts and recitations set forth in the preamble of this resolution be, and they are hereby, adopted, ratified, and confirmed.

Section 2. That _____ (name), _____

_____ (address, zip code) _____ (phone number) be, and he or she is hereby nominated as a candidate for that position on the board of directors of the Harris County Appraisal District to be filled by those junior college districts and school districts other than the Houston Independent School District within the Harris County Appraisal District for a two-year term of office commencing on January 1, 2020.

Section 3. That the presiding officer of the governing body of this taxing unit be, and he or she is hereby, authorized and directed to deliver or cause to be delivered a certified copy of this resolution to the chief appraiser of the Harris County Appraisal District no later than October 15, 2019.

PASSED AND APPROVED this ____ day of _____, 2019.

President, Board of Trustees

ATTEST:

Secretary, Board of Trustees

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE
_____ JUNIOR COLLEGE DISTRICT
NOMINATING A CANDIDATE
FOR A POSITION ON THE BOARD OF DIRECTORS OF THE
HARRIS COUNTY APPRAISAL DISTRICT

WHEREAS, those school districts other than the Houston Independent School District within the Harris County Appraisal District and the junior college districts within the Harris County Appraisal District have the right and responsibility to elect one person to the board of directors of the Harris County Appraisal District for a term of office commencing on January 1, 2020, and extending through December 31, 2021; and

WHEREAS, this governing body desires to exercise its right to nominate a candidate for such position on said board of directors; now, therefore

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF _____

_____:

Section 1. That the facts and recitations set forth in the preamble of this resolution be, and they are hereby, adopted, ratified, and confirmed.

Section 2. That _____ (name), _____
_____ (address, zip code) _____ (phone
number) be, and he or she is hereby nominated as a candidate for that position on the board of directors of the Harris County Appraisal District to be filled by those junior college districts and school districts other than the Houston Independent School District within the Harris County Appraisal District for a two-year term of office commencing on January 1, 2020.

Section 3. That the presiding officer of the governing body of this taxing unit be, and he or she is hereby, authorized and directed to deliver or cause to be delivered a certified copy of this resolution to the chief appraiser of the Harris County Appraisal District no later than October 15, 2019.

PASSED AND APPROVED this ____ day of _____, 2019.

President, Board of Trustees

ATTEST:

Secretary, Board of Trustees

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF _____ TEXAS, NOMINATING
A CANDIDATE FOR A POSITION ON THE BOARD
OF DIRECTORS OF THE HARRIS COUNTY
APPRAISAL DISTRICT

WHEREAS, those cities and towns other than the City of Houston within the Harris County Appraisal District have the right and responsibility to elect one person to the board of directors of the Harris County Appraisal District for a term of office commencing on January 1, 2020, and extending through December 31, 2021; and

WHEREAS, this governing body desires to exercise its right to nominate a candidate for such position on said board of directors; now, therefore

BE IT RESOLVED BY THE CITY COUNCIL OF _____

Section 1. That the facts and recitations set forth in the preamble of this resolution be, and they are hereby, adopted, ratified, and confirmed.

Section 2. That _____ (name), _____
_____ (address, zip code) _____ (phone
number), be, and he or she is hereby, nominated as a candidate for that position on the board of directors of the Harris County Appraisal District to be filled by those cities and towns other than the City of Houston within the Harris County Appraisal District for a two-year term of office commencing on January 1, 2020.

Section 3. That the presiding officer of the governing body of this taxing unit be, and he or she is hereby, authorized and directed to deliver or cause to be delivered a certified copy of this resolution to the chief appraiser of the Harris County Appraisal District no later than October 15, 2019.

PASSED AND APPROVED this ____ day of _____, 2019.

Mayor

ATTEST:

City Secretary

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE

(CONSERVATION & RECLAMATION DISTRICT)

NOMINATING A CANDIDATE

FOR A POSITION ON THE BOARD OF DIRECTORS OF THE
HARRIS COUNTY APPRAISAL DISTRICT

WHEREAS, those eligible conservation and reclamation districts participating in the Harris County Appraisal District have the right and responsibility to elect one person to the board of directors of the Harris County Appraisal District for a term of office commencing on January 1, 2020, and extending through December 31, 2021; and

WHEREAS, this governing body desires to exercise its right to nominate a candidate for such position on said board of directors; now, therefore

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF

_____:

Section 1. That the facts and recitations set forth in the preamble of this resolution be, and they are hereby, adopted, ratified, and confirmed.

Section 2. That _____ (name),

_____ (address, zip code)

_____ (phone number), be, and he or she is hereby, nominated as a candidate for that position on the board of directors of the Harris County Appraisal District to be filled by those eligible conservation and reclamation districts participating in the Harris County Appraisal District for a two-year term of office commencing on January 1, 2020.

Section 3. That the presiding officer of the governing body of this taxing unit be, and he or she is hereby, authorized and directed to deliver or cause to be delivered a certified copy of this resolution to the chief appraiser of the Harris County Appraisal District no later than October 15, 2019.

PASSED AND APPROVED this _____ day of _____, 2019.

President, Board of Directors

ATTEST:

Secretary, Board of Directors

Mike Sullivan
Director, Harris County Appraisal District
4811 Shore Hills Dr.
Kingwood, TX 77345
(713) 898-6969 Mobile

August 24, 2019

The Honorable Yolanda Ford
Mayor, City of Missouri City
1522 Texas Parkway
Missouri City, TX 77489-2170

Re: Harris County Appraisal District Board of Directors

Dear Mayor Ford:

It has been an honor to serve as your representative on the Harris County Appraisal District Board of Directors. Of the six Directors, I was elected to serve "cities and towns other than Houston", and I take that responsibility seriously. My term ends December 31, 2019, and I am writing to ask you and your city to pass a Resolution nominating me to another two-year term.

During my time on the HCAD Board, I have worked hard to ensure that your voice was heard, that budgets are kept in check, and to keep you posted with data, timelines, and maps. Going forward, I pledge to do the same, and to be accessible to you and your city council.

HCAD has mailed a packet to your city, and in it were details as to the nomination process, timelines, and a sample Resolution for you to use. However, I want to highlight that nominations (by Resolution) are due by October 15, 2019. If unable to locate the HCAD packet, please let me know, and I will have another sent to you.

I respectfully request that you and your city council nominate me for another two-year term on the HCAD Board of Directors. My previous service on the Board, as Harris County Tax Assessor-Collector, and in the private sector have given me broad experiences that translate to important and meaningful service on the Board.

Please contact me if you have any questions, or if I can answer any questions.

Yours truly,



Mike Sullivan
Director, Harris County Appraisal District

(Not printed at taxpayer expense)



CITY COUNCIL AGENDA ITEM COVER MEMO

October 7, 2019

To: Mayor and City Council
Agenda Item: 11(b) Consider a resolution nominating one or more candidates for election to one or more positions on the Board of Directors of the Fort Bend Central Appraisal District for the two-year term commencing on January 1, 2020.
Submitted by: Maria Jackson, City Secretary

SYNOPSIS

Consider a resolution nominating one or more candidates for election to one or more positions on the Board of Directors of the Fort Bend Central Appraisal District for the two-year term commencing on January 1, 2020.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Maintain A Financially Sound City Government

BACKGROUND

On September 4, 2019, City Council was provided with notice of a letter from the Fort Bend Central Appraisal District (FBCAD) requesting that City Council consider nominating a candidate to serve the board of directors for the 2020-2021 term.

To vote, the governing body must adopt a resolution casting its vote for a candidate by formal action. The mayor, as presiding officer of the city council, must submit the name cast to the chief appraiser of the Fort Bend Central Appraisal District no later than Tuesday, October 15.

During the Monday, September 16th special City Council meeting, City Council discussed nominations for the Harris County Appraisal District and the Fort Bend Central Appraisal District board of directors. City Council also requested that nominations be submitted to the City Secretary by a certain deadline. Councilmember Emery responded, indicated that the existing Harris County and Fort Bend County board members were acceptable, and should be nominated for their board positions.

The board of directors is comprised of five elected members and the county assessor-collector serving as a nonvoting director. The following current board of directors have agreed to serve another term, if elected:

- Jim Kij, Chairman
- Paul Stamatis, Jr., Vice-Chairman
- Al Abramczyk, Financial Officer

The City has not received additional nomination requests from any candidate. The conservation and reclamation districts have placed Michael Rozell as their candidate.

RESOLUTION NO. R-19-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS, NOMINATING ONE OR MORE CANDIDATES FOR ELECTION TO ONE OR MORE POSITIONS ON THE BOARD OF DIRECTORS OF THE FORT BEND CENTRAL APPRAISAL DISTRICT FOR THE TWO-YEAR TERM COMMENCING ON JANUARY 1, 2020; AND OTHER PROVISIONS RELATED THERETO.

* * * * *

WHEREAS, Section 6.01 of the Texas Tax Code provides that an appraisal district is established in each county; and

WHEREAS, Section 6.03 of the Texas Tax Code provides that an appraisal district is governed by a board of directors, that members of the board of directors serve two-year terms beginning on January 1 of even-numbered years, and that certain taxing units that participate in the district may nominate by resolution adopted by the governing body one candidate for each position to be filled on the board of directors; and

WHEREAS, the City of Missouri City (the "City") participates in the Fort Bend Central Appraisal District (the "District"); and

WHEREAS, the District has initiated the selection process for selecting members of its board of directors (the "Board") for two-year terms beginning on January 1, 2020; and

WHEREAS, the District has notified the City that the City may nominate one candidate for each position on the Board; and

WHEREAS, Section 6.03 of the Texas Tax Code provides that the governing body must nominate one or more candidates by resolution and submit the name or names of its nominee or nominees to the Chief Appraiser before October 15; and

WHEREAS, the City Council deems it appropriate and in the public interest to nominate one or more candidates to fill such position or positions; now therefore,

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

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

Section 2. The City Council of the City of Missouri City, Texas, hereby nominates the following person or persons as a candidate or candidates for one or more positions on the Board of Directors of the Fort Bend Central Appraisal District for a two-year term or terms of office commencing on January 1, 2020:

- Nominee(s): 1. Jim Kij, Chairman
2. Paul Stamatis, Jr., Vice-Chairman
3. Al Abramczyk, Financial Officer
4. _____
5. _____

Section 3. The City Secretary is hereby authorized and directed to deliver, or cause to be delivered a certified copy of the this Resolution as passed, approved and resolved to the Chief Appraiser of the Fort Bend Central Appraisal District before October 15, 2019.

PASSED, APPROVED and RESOLVED this 7th day of October, 2019.

Yolanda Ford, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Jackson, City Secretary

E. Joyce Iyamu, City Attorney



FORT BEND CENTRAL APPRAISAL DISTRICT

2801 B.F. Terry Blvd. Rosenberg, Texas 77471-5600
Phone (281) 344-8623 | www.fbcad.org

August 28, 2019

Administration

SEP 04 2019

Missouri City, TX

City Manager Anthony J. Snipes
Att: Accounts Payable
1522 Texas Pkwy
Missouri City, TX 77489-2170

RE: Right to Nominate a Person to Serve as a Director of the District

Dear Sir or Madam,

In accordance with the Texas Property Code, Section 6.03(g) – “Board of Directors, each taxing unit other than a conservation and reclamation district that is entitled to vote may nominate by resolution adopted by its governing body one candidate for each position to be filled on the Board of Directors. The presiding officer of the governing body of the unit shall submit the names of the unit’s nominees to the chief appraiser before October 15.”

The Board of Directors is comprised of five elected members and the county assessor-collector serving as a nonvoting director. The resolution to nominate candidates must be received by the chief appraiser no later than close of business October 14. A ballot will be created with all the regular taxing entities nomination(s) and the nominee from the conservation and reclamation districts. Please include a bio of the candidate(s).

“(j)Before October 30, the chief appraiser shall prepare a ballot, listing the candidates whose names were timely submitted under as set by the property tax code in subsections (g) and, if applicable, (h) or (i) alphabetically according to the first letter in each candidate’s surname, and shall deliver a copy of the ballot to the presiding officer of the governing body of each taxing unit that is entitled to vote.”

The following current Board of Directors have agreed to serve another term if elected:

- Jim Kij, Chairman
- Paul Stamatis, Jr., Vice-Chairman
- Al Abramczyk, Financial Officer

The conservation and reclamation districts have placed Michael Rozell as their candidate.

If you have questions regarding the election process, please contact me directly at (281) 633-4100.

Sincerely,

A handwritten signature in black ink, appearing to read "Glen Whitehead".

Glen Whitehead, RPA
Chief Appraiser



Council Agenda Item
October 7, 2019

11. RESOLUTIONS

- (c) Consider a resolution approving and ratifying the submission of a grant application for the Gulf States Regional Law Enforcement Technology assistance program to the United States Department of Justice to fund the purchase a video surveillance security system; and containing other provisions related thereto.
-

Background information attached as follows:

Cover memo – *Forthcoming*

RESOLUTION NO. R-19-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS, APPROVING AND RATIFYING THE SUBMISSION OF A GRANT APPLICATION FOR THE GULF STATES REGIONAL LAW ENFORCEMENT TECHNOLOGY ASSISTANCE PROGRAM TO THE UNITED STATES DEPARTMENT OF JUSTICE TO FUND THE PURCHASE OF A VIDEO SURVEILLANCE SECURITY SYSTEM; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

* * * * *

WHEREAS, the purpose of the Gulf States Regional Law Enforcement Technology Assistance Program (“Program”) is to increase information sharing on both a local and regional basis and to provide for the implementation of technology for the greater safety of law enforcement and the public; and

WHEREAS, the program seeks to achieve such purpose by providing resources and technology to law enforcement jurisdictions within the five states bordering the Gulf of Mexico; and

WHEREAS, the City Council of the City of Missouri City finds that the purchase of a video surveillance security system for Buffalo Run Park is in the best interest of the residents of Missouri City; and

WHEREAS, the City Council of the City of Missouri City desires to apply to the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (“USDOJ”), for a Program grant to purchase a video surveillance security system; and

WHEREAS, the City of Missouri City (“City”) agrees to participate in any audit, grant monitoring, or reporting required by the Program; and

WHEREAS, the City agrees to track and report Program funding separately from other funding sources to ensure accurate financial and programmatic reporting on a timely basis; and

WHEREAS, the City desires to designate the City Manager as the City’s authorized official to accept, reject, alter or terminate the grant on behalf of the City and the Police Administrative Captain as the City’s project manager for making application for such grant; and

WHEREAS, the City Council agrees that, in the event of loss or misuse of the grant funds, the City Council of the City of Missouri City assures that the funds will be returned to the USDOJ, as may be required by law; 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 and are in all things incorporated herein and made a part hereof.

Section 2. The City Council of the City of Missouri City approves and ratifies the submission of the Gulf States Regional Law Enforcement Technology Assistance Program grant application to the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, to fund the purchase of a video surveillance security system for Buffalo Run Park.

Section 3. The City Council of the City of Missouri City hereby designates the City Manager as the City of Missouri City's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the City of Missouri City.

Section 4. The City Council of the City of Missouri City hereby designates the Police Administrative Captain as the City of Missouri City's authorized project manager in relation to the grant.

PASSED, APPROVED and ADOPTED this 7th day of October, 2019.

Yolanda Ford
Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Jackson
City Secretary

E. Joyce Iyamu
City Attorney



**Council Agenda Item
October 7, 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
