

**YOLANDA FORD**  
Mayor

**VASHAUNDR A EDWARDS**  
Councilmember at Large Position No. 1

**CHRIS PRESTON**  
Mayor Pro Tem  
Councilmember at Large Position No. 2



**CHERYL STERLING**  
Councilmember District A

**JEFFREY L. BONEY**  
Councilmember District B

**ANTHONY G. MAROULIS**  
Councilmember District C

**FLOYD EMERY**  
Councilmember District D

## **CITY COUNCIL MEETING AGENDA**

### **AGENDA DE LA REUNIÓN DEL CONCEJO DE LA CIUDAD**

Notice is hereby given of a meeting of the City Council of Missouri City to be held on **Monday, February 3, 2020**, at **7:00 p.m.** at: **City Hall, Council Chamber, 2<sup>nd</sup> 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.

Por medio de la presente, se notifica sobre la reunión del Concejo de la Ciudad de Missouri City que se realizará **el lunes 3 de febrero de 2020**, a las **7:00 p.m.** en: **City Hall, Council Chamber, 2.º piso**, 1522 Texas Parkway, Missouri City, Texas, 77489, con el propósito de considerar los siguientes puntos de la agenda. Todos los temas de la agenda están sujetos a la toma de medidas. El Concejo de la Ciudad se reserva el derecho de reunirse en una sesión cerrada para hablar sobre cualquier tema de la agenda en caso de ser necesario y si procediera de conformidad con el Título 5, Capítulo 551 del Código de Gobierno de Texas.

**1. ROLL CALL**

**2. PLEDGE OF ALLEGIANCE**

**3. PRESENTATIONS AND RECOGNITIONS**

- (a) Presentation on upcoming Black History Month events.

**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 January 21, 2020.

- (b) Consider an ordinance amending Chapter 82 of the Missouri City Code; amending regulations relating to the subdivision of property; amending regulations relating to the approval, disapproval, and approval with conditions of plats, plans, and related applications; providing a penalty; and consider a related ordinance on the second and final reading.
- (c) Consider amending the minutes of the special City Council meeting of January 4, 2020.

**7. PUBLIC HEARINGS AND RELATED ACTIONS**

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

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

**9. AUTHORIZATIONS**

- (a) Consider authorizing the execution of a contract for temporary labor services.

**10. ORDINANCES**

**10. ORDENANZAS**

- (a) Consider an ordinance providing for a special election to be held on May 2, 2020, for the purpose of submitting to the qualified voters of the City of Missouri City a proposition providing for or against the adoption of the fire fighters' and police officers' civil service law; providing for a joint election on May 2, 2020, with other entities contracting with Fort Bend County for such joint election; providing for election precincts and polling places; providing for repeal; providing for severability; and consider the ordinance on the first and final reading.
- (a) Considérese una ordenanza que dispone la celebración de unas elecciones especiales a realizarse el 2 de mayo de 2020 con el propósito de someter a los votantes calificados de la Ciudad de Missouri City una propuesta que dispone a favor o en contra la adopción de la ley de servicio civil para bomberos y oficiales de policía; que dispone unas elecciones conjuntas el 2 de mayo de 2020 con otras entidades que celebran contratos con el Condado de Fort Bend para tales elecciones conjuntas; que dispone precintos electorales y lugares de votación; que dispone derogación; que dispone separabilidad; y considérese la ordenanza en la primera y última lecturas.
- (b) Consider an ordinance amending the general budget for the Fiscal Year beginning October 1, 2019, and ending September 30, 2020; transferring various appropriations among accounts; appropriating supplemental revenue to various fund accounts; authorizing the appropriate city officials to take steps necessary to accomplish such transfers; making certain findings; containing certain provisions relating to the subject; and consider the ordinance on the first and final reading.

**11. RESOLUTIONS** – *There are no Resolutions on this agenda.*

**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**

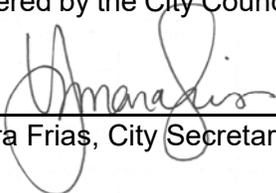
Reconvene into Regular Session and Consider Action, if any, on items discussed in Executive Session.

**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 February 3, 2020, agenda of items to be considered by the City Council was posted on the City Hall bulletin board on January 30, 2020, 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 \_\_\_\_\_, 2020.

Signed: \_\_\_\_\_

Title: \_\_\_\_\_



**Council Agenda Item  
February 3, 2020**

**1. ROLL CALL**

**2. PLEDGE OF ALLEGIANCE**

**3. PRESENTATIONS AND RECOGNITIONS**

- (a) Presentation on upcoming Black History Month events.

**4. PUBLIC COMMENTS**

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**5. STAFF REPORTS**

- (a) City Manager announcements.
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Councilmember District C  
**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 **Tuesday, January 21, 2020**, at the City Hall, Council Chamber, 1522 Texas Parkway, Missouri City, Texas, 77489, at **5:45 p.m.** to consider the following:

### **1. CALL TO ORDER**

Mayor Pro Tem Preston called the meeting to order at 5:45 p.m.

Those also present: Councilmembers Edwards, Sterling, Maroulis, and Emery; City Manager Snipes, City Attorney Iyamu, City Secretary Jackson, Assistant City Manager Atkinson, Assistant City Manager Martel, Director of Public Works Kumar, Director of Development Services Spriggs, Director of Communications Walker, CIP Procurement Specialist Phillips, Planning Manager Gomez, Media Specialist II Kalimkoottil, and Media Specialist III Sanders. Councilmember Boney arrived at 5:47 p.m. Also present: Bob Wooten of Tradition Energy. Absent: Mayor Ford.

### **2. DISCUSSION/POSSIBLE ACTION**

- (a) Discuss the Gulf Coast Water Authority's request to disannex approximately 4.2 acres of land for a pump station and related facilities. The proposed area of disannexation is located north of the Sienna Sports Complex, south of the Sienna Village of Bees Creek residential subdivision, east of the Brazos River, and west of the Brazos Canal Access Road.

City Attorney Iyamu presented on the Gulf Coast Water Authority's request to disannex approximately 4.2 acres of land for a pump station and related facilities. Councilmember Maroulis asked about other areas nearby that were disannexed. Director of Public Works Kumar presented a map with disannexed areas. Councilmember Boney asked if it cost the City any tax revenue and the impact of the contract with GCWA. Iyamu stated it would not affect the contract with GCWA, and in regards to the taxes, the GCWA owns the land and therefore the City would not collect taxes. Councilmember Emery inquired about the placement of the pump station. Kumar stated GCWA proposed upgrades to the pump stations. Councilmember Sterling inquired on the impact to the City's flooding. Kumar stated FEMA regulates what could or could not be developed on the land and the GCWA would have to comply with such. Iyamu stated no action was needed, at this time, as the agenda item was for informational purposes only.

- (b) Discuss the competitive offers from Retail Energy Providers (REP's) for the purchase of electricity.

Bob Wooten of Tradition Energy presented on competitive offers from Retail Energy Providers (REP's) for the purchase of electricity. Wooten noted the current contract would expire in 2023 and if the City takes advantage of the dip in the market to secure budget savings, the City could secure future pricing. If the City were to wait, the rate would continue to increase. City Manager Snipes stated that by locking the price the bill would be less than what was being paid at this time.

- (c) Discuss the City of Missouri City's 2020 State of the City event.

City Manager Snipes stated that last year, it was decided that the City would not utilize the Fort Bend Chamber of Commerce to coordinate the State of the City but instead work with the City's Communications Department. He noted the Communications Director would work with the Mayor to coordinate the 2020 event. Councilmember Emery asked if we had funds for the event. Snipes stated the City does. Councilmember Boney asked how much it would cost. Director of Communications Walker stated the cost was provided to Council with how the State of the City was produced by the City and compared if it were produced by the Chamber. Snipes stated he would forward the email with financials to City Council. Councilmember Boney requested that when a decision was to move into a different direction, that City Council be notified of the decision and the new direction. Snipes noted guidance to move into a different direction was provided from the former mayor and the assumption was it would be a continuance of that.

**3. CLOSED EXECUTIVE SESSION**

After proper notice was given pursuant to the Texas Open Meetings Act, the City Council went into Executive Session at 6:21 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) Jerry Flowers & Linda Flowers vs. Trent Williams, Missouri City, Texas, & the Manors Property Owners Association, Inc. (Cause No. 20-DCV-270180 in the 400th District Court of Fort Bend County).

**4. RECONVENE**

At 6:32 p.m., Council reconvened into open session.

Councilmember Maroulis moved to adjourn the special City Council meeting. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

**5. ADJOURN**

The special City Council meeting adjourned at 6:35 p.m.

Minutes PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_ 2019.

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Maria Jackson, City Secretary

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Councilmember District D

## CITY COUNCIL MEETING MINUTES

The City Council of the City of Missouri City, Texas, met in regular session on **Tuesday, January 21, 2020**, at the City Hall, Council Chamber, 2<sup>nd</sup> Floor, 1522 Texas Parkway, Missouri City, Texas, 77489, at **7:00 p.m.** to consider the following:

### 1. ROLL CALL

Mayor Pro Tem Preston called the meeting to order at 7:00 p.m.

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

2. The **PLEDGE OF ALLEGIANCE** was led by Fire Chief Campbell.

### 3. PRESENTATIONS AND RECOGNITIONS

Councilmember Edwards and Sterling both recognized the Thurgood Marshall High School football team for participating in the Texas 2019 Class 5A Division II State Finals. Director of Communications Walker recognized the Missouri City Municipal Volunteer Program volunteer of the year for 2019. Assistant City Manager Atkinson presented the WCA recognition of a random act of kindness.

### 4. PUBLIC COMMENTS

**Kevin Turini**, 5019 Southhampton Road, expressed concerned with inaction of city government to enforce Sec. 10-6, Limitation on number of dogs and cats, of the City municipal code.

### 5. STAFF REPORTS

City Manager Snipes invited everyone to the following Black History Month events: 6<sup>th</sup> Annual Celebration on January 31 and the Celebration on the 150<sup>th</sup> Anniversary of the ratification of the 15<sup>th</sup> Amendment on February 29. Snipes noted the Municipal Solid Waste Program has the option to change the size of trash containers or request additional containers.

### 6. CONSENT AGENDA

- (a) Consider approving the minutes of the special City Council meetings of January 3, 2020, and January 4, 2020, and the special and regular City Council meetings of January 6, 2020.
- (b) Consider an ordinance granting a specific use permit to allow for the location of a place of assembly; describing said 8.59 acre tract of land; providing limitations, restrictions, and conditions on such specific use; amending the zoning district map of the City of Missouri City; providing for repeal; providing a penalty; containing other provisions relating to the subject; and consider the ordinance on the second and final reading. The subject site is located north of Olympia Gymnastics & Tumbling, south of Colony Lakes residential subdivision, east of a shopping center, and west of River Pointe Church, along Knights Court.

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

There were no **Zoning Public Hearings and Ordinances.**

**7. PUBLIC HEARINGS AND RELATED ACTIONS**

**(b) Public Hearings and related actions**

- (1) Public hearing to receive comments for or against an ordinance amending Chapter 82 of the Missouri City Code; amending regulations relating to the subdivision of property; amending regulations relating to the approval, disapproval, and approval with conditions of plats, plans, and related applications; providing a penalty; and consider a related ordinance on the first of two readings.

Councilmember Emery moved to open the public hearing at 7:26 p.m. Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

Councilmember Emery moved to close the public hearing at 7:27 p.m. Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

Planning Manager Gomez presented an overview on an ordinance amending Chapter 82 of the Missouri City Code.

Councilmember Boney moved to approve the ordinance, as presented. Councilmember Sterling seconded. **MOTION PASSED UNANIMOUSLY.**

**8. APPOINTMENTS**

- (a) Consider appointing a City representative to the Groundwater Reduction Plan Oversight Committee pursuant to the Groundwater Reduction Plan participation agreements.

Councilmember Emery moved to appoint Glen Martel as the representative and Shashi Kumar as the alternate to the Groundwater Reduction Plan Oversight Committee. Councilmember Edwards seconded. **MOTION PASSED UNANIMOUSLY.**

**9. AUTHORIZATIONS**

- (a) Consider authorizing the purchase of an advanced transportation management system through the BuyBoard cooperative purchasing program.

Assistant Director of Public Works Brouhard presented on the Centracs software.

City Attorney Iyamu stepped away at 7:49 p.m. and returned at 7:52 p.m.

Councilmember Emery asked if the proposed system would cover all traffic signals. Brouhard stated it would. Councilmember Maroulis asked about the hours of operation for the department. Brouhard stated it would be from 6:00 a.m. to 7:00 p.m.

Councilmember Maroulis moved to authorize the City Manager to execute the purchase of an Advanced Transportation Management System software and associated services for \$189,650. Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

- (b) Consider authorizing the purchase of a signal preemption system for emergency vehicles through the BuyBoard cooperative purchasing program.

Councilmember Sterling moved to authorize the City Manager to execute the purchase of a Signal Preemption System for Emergency Vehicles from Paradigm in the amount of \$409,650. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

- (c) Consider authorizing multiple contracts for specialized veterinarian services.

Councilmember Boney moved to authorize multiple contracts for specialized veterinarian services. Councilmember Edwards seconded. **MOTION PASSED UNANIMOUSLY.**

- (d) Consider authorizing the execution of a blanket purchase order for large fleet (fire truck) repair.

Councilmember Emery moved to authorize the execution of a blanket purchase order for large fleet (fire truck) repair. Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

- (e) Consider authorizing the purchase of a new fire truck (pumper) and associated equipment for the proposed Fire Station 6 through the Houston Galveston Area Council (HGAC) cooperative purchasing program.

Councilmember Boney moved to authorize the purchase of a new fire truck (pumper) and associated equipment for the proposed Fire Station 6 through the Houston Galveston Area Council (HGAC) cooperative purchasing program. Councilmember Maroulis seconded. **MOTION PASSED UNANIMOUSLY.**

- (f) Consider authorizing the purchase of replacement Fire Department safety breathing air packs.

Chief Campbell stated the current frontline breathing air packs were reaching their end of life use and the proposed purchase would replace these units. The units were the newest models, which included most recent updates and safety enhancement including the SEMS II GPS tracking system, which would improve firefighter safety and accountability while operating in hazardous environments.

Councilmember Emery moved to authorize the purchase of replacement Fire Department safety breathing air packs. Councilmember Sterling seconded. **MOTION PASSED UNANIMOUSLY.**

- (g) Consider authorizing the City to accept competitive offers from retail energy providers (REP's) and to authorize the City Manager to negotiate and execute a contract for the purchase of electricity.

Assistant City Manager Atkinson stated the City engaged the services of Tradition Energy in 2015, through a cooperative purchasing agreement with Omnia (formally U.S. Communities) national cooperative purchasing program. With Tradition Energy's assistance in 2015, the City secured the current rate of \$0.0463, which started in 2018, and runs through the end of 2023. This current rate represented a 40% savings over the City's previous rate, and has already resulted in annual savings of \$500,000 in 2018 and \$530,000 in 2019. Bob Wooten of Tradition Energy presented an overview on the market.

Councilmember Boney moved to authorize the City to accept competitive offers from retail energy providers (REP's) and to authorize the City Manager to negotiate and execute a contract for the purchase of electricity. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

There were no **ORDINANCES.**

## 11. **RESOLUTIONS**

- (a) Consider a resolution finding and determining public necessity for the acquisition of certain real property interests in rights-of-way in connection with the public improvement project

known as the Knight Road Extension Project; authorizing such acquisition by donation, purchase, or eminent domain of certain real property interests in and to seventeen parcels needed for the project.

Director of Public Works Kumar stated that on May 15, 2017, the City Council authorized an interlocal agreement between Fort Bend County and the City for the Knight Road extension project. As shown in the project vicinity map, the project would include 1.5 miles of two-lane concrete road with shoulder from McKeever Road to SH6 and include a bridge over the American Water Canal. The proposed roadway would be a 3-lane roadway from the toll road located on the northern limits of the project to just passed Watts Plantation, then it would transition to a 2-lane roadway up to Ellison Road, and then transition back to a 3-lane roadway segment up to the southern terminus of the project (near McKeever Rd). Kumar added that City Council adopted a Traffic Management and Thoroughfare plan in January 2011 to plan for mobility and growth within the City and ETJ. The Knight Road extension project would be identified within this adopted Traffic Management and Thoroughfare plan. Extension and improvement of Knight Road would improve vehicular mobility and reduce congestion and safety hazards in the service area. Kumar noted that additional right-of-way (ROW) would be necessary for this Knight Road extension project. Specifically, 17 parcels of land were required which estimates to approximately 2.1 acres. Councilmember Emery asked about eminent domain as a process. City Attorney Iyamu explained the City was authorized to utilize eminent domain to acquire property. Councilmember Boney asked when they would move forward with negotiations. Assistant City Attorney Quintal stated that if the resolution was approved, they would commence with initial offer letters.

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

- (b) Consider a resolution authorizing the submission of a Staffing for Adequate Fire and Emergency Response (SAFER) Grant to the Federal Emergency Management Agency through the Assistance to Firefighters Program.

Emergency Management Coordinator Jewett stated the SAFER grant was a three-year cost-share grant that would cover a portion of the salary and benefits during the performance period. Jewett explained funds could only be used for new firefighters. The grant would cover 75% of payroll cost (salary and benefits) of the firefighter's first and second year and 35 percent the 3rd year. The maximum amount of funds that the City could receive in year 1 and 2 would be 75,000 and 35,000 in year 3 per firefighter. The above cost share percentages were from the previous 2 years grant (FY 17 and 18) the FY 19 guidance has not been released yet. The grant would be used to supplement the salary of up to 12 firefighters for Missouri City.

Councilmember Emery moved to approve the resolution. Councilmember Sterling seconded. **MOTION PASSED UNANIMOUSLY.**

- (c) Consider a resolution authorizing the publication of the notice of intention to issue City of Missouri City, Texas certificates of obligation in a principal amount not to exceed \$11,000,000 for the construction of public works and any related items thereto and for the payment of contractual obligations for professional services; authorizing the distribution of a preliminary official statement relating to such certificates; and containing other provisions relating thereto.

Director of Financial Services Portis stated the resolution would authorize the City Secretary to publish a notice of intention to issue certificates of obligation. The notice was required in order to issue the Series 2020 Certificates of Obligation.

Councilmember Boney moved to approve the resolution. Councilmember Sterling seconded. **MOTION PASSED UNANIMOUSLY.**

**12. CITY COUNCIL ANNOUNCEMENTS**

Councilmember Edwards congratulated Thurgood Marshall for their wonderful season; congratulated Ms. Hamilton for her efforts in working with Human Trafficking; and, announced February 22 as the new Park Cleanup date. Councilmember Emery thanked the Fire Department for the wipe down ceremony at Fire Station No. 1. Councilmember Sterling would like to engage City Council in a robust awareness of the 2020 Census; she had the opportunity to have Coffee with a Cop and thanked Chief Berezin; she had a presentation with Houston Realtors Association; and, she attended the TML session for New Members of City Council. Councilmember Maroulis invited everyone out on January 25 to participate in Electronic Recycling; and, he thanked Assistant Chief Partido for the wipe down event. Councilmember Boney gave a shout out to Dr. Martin Luther King, Jr. for his sacrifice for fighting for rights; and, he, too, was moved by Ms. Hamilton's story and thanked her for sharing it. Mayor Pro Tem Preston hoped everyone enjoyed MLK Day and took time to reflect on the life and legacy of a great leader.

**13. ADJOURN**

The regular City Council meeting adjourned at 8:43 p.m.

Minutes PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_ 2019.

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Maria Jackson, City Secretary



## CITY COUNCIL AGENDA ITEM COVER MEMO

February 3, 2020

**To:** Mayor and City Council  
**Agenda Item:** 6(b) Procedure for the administration of certain plans and plats  
**Submitted by:** Jennifer Thomas Gomez, AICP, Planning Manager

### SYNOPSIS

Consideration of an ordinance on second and final reading to provide regulations relating to certain plans and plats in accordance with Texas House Bill 3167 that were made effective on September 1, 2019.

### 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 approval procedures for certain **plans** and **plats** processed by a municipal or county government.

For Missouri City, the Planning and Zoning Commission is responsible for approving **plats** within the city and its ETJ, extraterritorial jurisdiction. **Plans** are generally approved by city staff and acted upon administratively.

The City Council has approved three emergency ordinances since September 2019, to provide interim procedures aligning certain **plan** and **plat** processes with the new legislation. The interim procedures are set to expire in January 2020.

A team of city staff including representatives from the Legal division, Engineering division, Building/Permitting division, Fire Marshal's office, and Planning division have worked diligently over the last several months to understand the impact of the law and to apply it to the city's codes and ordinances. Additionally, city staff has monitored how other Texas communities are responding and updating their codes accordingly. A survey, facilitated by the City of Denton, of sixty-one Texas communities, including Missouri City, has been provided as an overview of how other communities are responding to certain aspects of the law.

The Planning and Zoning Commission has been updated about the law and possible impacts and has forwarded a final report with a positive recommendation on the summary of the proposed ordinance amendments.

The proposed ordinance as attached provides amendments to Chapter 82, Subdivisions of the City's Code of Ordinances, also known as the subdivision ordinance, for the implementation of regulations to include the following:

- (1) Provide definitions for **plans** and **plats** to clarify the applicable city processes that are subject to the law.
- (2) Create/publish submittal packets to include submittal schedules, applications and checklists.
- (3) Provide that not later than the 30<sup>th</sup> day after an initial **plan, plat** or related application is filed with the city, the Planning and Zoning Commission or city staff, as applicable, take one of the following types of actions: **APPROVE**, **APPROVE WITH CONDITIONS**, or **DISAPPROVE**.
- (4) Provide that an applicant may seek an extension, of up to 30-days, on the initial action of a **plan, plat** or related application prior to the action taken.
- (5) Provide for minor modifications to allow an applicant to clarify, refine or enhance a **plan, plat** or related application prior to an action taken.
- (6) Provide that an applicant may submit a written response application to a **plan, plat** or related application that has been approved with conditions or disapproved. The Planning and Zoning Commission or city staff, as applicable, can **APPROVE** or **DISAPPROVE** a written response application but such action must be taken not later than the 15<sup>th</sup> day after the response is submitted.
- (7) Require a pre-application/pre-development meeting/conference prior to the submission of a **plan** or **plat** application.
- (8) Revise requirements for the submission of conceptual plans and require approval prior to the consideration of a preliminary plat.
- (9) Maintain alternative approval processes.
- (10) Include parkland dedication proposals as a type of plan and require that the processing of such proposals are consistent with the new law. The Parks Board would be required to take action on a proposal within 30 days of such being submitted to the city; the Planning and Zoning Commission would be required to take action within 30 days of the Parks Board recommendation. The types of action by the Parks Board and Planning and Zoning Commission would be the same as for an initial plan or plat application. The failure to act within the proscribed timeframe would result in a recommendation to disapprove.

### 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. Changes marked



**ORDINANCE NO. O-20-\_\_**

**AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, PROVIDING PROCEDURES FOR THE ADMINISTRATION OF PLANS AND PLATTING RULES; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY.**

\* \* \* \* \*

WHEREAS, pursuant to Article XI, Section 5, of the Texas Constitution, the City of Missouri City (the "City") is a home-rule municipality of the State of Texas that retains all authority granted by its home-rule charter that has not been preempted or prohibited by the State of Texas or federal law; 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 has adopted rules and regulations governing the administration of platting rules within the City's jurisdiction; and

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, pursuant to Ordinance Numbers O-19-19, adopted on September 3, 2019, O-19-25, adopted on October 7, 2019, and O-19-30, adopted on November 18, 2019, the City adopted an interim process to administer plans and plats subject to House Bill 3167 (the "Interim Process"); and

WHEREAS, after review and consideration of the Interim Process, a permanent process has been developed; 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 for the administration of plans and plats; 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 regulate plans and plats and the subdivision of land within and outside of the City; 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 amendment of rules and regulations for the administration of plans and plats and closed the public hearing prior to the final adoption of this Ordinance.

Section 3. The Missouri City Code is hereby amended by deleting Articles I and II of Chapter 82 thereof and substituting therefor new Articles I and II of Chapter 82 to provide as follows:

**“CHAPTER 82-SUBDIVISIONS  
ARTICLE I. - IN GENERAL**

**Sec. 82-1. - Designation and citation of chapter.**

The ordinances embraced in this chapter, including all sections now or hereafter amended, added or altered shall constitute and be designated the "City Subdivision Ordinance," and may be so cited.

**Sec. 82-2. - Conformance with comprehensive plan.**

All subdivisions in the city and in its extraterritorial jurisdiction shall be platted in conformance with the comprehensive plan of the city.

**Sec. 82-3. - Applicability of chapter.**

Except as provided herein, this chapter shall apply to all subdivisions of land within the city and its area of extraterritorial jurisdiction as established by V.T.C.A., Local Government Code ch. 42. Unless otherwise provided by this chapter or by written agreement with a property owner or his successors and assigns, this chapter shall not be construed to require city building permits, building inspections and related approvals, or the payment of related fees within the area of extraterritorial jurisdiction of the city.

**Sec. 82-4. - Conflicts with county regulations.**

This chapter shall not be applied in such a manner to amend or alter any rule, regulation, procedure or policy lawfully and officially adopted by the governing body of any county in which there exists territory contained within the area of extraterritorial jurisdiction of the city. In the circumstance where any rule, regulation, procedure or policy lawfully and officially adopted by the governing body of any county is less restrictive than those contained in this chapter, then the standards of this chapter shall apply.

**Sec. 82-5. - Purpose of chapter.**

(a) The purpose of this chapter is to provide for the orderly, safe and healthful development of the area within the city and its extraterritorial jurisdiction and to promote the health, safety, morals and general welfare of the community.

(b) Compliance with all city ordinances pertaining to the subdivision and development of land shall be required prior to approval of any application pursuant to this chapter. All such ordinances, including the ordinance adopting the comprehensive plan, shall be construed to mean those documents as they exist or as they may be amended. It is an applicant's responsibility to be familiar with, and to comply with, city ordinances, the comprehensive plan, and the provisions of this chapter. Applicable city ordinances and plans with which all applications must comply include, but are not limited to, the following:

- (1) comprehensive plan (including all associated maps and plans);
- (2) this Chapter 82;
- (3) the zoning ordinance (appendix A of this Code);
- (4) building codes;
- (5) floodplain management regulations (Chapter 42 of this Code);
- (6) International Fire Code;
- (7) other applicable portions of this Code; and
- (8) engineering documents, including, the infrastructure design manual.

**Sec. 82-6. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any office referred to in this chapter by title shall include the person employed or appointed for that position or his duly authorized deputy or representative. Terms, phrases or words not expressly defined in this section are to be construed in accordance with the zoning ordinance (appendix A of this Code) or other applicable ordinance of the city, or, in the absence of such ordinance, in accordance with the customary usage in municipal planning and engineering practices.

*Alley* means a public right-of-way identified on a plat by the word "alley," which is used only for secondary access primarily for the purpose of vehicular service to the back and sides of individual properties which have their primary access from an adjacent public or private street.

*Amending plat* means a plat approved and issued for one or more of the purposes set forth in V.T.C.A., Local Government Code § 212.016(a).

*Building official* means the city building official or his designee.

*City engineer* means the city engineer or his designee.

*Commission* means the planning and zoning commission.

*Comprehensive plan* means the general plan adopted by the city council for the growth and development of the city and its environs, including any and all elements of such plan, addressing such topics as land use, streets and thoroughfares, driveway approaches, utilities, drainage, schools, and parks.

*Design manual* means the design requirements, standard construction details, and standard details to be followed when designing, improving, repairing, constructing or performing modifications of any kind to infrastructure.

*Development* means the new construction of any building or structure, or the enlargement of any exterior dimension of any building, structure or improvement.

*Development plat* means a complete and exact development plan prepared in conformity with the provisions of this chapter and in a manner suitable for recording with the county clerk of the county or counties in which the development is located.

*Director of development services* means the director of development services or his designee.

*Driveway* means a surfaced area providing vehicular access between a public or private street and an off-street parking or loading area.

*Dwelling unit* means a residential unit providing complete, independent living facilities for one family, including permanent provisions for sleeping, living, cooking and sanitation.

*Final plat* means a complete and exact subdivision plan prepared in conformity with the provisions of this chapter and in a manner suitable for recording with the county clerk of the county or counties in which the subdivision is located.

*General plan* means a concept plan.

*Land development application* means building permit applications, specifically, construction plans, commercial civil plans, commercial ground up construction plans, commercial parking lot plans, detention pond plans, flatwork plans, floodplain permit plans, grading plans, and retention pond plans; parkland dedication proposal applications; and site development plan applications. Major construction improvement applications and zoning applications are not considered land development applications.

*Lot* means an undivided tract or parcel of land having frontage on a public or private street, or other approved facility contained within a block and designated on a subdivision plat by numerical or letter identification.

*Minor modification* means an enhancement, refinement, or clarification to a plan or plat application that does not materially impact the plan or plat application and that is submitted before the time scheduled for authorized action on the application in

accordance with this chapter. A minor modification includes, but is not limited to, a change that results in a net increase or decrease of less than ten percent (10%) in a quantifiable category, including a utility capacity requirement; does not require an amendment to posted notice; results in an adjustment in the alignment of easements and rights-of-way of less than 1,000 linear feet in any direction; and results in an adjustment in a designated use that does not change the overall use applied for in the application.

*Major modification* means any revision to a plan or plat application that is not considered to be a minor modification.

*Off-site improvements* mean improvements occurring off-site that are necessary to serve the development.

*Oversized improvements* mean improvements larger than necessary for the immediate development.

*Plan* means a subdivision development plan, including a subdivision construction plan, site plan, land development application, and site development plan.

*Plat* includes an amending plat, a preliminary plat, a general plan, a final plat, and a replat.

*Preliminary plat* means a map or drawing of a proposed subdivision prepared in accordance with the provisions of this chapter, illustrating the features of the development for review and preliminary approval by the commission.

*Schedule of required copies* means the "Schedule of Required Copies—City of Missouri City Subdivision Regulations."

*Site development plan* includes an entire set of construction plans, general civil plans, grading plans, site plans, drainage plans, and traffic control plans. The term excludes zoning site development plans and capital improvement plans for city property.

*Site plan* means a map or graphic, including an architectural or engineering plan, of a proposed improvement on a certain lot or site.

*Street, private*, means a private thoroughfare, not dedicated to public use, which provides vehicular access from a public street to more than two residential dwelling units, or two or more commercial or industrial buildings or parking areas.

*Street, public*, means any public thoroughfare or right-of-way, dedicated for public use, which provides vehicular access to adjacent land.

*Subdivider* and *developer* are synonymous for the purposes of this chapter, and shall include any owner, or authorized agent thereof, proposing to divide or dividing land so as to constitute a subdivision according to the terms and provisions of this chapter.

*Subdivision* means the division of any lot, tract or parcel of land by plat, map or description into two or more parts, lots or sites for the purpose, whether immediate or future, of sale, rental or lease, or division of ownership. Any dedication in the laying (or realignment) of new streets, or other public or private accessways, with or without lots, shall constitute a subdivision. Subdivision shall also include the resubdivision and replatting of land or lots which are part of a previously recorded subdivision. An "addition" is a subdivision as defined in this section. The term "subdivision" shall also include the division of land, whether by plat or by metes and bounds description, and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

*Subdivision plan* includes construction plans, specifically, plans for streets, alleys, curbs and gutters, sidewalks, bike paths, utilities and other public improvements required in this chapter. A subdivision plan excludes a zoning plan and a capital improvement plan for city property.

*Title report* means a report prepared and executed by a title company authorized to do business in the state or an attorney licensed in the state certifying the true owner of the property and describing all encumbrances of record which affect the property.

**Sec. 82-7. - Plat approval required.**

(a) It shall be unlawful for any person to subdivide any tract, lot or parcel of land within the city or its extraterritorial jurisdiction unless and until a final plat of such subdivision has been approved in accordance with the terms of this chapter. Unless and until a final plat, plan or replat of a subdivision shall have been first approved in the manner provided in this chapter by the commission, it shall be unlawful for any person to construct or cause to be constructed any street, utility facility, building, structure or other improvement on any lot, tract or parcel of land within such subdivision, except as specifically permitted in this chapter.

(b) No building, plumbing, electrical or mechanical permit shall be issued by the city for the construction or repair of any structure on a lot or tract in a subdivision for which a final plat has not been approved by the commission and filed for record, except as specifically allowed in this chapter. No building, plumbing, electrical or mechanical permit shall be issued by the city for the construction or repair of any structure on a lot or tract in a subdivision in which the permanent public improvements have not been approved and accepted by the city, except as specifically allowed in this chapter.

(c) The city shall not repair, maintain, install or provide any street or public utility service, or authorize the sale or supply of water or sewer service, in any subdivision for which a final plat has not been approved by the commission and filed for record. The city shall not repair, maintain, install or provide any street or public utility service, or authorize the sale or supply of water or sewage service, in any subdivision in which the permanent public improvements have not been approved and accepted by the city.

**Sec. 82-8. - Improvements required; oversized or off-site improvements.**

All of the improvements required under this chapter, including improvements specified in the comprehensive plan, which, in the judgment of the commission, are necessary for the adequate provision of streets, drainage, utilities, municipal services and facilities to the subdivision, shall be constructed at the sole expense of the developer. If oversizing of utility or drainage facilities or off-site improvements are required as a part of the subdivision development, and are necessary for the adequate and efficient development of surrounding areas, the city may require the developer to construct such oversized or off-site improvements. In such event the city shall reimburse the developer for the portion of the cost of the oversizing or off-site improvements not attributable to the subdivision development as soon as budgeted funds are available after completion and acceptance by the city of such construction, but in no event shall such reimbursement by the city be made more than one year after completion and acceptance of the construction. This provision shall not be a limitation on the ability of the city, pursuant to an agreement with a utility district, to require such district to finance the cost of oversized or off-site public improvements, or a limitation of the manner provided in such agreement for the city to pay its proportionate cost of such improvement.

**Sec. 82-9. - Variances.**

(a) The rules and regulations provided in this chapter or incorporated in this chapter are the minimum standards and requirements of the city. Upon application by the developer, a variance from any such rule or regulation may be granted by the commission upon a good and sufficient showing by the developer that:

(1) There are special circumstances or conditions affecting the property in question;

(2) Enforcement of the provisions of this chapter will deprive the applicant of a substantial property right; and

(3) If a variance is granted it will not be materially detrimental to the public welfare or injurious to other property or property rights in the vicinity.

(b) The application for a variance shall be made on a form prescribed by the city, and shall specifically identify the provision of this chapter from which a variance is sought and the specific circumstances and conditions which the applicant believes will support and justify the granting of such variance. If more than one variance is sought, each shall be specifically identified in the application and the specific circumstances and conditions justifying each request shall be provided with the application. Each and every application for a variance shall be decided solely and entirely on its own merits, and the disposition of any prior or pending application for a variance shall not be allowed to enter into or affect any decision on the application in question. Pecuniary interests shall not be considered as a basis for the granting of a variance.

(c) No application for a variance will be considered unless submitted, in writing, no later than the date the application for final plat approval is submitted. An application for a variance must be accompanied by a nonrefundable application fee in the amount specified in the schedule of fees for the city. Multiple copies of the application for variance shall be provided in accordance with the schedule of required copies.

**Sec. 82-10. – Submission of plans, plats, and related applications.**

(a) *Submittal packet.* The director of development services shall publish submittal packets for plans, plats, and related applications. Such packets shall contain a submittal schedule, applicable applications, checklists, and any additional documents and resources necessary for filing plans, plats and related applications.

(b) *Development review schedule.* The director of development services shall process and accept plans, plats, and related applications, including a response application for a conditional approval or a disapproval, on one or more dates designated by the development services department. Such dates shall be published in a submittal packet, made available on the City's website, and shall remain accessible on the City's website for at least 30 days before the scheduled date. An applicant submitting a plan, plat, or a related application shall submit such plan, plat, or related application on the date designated by the development services department. The city will not accept a plan, plat, or related application on a date other than a date designated by the development services department. If a plan, plat, or related application is submitted and inadvertently accepted by the city on a date other than on a date designated by the development services department, the authority responsible for approving the plan, plat, or related application may disapprove the plan, plat, or related application.

(c) *Filing dates.* An application shall be submitted on the submittal deadline date designated by the development services department. An application shall be deemed filed on the date on which the application is delivered to the development services department or deposited with the United States Postal Service by certified mail addressed to the development services department. The development services department will certify that an application is "filed" or incomplete within five working days after the submittal deadline date. The city will provide an applicant with written notice not later than the fifth business day after the date the application is submitted if the application is incomplete. Such notice will specify the necessary documents or other information required and the date the application will expire if the documents or other information are not provided. An applicant shall respond to such notice by the tenth day after the submittal deadline. An incomplete plan, plat, or related application will be disapproved by the authority responsible for approving the plan, plat, or related application. Except as provided by Subsection 82-10(e) relating to extensions, once an application for a plan, plat, or related application has been filed with the city, it will be submitted to the commission for consideration within 30 days following the submittal deadline date designated by the development services department.

(d) *Form and contents.* A plan, plat, or related application must be filed with the appropriate fee; in the form prescribed by the city; during the timeframe prescribed by the city; and in compliance with the city's rules and regulations. A plan, plat, or related application submitted for approval by the commission shall be in the form and contain the information and documents required by the platting manual. A plan or related application submitted for review by the staff shall be in the form and contain the information and documents required by this chapter, the platting manual, or other rules and regulations adopted by the city council. A plan, plat, or related application that does not meet the requirements of this chapter will be disapproved.

(e) *Extensions.* The 30-day period described by this section may be extended by an applicant for a period not exceed 30 days provided that:

(1) the extension is requested before the tenth day before the application is scheduled to be considered by the applicable authority;

(2) the applicant requests the extension in writing to the authority responsible for approving the plan, plat or related application; and

(3) the authority responsible for approving the plan, plat or related application approves the extension request.

(f) *Modifications.* A major modification to a plan, plat, or related application after its submission shall be disapproved by the authority responsible for approving the plan, plat or related application. An applicant may request a minor modification to a plan, plat, or related application following its submission provided that:

(1) for plats, the minor modification is made before the tenth day before the date on which the commission is scheduled to consider the plat application; and

(2) for plans, the minor modification is made before the tenth day before the plan application review period is completed.

(g) *Applicant responses.* An applicant may submit a written response in accordance with this Section 82-10 after an approval with conditions or after the initial disapproval of a plan, plat, or related application. Such response must address each condition set forth in the conditional approval and each reason for disapproval provided by the city. Failure to adequately address each condition for the conditional approval or each reason for the initial disapproval may result in the disapproval of the plan, plat, or related application.

(h) *Required plans.* The submission of a plan, plat or related application without another required plat, plan, or related application required by this chapter, the platting manual, or other rules and regulations adopted by the city council shall be grounds for the disapproval of such application.

(i) *Fees.* An application for approval must be accompanied by a nonrefundable application fee in an amount specified in a schedule of fees adopted by the city council.

#### **Sec. 82-11. - Preliminary application conference required.**

Prior to filing a plan or plat application, the subdivider, planner or other appropriate representative shall consult with the director of development services for comments and advice on the procedures, specifications and standards required by the city as a condition for plat approval. Failure to consult with the director of development services prior to filing a plan or plat application shall result in an incomplete application and the denial of the application. If requested in writing, the commission may place, for discussion purposes only, an item on its agenda regarding the proposed subdivision to assist a subdivider on matters affecting such proposed subdivision.

#### **Sec. 82-12. - Types of action.**

(a) Authority to review and approve certain technical plans in accordance with this chapter is delegated to city staff. The commission or city staff, as applicable, shall review each plan, plat, or related application submitted to it. Upon the receipt of a plan, plat, or related application, the city's authorized actions are as follows:

(1) Approve the plan, plat, or related application if the plan, plat, or related application is in compliance with the provisions of state law, this chapter, the platting manual, and other applicable rules and regulations adopted by the city council;

(2) Upon the initial consideration of a plan, plat, or related application, approve the plan, plat, or related application with conditions; or

(3) Disapprove a plan, plat, or related application if the city determines that it is incomplete or fails to comply with the provisions of state law, this chapter, the platting manual, or other rules and regulations adopted by the city council.

(b) The commission or city staff, as applicable, must act within 30 days after a plan, plat, or related application is filed.

(c) The city must endorse an approved plan, plat, or related application with a certificate indicating the approval. The certificate of plat approval must be signed by the commission's presiding officer and attested by the commission's secretary, and by the applicable staff members. If the commission or city staff, as applicable, fail to approve, approve with conditions, or disapprove a plan, plat, or a related application within the time frame set forth in this section, an applicant may request a certificate stating the date the plan, plat, or related application was filed and that the authority failed to act on the plan, plat, or related application within the prescribed period of time.

(d) The applicable authority will review, approve, disapprove, or, if applicable, approve with conditions, plats and related applications based on the technical review and recommendations provided by city staff.

(e) City staff, including the department of development services and the public works department will review certain plans. Such plans shall be considered documents to aid in the review of plats.

(f) Conditional approvals and disapprovals of applicable plans, plats, and related applications shall:

(1) Be in writing and provided to the applicant;

(2) Include a statement of the conditions, if a conditional approval; and

(3) Cite the specific reason for the conditional approval or disapproval, which must be directly related to a requirement of state law, this chapter, the platting manual, and other applicable rules and regulations adopted by the city council, that is the basis for the conditional approval or disapproval, as applicable.

(g) *Applicant responses.* After receiving a response from an applicant, the city will determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved plan or plat not later than the 15th day after the date the response was submitted.

### **Sec. 82-13. – No accrual of vested rights.**

Rights derived from Chapter 245 of the Texas Local Government Code, as amended, shall not accrue from:

(1) a pre-development or pre-application meeting or conference by phone, in person, or in writing;

(2) documents offered for review for or in a pre-development or pre-application meeting or conference; or

(3) an expired or disapproved plan, plat, or related application.

**ARTICLE II. – PLATS**  
**DIVISION 1. - GENERALLY**

**Sec. 82-31. – Specific procedures for the submission of plats and related applications.**

(a) The city herein adopts rules for the implementation of this article. These rules shall be known as the “Platting Manual of the City of Missouri City,” hereinafter referred to as the “platting manual.” A copy of said manual shall be made available at the city secretary's office for public inspection during regular business hours. All plats and related applications shall be submitted in accordance with such manual. Failure to submit any information or document required by the platting manual may result in an incomplete application and the denial of the application.

(b) An amendment to the platting manual shall be adopted by the city council by ordinance.

(c) A plat or related application submitted to the commission must be in the form and contain the information and documents required by the platting manual, and, where appropriate, reflect any conditions or requirements for final approval previously imposed by the commission. A preliminary plat submitted to the commission in a form that is prepared as to be recordable shall be disapproved. A final plat submitted to the commission shall be prepared so as to be recordable.

**Sec. 82-32. - Conceptual plan.**

(a) Before filing a preliminary plat, a subdivider who intends to submit a preliminary plat shall submit a conceptual plan of the entire development for approval by the commission if the developer intends to subdivide:

(1) a tract of land utilizing a sequence of preliminary plats or multiple preliminary plats;

(2) a tract of land of five acres or more, provided that such development may have an impact, particularly an impact on drainage, access, or utility easements, on adjacent properties located within 200 feet of the tract to be subdivided; or

(3) a tract of land of any size subject to LC local commercial district, LC-O local commercial office district, LC-1 local retail restricted district, LC-2 local retail district, LC-3 retail district, LC-4 retail district, BP business park district, I industrial district, CF community facilities district or PD planned development district regulations of appendix A of this Code that is to be subdivided into three or more parts.

(b) If a conceptual plan is required by this section, such plan must be approved prior to the commission's consideration of a preliminary plat of such development. Each preliminary plat of such development must comply with the conceptual plan. Major modifications by the developer to the conceptual plan shall require resubmission of such plan to the commission. Said resubmission shall be considered a new permit process.

**Sec. 82-33. - Exemptions.**

(a) Eligibility. Notwithstanding any provisions of this chapter to the contrary, a plat shall not be required to be filed and approved by the commission if an exemption is granted in accordance with the provisions of this section. This section is applicable only to those instances where:

- (1) A tract of land is proposed to be subdivided into no more than two tracts, the smallest of which is at least five acres;
  - (2) No new public or private street is proposed;
  - (3) No new water or service lines or drainage improvements are proposed;
  - (4) No immediate dedication or public improvement is required to comply with the comprehensive plan; and
  - (5) The proposed subdivision is for the limited purpose of division or sale of a tract of at least ten acres.
- (b) Procedure. Applications for an exemption to platting under this section must be submitted to and approved by the commission. An exception may be granted by the commission if, in its judgment, it is deemed appropriate. In authorizing an exemption from platting, the commission may provide that no permits for development, construction or improvements on such subdivision of any kind will be issued by the city until such tract is platted in accordance with the terms of this chapter.

**Sec. 82-34. – Reserved.**

**Sec. 82-35. - Expiration of approval.**

(a) Conceptual plan.

(1) All conceptual plan approvals granted by the commission and the conditions therein, if any, are valid for a period of two years from the date on which the approval was granted if no progress has been made towards the completion of the project. The commission may, upon receipt of a written request from the subdivider or his authorized agent prior to the expiration date of the plan approval, extend this term of approval for any time period not to exceed an additional 12 months.

(2) If a subdivider fulfills all conditions of approval adopted by the commission for a final plat or plats covering a portion of the conceptual plan area prior to the expiration of the conceptual plan, the remainder of the conceptual plan shall be valid for a period of two years from the date on which such approval was granted unless no progress has been made towards the completion of the project. If a subdivider fulfills all conditions of approval adopted by the commission for approval of additional preliminary plats or plats covering another portion of the conceptual plan area before expiration of the two-year period, the plan shall be valid for another year or upon expiration of the final or preliminary plat, whichever is later. This extension policy may continue as long as platting activity continues. Notwithstanding the foregoing, the commission may, in its discretion, extend such period of validity for an additional term to be fixed by the commission.

(b) Preliminary plat. All preliminary plat approvals granted by the commission are valid for a period of two years from the date on which the approval was granted if no progress has been made towards the completion of the project. The commission may, upon receipt of a written request from the subdivider or his authorized agent prior to the expiration date of the plat approval, extend this term of approval for any time period not to exceed 12 months. If a subdivider files a final plat or plats covering only a portion of the preliminary plat area prior to its expiration date, the remainder of the preliminary plat shall be valid for a period of two years from the date on which the approval was granted if no progress has been made toward completion of the project. The commission may,

at its discretion, extend such period of validity for an additional term to be fixed by the commission.

(c) Final plat. All final plat approvals granted by the commission are valid for a period of two years from the date on which the approval was granted if no progress has been made towards the completion of the project. All final plat conditional approvals, if any, are valid until the applicant provides a written response to the conditions and the city either approves or denies the final plat.

(d) For the purposes of this section, "progress toward the completion of the project" includes the following:

- (1) submission of an application for a plat or plan;
- (2) a good-faith attempt to file an application for a permit necessary to begin or continue the project;
- (3) incurring costs for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;
- (4) posting fiscal security with the city to ensure performance of an obligation required by the city; or
- (5) payment of utility connection fees or impact fees for the project.

**Sec. 82-36. - Recording.**

After the commission has approved a final plat and all conditions to such approval have been met by the subdivider, the subdivider shall cause such final plat to be recorded in the appropriate county plat records. Following recordation of the final plat, the subdivider shall deliver to the city reproducible copies of the approved and recorded final plat in accordance with the schedule of required copies.

**DIVISION 2. - PRELIMINARY PLAT**

**Sec. 82-61. - Application for approval.**

Except as otherwise provided by this chapter, preliminary plat approval is a prerequisite for final plat approval. A person desiring approval of a preliminary plat shall first file an application for preliminary plat approval with the development services department. When a conceptual plan is required, unless otherwise permitted by this chapter, an application for preliminary plat approval shall not be filed until the conceptual plan for such property has been approved by the commission. An application for preliminary plat approval shall be disapproved by the commission if the application is incomplete or does not include all required fees, data, and documents in accordance with this article and the platting manual.

**Sec. 82-62. – Reserved.**

**Sec. 82-63. - Reserved.**

**Sec. 82-64. - Reserved.**  
**Sec. 82-65. - Reserved.**

### **DIVISION 3. - FINAL PLAT**

**Sec. 82-91. - Application for approval.**

A person desiring approval of a final plat shall first file an application for final plat approval with the development services department. Unless otherwise permitted by this chapter, an application for final plat approval shall not be submitted until a preliminary plat of such property has been approved by the commission. An application for final plat approval shall be disapproved by the commission by the commission if the application is incomplete or does not include all required fees, data, and documents in accordance with this article and the platting manual. Final plat submission shall be before or concurrent with the submission of construction plans and related applications.

**Sec. 82-92. - Reserved.**  
**Sec. 82-93. - Reserved.**  
**Sec. 82-94. - Reserved.**  
**Sec. 82-95. - Reserved.**

### **DIVISION 4. - ABBREVIATED PLATTING PROCEDURE**

**Sec. 82-121. - Generally.**

Notwithstanding any of the provisions of this chapter to the contrary, an abbreviated procedure, to the limited extent expressly provided in this division, is hereby established. An abbreviated procedure is allowed in those instances where a simplified subdivision is proposed, and the submission and review of a preliminary plat is not necessary for a complete understanding and evaluation of the development process or its consistency with and integration into the city's comprehensive plan. An abbreviated platting procedure may be authorized by the director of development services if the application meets the eligibility requirements set forth in Section 82-122. If the abbreviated platting process is approved by the director of development services, submission and approval of the preliminary plat may be waived, and the developer may proceed with preparation and submission for approval of a final plat. Such final plat must otherwise conform to the requirements of division 3 of this article.

**Sec. 82-122. - Eligibility.**

The director of development services shall waive the requirement for preliminary plat approval and authorize the abbreviated platting procedure if a subdivider can establish one of the following:

(1) Each lot, block, tract or reserve within the proposed subdivision must front a dedicated street of appropriate grade and condition to provide adequate access. All utility, drainage and other easements necessary to serve each lot, block, tract or reserve must have been previously granted. The proposed subdivision must not contain or create a significant drainage problem. All utilities required to serve each lot, block,

tract or reserve must be in place so that only taps are required to provide service to the subdivision. Each lot, tract or reserve proposed in the subdivision must have a street frontage of not less than 200 feet at the building line if it fronts on a major thoroughfare and not less than 65 feet if it fronts on a residential street.

(2) The proposed subdivision must be for platting of a single tract of land out of a larger tract which will not require any street construction, installation of water or sewer lines, or any drainage improvements. The proposed subdivision must be for the limited purpose of division of a tract greater than five acres.

## **DIVISION 5. - AMENDING PLAT**

### **Sec. 82-140. - Generally.**

The city may approve and issue an amending plat, which shall be recorded and is controlling over the preceding plat without vacation of that plat, if the amending plat complies with all applicable requirements and provisions of V.T.C.A., Local Government Code § 212.016.

### **Sec. 82-141. - Application for approval.**

(a) Any person desiring approval of an amending plat shall first file an application for plat approval with the development services department. Except as provided herein, amending plat procedures shall conform with the requirements for final plats. Once an application for amending plat approval has been filed with the city, it will be submitted to the development services department for consideration and a determination will be issued within 30 days of the submittal deadline date.

(b) The director of development services may grant full approval of amending plat applications that meet the requirements of this chapter.

(c) If the director of development services withholds approval of an amending plat application, the director of development services will forward the application to the planning and zoning commission, in which case the commission will act in accordance with section 82-10.”

Section 4. The Missouri City Code is hereby amended by deleting Subsection 82-174 (h) of Article III of Chapter 82 thereof and substituting therefor a new Subsection 82-174 (h) of Article III of Chapter 82 to provide as follows:

## **“CHAPTER 82-SUBDIVISIONS**

. . . .

## **ARTICLE III. - STANDARDS AND SPECIFICATIONS**

. . . .

### **Sec. 82-174. - Dedication of land for neighborhood parks; reservation of land for public uses.**

. . . .

(h) Administration.

- (1) Review of proposals. Unless provided otherwise in this section, an action by the city shall be by the city council, after consideration of the recommendations of the commission and the parks and recreation board. A recommendation under this section shall consist of a recommendation to approve, approve with conditions, or disapprove a parkland dedication proposal. Any proposal considered by the commission under this section shall have been reviewed by the parks and recreation board and its recommendation given to the commission within 30 days of the submission of the proposal to the city. Any proposal considered by the commission under this section shall have been reviewed by the commission and its recommendation given to the city council within 30 days of the submission of the proposal to the commission. If the commission or the parks board fails to submit a recommendation within the prescribed period, the commission or the board's recommendation shall be deemed a negative recommendation.
  
- (2) Applicability of section to previously approved developments. This section shall become effective upon adoption by the city council. The expiration of approval for any conceptual plan shall be the expiration date as set forth on the approved conceptual plan. If no such date is set forth on the conceptual plan, the expiration of approval shall be as set forth by city ordinance in effect at the time of the submission of the conceptual plan.”

Section 5. *Repeal.* All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict only.

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, whether there be one or more parts.

PASSED and APPROVED on first reading this 21<sup>st</sup> day of January, 2020.

PASSED and APPROVED on second reading this 3<sup>rd</sup> day of February, 2020.

\_\_\_\_\_  
Yolanda Ford, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Maria Jackson, City Secretary

\_\_\_\_\_  
E. Joyce Iyamu, City Attorney

**CHAPTER 82-SUBDIVISIONS**

**ARTICLE I. - IN GENERAL**

**Sec. 82-1. - Designation and citation of chapter.**

The ordinances embraced in this chapter, including all sections now or hereafter amended, added or altered shall constitute and be designated the "City Subdivision Ordinance," and may be so cited.

**Sec. 82-2. - Conformance with comprehensive plan.**

All subdivisions in the city and in its extraterritorial jurisdiction shall be platted in conformance with the comprehensive plan of the city.

**Sec. 82-3. - Applicability of chapter.**

~~This~~Except as provided herein, this chapter shall apply to all subdivisions of land within the city and its area of extraterritorial jurisdiction as established by V.T.C.A., Local Government Code ch. 42. Unless otherwise provided by this chapter or by written agreement with a property owner or his successors and assigns, this chapter shall not be construed to require city building permits, building inspections and related approvals, or the payment of related fees within the area of extraterritorial jurisdiction of the city.

**Sec. 82-4. - Conflicts with county regulations.**

This chapter shall not be applied in such a manner to amend or alter any rule, regulation, procedure or policy lawfully and officially adopted by the governing body of any county in which there exists territory contained within the area of extraterritorial jurisdiction of the city. In the circumstance where any rule, regulation, procedure or policy lawfully and officially adopted by the governing body of any county is less restrictive than those contained in this chapter, then the standards of this chapter shall apply.

**Sec. 82-5. - Purpose of chapter.**

(a) The purpose of this chapter is to provide for the orderly, safe and healthful development of the area within the city and its extraterritorial jurisdiction and to promote the health, safety, morals and general welfare of the community.

(b) Compliance with all city ordinances pertaining to the subdivision and development of land shall be required prior to approval of any application pursuant to this chapter. All such ordinances, including the ordinance adopting the comprehensive plan, shall be construed to mean those documents as they exist or as they may be amended. It is an applicant's responsibility to be familiar with, and to comply with, city ordinances, the comprehensive plan, and the provisions of this chapter. Applicable city ordinances and plans with which all applications must comply include, but are not limited to, the following:

- (1) comprehensive plan (including all associated maps and plans);
- (2) this Chapter 82;
- (3) the zoning ordinance (appendix A of this Code);
- (4) building codes;
- (5) floodplain management regulations (Chapter 42 of this Code);
- (6) International Fire Code;
- (7) other applicable portions of this Code; and
- (8) engineering documents, including, the infrastructure design manual.

## **Sec. 82-6. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any office referred to in this chapter by title shall include the person employed or appointed for that position or his duly authorized deputy or representative. Terms, phrases or words not expressly defined in this section are to be construed in accordance with the zoning ordinance (appendix A of this Code) or other applicable ordinance of the city, or, in the absence of such ordinance, in accordance with the customary usage in municipal planning and engineering practices.

*Alley* means a public right-of-way identified on a plat by the word "alley," which is used only for secondary access primarily for the purpose of vehicular service to the back and sides of individual properties which have their primary access from an adjacent public or private street.

*Amending plat* means a plat approved and issued for one or more of the purposes set forth in V.T.C.A., Local Government Code § 212.016(a).

*Building official* means the city building official or his designee.

*City engineer* means the city engineer or his designee.

*Commission* means the planning and zoning commission.

*Comprehensive plan* means the general plan adopted by the city council for the growth and development of the city and its environs, including any and all elements of such plan, addressing such topics as land use, streets and thoroughfares, driveway approaches, utilities, drainage, schools, and parks, ~~as well as others.~~

*Design manual* means the design requirements, standard construction details, and standard details to be followed when designing, improving, repairing, constructing or performing modifications of any kind to infrastructure.

*Development* means the new construction of any building or structure, or the enlargement of any exterior dimension of any building, structure or improvement.

*Development plat* means a complete and exact development plan prepared in conformity with the provisions of this chapter and in a manner suitable for recording with the county clerk of the county or counties in which the development is located.

*Director of development services* means the director of development services or his designee.

*Driveway* means a surfaced area providing vehicular access between a public or private street and an off-street parking or loading area.

*Dwelling unit* means a residential unit providing complete, independent living facilities for one family, including permanent provisions for sleeping, living, cooking and sanitation.

*Final plat* means a complete and exact subdivision plan prepared in conformity with the provisions of this chapter and in a manner suitable for recording with the county clerk of the county or counties in which the subdivision is located.

[General plan means a concept plan.](#)

[Land development application means building permit applications, specifically, construction plans, commercial civil plans, commercial ground up construction plans, commercial parking lot plans, detention pond plans, flatwork plans, floodplain permit plans, grading plans, and retention pond plans; parkland dedication proposal applications; and site development plan applications. Major construction improvement applications and zoning applications are not considered land development applications.](#)

*Lot* means an undivided tract or parcel of land having frontage on a public or private street, or other approved facility contained within a block and designated on a subdivision plat by numerical or letter identification.

[Minor modification means an enhancement, refinement, or clarification to a plan or plat application that does not materially impact the plan or plat application and that is submitted before the time scheduled for authorized action on the application in accordance with this chapter. A minor modification includes, but is not limited to, a change that results in a net increase or decrease of less than ten percent \(10%\) in a quantifiable category, including a utility capacity requirement; does not require an amendment to posted notice; results in an adjustment in the alignment of easements and rights-of-way of less than 1,000 linear feet in any direction; and results in an adjustment in a designated use that does not change the overall use applied for in the application.](#)

[Major modification means any revision to a plan or plat application that is not considered to be a minor modification.](#)

*Off-site improvements* mean improvements occurring off-site that are necessary to serve the development.

*Oversized improvements* mean improvements larger than necessary for the immediate development.

[Plan means a subdivision development plan, including a subdivision construction plan, site plan, land development application, and site development plan.](#)

[Plat includes an amending plat, a preliminary plat, a general plan, a final plat, and a replat.](#)

*Preliminary plat* means a map or drawing of a proposed subdivision prepared in accordance with the provisions of this chapter, illustrating the features of the development for review and preliminary approval by the commission.

*Schedule of required copies* means the "Schedule of Required Copies—City of Missouri City Subdivision Regulations."

[Site development plan includes an entire set of construction plans, general civil plans, grading plans, site plans, drainage plans, and traffic control plans. The term excludes zoning site development plans and capital improvement plans for city property.](#)

[Site plan means a map or graphic, including an architectural or engineering plan, of a proposed improvement on a certain lot or site.](#)

*Street, private*, means a private thoroughfare, not dedicated to public use, which provides vehicular access from a public street to more than two residential dwelling units, or two or more commercial or industrial buildings or parking areas.

*Street, public*, means any public thoroughfare or right-of-way, dedicated for public use, which provides vehicular access to adjacent land.

*Subdivider* and *developer* are synonymous for the purposes of this chapter, and shall include any owner, or authorized agent thereof, proposing to divide or dividing land so as to constitute a subdivision according to the terms and provisions of this chapter.

*Subdivision* means the division of any lot, tract or parcel of land by plat, map or description into two or more parts, lots or sites for the purpose, whether immediate or future, of sale, rental or lease, or division of ownership. Any dedication in the laying (or realignment) of new streets, or other public or private accessways, with or without lots, shall constitute a subdivision. Subdivision shall also include the resubdivision and replatting of land or lots which are part of a previously recorded subdivision. An "addition" is a subdivision as defined in this section. The term "subdivision" shall also include the division of land, whether by plat or by metes and bounds description, and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

[Subdivision plan includes construction plans, specifically, plans for streets, alleys, curbs and gutters, sidewalks, bike paths, utilities and other public improvements](#)

required in this chapter. A subdivision plan excludes a zoning plan and a capital improvement plan for city property.

*Title report* means a report prepared and executed by a title company authorized to do business in the state or an attorney licensed in the state certifying the true owner of the property and describing all encumbrances of record which affect the property.

#### **Sec. 82-7. - Plat approval required.**

(a) It shall be unlawful for any person to subdivide any tract, lot or parcel of land within the city or its extraterritorial jurisdiction unless and until a final plat of such subdivision has been approved in accordance with the terms of this chapter. Unless and until a final plat, plan or replat of a subdivision shall have been first approved in the manner provided in this chapter by the commission, it shall be unlawful for any person to construct or cause to be constructed any street, utility facility, building, structure or other improvement on any lot, tract or parcel of land within such subdivision, except as specifically permitted in this chapter.

(b) No building, plumbing, electrical or mechanical permit shall be issued by the city for the construction or repair of any structure on a lot or tract in a subdivision for which a final plat has not been approved by the commission and filed for record, except as specifically allowed in this chapter. No building, plumbing, electrical or mechanical permit shall be issued by the city for the construction or repair of any structure on a lot or tract in a subdivision in which the permanent public improvements have not been approved and accepted by the city, except as specifically allowed in this chapter.

(c) The city shall not repair, maintain, install or provide any street or public utility service, or authorize the sale or supply of water or sewer service, in any subdivision for which a final plat has not been approved by the commission and filed for record. The city shall not repair, maintain, install or provide any street or public utility service, or authorize the sale or supply of water or sewage service, in any subdivision in which the permanent public improvements have not been approved and accepted by the city.

#### **Sec. 82-8. - Improvements required; oversized or off-site improvements.**

All of the improvements required under this chapter, including improvements specified in the comprehensive plan, which, in the judgment of the commission, are necessary for the adequate provision of streets, drainage, utilities, municipal services and facilities to the subdivision, shall be constructed at the sole expense of the developer. If oversizing of utility or drainage facilities or off-site improvements are required as a part of the subdivision development, and are necessary for the adequate and efficient development of surrounding areas, the city may require the developer to construct such oversized or off-site improvements. In such event the city shall reimburse the developer for the portion of the cost of the oversizing or off-site improvements not attributable to the subdivision development as soon as budgeted funds are available after completion

and acceptance by the city of such construction, but in no event shall such reimbursement by the city be made more than one year after completion and acceptance of the construction. This provision shall not be a limitation on the ability of the city, pursuant to an agreement with a utility district, to require such district to finance the cost of oversized or off-site public improvements, or a limitation of the manner provided in such agreement for the city to pay its proportionate cost of such improvement.

### **Sec. 82-9. - Variances.**

(a) The rules and regulations provided in this chapter or incorporated in this chapter are the minimum standards and requirements of the city. Upon application by the developer, a variance from any such rule or regulation may be granted by the commission upon a good and sufficient showing by the developer that:

(1) There are special circumstances or conditions affecting the property in question;

(2) Enforcement of the provisions of this chapter will deprive the applicant of a substantial property right; and

(3) If a variance is granted it will not be materially detrimental to the public welfare or injurious to other property or property rights in the vicinity.

(b) The application for a variance shall be made on a form prescribed by the city, and shall specifically identify the provision of this chapter from which a variance is sought and the specific circumstances and conditions which the applicant believes will support and justify the granting of such variance. If more than one variance is sought, each shall be specifically identified in the application and the specific circumstances and conditions justifying each request shall be provided with the application. Each and every application for a variance shall be decided solely and entirely on its own merits, and the disposition of any prior or pending application for a variance shall not be allowed to enter into or affect any decision on the application in question. Pecuniary interests shall not be considered as a basis for the granting of a variance.

(c) No application for a variance will be considered unless submitted, in writing, no later than the date the application for final plat approval is submitted. An application for a variance must be accompanied by a nonrefundable application fee in the amount specified in the schedule of fees for the city. Multiple copies of the application for variance shall be provided in accordance with the schedule of required copies.

### **Sec. 82-10. – Submission of plans, plats, and related applications.**

(a) *Submittal packet.* The director of development services shall publish submittal packets for plans, plats, and related applications. Such packets shall contain a

submittal schedule, applicable applications, checklists, and any additional documents and resources necessary for filing plans, plats and related applications.

(b) *Development review schedule.* The director of development services shall process and accept plans, plats, and related applications, including a response application for a conditional approval or a disapproval, on one or more dates designated by the development services department. Such dates shall be published in a submittal packet, made available on the City's website, and shall remain accessible on the City's website for at least 30 days before the scheduled date. An applicant submitting a plan, plat, or a related application shall submit such plan, plat, or related application on the date designated by the development services department. The city will not accept a plan, plat, or related application on a date other than a date designated by the development services department. If a plan, plat, or related application is submitted and inadvertently accepted by the city on a date other than on a date designated by the development services department, the authority responsible for approving the plan, plat, or related application may disapprove the plan, plat, or related application.

(c) *Filing dates.* An application shall be submitted on the submittal deadline date designated by the development services department. An application shall be deemed filed on the date on which the application is delivered to the development services department or deposited with the United States Postal Service by certified mail addressed to the development services department. The development services department will certify that an application is "filed" or incomplete within five working days after the submittal deadline date. The city will provide an applicant with written notice not later than the fifth business day after the date the application is submitted if the application is incomplete. Such notice will specify the necessary documents or other information required and the date the application will expire if the documents or other information are not provided. An applicant shall respond to such notice by the tenth day after the submittal deadline. An incomplete plan, plat, or related application will be disapproved by the authority responsible for approving the plan, plat, or related application. Except as provided by Subsection 82-10(e) relating to extensions, once an application for a plan, plat, or related application has been filed with the city, it will be submitted to the commission for consideration within 30 days following the submittal deadline date designated by the development services department.

(d) *Form and contents.* A plan, plat, or related application must be filed with the appropriate fee; in the form prescribed by the city; during the timeframe prescribed by the city; and in compliance with the city's rules and regulations. A plan, plat, or related application submitted for approval by the commission shall be in the form and contain the information and documents required by the platting manual. A plan or related application submitted for review by the staff shall be in the form and contain the information and documents required by this chapter, the platting manual, or other rules

and regulations adopted by the city council. A plan, plat, or related application that does not meet the requirements of this chapter will be disapproved.

(e) *Extensions.* The 30-day period described by this section may be extended by an applicant for a period not exceed 30 days provided that:

(1) the extension is requested before the tenth day before the application is scheduled to be considered by the applicable authority;

(2) the applicant requests the extension in writing to the authority responsible for approving the plan, plat or related application; and

(3) the authority responsible for approving the plan, plat or related application approves the extension request.

(f) *Modifications.* A major modification to a plan, plat, or related application after its submission shall be disapproved by the authority responsible for approving the plan, plat or related application. An applicant may request a minor modification to a plan, plat, or related application following its submission provided that:

(1) for plats, the minor modification is made before the tenth day before the date on which the commission is scheduled to consider the plat application; and

(2) for plans, the minor modification is made before the tenth day before the plan application review period is completed.

(g) *Applicant responses.* An applicant may submit a written response in accordance with this Section 82-10 after an approval with conditions or after the initial disapproval of a plan, plat, or related application. Such response must address each condition set forth in the conditional approval and each reason for disapproval provided by the city. Failure to adequately address each condition for the conditional approval or each reason for the initial disapproval may result in the disapproval of the plan, plat, or related application.

(h) *Required plans.* The submission of a plan, plat or related application without another required plat, plan, or related application required by this chapter, the platting manual, or other rules and regulations adopted by the city council shall be grounds for the disapproval of such application.

(i) *Fees.* An application for approval must be accompanied by a nonrefundable application fee in an amount specified in a schedule of fees adopted by the city council.

#### **Sec. 82-11. - Preliminary application conference required.**

Prior to filing a plan or plat application, the subdivider, **planner or other appropriate representative shall consult with the director of development services for comments and advice on the procedures, specifications and standards required by the city as a condition for plat approval.** Failure to consult with the director of development services prior to filing a plan or plat application shall result in an incomplete application and the

denial of the application. If requested in writing, the commission may place, for discussion purposes only, an item on its agenda regarding the proposed subdivision to assist a subdivider on matters affecting such proposed subdivision.

### **Sec. 82-12. - Types of action.**

(a) Authority to review and approve certain technical plans in accordance with this chapter is delegated to city staff. The commission or city staff, as applicable, shall review each plan, plat, or related application submitted to it. Upon the receipt of a plan, plat, or related application, the city's authorized actions are as follows:

(1) Approve the plan, plat, or related application if the plan, plat, or related application is in compliance with the provisions of state law, this chapter, the platting manual, and other applicable rules and regulations adopted by the city council;

(2) Upon the initial consideration of a plan, plat, or related application, approve the plan, plat, or related application with conditions; or

(3) Disapprove a plan, plat, or related application if the city determines that it is incomplete or fails to comply with the provisions of state law, this chapter, the platting manual, or other rules and regulations adopted by the city council.

(b) The commission or city staff, as applicable, must act within 30 days after a plan, plat, or related application is filed.

(c) The city must endorse an approved plan, plat, or related application with a certificate indicating the approval. The certificate of plat approval must be signed by the commission's presiding officer and attested by the commission's secretary, and by the applicable staff members. If the commission or city staff, as applicable, fail to approve, approve with conditions, or disapprove a plan, plat, or a related application within the time frame set forth in this section, an applicant may request a certificate stating the date the plan, plat, or related application was filed and that the authority failed to act on the plan, plat, or related application within the prescribed period of time.

(d) The applicable authority will review, approve, disapprove, or, if applicable, approve with conditions, plats and related applications based on the technical review and recommendations provided by city staff.

(e) City staff, including the department of development services and the public works department will review certain plans. Such plans shall be considered documents to aid in the review of plats.

(f) Conditional approvals and disapprovals of applicable plans, plats, and related applications shall:

(1) Be in writing and provided to the applicant;

(2) Include a statement of the conditions, if a conditional approval; and

(3) Cite the specific reason for the conditional approval or disapproval, which must be directly related to a requirement of state law, this chapter, the platting manual, and other applicable rules and regulations adopted by the city council, that is the basis for the conditional approval or disapproval, as applicable.

(g) Applicant responses. After receiving a response from an applicant, the city will determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved plan or plat not later than the 15th day after the date the response was submitted.

### **Sec. 82-13. – No accrual of vested rights.**

Rights derived from Chapter 245 of the Texas Local Government Code, as amended, shall not accrue from:

(1) a pre-development or pre-application meeting or conference by phone, in person, or in writing;

(2) documents offered for review for or in a pre-development or pre-application meeting or conference; or

(3) an expired or disapproved plan, plat, or related application.

## **ARTICLE II. – PLATS**

### **DIVISION 1. - GENERALLY**

**Sec. 82-30. – ~~Administrative~~31. – Specific procedures for the submission of ~~plans,~~ plats and related applications.**

~~The director of development services is authorized to promulgate procedures~~(a)  
The city herein adopts rules for the implementation of this article. These ~~procedures~~rules shall be known as the "~~Administrative-~~Platting Manual of the City of Missouri City," hereinafter referred to as the "plating manual." A copy of said manual shall be made available at the city secretary's office for public inspection during regular business hours. All ~~plans,~~ plats, and related applications shall be submitted in accordance with such manual. Failure to submit any information or document required by the platting manual may result in an incomplete application and the denial of the application.

(b) An amendment to the platting manual shall be adopted by the city council by ordinance.

**Sec. 82-31. - Preliminary conference.**

~~Prior to filing a conceptual plan or preliminary plat, the subdivider, his planner or other appropriate representative shall consult with the director of development services for comments and advice on the procedures, specifications and standards required by the city as conditions for subdivision plat approval. If requested in writing, the commission may place, for discussion purposes only, an item on its agenda regarding the proposed subdivision to assist a subdivider on matters affecting such proposed subdivision.~~

(c) A plat or related application submitted to the commission must be in the form and contain the information and documents required by the platting manual, and, where appropriate, reflect any conditions or requirements for final approval previously imposed by the commission. A preliminary plat submitted to the commission in a form that is prepared as to be recordable shall be disapproved. A final plat submitted to the commission shall be prepared so as to be recordable.

**Sec. 82-32. - Conceptual plan.**

(a) ~~Generally. Prior to~~Before filing a preliminary plat, a subdivider who intends to submit a ~~sequence of preliminary plats of a proposed development~~plat shall submit a conceptual plan of the entire development for approval by the commission.~~The director of development services may also require a subdivider of a large tract development to submit a conceptual plan for approval by the commission. Notwithstanding anything in this subsection to the contrary, a subdivider may, at his own risk, submit preliminary plats along with a conceptual plan of a proposed development. if the developer intends to subdivide;~~

(1) a tract of land utilizing a sequence of preliminary plats or multiple preliminary plats;

(2) a tract of land of five acres or more, provided that such development may have an impact, particularly an impact on drainage, access, or utility easements, on adjacent properties located within 200 feet of the tract to be subdivided; or

(3) a tract of land of any size subject to LC local commercial district, LC-O local commercial office district, LC-1 local retail restricted district, LC-2 local retail district, LC-3 retail district, LC-4 retail district, BP business park district, I industrial district, CF community facilities district or PD planned development district regulations of appendix A of this Code that is to be subdivided into three or more parts.

(b) If a conceptual plan is required by this section, such plan must be approved prior to the commission's consideration of a preliminary plat of such development. Each preliminary plat of such development must comply with the conceptual plan. ~~Changes~~Major modifications by the developer ~~into~~ the conceptual plan shall require resubmission of such plan to the commission. Said resubmission shall be considered a new permit process.

~~(b) Form and contents. A conceptual plan application submitted for approval by the commission shall be in the form and contain the information and documents required by the platting manual.~~

### **Sec. 82-33. - Exemptions.**

(a) Eligibility. Notwithstanding any provisions of this chapter to the contrary, ~~no~~ ~~subdivision~~ plat shall not be required to be filed and approved by the commission if an exemption is granted in accordance with the provisions of this section. This section is applicable only to those instances where:

- (1) A tract of land is proposed to be subdivided into no more than two tracts, the smallest of which is at least five acres;
- (2) No new public or private street is proposed;
- (3) No new water or service lines or drainage improvements are proposed;
- (4) No immediate dedication or public improvement is required to comply with the comprehensive plan; and
- (5) The proposed subdivision is for the limited purpose of division or sale of a tract of at least ten acres.

(b) Procedure. Applications for an exemption to platting under this section must be submitted to and approved by the commission. An exception may be granted by the commission if, in its judgment, it is deemed appropriate. In authorizing an exemption from platting, the commission may provide that no permits for development, construction or improvements on such subdivision of any kind will be issued by the city until such tract is platted in accordance with the terms of this chapter.

### **Sec. 82-34. ~~Types of commission action~~ Reserved.**

~~The commission shall review each preliminary or final plat submitted to it. The commission shall approve any plat if it is in compliance with the provisions of state law, this chapter, the platting manual, and other rules and regulations that may have been adopted by the city council governing plats or the subdivision of land. Upon the receipt of a plat, the commission's authorized actions are as follows:~~

- ~~(1) Grant preliminary plat approval or preliminary plat approval with conditions.~~
- ~~(2) Grant final plat approval if in conformance with the conditions of preliminary plat approval and the requirements for final plat approval.~~
- ~~(3) Disapprove any plat, either preliminary or final, if the commission determines that it fails to comply with the provisions of state law, this chapter, the~~

~~platting manual, or other rules and regulations that may have been adopted by the city council governing plats or the subdivision of land.~~

## **Sec. 82-35. - Expiration of approval.**

### **(a) Conceptual plan.**

(1) All conceptual plan approvals granted by the commission and the conditions therein, if any, are valid for a period of two years from the date on which the approval was granted if no progress has been made towards the completion of the project. The commission may, upon receipt of a written request from the subdivider or his authorized agent prior to the expiration date of the plan approval, extend this term of approval for any time period not to exceed an additional 12 months.

(2) If a subdivider fulfills all conditions of approval adopted by the commission for a final plat or plats covering a portion of the conceptual plan area prior to ~~its~~the expiration ~~date of the conceptual plan~~, the remainder of the conceptual plan shall be valid for a period of two years from the date on which ~~its original~~such approval was granted ~~unless no progress has been made towards the completion of the project~~. If a subdivider fulfills all conditions of approval adopted by the commission for approval of additional preliminary plats or plats covering another portion of the conceptual plan area ~~within the last 12 months immediately prior to~~before expiration of the two-year period ~~from the date on which the original conceptual plan approval was granted~~, the plan shall be valid for ~~a third~~another year or upon expiration of the final or preliminary plat, whichever is later. This extension policy may continue as long as platting activity ~~is continued within one year after successive anniversaries of the original conceptual plan approval~~continues. Notwithstanding the foregoing, the commission may, in its discretion, extend such period of validity for an additional term to be fixed by the commission.

(b) Preliminary plat. All preliminary plat approvals granted by the commission ~~and the conditions therein, if any~~, are valid for a period of two years from the date on which the approval was granted if no progress has been made towards the completion of the project. The commission may, upon receipt of a written request from the subdivider or his authorized agent prior to the expiration date of the plat approval, extend this term of approval for any time period not to exceed 12 months. If a subdivider files a final plat or plats covering only a portion of the preliminary plat area prior to its expiration date, the remainder of the preliminary plat shall be valid for a period of two years from the date on which ~~its original~~the approval was granted if no progress has been made toward completion of the project. The commission may, at its discretion, extend such period of validity for an additional term to be fixed by the commission.

(c) Final plat. All final plat approvals granted by the commission ~~and the conditions therein, if any, which have not been duly recorded and performed~~ are valid for a period of two years from the date on which the approval was granted if no progress has been made towards the completion of the project. All final plat conditional approvals, if any, are valid until the applicant provides a written response to the conditions and the city either approves or denies the final plat.

(d) For the purposes of this section, "progress toward the completion of the project" includes the following:

- (1) submission of an application for a plat or plan;
- (2) a good-faith attempt to file an application for a permit necessary to begin or continue the project;
- (3) incurring costs for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;
- (4) posting fiscal security with the city to ensure performance of an obligation required by the city; or
- (5) payment of utility connection fees or impact fees for the project.

## **Sec. 82-36. - Recording.**

After the commission has approved a final plat and all conditions to such approval have been met by the subdivider, the subdivider shall cause such final plat to be recorded in the appropriate county plat records. Following recordation of the final plat, the subdivider shall deliver to the city reproducible copies of the approved and recorded final plat in accordance with the schedule of required copies.

## **DIVISION 2. - PRELIMINARY PLAT**

### **Sec. 82-61. - Application for approval.**

~~Any~~Except as otherwise provided by this chapter, preliminary plat approval is a prerequisite for final plat approval. A person desiring approval of a preliminary plat shall first file an application for preliminary plat approval with the development services department. When a conceptual plan is required, unless otherwise permitted by this chapter, an application for preliminary plat approval shall not be filed until the conceptual plan for such property has been approved ~~or conditionally approved by the commission and all conditions of conceptual plan approval have been satisfied and approved by the development services department at least one week prior to the submittal of the preliminary plat application. Forms for such applications shall be kept~~

~~on file with the director of development services~~ by the commission. An application for preliminary plat approval ~~will not be accepted by the city until the development services department has reviewed the application and certified that~~ shall be disapproved by the commission if the application is ~~complete and~~ incomplete or does not include all required fees, data, and documents ~~have been submitted~~ in accordance with this article and the platting manual.

**Sec. 82-62. - ~~Received and filing dates.~~ Reserved.**

~~The application shall be deemed received on the submittal deadline date as established by the development services department. The filing date of an application for preliminary plat approval shall be the date when the application is certified complete and marked "filed" by the development services department. The certification by the development services department that the application is complete and marked "filed" or incomplete and rejected shall be made within three working days after the submittal deadline date.~~

**Sec. 82-63. - ~~Submittal to commission~~ Reserved.**

~~Once an application for preliminary plat approval has been filed with the city it will be submitted to the commission for consideration at the next regular meeting following the expiration of 14 days from the submittal deadline date.~~

**Sec. 82-64. - ~~Filing fees~~ Reserved.**

~~An application for preliminary plat approval must be accompanied by a nonrefundable application fee in an amount specified in a schedule of fees adopted by the city council.~~

**Sec. 82-65. - ~~Form and contents~~ Reserved.**

~~A preliminary plat application submitted to the commission must be in the form and contain the information and documents required by the platting manual. A preliminary plat submitted to the commission in a form that is prepared as to be recordable will not be accepted by the city.~~

**DIVISION 3. - FINAL PLAT**

**Sec. 82-91. - Application for approval.**

~~Any~~ Any person desiring approval of a final plat shall first file an application for final plat approval with the development services department. Unless otherwise permitted by this chapter, an application for final plat approval shall not be ~~filed~~ submitted until a preliminary plat of such property has been approved ~~or conditionally approved by the commission and all conditions of preliminary plat approval have been satisfied and approved by the development services department at least one week prior to the submittal of the final plat application. Forms for such application shall be kept on file with the director of development services~~ by the commission. An application for final plat approval ~~will not be accepted by the city until the development services department has~~

~~reviewed the application and certified that the application is complete and shall be disapproved by the commission by the commission if the application is incomplete or does not include all required fees, data, and documents have been submitted in accordance with this article and the platting manual. Final plat submission shall be before or concurrent with the submission of construction plans and related applications.~~

**Sec. 82-92. - ~~Received and filing date~~Reserved.**

~~The application for final plat approval shall be deemed received on the submittal deadline date as established by the development services department. The filing date of an application for final plat approval shall be the date when the application is certified complete and marked "filed" by the development services department. The certification by the development services department that the application is complete and marked "filed" or incomplete and rejected shall be made within three working days after the submittal deadline date. The date the application is certified and marked "filed" is the date to be considered as the initial date of the statutory 30-day time period in which the commission is required to act upon a plat submitted to it under the provisions of V.T.C.A., Local Government Code § 212.001 et seq.~~

**Sec. 82-93. - ~~Submittal to commission~~Reserved.**

~~Once an application for final plat approval has been filed with the city it will be submitted to the commission for consideration at the next regular meeting following the expiration of 14 days from the submittal deadline date.~~

**Sec. 82-94. - ~~Filing fee~~Reserved.**

~~An application for final plat approval must be accompanied by a nonrefundable application fee in an amount specified in a schedule of fees adopted by the city council.~~

**Sec. 82-95. - ~~Form and contents~~Reserved.**

~~A final plat application submitted to the commission must be in the form and contain the information and documents required by the platting manual, and, where appropriate, reflect any conditions or requirements for final approval previously imposed by the commission. A final plat submitted to the commission must be prepared so as to be recordable.~~

#### **DIVISION 4. - ABBREVIATED PLATTING PROCEDURE**

**Sec. 82-121. - Generally.**

Notwithstanding any of the provisions of this chapter to the contrary, an abbreviated procedure, to the limited extent expressly provided in this division, is hereby established. ~~In~~An abbreviated procedure is allowed in those instances where a simplified ~~development or~~ subdivision is proposed, and the submission and review of a preliminary plat is not necessary for a complete understanding and evaluation of the development process or its consistency with and integration into the city's

comprehensive plan, ~~an~~. An abbreviated platting procedure may be authorized by the director of development services ~~if the application meets the eligibility requirements set forth in Section 82-122.~~ If the abbreviated platting process is approved by the director of development services, submission and approval of the preliminary plat may be waived, and the developer may proceed with preparation and submission for approval of a final plat. Such final plat must otherwise conform to the requirements of division 3 of this article.

#### **Sec. 82-122. - Eligibility.**

~~One of the following circumstances shall be established by the subdivider prior to~~ The director of development services shall waive the requirement for preliminary plat approval ~~and authorize~~ the abbreviated platting procedure if a subdivider can establish one of the following:

(1) Each lot, block, tract or reserve within the proposed subdivision must front a dedicated street of appropriate grade and condition to provide adequate access. All utility, drainage and other easements necessary to serve each lot, block, tract or reserve must have been previously granted. The proposed subdivision must not contain or create a significant drainage problem. All utilities required to serve each lot, block, tract or reserve must be in place so that only taps are required to provide service to the subdivision. Each lot, tract or reserve proposed in the subdivision must have a street frontage of not less than 200 feet at the building line if it fronts on a major thoroughfare and not less than 65 feet if it fronts on a residential street.

(2) The proposed subdivision must be for platting of a single tract of land out of a larger tract which will not require any street construction, installation of water or sewer lines, or any drainage improvements. The proposed subdivision must be for the limited purpose of division of a tract greater than five acres.

#### **DIVISION 5. - AMENDING PLAT**

##### **Sec. 82-140. - Generally.**

The city may approve and issue an amending plat, which shall be recorded and is controlling over the preceding plat without vacation of that plat, if the amending plat complies with all applicable requirements and provisions of V.T.C.A., Local Government Code § 212.016.

##### **Sec. 82-141. - Application for approval.**

(a) Any person desiring approval of an amending plat shall first file an application for plat approval with the development services department. Except as provided herein, amending plat procedures shall conform with the requirements for final plats. Once an application for amending plat approval has been filed with the city, it will be submitted to the development services department for consideration and a determination will be issued within ~~14~~30 days of the submittal deadline date.

(b) The director of development services may grant full approval of amending plat applications that meet the requirements of this chapter.

(c) If the director of development services withholds approval of an amending plat application, the director of development services will forward the application to the planning and zoning commission, in which case the commission will act in accordance with ~~section 82-34.~~ [section 82-10.](#)

. . . . .  
**ARTICLE III. - STANDARDS AND SPECIFICATIONS**

. . . . .  
**Sec. 82-174. - Dedication of land for neighborhood parks; reservation of land for public uses.**

. . . . .  
(h) Administration.

(1) Review of proposals. Unless provided otherwise in this section, an action by the city shall be by the city council, after consideration of the recommendations of the commission and the parks and recreation board. [A recommendation under this section shall consist of a recommendation to approve, approve with conditions, or disapprove a parkland dedication proposal.](#) Any proposal considered by the commission under this section shall have been reviewed by the parks and recreation board and its recommendation given to the commission [within 30 days of the submission of the proposal to the city.](#) [Any proposal considered by the commission under this section shall have been reviewed by the commission and its recommendation given to the city council within 30 days of the submission of the proposal to the commission. If the commission or the parks board fails to submit a recommendation within the prescribed period, the commission or the board's recommendation shall be deemed a negative recommendation.](#)

(2) Applicability of section to previously approved developments. This section shall become effective upon adoption by the city council. The expiration of approval for any conceptual plan shall be the expiration date as set forth on the approved conceptual plan. If no such date is set forth on the conceptual plan, the expiration of approval shall be as set forth by city ordinance in effect at the time of the submission of the conceptual plan.

Document comparison by Workshare 9.5 on Wednesday, January 15, 2020  
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Document 2 ID	W:\Legal Department\Ordinance\Drafts\2019 Drafts\HB 3167 Implementation\2020.01.14.3 Ch. 82 Ordinance.docx
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Moved to	10
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Format changed	0
Total changes	235



**MINUTES  
PLANNING AND ZONING COMMISSION  
CITY OF MISSOURI CITY, TEXAS  
January 8, 2020**

**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 Vice Chair Haney, at 7:00 PM.

**2. ROLL CALL**

**Commissioners Present:**

Sonya Brown-Marshall  
Tim Haney  
John O'Malley  
James R. Bailey  
Gloria Lucas  
Courtney Johnson Rose  
James G. Norcom III

**Commissioners Absent:**

Hugh Brightwell  
Monica L. Rasmus

**Councilmembers Present: None**

**Staff Present:**

Otis T. Spriggs, Director of Development Services  
Jennifer Gomez, Planning Manager  
E. Joyce Iyamu, City Attorney  
James Santangelo, Assistant City Attorney  
Jamilah Way, First Assistant City Attorney  
Thomas White, Planner II  
Gretchen Pyle, Interim Planning Specialist  
Egima Edwards, Planning Technician  
Glen Martel, Assistant City Manager

**Others Present:**

**7. OTHER MATTERS WITHIN THE JURISDICTION OF THE COMMISSION OR THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE.**

**A. CHAPTER 82, SUBDIVISION ORDINANCE PLANS AND PLATS**

- (1) Discuss amendments to Chapter 82, Subdivision, of the City Code of the City of Missouri City, Texas, regarding plans and plats.
- (2) Consider approving a final report to City Council on item 9.A.(1)

Jennifer Gomez, Planning Manager, presented the item. Ms. Gomez informed effective September 1, 2019, new laws have been implemented regarding land development applications. The law creates a definition for a “plan”; it expands what is considered to be a “plat”; and provides a specified 30-day approval process for plan and plat applications. The law also creates an approval process for responses to previous applications.

Ms. Gomez informed that to-date, the City Council has passed three emergency ordinances to align city regulations with the new law. Staff, including representatives from the Legal division, Engineering, Fire Marshall’s office, Building, as well as Planning have all been taking a look at the impact of the new law and have been working diligently to determine the ordinances and regulations that may need to be amended.

Ms. Gomez informed that the formal adoption of the Platting Manuel has been completed. The Platting Manuel provides specific requirements that the City has adopted for the form and content of plats. The new law requires that the City in disapproving or approving an application with conditions, cannot be arbitrary. The Platting Manuel had been an administrative platting manual previously.

Ms. Gomez followed with a summary of the proposed amendments that staff is working to present to the City Council. These amendments include the following:

- *Provide a definition for “plats”.* The proposed definition which would include concept plans, preliminary plats, final plats, replats and amending plats is generally the same as how the city has processed plats over the years. Amending plats are plats that can be approved at the staff level under certain conditions, but if it exceeds those conditions then they would be forwarded to Commission for action. The Commission is the designated authority for Missouri City to act on a plat.
- *Provide a definition for “plans”.* The proposed definition would include subdivision development plans, subdivision plans, subdivision construction plans, and land development applications. Through discussions and analysis, staff narrowed these terms so that subdivision development plans and subdivision plans are what the city generally refers to as subdivision construction plans. Land development applications would include generally plans submitted for a building permit as well as parkland dedication proposals.

Subdivision construction plans are generally reviewed by the Engineering Division for the development of public improvements within a subdivision. These plans, previously were not subject to a regulated time clock but would now be subject to the new process. Land development applications would include civil permits; ground up construction permit applications; and any building permit

application that includes site work, movement/improvement of land.

Chair Brown-Marshall asked whether or not an applicant could get two 30 day time clocks; one for a land application and then later with a shell building. Ms. Gomez provided that ideally a complete project is the best way to submit an application from the regulatory standpoint. Conceivably in many cases it does not always function that way. In that case, only the civil plans would be subject to the new law. The shell building plans would be based on the internal processes.

Ms. Gomez informed that parkland dedication proposals are also being added to what is considered a “plan”. This will change the parkland dedication proposal process. Currently a parkland dedication proposal goes before the Parks Board, the Commission, and then to City Council. The only time parameters is that the parkland dedication has to be done with or before the final plat. This new process would apply timeframe requirements on the consideration and actions by the Parks Board and the Commission.

Ms. Gomez informed that zoning site plans are not included in the new processes. The proposed ordinance amendment will exclude zoning site plans so that there is no confusion.

Ms. Gomez informed that “plans” as opposed to “plats” are generally approved at an administrative level.

- *Create submittal packets, submittal schedules, checklists, and applications.* In the past staff has used this tool for plat applications. These schedules and checklist will be formalized in to assist in moving the projects through the processes.

Ms. Gomez presented a draft submittal schedule, built around the Commission’s regular meeting date, any noticing requirements and the 30-day action requirement. All zoning and plat applications are received according to the same schedule.

Ms. Gomez informed that the schedule would is expanded to accommodate the additional timeframe required and proposed staff actions. Plat applications were previously placed for action by the Commission within 14 calendar days of the application being submitted. This timeframe would now be expanded to about 25 days.

- *Provide an opportunity for an applicant to stop/pause the clock once an application is submitted.* This request for extension must be approved by the Commission or staff as applicable. Staff is proposing that if a request for an extension is made, such request should be made not less than 10 days before the Commission’s meeting or staff action. The request for an extension can be for a period not to exceed 30 days.
- *Provide an opportunity to receive written response to a previously approved with conditions or disapproved application.* The city will then have 15 days to either “approve” or “disapprove”. This would require plat applications to be placed back on a Commission agenda for action.
- *Allow “minor” modifications for an applicant to make adjustments to an application within a specified time frame.* Minor modifications may help to

reduce the number of conditions placed on an approval or a disapproval. “Major” revisions to plans, or plat applications would be “disapproved”.

Commissioner O’Malley asked if an automatic second meeting would be needed to consider an application if the Commission approved with conditions. Ms. Gomez indicated that would be correct.

- *Continue to require pre-application/pre-development meetings and conferences* to go over applicable development processes for a project.
- *Provide for changes to the requirements to conceptual plans.* Conceptual plans and preliminary plats used to be presented with a caveat that the preliminary plat could not be considered until the conceptual plan was approved or approved with conditions. This is why conceptual plans were not on the consent agenda. The proposed amendment would require a conceptual plan to be approved prior to the consideration of a preliminary plat; conceptual plan would stand alone. Staff is refining what it means to submit a concept plan.
- *Provide a shorter approval process or opportunity for shorter approval processes.* The City has as an “abbreviated platting process” that would continue with the amendment.
- *Provide parkland dedication proposals as plans.* Parkland dedication proposals would then be subject to the new requirements. The Parks Board would have to act on a plat within 30 days from submittal, which is why the Parks Board is shown on the submittal calendar. The Commission would act on a parkland proposal within 30 days of the Parks Board. This would be a quick turnaround between the Parks Board and Commission meetings. The Parks Board and Commission could only “approve”, “approve with conditions” or “disapprove” a proposal. If the Parks Board or Commission fails to act within the designated time frame, the default recommendation moves forward with “disapproved”.

Ms. Gomez informed a draft flow chart was provided in the Commission packets. The flow chart is a hybrid between the former and new process. It will be refined to be included in the submittal packets.

Ms. Gomez informed these proposed amendments are scheduled to be considered by the City Council at the next regularly scheduled meeting, Tuesday, January 21<sup>st</sup>. Staff is currently working on the draft language of an ordinance to be finalized prior to the Council meeting. The link to the draft ordinance will be provided to the Commission.

E. Joyce Iyamu, City Attorney clarified that the written responses from an applicant are limited however the request to pause/stop a clock is not. Once an application is “approved with conditions” or “disapproved”, an applicant only has one shot to come back to present a written response. Conversely, extensions are not limited in the proposed ordinance. If that is a desire of the Commission or staff, Legal can be informed and will include prior to presenting the ordinance to Council.

Ms. Iyamu informed that as the new law is written, it does not apply to zoning, which is a separate process.

Commissioner Johnson Rose asked staff about the use of a project management software to help organize and guide the applicants along these schedules.

Otis Spriggs, Director of Development Services, stated currently Energov has been

implemented. Staff will be undertaking final training of the system to accommodate all of the scheduling that is needed. The system has online capability to process applications.

Commissioner Johnson Rose asked if the systems has the capability to send reminders to staff and the applicant.

Mr. Spriggs stated that the system has the ability to send reminders and allows applicants to view the statuses of submissions.

Chair Brown-Marshall asked what happens in the event that the Commission totally miss a deadline.

Ms. Gomez stated that at an applicant's request, the application would be approved.

**Motion:** The Planning and Zoning Commission forwards a positive report to Council.

**Made By:** Commissioner Norcom III  
**Second:** Commissioner Johnson Rose

**AYES:** Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Bailey, Commissioner Norcom III, Commissioner Johnson Rose, Commissioner Lucas

**NAYES:** None

**ABSTENTIONS:** None

The motion passed



**PLANNING AND ZONING COMMISSION  
FINAL REPORT**

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**AGENDA DATE:** January 21, 2020

**AGENDA ITEM SUBJECT:** Chapter 82, Subdivision Ordinance – Subdivision Text Amendment

**AGENDA ITEM NUMBER:** 7.(b).(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

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**RECOMMENDED ACTION:**

The Planning and Zoning Commission adopts this as its Final Report and forwards to the City Council for consideration and adoption thereof.

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**BACKGROUND:**

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

On September 3, 2019, the City Council approved an emergency ordinance to provide for an interim procedure to align the city's land development application processes with the new law. The Council has, since that time, extended these interim procedures through January 2020.

Over the last several months staff has worked to generate proposed amendments primarily to Chapter 82, Subdivisions of the City's Code of Ordinances, also known as the subdivision ordinance, to allow for the permanent implementation of regulations consistent with the new law.

A survey, arranged by the City of Denton, of 61 Texas cities, including Missouri City, has been included as an attachment and provides how communities processes and codes are impacted by this new law.

The proposed amendments are summarized as including the following:

**(1) Provide definitions for *plans* and *plats* to clarify the applicable city processes that are subject to the law.**

A ***plat*** is defined by the legislation to include general plans (*conceptual plans*), *preliminary plats*, *final plats*, and *replats* including *amending plats*. The addition of this definition would not substantively change what the city has previously considered as a ***plat***. The Commission is the municipal authority responsible for reviewing and providing action on a ***plat***.

A ***plan*** is defined by the legislation as including *subdivision development plans* (*subdivision plans*), *subdivision construction plans*, *site plans*, *land development applications* and *site development plans*. The proposed amendment provides context for these categories of a ***plan*** and would provide for the following:

- *Subdivision (construction) plans* includes all construction plans submitted for the development of streets, alleys, curbs and gutters, sidewalks, bike paths, utilities and other public improvements. These plans are generally submitted to the city for a Major Construction Improvement or MCI permits and are intended for public improvements.
- *Land development applications* include building permit applications for civil only, commercial ground up construction, commercial parking lot, detention pond, flatwork, floodplain work, grading, and parkland dedication. These plans are generally submitted to the city as a building permit application for private improvements.
- *Site development plans* include a full set of construction plans that would include general civil, grading, site plans, drainage plans and traffic control plans. These sets of plans would be submitted as part of an application for an MCI permit or a building permit.

With the exception of parkland dedication proposals, ***plans*** are generally reviewed by various city departments and acted on at the administrative (staff) level. Parkland dedication proposals are considered before the Parks Board, the Commission and determined by City Council as provided below.

**(2) Create/publish submittal packets to include submittal schedules, applications, and checklists.**

The city has previously published a *plat* submittal packet that includes a submittal schedule coordinated with the Commission's regularly scheduled meetings. The packet also included all *plat* applications and checklists.

The city has not previously provided a submittal packet or schedule for *plan* applications. Previously *plans* could be submitted to the city on any business day and would be reviewed within timeframes established administratively.

A submittal schedule would be used to determine the designated date(s) on which an application can be submitted to the city. An application would be deemed as either received or filed on the date submitted to the city. If an application is filed, the time clock for action would start.

A checklist would be provided to all applicants and used administratively as a quality control tool to determine whether or not an application is complete. Such quality control review would be completed within 5 business days.

An incomplete application (i.e. – lacking items required by the checklist) or an application submitted on a date other than a designated submittal date would not be accepted and is subject to disapproval by the Commission or staff, as applicable.

**(3) Establish that certain *plans*, *plats* or related applications be approved, approved with conditions, or disapproved within 30 days of the date such is filed with the city.**

In accordance with the new law, if the Commission or staff fails to take action on a *plan* or *plat* within the proscribed 30-day timeframe, the city, on the applicant's request, must issue a certificate indicating the date the *plan* or *plat* was filed and that the city failed to act within that period. This would effectively approve the application as submitted.

The establishment of a submittal schedule would be a critical tool to assist the city in meeting this requirement.

**(4) Provide that an applicant may seek a 30-day extension period on an initial action of a plan, plat or related application.**

The new law allows for an applicant to request an extension of up to 30-days, on the proscribed 30-day timeframe.

The proposed amendment would provide that any request for an extension must be in writing and submitted 10 or more days before the city takes action on a *plan* or *plat* application.

The Commission must approve the extension for a **plat** application and certain **plans**. The request for an extension for all other **plans** must be approved by staff.

- (5) Provide that an applicant may submit a written response to an approved with conditions or disapproved plan, plat or related application. Such written response applications must be approved or disapproved within 15 days of the date the application is submitted.**

In accordance with the new law, if the Commission or staff fails to disapprove a written response to conditions of approval or disapproval on a **plan** or **plat** application within the proscribed 15-day timeframe, the **plan** or **plat** is approved.

This requirement by the new law, changes how the city has processed previous responses to conditions on approval. This amendment would require a written response to a plat and certain plan applications to come back before the Commission as the municipal authority responsible for reviewing and providing action on a **plat**. All other **plan** applications would be acted on administratively.

Further, the proposed amendment would complete the **plan** or **plat** application after this response with an approval, project moves forward; or a disapproval, a new application must be submitted.

- (6) Provide for the acceptance and review of minor modifications to a plan, plat or related application to be made prior to an action being taken on such application.**

The proposed amendment allows for minor changes to be made to a **plan** or **plat** application, as a result of the new requirements on written response applications.

These minor changes would be defined as “minor modifications” and would allow for an enhancement, refinement, or clarification to be made to a **plan** or **plat** application. A minor modification may include but would not be limited to: typos; a percent increase or decrease in areas that might impact utility capacity; changes in an alignment, or adjustment to a designated use which does not require notice to be posted.

A minor modification may be made after the application is submitted or filed and at least 7 days or more before the Commission acts or at least 10 days or more before action is taken by staff.

A major modification, anything that is not considered to be minor, would be subject to disapproval.

- (7) Provide requirement for a preliminary application conference.**

The city has consistently provided for pre-development/pre-application conferences. This proposed amendment would make such conferences mandatory prior to the submission of all **plan** and **plat** applications.

A preliminary conference allows for an applicant and their development team to meet with city staff including but not limited to representatives from the Planning Division, Engineering Division, Building/Permitting Division and Fire Marshal's office. The meeting discusses a proposed project/application with the team and informs of applicable city processes, codes/regulations, and other pertinent items that might affect a development.

**(8) Provide conditions for the submission of a conceptual plan and provide that such conceptual plan must be approved prior to the Planning and Zoning Commission's consideration of a preliminary plat within the development.**

The proposed amendment would revise the requirements for the submission of a conceptual plan. A conceptual plan would now be required if a developer is seeking to subdivide:

- A tract of land utilizing a sequence of preliminary plats or multiple preliminary plats;
- A tract of land of 5 acres or more, if such may have an impact on drainage, access, or require a utility easement on an adjacent property within 200 feet; or
- A tract of land of any size that is zoned as a nonresidential district including CF, community facilities and PD, planned development districts and that is intended to be subdivided into three or more parts.

A conceptual plan would be required to be approved completely by the Commission before a preliminary plat can be considered. Previously, a preliminary plat could be considered by the Commission, sometimes on the same meeting agenda, after a conceptual plan had been approved or approved with conditions.

**(9) Alternative Approval Processes**

The new law provides for an alternative approval process for a plan or plat that allows for a shorter approval period than proscribed.

For plat applications, the city provides certain exemptions from platting (See Section 82-33); and an Abbreviated Platting Procedure, which allows for the requirement for a preliminary plat to be waived under certain conditions (See Section 82-122).

**(10) Provides the types of actions and associated timeframes for the Parks Board and Planning and Zoning Commission's consideration of a parkland dedication proposal.**

Parkland dedication proposals are proposed to be included in the definition of land development applications and thus would be subject to the new requirements. Proposed amendments pertaining to the parkland dedication proposals would establish the following:

- Parkland dedication proposals must be reviewed and a recommendation made by the Parks Board within 30 days of the submission of the proposal to the city;
- Parkland dedication proposals must be reviewed and a recommendation made by the Commission to City Council within 30 days of the submission of the proposal to the Commission.
- The Parks Board and the Commission must approve, approve with conditions or disapproval a parkland dedication proposal.
- If either the Parks Board or the Commission fails to submit a recommendation within the prescribed period, the recommendation will be deemed a negative recommendation (disapproval).

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

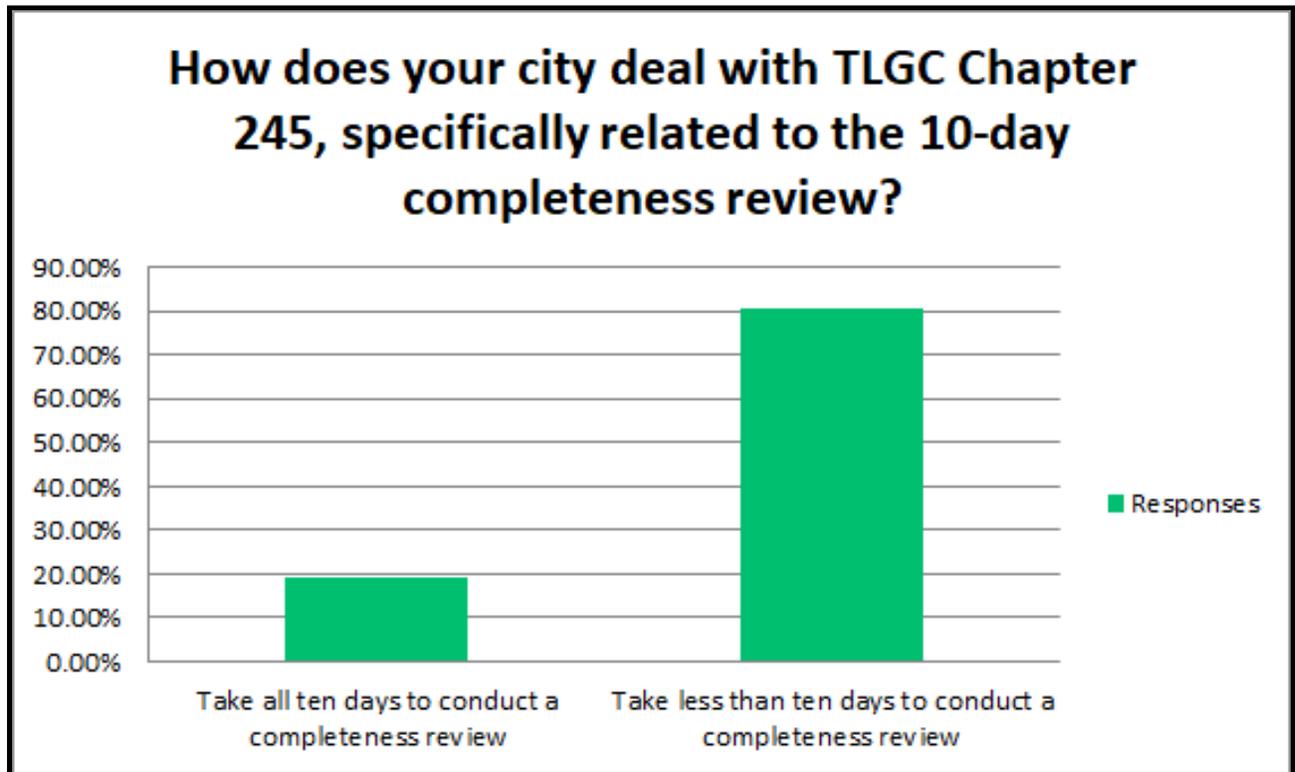
# HB3167 Survey of Texas Cities (Created by the City of Denton, Texas) November 2019

## Question 1:

Participating Cities: 61

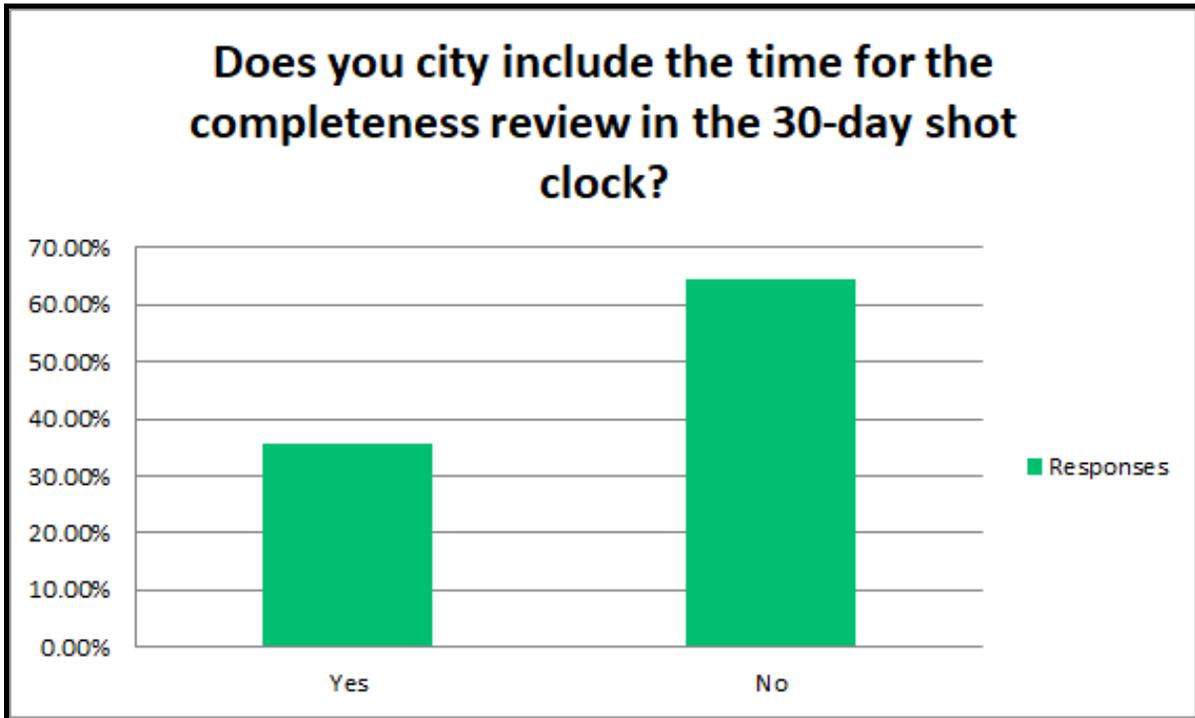
Allen Anna Argyle Arlington Austin Baytown Brenham Brownsville  
Buda Celina Cibolo College Station Colleyville Corinth Decatur  
El Paso Farmers Branch Fate Fort Worth Frisco Gainesville Garland  
Georgetown Granbury Grand Prairie Harker Heights Harlingen  
Horseshoe Bay Houston Irving Kaufman Lago Vista Lockhart Lorena  
Lufkin Manor Marble Falls McKinney Midland Midlothian Missouri City  
Mont Belvieu New Braunfels Northlake Odessa Pasadena Pflugerville  
Richland Hills Rockwall Rosenberg Round Rock San Angelo Sanger  
San Marcos Santa Fe Stafford Tyler Victoria Waco Webster Wharton

## Question 2:

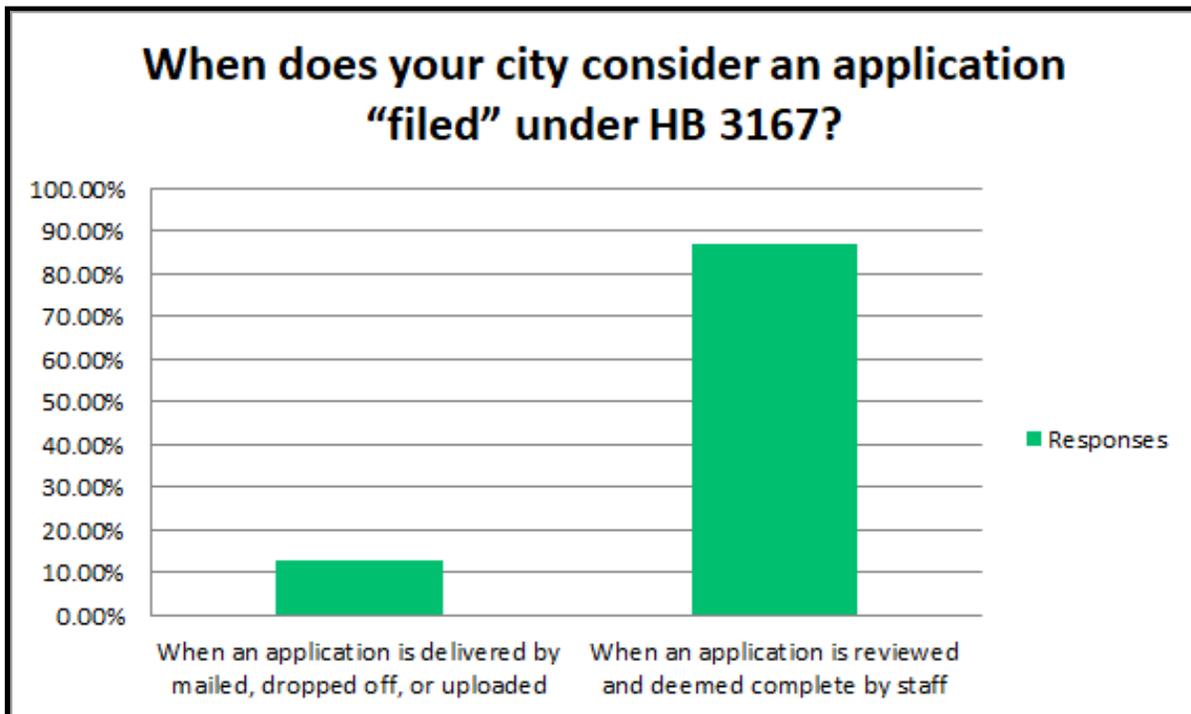


HB3167 Survey of Texas Cities  
(Created by the City of Denton, Texas)  
November 2019

Question 3:

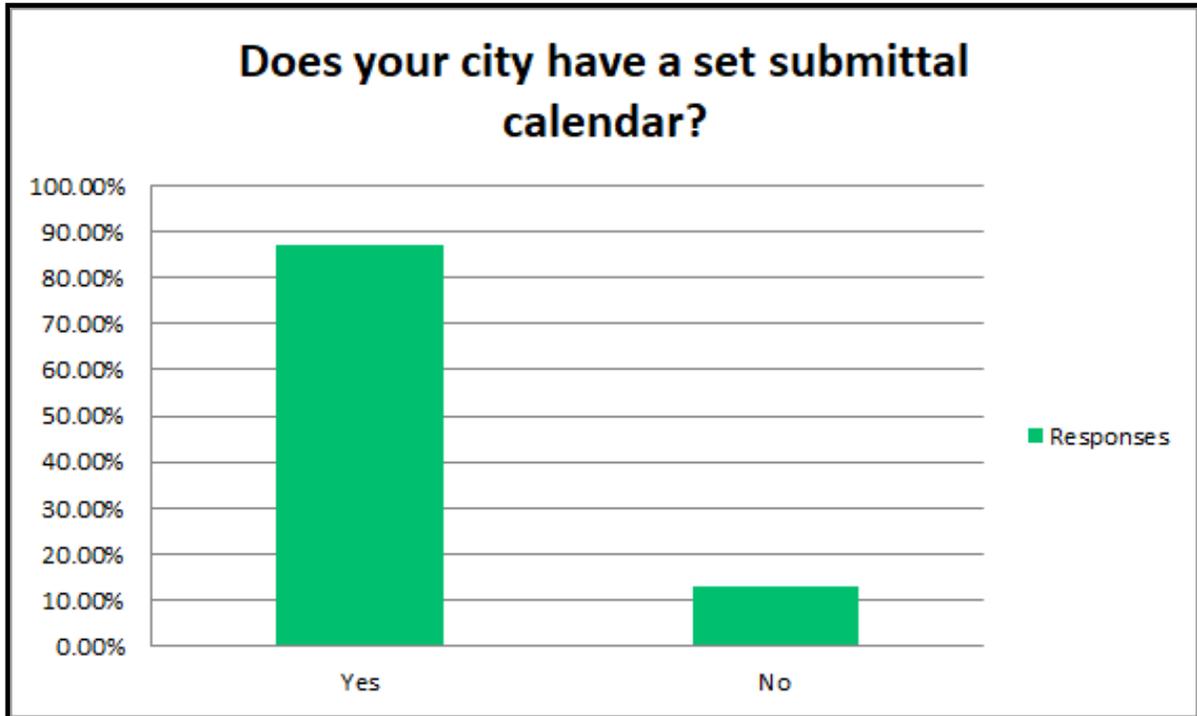


Question 4:

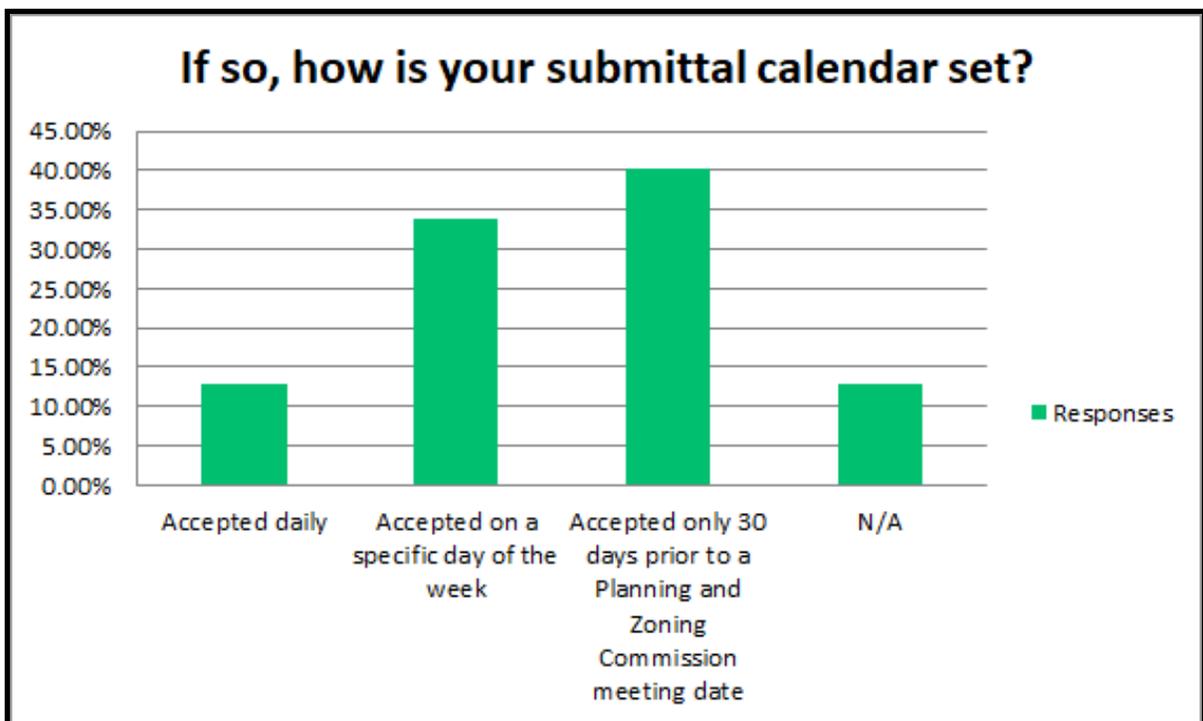


# HB3167 Survey of Texas Cities (Created by the City of Denton, Texas) November 2019

## Question 5:

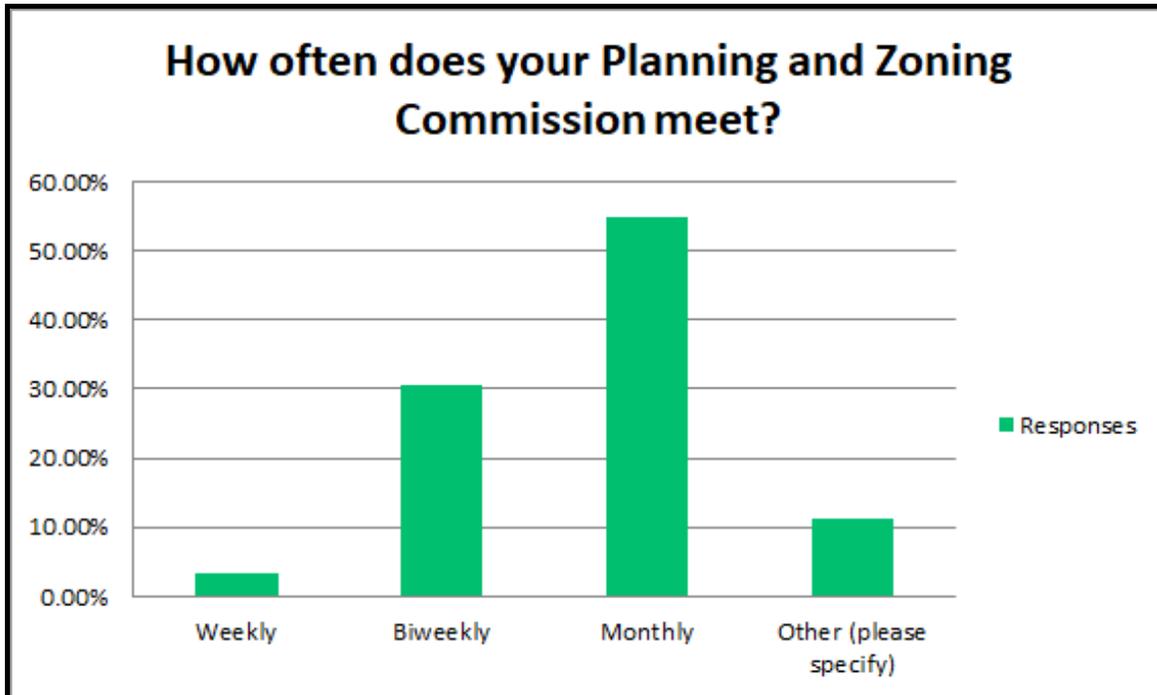


## Question 6:

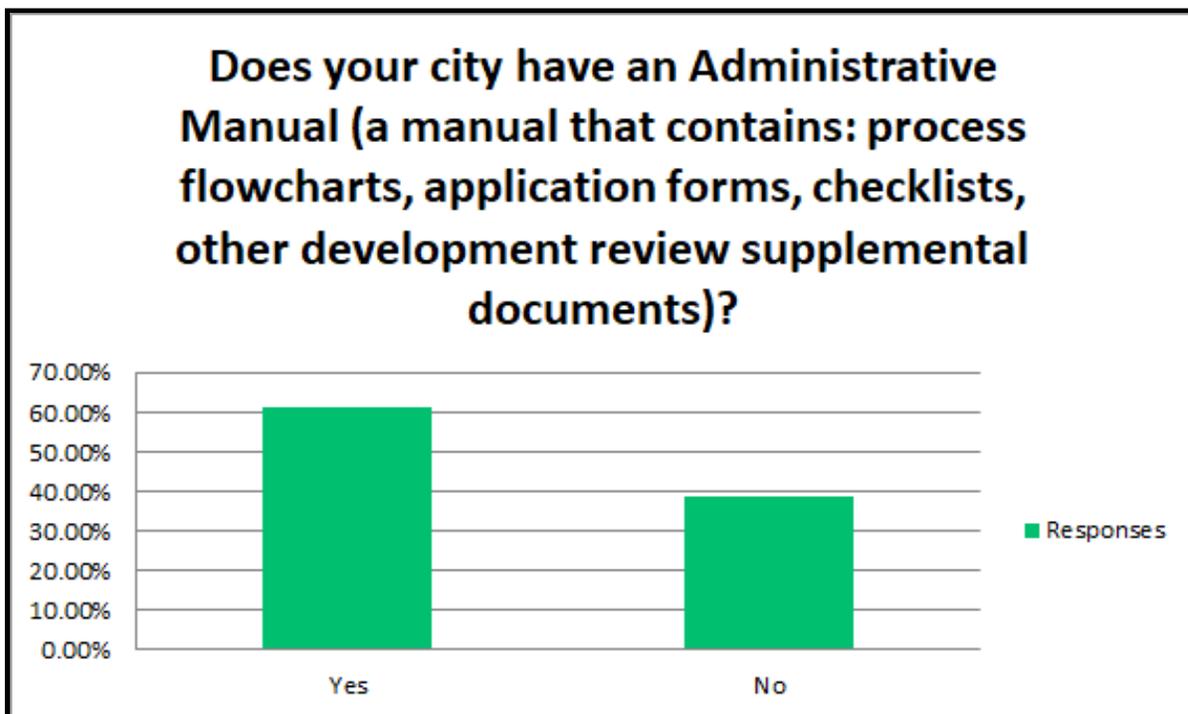


HB3167 Survey of Texas Cities  
(Created by the City of Denton, Texas)  
November 2019

Question 7:

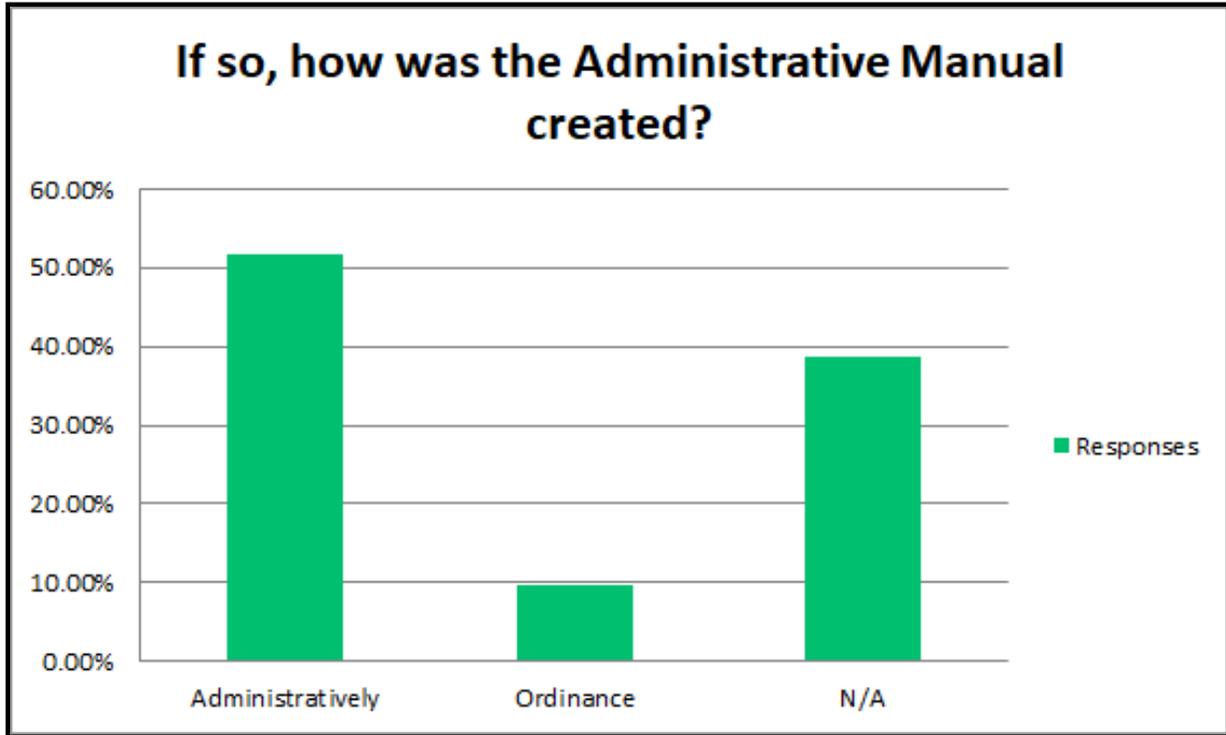


Question 8:

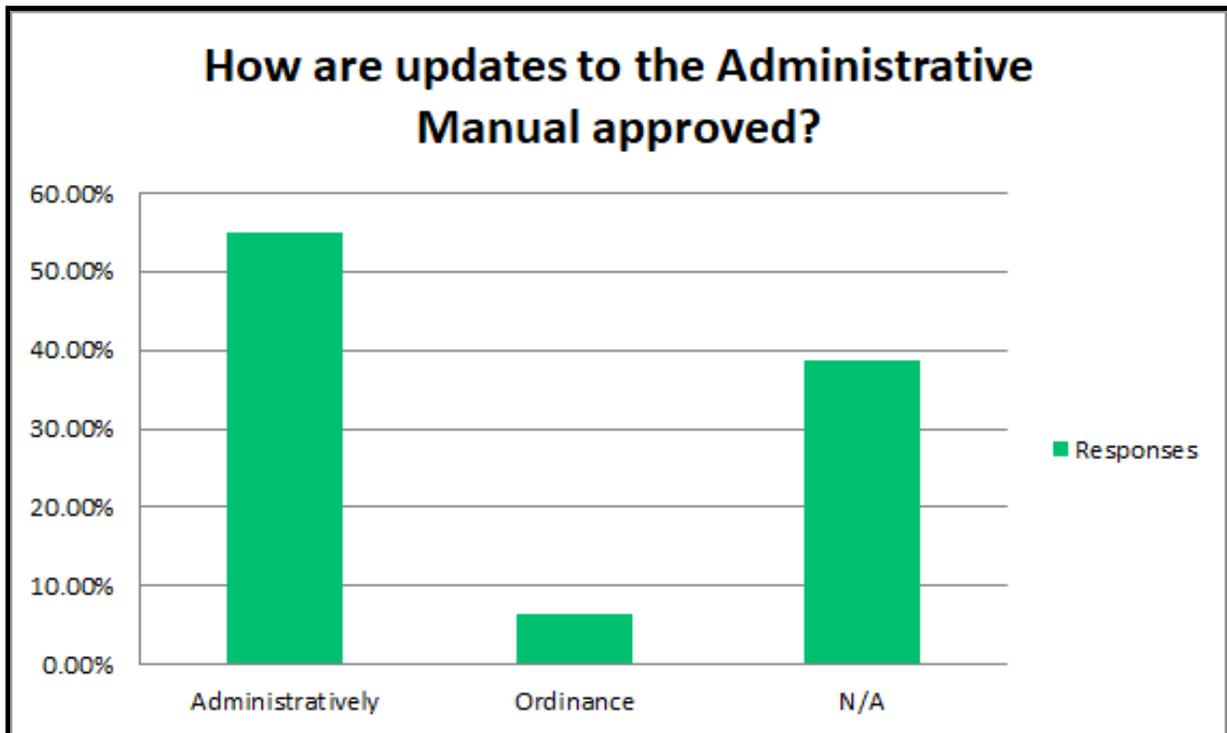


HB3167 Survey of Texas Cities  
(Created by the City of Denton, Texas)  
November 2019

Question 9:



Question 10:





**CITY COUNCIL  
AGENDA ITEM COVER MEMO**

**February 3, 2020**

**To:** Mayor and City Council

**Agenda Item:** 6(c) Amending the minutes of the special City Council meeting of January 4, 2020.

**Submitted by:** Maria Jackson, City Secretary

**SYNOPSIS**

Amend the minutes of the special City Council meeting of January 4, 2020.

**BACKGROUND**

On January 4, 2020, City Council held a special City Council meeting to discuss various strategic planning topics, including, but not limited to, homestead exemptions. The minutes are requested to be amended to further reflect the homestead exemption calculations presented by Director of Financial Services Portis and City Manager discussions.

**BUDGET/FISCAL ANALYSIS**

**Purchasing Review:** N/A

**Financial/Budget Review:** N/A

**SUPPORTING MATERIALS**

1. Revised minutes of the January 4, 2020 City Council special City Council meeting
2. Changes Marked

**STAFF'S RECOMMENDATION**

Move to amend the previously adopted January 4, 2020 special City Council meeting minutes.

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

**YOLANDA FORD**  
Mayor

**VASHAUNDRA EDWARDS**  
Councilmember at Large Position No. 1

**CHRIS PRESTON**  
Mayor Pro Tem  
Councilmember at Large Position No. 2



**CHERYL STERLING**  
Councilmember District A  
**JEFFREY L. BONEY**  
Councilmember District B  
**ANTHONY G. MAROULIS**  
Councilmember District C  
**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 **Saturday, January 4, 2020**, at the City Hall, Council Chamber, 1522 Texas Parkway, Missouri City, Texas, 77489, at **9:00 a.m.** to consider the following:

### **1. CALL TO ORDER**

Mayor Ford called the meeting to order at 9:02 a.m.

Those also present: Councilmembers Sterling, 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/City Engineer Kumar, Director of Financial Services Portis, Police Chief Berezin, Fire Chief Campbell, Director of Communications Walker, Director of Information Technology Cole, Director of Economic Development Esch, Deputy Court Administrator West, Media Relations Specialist III Kalimkootil, Community Relations Coordinator Matte, and Budget and Financial Reporting Manager Alexander. Also present: Patrick Ibarra of the Mejorando Group. Mayor Pro Tem Preston arrived at 9:04 a.m. Councilmember Edwards arrived at 9:05 a.m.

### **2. DISCUSSION/POSSIBLE ACTION**

- (a) Seek clarification on video recording and posting of special City Council meetings.
- (b) Receive training on general state ethics rules, including rules relating to the use of public resources, gifts, and the use of official information.
- (c) Receive a presentation and discuss the current compensation and benefits study.
- (d) Receive a presentation and update regarding the implementation of the establishment of Fire Station 6.
- (e) Receive a presentation and update regarding facility usage and co-sponsorship requests.
- (f) Discuss District and Citywide events.
- (g) Receive an overview and update on the Economic Development and Redevelopment Program.

Agenda items 2a to 2g were not addressed during the January 4, 2020, special City Council meeting as they were discussed during the January 3, 2020, special City Council meeting.

- (h) City Council strategic planning.

City Manager Snipes provided an overview of financial services initiatives and successes; and, City Council strategic goals, priorities, alignment, and planning. Assistant City Manager Atkinson provided City Council with the strategic plan update. Patrick Ibarra requested that City Council discuss new key priorities or updates to the strategic plan as it should be a non-restrictive road map for the City. Councilmember Maroulis noted his priorities as branding extended to hotels, such as with kiosks; and, METRO service expansion and marketing. Councilmember Boney noted his priorities as the METRO contract clarification, return on investment, and the 2025 contract renewal; the economic development and corridor studies; municipal utility

districts; small businesses; and, the Minority, Women, and Disadvantaged Business Enterprise (MWDDBE).

City Attorney Iyamu then presented an overview of the City's existing contract with METRO and proposed amendment to extend the contract to 2040.

Councilmember Edwards stepped away at 9:59 a.m. and returned at 10:04 p.m.

At 10:13 a.m., Councilmember Boney requested to move into closed executive session to discuss the metro contract. Councilmember Maroulis seconded. **MOTION PASSED UNANIMOUSLY.**

City Council reconvened into open session at 10:42 a.m.

Councilmember Emery arrived at 10:43 a.m.

Mr. Ibarra continued to discuss City Council's new key priorities or additions to the strategic plan. Councilmember Maroulis requested to address public safety and staffing levels. Councilmember Emery added fire station headquarters and public safety spacing needs.

Mayor Ford requested that City Staff review the list of festivals. Director of Parks and Recreation Mangum presented regarding special events and finances. Mayor Ford requested that City Staff provide City Council with the portfolio of festivals and events so that City Council could then make determinations on how to move forward within the first quarter of 2020.

Mayor Ford also requested economic development guidelines for incentives; branding; virtual city; municipal utility district (MUD) discussions; and, working with legislatures to get stronger legislation in place to implement parameters for group homes. City Manager Snipes discussed the tourism marketing and branding plan for Missouri City from BrandEra. Director of Public Works/City Engineer Kumar stated City Staff would return to City Council by the next quarter to expand on the MUD study recommendations.

Mayor Ford added maintenance the plan for the Freedom Tree Park; database for vendors; fire station; and City Hall improvements. Director of Parks and Recreation Mangum provided an overview of the Freedom Tree Park. Director of Financial Services Portis and Director of Development Services Spriggs provided an update on the vendor database. City Council and City Staff members further discussed the fire station, city hall improvements, and branding.

Councilmember Edwards stepped away at 11:06 a.m. and returned at 11:09 a.m.

City Council recessed the special City Council meeting at 12:24 p.m. and reconvened at 12:50 p.m.

- (i) Receive a presentation on and discuss the City's Fiscal Year 2021 budget.

Director of Financial Services Portis presented the fiscal year 2019 budget and actuals highlights; the fund balance and bond ratings; homestead exemptions and various financial implication scenarios to the City; and property taxes.

Councilmember Sterling stepped away at 12:51 p.m. and returned at 12:55 p.m. Councilmember Edwards arrived at 1:01 p.m.

Financial Reporting Manager Alexander presented the fiscal year 2021-budget requests and assumptions; and, the financial forecast for fiscal years 2020 – 2024.

Councilmember Edwards stepped away at 1:15 p.m. and returned at 1:18 p.m.

Councilmember Edwards stepped away at 1:39 p.m. and returned at 1:39 p.m.

Mr. Ibarra facilitated discussions regarding City Council's direction for homestead exemptions. Councilmember Boney stated he would need further information on the LED cost saving funds; and, requested to provide the residents with the various financial implication scenarios of adopting a homestead exemption before July 1. Councilmember Sterling requested a balanced budget. Mayor Ford spoke against the approval of a homestead exemption as internal City finances would need to be addressed first. City Manager Snipes stated he would move forward with the will of City Council. He added he was obligated to deliver a balanced budget and believed we could get there by not doing homesteads. Director of Financial Services Portis presented the homestead exemption calculations, which are attached hereto as Exhibit "A."

Mr. Ibarra and City Manager Snipes provided an overview of the 2019 strategic plan priorities as economic development and redevelopment, infrastructure, fire department, employees, beautification, and partnership.

Councilmember Maroulis stepped away at 2:00 p.m. and returned at 2:04 p.m.

City Manager Snipes requested updates or changes from the 2019 strategic plan priorities. Mr. Ibarra noted the items presented and discussed by City Council today could be collapsed into the 2019 strategic plan priorities. City Council noted no changes to the 2019 priorities.

Director of Public Works/City Engineer Kumar discussed the proposed Fort Bend County Mobility Bond projects 2017/2018. City Manager Snipes requested feedback regarding the projects presented. Hearing no opposition from City Council, the City Manager stated City Staff members would move forward and meet with the commissioner.

Councilmember Maroulis stepped away at 2:21 p.m. and returned at 2:22 p.m.

**3. ADJOURN**

The special City Council meeting adjourned at 2:22 p.m.

Minutes PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_ 2020.

---

Maria Jackson, City Secretary

# Homestead Exemption



# HOMESTEAD EXEMPTION

Calculation – 5% Homeowner Exemption  
For Discussion Purposes Only

		Without Exemption	With Exemption	Homeowner Savings
(A)	Home Value	\$ 233,072	\$ 233,072	
(B)	Multiply by 5%		\$ 11,654	
A-B	Revised Home Value - Less 5%	\$ 233,072	\$ 221,418	
	Divide by 100	\$ 2,331	\$ 2,214	
	Multiply by Tax Rate (0.63)	\$ 1,468	\$ 1,395	\$ 73



## HOMESTEAD EXEMPTION

**For Discussion Purposes Only**  
**Must be adopted by July 1 (effect. FY2021)**

Homestead Exemption %	Fort Bend (Certified)		Harris County (Preliminary)		Citywide Reduction
	Reduction in Revenue	Annual Savings to Homeowner	Reduction in Revenue	Annual Savings to Homeowner	
2.50%	\$ 605,733	\$ 37	\$ 56,543	\$ 32	\$ 662,275
5.00%	\$ 1,211,465	\$ 73	\$ 79,195	\$ 44	\$ 1,290,660
7.50%	\$ 1,817,198	\$ 110	\$ 118,792	\$ 66	\$ 1,935,990
10.00%	\$ 2,422,930	\$ 147	\$ 158,390	\$ 88	\$ 2,581,320
12.00%	\$ 2,907,516	\$ 176	\$ 190,068	\$ 106	\$ 3,097,584

**Assumptions: \$0.63 Tax Rate**  
**\$5,000 minimum Homestead Exemption**



## HOMESTEAD EXEMPTION

### GENERAL FUND & DEBT SERVICE IMPACT

For Discussion Purposes Only

Homestead Exemption %	General Fund/ Debt/TIRZ	Maintenance & Operations (\$0.46)	% of GF Budget	Debt Service (\$0.17)	20 year Amortization 2.95% Interest Rate
2.50%	\$ 662,275	\$ 483,566	0.90%	\$ 178,709	\$2,650,000
5.00%	\$ 1,290,660	\$ 942,387	1.76%	\$ 348,273	\$5,200,000
7.50%	\$ 1,935,990	\$ 1,413,580	2.63%	\$ 522,410	\$7,800,000
10.00%	\$ 2,581,320	\$ 1,884,773	3.51%	\$ 696,547	\$10,400,000
12.00%	\$ 3,097,584	\$ 2,261,728	4.21%	\$ 835,856	\$12,500,000

**Assumptions: Property Tax Rate 0.63 = \$0.46 M&O and \$0.17 I&S**  
**Reduction in Debt Service: 20 Year amortization @ 2.95%**  
**Unable to issue the depicted debt amount without an increase in the I&S rate**



## HOMESTEAD EXEMPTION

**GENERAL FUND IMPACT  
For Illustration Purposes Only**

	FY2020 FTE	2.50%		5.00%		7.50%	
		Budget Reduction	Minimum Reduction FTE	Budget Reduction	Minimum Reduction FTE	Budget Reduction	Minimum Reduction FTE
		Police	147.2	-3%	-5	-7%	-11
Fire	79	-5%	-5	-10%	-9	-15%	-14
Public Works	42	-6%	-6	-12%	-11	-18%	-17
Parks & Recreation	20	-13%	-6	-26%	-11	-39%	-17

**Chart represents impact on the selected department if the department assumed the entire reduction**



**YOLANDA FORD**  
Mayor

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Councilmember at Large Position No. 1

**CHRIS PRESTON**  
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### 3. **ADJOURN**

The special City Council meeting adjourned at 2:22 p.m.

Minutes PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_ 2020.

---

Maria Jackson, City Secretary

Document comparison by Workshare 9.5 on Tuesday, January 28, 2020 7:44:18 AM

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Deleted cell	
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Split/Merged cell	
Padding cell	

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Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	2



**Council Agenda Item  
February 3, 2020**

7. **PUBLIC HEARINGS AND RELATED ACTIONS**
    - (a) **Zoning Public Hearings and Ordinances** – *There are no Zoning Public Hearings and Ordinances on this agenda.*
    - (b) **Public Hearings and related actions** – *There are no Public Hearings and related actions on this agenda.*
  8. **APPOINTMENTS** – *There are no Appointments on this agenda.*
-



# CITY COUNCIL AGENDA ITEM COVER MEMO

February 3, 2020

**To:** Mayor and City Council  
**Agenda Item:** 9(a) Consider renewing a term contact for temporary labor services.  
**Submitted by:** Randy Troxell, Assistant Director of Parks and Recreation

## SYNOPSIS

Staff desires to renew a term contact for temporary labor services for the Park Maintenance Division. The estimated cost of the contact exceeds \$50,000 and therefore requires Council action.

## STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live
- Develop a high performing City team

## BACKGROUND

City staff request that Council award a year term contract for temporary labor services for use by the Parks Department. The Parks Department often uses temporary labor services to provide help with various parks maintenance tasks and support. The Finance Department issued invitations to bid on September 27, 2019. There were three responses to the invitation. Bids were set to close on October 29, 2019. After careful review of all three bids the department selected Advance Service, Inc. as the lowest responsive bidder on October 31, 2019. A notarized contract signed by the vendor was then accepted and signed on November 19, 2019. The contract now awaits Council action.

## BUDGET/FISCAL ANALYSIS

Funding Source	Account Number	Project Code/Name	FY 2020 Funds Budgeted	FY 2020 Funds Available	Amount Requested
General Fund	101-53504-16-150	Contractual Services	\$303,888	\$207,284	\$55,000

**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. Notarized Contract from Advance Services, Inc.
2. Advance Services, Inc. Bid

**STAFF'S RECOMMENDATION**

Staff recommends that Council award a term contact to Advance Services, Inc. for temporary labor services.

**Director Approval:** Glen A. Martel, ACM

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

**AGREEMENT/CONTRACT  
FOR  
ADVANCE SERVICES INCORPORATED  
FOR THE CITY OF MISSOURI CITY, TEXAS  
(LOCAL CONTRACT NO. 20-001)**

**STATE OF TEXAS           §**

**COUNTY OF FORT BEND   §**

THIS AGREEMENT MADE, entered into and executed by and between the CITY OF MISSOURI CITY, a body corporate and politic under the laws of the State of Texas, hereinafter called "CITY", and **ADVANCE SERVICES INCORPORATED**, hereinafter called "CONTRACTOR".

WHEREAS, the CONTRACTOR represents that it is fully capable of making and qualified to provide assistance to the CITY (or Client) and the CONTRACTOR desires to perform the same;

NOW, THEREFORE, the CITY and the CONTRACTOR, in consideration of the mutual covenants and agreements herein contained, do mutually agree as follows:

**SECTION I  
SCOPE OF AGREEMENT**

The CONTRACTOR agrees to provide Temporary Labor Services pursuant to City's Invitation for Bid No. 20-001, dated September 27, 2019. CONTRACTOR'S entire submission is attached hereto and labeled EXHIBIT B.

**SECTION II  
CHARACTER AND EXTENT OF WORK**

The CONTRACTOR shall provide the services as defined in Section I. The CITY shall be under no obligation to pay for any additional services rendered without prior written authorization.

**SECTION III  
TERM AND TERMINATION**

This AGREEMENT is effective November 20, 2019 and remains in effect for one (1) year from effective date, unless sooner terminated under the terms of this AGREEMENT. Upon expiration of the initial term on November 19, 2020, this AGREEMENT may be renewed for three (3) additional one-year options with the same terms and conditions.

The CITY reserves the right to terminate this contract at any time during the term of the contract, without cause, with a written thirty (30) days' notice to terminate and pay the contractor for work performed to date.

**SECTION IV  
COMPLIANCE AND STANDARDS**

The CONTRACTOR agrees to provide services hereunder in accordance with the generally accepted standards applicable thereto and shall use that degree of care and skill commensurate with the CONTRACTOR's trade or profession to comply with all applicable state, federal, and local laws, ordinances, rules, and regulations relating to the services provided hereunder and the CONTRACTOR's performance. The CONTRACTOR shall and does hereby agree to indemnify and hold harmless the CITY, its officers, agents, and employees from any and all damages, loss, or liability of any kind, whatsoever, including, but not limited to, death, injury, or property damages, caused by the intentional, knowing, reckless, or negligent act or omission (hereinafter referred to as "fault") of the CONTRACTOR, its officers, agents, employees, invitees or other persons for whom it is legally liable, with regard to the performance of this Agreement, and the CONTRACTOR will, at its cost and expense, defend, pay on behalf of, and protect the CITY and its officers, agents, and employees against any and all such claims and demands. Such indemnity shall apply where the suits, actions, legal proceedings, claims, demands, damages, costs, expenses and attorney fees arise in whole or in part from the fault of the CONTRACTOR. The indemnification provision shall survive the expiration or termination of the Agreement.

*Force Majeure.* Neither the CONTRACTOR, its suppliers nor the CITY will be liable for any failure or delay in this Agreement due to any cause beyond its reasonable control, including acts of war, acts of God, earthquake, flood, embargo, riot, sabotage, labor shortage or dispute, governmental act or failure of the Internet (not resulting from the negligence or willful misconduct of CONTRACTOR), provided that the delayed party: (a) gives the other party prompt notice of such cause, and (b) uses its reasonable commercial efforts to promptly correct such failure or delay in performance. If the CONTRACTOR is unable to provide services for a period of ten (10) consecutive days as a result of a continuing force majeure event, the CITY may cancel the services order without penalty.

**SECTION V  
THE CONTRACTOR'S COMPENSATION**

For and in consideration of the services rendered by the CONTRACTOR pursuant to this Agreement, the CITY shall pay the CONTRACTOR the amount not exceed \$55,000.00.

**SECTION VI  
TIME OF PAYMENT**

Payment by the CITY to the CONTRACTOR shall be made as follows:

The CONTRACTOR shall be provided a purchase order number from the CITY and such number shall be referenced on all invoices submitted to the CITY.

The CONTRACTOR shall submit, to the appropriate CITY staff member, an invoice in a form acceptable to the CITY, setting forth the charges for the service provided which were delivered during such billing period, and the compensation which is due for same. The CITY contract manager shall review the same and approve it with such modifications, as deemed appropriate. The CITY shall pay each invoice as approved by the CITY contract manager within thirty (30) days after receipt of a true and correct invoice by the CITY. The approval or payment of any such invoice shall not be considered to be evidence of performance by the CONTRACTOR to the point indicated by such invoice or of the receipt of or acceptance by the CITY of the services covered by such invoice.

Invoices shall be submitted via electronic mail to the following address:

City of Missouri City  
Accounts Payable Office  
1522 Texas Parkway  
Missouri City, TX 77489  
[accountspayable@missouricitytx.gov](mailto:accountspayable@missouricitytx.gov)

Invoices submitted without a purchase order number will be returned unpaid. Failure to submit invoices to the above address will delay payment. DO NOT submit invoices to any other address for payment.

Chapter 2251 of the Texas Government Code, commonly known as the Prompt Payment Act, sets out the required deadlines for payment of the CITY'S obligations to its vendors, requirements for vendor's payments to their subcontractors, penalties for failure to comply with the Act and exceptions to the Act.

The Act requires political subdivisions to pay all payments owed not later than thirty (30) days after the goods and services are received, the performance of the service under the contract is completed, or the date the invoice is received, whichever is later. A payment begins to accrue interest on the date the payment becomes overdue. The rate of interest that accrues on an overdue payment is the rate in effect on September 1 of the fiscal year in which the payment becomes overdue. The rate in effect on September 1 is equal to the sum of one percent (1%) percent; and the prime rate as published in the Wall Street Journal on the first day of July of the preceding fiscal year that does not fall on a Saturday or Sunday. Interest on an overdue payment stops accruing on the date the governmental entity or vendor mails or electronically transmits the payment.

The CITY shall notify a vendor of an error in an invoice submitted for payment by the vendor not later than the 21st day after the date the entity receives the invoice. If a dispute is resolved in favor of the vendor, the vendor is entitled to receive interest on the unpaid balance of the invoice submitted by the vendor beginning on the date under Section 2251.021 that the payment for the invoice is overdue. If a dispute is resolved in favor of the governmental entity, the vendor shall submit a corrected invoice that must be paid in accordance with Section 2251.021. The unpaid balance accrues interest as provided by this chapter if the corrected invoice is not paid by the appropriate date.

## **SECTION VII TERMINATION**

The CITY may terminate this Agreement at any time by giving thirty (30) days written notice to the CONTRACTOR. The CONTRACTOR may terminate this agreement upon thirty (30) days written notice to the CITY in the event the CITY has failed to pay the CONTRACTOR'S invoices. If the CONTRACTOR has been providing services in accordance with this Agreement, the CITY shall pay the CONTRACTOR all amounts due up to the time of termination.

**SECTION VIII  
ADDRESS AND NOTICES AND COMMUNICATIONS**

The parties contemplate that they will engage in informal communications with respect to the subject matter of this Agreement. However, any formal notices or other communications ("Notice") required to be given by one party to the other party under this Agreement shall be given in writing addressed to the party to be notified at the address set forth below for such party, (i) by delivering the same in person, (ii) by depositing the same in the United States mail, certified or registered, return receipt requested, postage prepaid, addressed to the party to be notified, or (iii) by depositing the same with a nationally recognized courier service guaranteeing "next day delivery," addressed to the party to be notified, (iv) by sending the same by telefax with confirming copy sent by mail, or (v) by sending the same by electronic mail with confirming copy sent by mail. Notice deposited in the United States mail in the manner hereinabove described shall be deemed effective from and after the date of such deposit. Notice given in any other manner shall be effective only if and when received by the party to be notified. For the purposes of notice, the addresses of the parties, until changed by providing written notice in accordance hereunder, shall be as follows:

All notices and communications under this Agreement shall be mailed to the CONTRACTOR at the following address:

**ADVANCE SERVICES INCORPORATED  
ATTN: Cassie Herrin  
10910 Spencer Hwy  
Laporte, TX 77571  
281.867.9999  
cassie.herrin@asinc.net**

All notices and communications under this Agreement shall be sent to the CITY at the following address:

City of Missouri City  
Attn: Procurement and Risk Management  
1522 Texas Parkway  
Missouri City, Texas 77489  
[purchasing@missouricitytx.gov](mailto:purchasing@missouricitytx.gov)

**SECTION IX  
LIMIT OF APPROPRIATION**

Prior to the execution of this Agreement, the CONTRACTOR has been advised by the CITY and the CONTRACTOR clearly understands and agrees, such understanding and agreement being of the absolute essence to this Agreement, that the CITY shall have available the amount budgeted by the CITY for materials testing to discharge any and all liabilities which may be incurred by the CITY pursuant to this Agreement and that the total maximum compensation that the CONTRACTOR may become entitled to hereunder and the total maximum sum that the CITY shall become liable to pay to the CONTRACTOR hereunder shall not under any conditions, circumstances, or interpretations, hereof, exceed the said total maximum sum provided for in this section without prior written permission from the CITY.

**SECTION IX  
SUCCESSORS AND ASSIGNS**

The CITY and the CONTRACTOR 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. Neither the CITY nor the CONTRACTOR shall assign, sublet or transfer its or his interest in this Agreement without the written consent of the other, which consent will not be unreasonably withheld. 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.

**SECTION X  
MEDIA**

Contact with the news media shall be the sole responsibility of the CITY. The CONTRACTOR shall under no circumstances release any material or information developed in the performance of its work hereunder without the express written permission of the CITY.

**SECTION XI  
AUTHORITY OF CITY PROJECT MANAGER**

All work to be performed by the CONTRACTOR hereunder shall be performed to the satisfaction of the CITY'S project manager. The CITY'S project manager shall decide any and all questions, which may arise as to the quality, or acceptability of the work performed by the CONTRACTOR and the decisions of the CITY'S project manager in such cases shall be final and binding on both parties. However, nothing contained herein shall be construed to authorize the CITY'S project manager to alter, vary or amend this Agreement.

**SECTION XII  
MODIFICATIONS**

This instrument contains the entire Agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any oral or written representations or modifications concerning this instrument shall be of no force and effect, except for a subsequent modification in writing signed by both parties hereto.

**SECTION XIII  
FISCAL FUNDING**

The CITY'S fiscal year is October 1<sup>st</sup> through September 30<sup>th</sup>.

If this contract extends beyond September 30<sup>th</sup>, there shall be a fiscal funding out. If, for any reason, funds are not appropriated to continue the contract in the new fiscal year, said contract shall become null and void on the last day of the current appropriation of funds. Contract will then be terminated without penalty of any kind or form to the CITY.

## SECTION XIV INSURANCE REQUIREMENTS

If required, as indicated below, the CONTRACTOR shall procure and maintain, with respect to the subject matter of this Agreement, appropriate insurance coverage with limits to cover the CONTRACTOR'S liability as may arise or cause, directly or indirectly, from work performed under terms of this Agreement.

If applicable, a current certificate of liability insurance is required to be submitted to the Purchasing Office before the CITY will enter into a contract with the CONTRACTOR. The certificate of insurance shall be an attachment to the contract document.

### POLICY REQUIREMENTS (IF APPLICABLE)

The CONTRACTOR and all subcontractors performing work for the CONTRACTOR under this Agreement shall furnish a completed insurance certificate to the CITY prior to the event, which shall be completed by an agent authorized to bind the named underwriter(s) for coverage, limits, and termination provisions shown thereon, and which shall contain the following:

- (a) Workman's Compensation Insurance as required by laws and regulations applicable to and covering employees of Contract engaged in the performance of the work under this agreement with a limit of not less than \$1,000,000.00;
- (b) Employers Liability Insurance protecting contractor against common law liability, in the absence of statutory liability, for employee bodily injury arising out of the master servant relationship with a limit of not less than \$100,000.00;
- (c) Comprehensive General Liability Insurance including products/completed operation with limits of liability of not less than: Bodily Injury \$1,000,000.00 per each person, \$1,000,000.00 per each occurrence/\$2,000,000.00 aggregate; Property Damage \$1,000,000.00 per each occurrence; and
- (d) Excess Liability Insurance Comprehensive general Liability, Comprehensive Automobile Liability and coverage's afforded by the policies above, with the minimum limits of \$5,000,000.00 excess of specified limits;

The CITY shall be entitled, upon request and without expense, to receive copies of the certificate of insurance and the required policies and endorsements.

The CONTRACTOR agrees, with respect to the above required insurance, that all insurance contracts and certificate(s) of insurance will contain and state, in writing, on the certificate or its attachment, the following required provisions:

- (a) The CONTRACTOR shall notify the CITY of any change in the required coverage or cancellation, and shall give such notices not less than 30 days prior to the change or cancellation. The CONTRACTOR shall provide a replacement CERTIFICATE OF INSURANCE prior to such change or cancellation;
- (b) Provide for an endorsement that the "other insurance" clause or provision shall not apply to the CITY where the CITY is shown as an additional insured on the policy;
- (c) Provide for notice to the CITY at the address shown in this Agreement;

(d) The CONTRACTOR agrees to waive all the CONTRACTOR'S, its officers, employees, agents, assigns, and successors' rights of subrogation against the CITY, its officers, employees, and elected representatives for injuries, death, property damage, or other loss covered by insurance and the CONTRACTOR will provide a waiver of subrogation endorsement against the CITY. The CITY must be named or listed on the endorsement; and

(e) The CITY, its elected and appointed officials, employees and agents shall be listed as additional insured to the required coverage. All coverage specified shall remain in effect during the term of this Agreement. No cancellation of or changes to the certificates, the policies or endorsements may be made without thirty (30) days prior written notification to the CITY. Any termination of coverage without replacement shall result in immediate termination of this Agreement.

**COVERAGES SHALL BE WITH A COMPANY (WITH AT LEAST AN A- BEST RATING) ACCEPTABLE TO THE CITY PURCHASING AND RISK MANAGEMENT DEPARTMENT AND A COPY OF THE CERTIFICATE OF COVERAGE SHALL BE DELIVERED TO THE CITY ON OR BEFORE THE DATE OF THIS AGREEMENT.**

NOTICES

All notices shall be given to the CITY at the following address:

City of Missouri City  
Procurement and Risk Management  
1522 Texas Parkway  
Missouri City, Texas 77489

**APPROVAL**

Approval, disapproval, or failure to act by the CITY regarding any insurance supplied by the CONTRACTOR shall not relieve the CONTRACTOR of full responsibility or liability for damages and accidents as set forth in the contract documents. Neither shall the bankruptcy, insolvency, or denial of liability by the insurance company exonerate the CONTRACTOR from liability.

**SECTION XV  
PROHIBITION ON BOYCOTTING ISRAEL**

Pursuant to Section 2270.002, Texas Government Code, the CITY may not enter into a contract for goods or services unless the contract contains a written verification that the contractor: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract. By executing the House Bill 89 Verification Form, Exhibit A, attached hereto and incorporated herein for all purposes, CONTRACTOR verifies that CONTRACTOR does not boycott Israel and will not boycott Israel during the term of this Agreement.

**SECTION XVI  
ENGAGING IN BUSINESS WITH SUDAN, IRAN OR FOREIGN TERRORIST  
ORGANIZATIONS PROHIBITED**

Pursuant to Section 2252.152, Texas Government Code, CONTRACTOR warrants, represents, and agrees that CONTRACTOR is not identified on a list prepared and maintained by the Texas

Comptroller of Public Accounts as a company that engages in business with Sudan, Iran or a foreign terrorist organization.

**SECTION XVII  
CHOICE OF LAW**

This Agreement shall be governed by the laws of the State of Texas, except for the conflict of law provisions, with venue in Fort Bend County, Texas and the CONTRACTOR hereby consents to such jurisdiction and venue.

**SECTION XIII  
SEVERABILITY**

In the event that any provision(s) of this Agreement shall for any reason be held invalid, illegal, or unenforceable, the invalidity, illegality or unenforceability of that provision(s) shall not affect any other provision(s) of this Agreement, and it shall further be construed as if the invalid, illegal, or unenforceable provision(s) had never been a part of this Agreement.

**SECTION XIX  
CONTRACT SIGNATURE SHEET**

This document and the included exhibit, except for any terms and conditions attached to or included in the Scope of Work by the CONTRACTOR, is the entire Agreement and recites the full consideration between the parties, there being no other written or parole agreement.

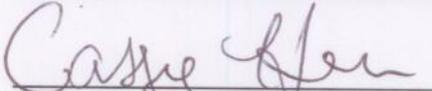
IN WITNESS WHEREOF, the said CITY has lawfully caused these presents to be executed by the City Manager of said CITY, and the said CONTRACTOR, acting by its thereunto duly authorized representative, does now sign, execute and deliver this instrument.

Authorized by the City of Missouri City, Texas on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Reviewed by: \_\_\_\_\_  
Shannon Pleasant, CTPM - Procurement & Risk Manager

Department Director: \_\_\_\_\_ Date: \_\_\_\_\_

**ADVANCE SERVICES INCORPORATED**

  
Cassie Herrin - Business Development

Date: 11/18/2019

**CITY OF MISSOURI CITY**

\_\_\_\_\_  
Glen Martel - Assistant City Manager

Date: \_\_\_\_\_

\_\_\_\_\_  
Anthony Snipes - City Manager

Date: \_\_\_\_\_

EXHIBIT A

I, \_\_\_\_\_,  
being an adult over the age of eighteen (18) years and the undersigned authorized representative  
of \_\_\_\_\_  
(hereafter referred to as "Company"), do hereby verify that the above-named Company, under  
the provisions of Subtitle F, Title 10, Texas Government Code, Chapter 2270:

- (1) Does not boycott Israel; and
- (2) Will not boycott Israel during the term of this Agreement with the City of Missouri City.

Pursuant to Section 2270.001, Texas Government Code, the following term has the following meaning:

- 1. "Boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes.

Came Lu  
Signature

11/19/2019  
Date

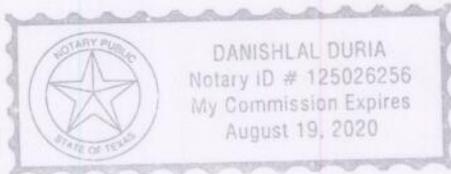
STATE OF TEXAS

COUNTY OF SALVATION

§  
§  
§

This instrument was acknowledged before me this 19 day of NOVEMBER, 2019,

by DANISHLAL DURIA  
Danishlal Duria



Danishlal Duria  
Notary Public, State of Texas



**CITY OF MISSOURI CITY**

**INVITATION FOR BID  
September 27, 2019**

**BID No. 20-001  
Due Date: October 29, 2019 at 2:00 PM CST**

**Term Contract for  
Temporary Labor Services**

**NIGP CODE(S): 962-69**

The City of Missouri City is now accepting sealed bids for the consideration of the provision of a term contract for Temporary Labor Services

City of Missouri City  
Purchasing Department  
1522 Texas Parkway  
Missouri City, TX 77489  
Monday – Friday: 8:00 am to 5:00 pm

Bidding forms, specifications and all necessary information may be obtained from the following websites:  
<http://www.txsmartbuy.com/sp> or <https://www.demandstar.com/Default.asp>.

All sealed bids shall be submitted including one original, one duplicate and electronic thumb drive containing a .pdf version of the bid. All are to be clearly marked with bid number and bid title. Bids sent via courier must be sealed in a separate envelope inside of the mailer.

**Bids will be received at City Hall, 1522 Texas Parkway, Missouri City, TX 77489 until 2:00 PM C.S.T. on Tuesday, October 29, 2019.** Bids received after the deadline stated herein will not be considered for award of the contract, and shall be considered void and unacceptable.

The City of Missouri City reserves the right to reject any and all bids, to waive irregularities, and to accept the bid deemed the most advantageous to the City.

All inquiries about this bid or specifications must be made to:

Ireyan J. Clark-Sam  
Senior Contracts & Procurement Analyst  
ireyan.clark-sam@missouricitytx.gov

*Handwritten signature and date: 10/28/19*

**BID DUE DATE: October 29, 2019 at 2:00 PM**  
**LATE BIDS WILL NOT BE CONSIDERED.**

**BIDDER MUST COMPLETE AND SIGN BELOW.**

Advance Services Incorporated  
Name of Firm/Company

Cassie Herrin Business Development  
Agent's Name (Please Print) Agent's Title

10910 Spencer Hwy Laporte TX 77571  
Mailing Address City State Zip

281-867-9999 N/A  
Telephone Number Fax Number Cell Phone Number

Cassie.herrin@asinc.net  
Email Address

Cassie Herrin 10/28/2019  
Authorized Signature Date

CONTRACTOR **AGREES** TO COMPLY WITH ALL CONDITIONS BELOW, ATTACHED SPECIFICATIONS, AND NOTES. CONTRACTOR HAS **READ** AND **AGREES** TO COMPLY WITH ALL TERMS AND CONDITIONS OF INVITATION TO BID. PURCHASES MADE FOR CITY USE ARE EXEMPT FROM THE STATE SALES TAX AND FEDERAL EXCISE TAX. **DO NOT** INCLUDE TAXES IN YOUR BID. CONTRACTOR **GUARANTEES** PRODUCT OFFERED SHALL **MEET** OR **EXCEED** MINIMUM SPECIFICATION IDENTIFIED IN THIS INVITATION TO BID.

"By the signature hereon affixed, the bidder hereby certifies that neither the bidder nor the firm, corporation, partnership, or institution represented by the bidder, or anyone acting for such firm, corporation, or institution has violated the antitrust laws of the State, codified in Section 15.01, et seq., Texas Business and Commerce Code, or the Federal antitrust laws, nor communicated directly or indirectly the bid made to any competitor or any other person engaged in such line of business."

*CH*  
*10/28/19*

## TERMS AND CONDITIONS

1. The City of Missouri City will accept sealed bids Monday through Friday, 8:00 am to 5:00 pm at City Hall, 1522 Texas Parkway, Missouri City, TX 77489. Bids must be received before the specified hour and date of the opening.
2. All sealed bids should be submitted on the original forms provided. Each bid must be sealed and should be placed in a properly identified envelope with bid number, time and date of bid due date.
3. Late bids will be NOT ACCEPTED/UNOPENED. Late bids WILL NOT be considered under any circumstances.
4. Bids CANNOT be altered or amended after opening time. Any alterations made before opening time must be initialed by bidder or his authorized agent. No bid may be withdrawn after opening without approval, and based on a written acceptable reason.
5. The City of Missouri City reserves the right to revise or amend the specifications prior to date set for opening bids. Such revisions or amendments, if any, will be announced by amendments or addendum to these specifications. Copies of such amendments or addendum so issued will be posted to the City website at. If Contractor demonstrates just reason for a change, the City of Missouri City must have at **least five (5)** working days notice prior to bid opening date.
6. Should Contractor find discrepancies in or omissions from the specifications or other documents or be in doubt as to their meaning, Contractor should at once notify the Purchasing Department and obtain clarification prior to submitting a bid.
7. QUOTE F.O.B. destination. Price should include all costs including shipping, handling and other related costs. Bid unit price on quantity specified – extend and show total. In case of errors in extension, UNIT prices shall govern. Bids subject to unlimited price increases will not be considered.
8. Bid offered shall be valid for ninety (90) days from due date.
9. The City of Missouri City is exempt from taxes. DO NOT INCLUDE TAX IN BID.
10. The City of Missouri City reserves the right to terminate this contract for any reason by notifying the Contractor/Supplier in writing thirty (30) days prior to the termination of this agreement.
11. Bidder MUST give full firm name and address. Person signing bid should show TITLE or AUTHORITY TO BIND THE FIRM IN A CONTRACT. Authorized signature should appear on each page of the bid, if specified in the space provided.
12. Any catalog, brand name or manufacturer's reference used in bid invitation is descriptive – NOT restrictive – it is to indicate type and quality desired. Bids on brands of like nature and quality will be considered. If bidding on other than reference specifications, bidder must show manufacturer, brand or trade name, lot number, etc., of article offered. If other than brand(s) specified is offered, illustrations and complete description should be made part of the bid. If bidder takes no exceptions to specifications or reference data, he will be required to furnish brand names, numbers, etc., as specified. All items bid shall be new, in first class condition and manufacturer's latest model and design including containers suitable for shipment and storage, unless otherwise indicated in bid invitation. Verbal agreements to the contrary will not be recognized.
13. If the brochure or information included with your bid does not exactly describe the item to be furnished, then notes in the attached form, "EXCEPTIONS TO BIDDER'S PROPOSAL," must explain the difference.

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10/28/17

Comments in this form signify that your proposal takes exception to the stated specifications. Exceptions taken may be just cause to disqualify bid.

- 14. NO substitutions or cancellations permitted without written approval of the City of Missouri City.
- 15. All bidders must meet or exceed the minimum specifications to be considered as a valid bid. The City of Missouri City reserves the right to accept or reject all or any part of any bid, waive minor technicalities and award the bid either to the lowest responsible Contractor or to the Contractor who provides goods or services at the best value for the City of Missouri City.
- 16. DELIVERY: Specifications indicate number of days required to place material in receiving department designated location under normal conditions. A difference in delivery promise may break a tie bid. Unrealistically short or long delivery promises may cause bid to be disregarded. Consistent failure to meet delivery promises without valid reason may cause removal from bid list. Delivery shall be made during normal working hours only, 8:00 am to 5:00 pm unless prior approval for late delivery has been obtained.
- 17. Consistent and continued tie bidding could cause rejection of bids by the City of Missouri City and/or investigation for Anti-Trust violations.
- 18. If a bid contains proprietary information, the Contractor must declare such information as proprietary if Contractor does not want information to become public.
- 19. The Contractor/Supplier agrees to protect the City of Missouri City from claims involving infringement of patents or copyrights.
- 20. Purchase order number should be on original invoice and invoice sent to the City of Missouri City [accountspayable@Missouricitytx.gov](mailto:accountspayable@Missouricitytx.gov)
- 21. The City of Missouri City shall pay for the product/service within thirty (30) days of receipt and acceptance. Acceptance by the City of Missouri City shall constitute all items bid being received and in good working order to the City of Missouri City's satisfaction.

**SECTION I  
GENERAL SPECIFICATIONS**

1. INTENTION OF SPECIFICATIONS

The City of Missouri City is requesting bids for the Term contract for Temporary Labor Services.

2. BID ACCEPTANCE

The City of Missouri City reserves the right to accept or reject any and all proposals, to accept any proposal deemed advantageous and to waive irregularity in the proposals. By bidding, the Contractor acknowledges and will adhere to all bid specifications as stated within this bid packet.

3. TERM OF CONTRACT

Contract term shall be one year from date of award, with the mutual option to renew annually for an additional three (3) years.

4. TERMINATION OF CONTRACT

The City of Missouri City reserves the right to terminate the contract immediately in the event of the following actions on part of the successful Contractor:

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10/28/11*

- a. By failing to pay insurance, liens, claims, or other charges.
- b. By failing to pay any payments due the City, State or Federal Government from the successful bidder or its principals, including, but not limited to payments identified in this agreement or any taxes, fees, assessments, or liens.
- c. Upon the institution of voluntary or involuntary bankruptcy proceedings against the successful bidder or upon dissolution of the firm or business.
- d. By violation of any provision of the agreement.
- e. By failing to respond within the prescribed time, including weekends and holidays.
- f. By providing substandard service, or service the City deems to be otherwise unacceptable.
- g. Additionally, the City and Contractor reserve the right to terminate the contract without cause upon written notice thirty (30) days prior to the date of termination.

5. EVALUATION AND AWARD

The City shall consider all factors it believes to be relevant in selecting the offer that provides the best value for the City including, but not limited to: (a) adherence to service description/specification/qualification requirement; (b) price; (c) reputation of Contractor and Contractor's services; and (d) Contractor's past relationship with the City. The City of Missouri City reserves the right to accept or reject any bid or combination of bids deemed advantageous to it; however, it is the intent of the City to award to a single service provider representing the best value to the City with regard to the factors cited above.

6. SPECIFICATION CHANGES

**NO PERSON** has the authority to verbally alter these specifications. Any changes to specifications will be made in writing and posted to the <https://www.demandstar.com> or <http://www.txsmartbuy.com/sp>

7. INVOICES

Invoices must be itemized and issued by department on a monthly basis. Any invoice, which cannot be verified by the contract price and/or is otherwise incorrect, will be returned to the Contractor for correction.

Invoices must reference the vendor number, purchase order number and submitted for payment by email to [accountspayable@Missouricitytx.gov](mailto:accountspayable@Missouricitytx.gov)

NOTE: The City of Missouri City reserves the right to process payments by use of a corporate MasterCard issued by Chase or P-Card. By affirming, bidder agrees not to charge any fees associated with the acceptance of the P-Card.

8. REFERENCES

Contractor shall provide a reference list of a minimum of three (3) current customers of comparable size whom the Contractor has recently provided requested services, Exhibit II.

9. INDEMNITY CLAUSE

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*10/20/17*

The Contractor agrees to indemnify and save harmless the City of Missouri City and its officers, agents and employees from any and all claims, causes or action, and damages of every kind, for injury to or death of any person and damages, to property arising out of or in connection with the work done by Contractor under this contract, and including acts or omissions of the City of Missouri City or its officers, agents, or employees in connection with said contract.

10. EQUAL OPPORTUNITY EMPLOYER

The successful Contractor shall warrant and agree that he/she is an Equal Opportunity Employer. Should complaints of any form of discrimination, either in dispensation of the service, or within company hiring policies be substantiated, this contract may be terminated immediately.

11. INSURANCE REQUIREMENTS

An original, certified copy of an insurance certificate listing the City of Missouri City as additional insured, must be submitted within fifteen (15) days of request. The successful Contractor will be required to maintain, at all times during performance of the contract, the insurance detailed below. Failure to provide this insurance certificate within the specified amount of time may result in disqualification of bid.

(a) Workman's Compensation Insurance as required by laws and regulations applicable to and covering employees of Contract engaged in the performance of the work under this agreement with a limit of not less than \$1,000,000.00;

(b) Employers Liability Insurance protecting contractor against common law liability, in the absence of statutory liability, for employee bodily injury arising out of the master-servant relationship with a limit of not less than \$1,000,000.00.

(c) Comprehensive General Liability Insurance including products/completed operation with limits of liability of not less than: Bodily Injury \$1,000,000.00 per each person, \$2,000,000.00 per each occurrence/aggregate; Property Damage \$1,000,000.00 per each occurrence;

(d) Excess Liability Insurance Comprehensive general Liability, Comprehensive Automobile Liability and coverage's afforded by the policies above, with the minimum limits of \$5,000,000.00 excess of specified limits.

An original, certified copy of an insurance certificate listing the City of Missouri City as additional insured, must be submitted within fifteen (15) days of request. The successful Contractor will be required to maintain, at all times during performance of the contract, the insurance detailed on the "Insurance Requirements" form, which is provided as an attachment. Failure to provide this insurance certificate within the specified amount of time may result in disqualification of bid.

12. PRICING

Prices for all goods and/or services shall be firm for the duration of this contract. Prices shall be all inclusive. No price changes, additions or subsequent qualifications will be honored during the course of the initial contract. If there are any additional charges of any kind, other than those mentioned above, specified or unspecified, Contractor MUST indicate the items required and attendant costs or forfeit the right to payment for such items.

13. ASSIGNMENT

The successful Contractor may not assign, sell or otherwise transfer this contract without prior written consent of the City of Missouri City.

98  
10/28/15

14. CONTRACTOR'S RESPONSIBILITY

At the time of the opening of bids, each Contractor shall be presumed to have inspected the sites (if applicable) and to have read and be thoroughly familiar with the contract requirements. The failure or omission of any Contractor to examine any form, instrument, document or site shall in no way relieve any bidder from any obligation in respect to this bid.

15. ESTIMATED QUANTITIES

Quantities indicated are estimated based upon the best available information. The City reserves the right to increase or decrease the quantities by any amount deemed necessary to meet its needs without any adjustments in the bid price.

16. COMPLIANCE WITH LAWS

All equipment, supplies and work furnished under this contract shall comply with applicable laws, ordinances and regulations. Contractor shall obtain and pay for such permits and inspections as are required for the legal performance of this work, unless otherwise specified.

Bidder shall comply with all Federal and State laws and City Ordinances and Codes applicable to the Bidder's operation under this contract. These specifications and the contract resulting here from shall be fully governed by the laws of the State of Texas, and shall be fully performable in Ft. Bend County, Texas, where venue for any proceeding arising hereunder will lie.

17. SILENCE OF SPECIFICATIONS

The apparent silence of specifications as to any detail, or the apparent omission from it of a detailed description concerning any point, shall be regarded as meaning that only the best commercial practice is to prevail and that only material and workmanship of the finest quality shall be used. All interpretations of specifications shall be made on the basis of this statement.

18. SEVERABILITY

If any section, subsection, paragraph, sentence, clause, phrase or word of these requirements or specifications shall be held invalid, such holding shall not affect the remaining portions of these requirements and the specifications and it is hereby declared that such remaining portions would have been included in these requirements and the specifications as though the invalid portion had been omitted.

19. CONFLICT OF INTEREST

Chapter 176 of the Texas Local Government Code requires that any person, who enters or seeks to enter in to a contract for the sale or purchase of property, goods or services with a local government entity and who has an employment or other business relationship with a local government officer or family member of the officer, as described by Texas Local Government Code Section 176.006, shall file a completed conflict of interest questionnaire with the City within seven (7) business days after the later of:

1. The date the person begins discussions or negotiations to enter in to a contract, including submission of a bid or proposal, or
2. The date the person becomes aware of facts that require the statement to be filed.

*Handwritten signature and date: 1/28/19*

Additional information and the form to be used to file this notice can be found at:  
[https://www.ethics.state.tx.us/filinginfo/conflict\\_forms.htm](https://www.ethics.state.tx.us/filinginfo/conflict_forms.htm)

20. RIGHT OF ASSURANCE

Whenever one (1) party to this contract in good faith has reason to question the other party's intent to perform, he/she may demand that the other party give a written assurance of this intent to perform. In the event that demand is made and no assurance is given within five (5) days, the demanding party may treat this failure as an anticipatory repudiation of this contract.

21. DAMAGE

The vendor shall hold sole responsibility for any damages to the City's equipment or property, the workplace and its contents due to work, negligence in work, personnel and equipment. The vendor shall be responsible and liable for the safety, injury and health of its working personnel while its employees are performing service work.

22. ADDITIONAL INFORMATION

If additional information is needed concerning these specifications, please contact Ireyan J. Clark-Sam, at [Ireyan.Clark-Sam@missouricitytx.gov](mailto:Ireyan.Clark-Sam@missouricitytx.gov). Questions regarding this bid must be submitted in writing or by email prior to 10:00 a.m. C.S.T., **October 15, 2019**, to the email listed above.

23. SITE VISIT

When deemed necessary an inspection may be made by the department to determine whether a bidder actually has a facility at the location they have listed in the bid document.

24. HOUSE BILL 1295

House Bill No. 1295 Certificate of Interested Parties as of January 1, 2016.

Any and all resultant contracts of this Request for Proposal will require the contractor to complete the Texas Ethics Commission requirements under the State of Texas House Bill No. 1295 Certificate of Interested Parties. This requirement is not arbitrary and is MANDATORY for the City to contract with a provider.

Therefore, the City requires that, in your response to this IFB, proposer shall include a completed form.

Login information, Forms and Certification download may be obtained at:  
[https://www.ethics.state.tx.us/whatsnew/elf\\_info\\_form1295.htm](https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm)

The City strongly encourages respondents to view the *Instructional Video for Business Entities* and review the FAQ's prior to proceeding with the filing.

A certification will require the provider to enter a contract/solicitation number in Box 3. That number for this solicitation is 20-001.

*Handwritten signature:* J. Clark-Sam

## SECTION II TECHNICAL SPECIFICATIONS

### DEFINED SCOPE OF SERVICES

The City uses temporary labor for different purposes throughout the year. The primary uses are for manual labor assignments assisting Parks Department staff in grounds maintenance.

Parks Department intends to employ three (3) laborers through a staffing agency to work on the park maintenance crews 40 hours a week plus occasional overtime on weekends and for Special Events.

These workers will be expected to pass a drug screen, have a valid Texas Drivers License and be able to work outdoors doing a variety of maintenance related tasks.

A temporary agency shall provide workers compensation insurance for their employees, background checks and drug screen tests before we can utilize their services.

#### Sample of work tasks:

- Litter collection
- Pavilion and restroom cleaning (daily and some weekends)
- Mowing, trimming and blowing park and facility properties
- Assist setting up for events as necessary
- Landscape maintenance tasks

Requests for labor will be made by the City as the need arises. The City will make an effort to provide as much advance notice as reasonably possible; however, the contractor shall be required to provide labor with 24 hours prior notice.

#### Workday

A workday is defined as 7 AM to 3:30 PM, including a one-half hour lunch, which is not paid time. Laborers are required to report to their assigned supervisors fifteen minutes prior to the start of the workday.

#### Absenteeism

In the event the laborer will be absent, the contractor shall inform the City contract administrator as soon as possible. In addition, the contractor shall have a replacement worker available to work the labor assignment if so requested by the City at the time the absentee notification is made. The replacement worker shall be available to arrive at the City's job site no later than one hour after the City's request is made.

#### Insurance

Contractor shall affirm that all employees are legally employed and are covered by Workers' Compensation coverage as required by the State of Texas, and general liability insurance coverage while working for the City. See insurance requirements in this IFB for complete details.

#### Labor Types

The City will use primarily manual labor. However, the City reserves the right to add other types of labor at an agreed upon rate.

#### Screening

Contractor shall screen all laborers prior to assigning them to the City. Screening should include:

- Matching job requirements
- Criminal background check
- Drug Screening
- Safety Orientation

### Physical Requirements

Laborers are to be in good health. Manual laborers must be able to perform reasonable levels of activity normally associated with grounds maintenance.

### Clothing

All employees are expected to dress appropriately and in good taste and to maintain a good, reasonably well groomed general appearance at all times. Clothing shall be clean and washed on a regular basis.

### Dress shall conform to the following:

Lace up or pull on leather work boots are to be worn, minimum six inch high, safety steel toed. Clothing shall have no suggestive, obscene phrases nor promote alcohol or illegal drug use. Long pants are required and shall be worn with a belt at the waist. No "sag look" pants. No sleeveless shirts.

### Conversion

After working 70 hours on assignment for the City, the City reserves the right to offer permanent employment to the labor without penalty from the contractor.

### Termination

Individual labor assignments will be on a day-to-day basis. Termination of a laborer's assignment may be made with notice up to and including immediate dismissal.

Cancellation of a daily assignment may be made with no notice due to weather conditions or other factors that negate the labor need for the particular day. The City will be responsible for only the hours worked, calculated in quarter hours increments, up until the notice of termination or cancellation. In such a case where labor arrives at the work site, and termination or cancellation of work assignment is made after the laborer's arrival, the City's responsibility will not exceed hours of the normal labor rate due to short notice for the day of cancellation or termination. Should the contractor have a minimum billed hours for a worker, such minimum should be stated on the Pricing Bid Sheet Below.

### Overtime

Laborers may be requested by the City to work additional hours that lead to an excess of 40 hours during the standard workweek. The City will pay 1.5 times the hourly rate bid for the recorded hours in excess of the 40 hour standard.

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**SECTION III  
PRICING BID SHEET**

***ESTIMATED QUANTITY***

The City estimates its labor service needs to be three (3) people per day throughout the year for up to five (5) days per week at eight (8) hours per day for the initial contract term. However, the City reserves the right to increase or decrease the amount purchased. Orders shall be placed on an as needed basis. The City does not guarantee an estimate of services rendered. No minimum order may be required by the contractor.

Item	Description	Est. Annual Hrs	Unit Price	Extended Price
1	Temporary Labor Services per the specifications listed herein.	3500 hours	\$ <u>12.00</u>	\$ <u>42,000.00</u>

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*10/28/19*

**EXHIBIT I  
BIDDER'S CERTIFICATION**

The 1985 Texas Legislature passed HB620 relating to bids by nonresident contractors (now codified at Sections 2252.001 through 2252.004, Texas Government Code). The pertinent portion of the Act has been extracted and is as follows:

- (3) "Nonresident bidder" refers to a person who is not a resident.
- (4) "Resident bidder" refers to a person whose principal place of business is in this state, including a contractor whose ultimate parent company or majority owner has its principal place of business in this state.

A governmental entity may not award a governmental contract to a nonresident bidder unless the nonresident underbids the lowest bid submitted by a responsible resident bidder by an amount that is not less than the greater of the following:

- (1) the amount by which a resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located; or
- (2) the amount by which a resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in the state in which a majority of the manufacturing relating to the contract will be performed.

I certify that Advance Services Inc. is a resident bidder of Texas  
(Company Name)

as defined in Section 2252.001(4), Texas Government Code.

Signature Cassie Herrin  
Print Name Cassie Herrin

I certify that \_\_\_\_\_ is a Nonresident bidder as  
(Company Name)

defined in Section 2252.001(3), Texas Government and our principal place of business is

\_\_\_\_\_  
(City and State)

Signature \_\_\_\_\_  
Print Name \_\_\_\_\_

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EXHIBIT II  
REFERENCES  
LIST OF PREVIOUS CUSTOMERS

Name: UNIS Phone No.: 346-907-7544  
Address: 10535 Red bluff Rd Pasadena TX  
Contract Award Date: Oct 2018 Contract Completion Date: Current  
Contract Name/Title: Temporary Labor / personnel  
Email of contact person: Ken Barrett @ unisco.com  
Description of services: temporary labor / contract labor

Name: HPP Phone No.: 281 487 0766  
Address: 15201 East Freeway Houston TX  
Contract Award Date: 2014 Contract Completion Date: Current  
Contract Name/Title: Temporary Labor / personnel  
Email of contact person: D brown @ hpprecydes.com  
Description of services: temporary personnel / Labor

Name: Trifecta Trading Phone No.: 281 383 2600  
Address: 2000 FM 1405 Baytown TX  
Contract Award Date: 2013 Contract Completion Date: Current  
Contract Name/Title: warehouse temporary labor  
Email of contact person: j duckworth @ trifecta-llc.com  
Description of services: tempory - Hire personnel

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EXHIBIT III  
SUPPLIER INFORMATION FORM

Advance Services Inc.

COMPANY'S FULL BUSINESS NAME

10910 Spencer Hwy. Laporte TX

PHYSICAL ADDRESS

Cassie Herrin

NAME OF CONTACT PERSON

281. 867. 9999

N/A

PHONE

FAX

PO Box 390398 Omaha NE

REMITTANCE ADDRESS

68138

April Fetterman

NAME OF CONTACT PERSON

402-331-3499

N/A

PHONE

FAX

Net 10

PAYMENT TERMS DISCOUNT

47-0777488

COMPANY TAX ID NO.

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10/25/19

**SAMPLE CONTRACT**

Awarded vendor may be required to execute this agreement prior to commencement of service. This is provided for informational purposes only. Any exceptions to this agreement shall be included in your proposal response.

**AGREEMENT/CONTRACT  
FOR  
NAME OF SERVICES  
(LOCAL CONTRACT NO. XX-XXX)**

**STATE OF TEXAS §**

**COUNTY OF FORT BEND §**

THIS AGREEMENT MADE, entered into and executed by and between the CITY OF MISSOURI CITY, a body corporate and politic under the laws of the State of Texas, hereinafter called "CITY", and **CONTRACTOR** hereinafter called "CONTRACTOR".

WHEREAS, the CONTRACTOR represents that it is fully capable of making and qualified to provide assistance to the CITY (or Client) and the CONTRACTOR desires to perform the same;

NOW, THEREFORE, the CITY and the CONTRACTOR, in consideration of the mutual covenants and agreements herein contained, do mutually agree as follows:

**SECTION I  
SCOPE OF AGREEMENT**

The CONTRACTOR agrees to provide the following services:

SCOPE OF SERVICES

**SECTION II  
CHARACTER AND EXTENT OF WORK**

The CONTRACTOR shall provide the services as defined in Section I. The CITY shall be under no obligation to pay for any additional services rendered without prior written authorization.

**SECTION III  
TERM AND TERMINATION**

This AGREEMENT is effective \_\_\_\_\_ and remains in effect for \_\_\_\_\_ years from the effective date, unless sooner terminated under the terms of this AGREEMENT. Upon expiration of the initial term, this AGREEMENT may be renewed for \_\_\_ additional one-year options with the same terms and conditions.

The CITY reserves the right to terminate this contract at any time during the term of the contract, without cause, with a written thirty (30) days' notice to terminate and pay the contractor for work performed to date.

**SECTION IV**

*Handwritten signature and date: 10/20/19*

## COMPLIANCE AND STANDARDS

The CONTRACTOR agrees to provide services hereunder in accordance with the generally accepted standards applicable thereto and shall use that degree of care and skill commensurate with the CONTRACTOR's trade or profession to comply with all applicable state, federal, and local laws, ordinances, rules, and regulations relating to the services provided hereunder and the CONTRACTOR's performance. The CONTRACTOR shall and does hereby agree to indemnify and hold harmless the CITY, its officers, agents, and employees from any and all damages, loss, or liability of any kind, whatsoever, including, but not limited to, death, injury, or property damages, caused by the intentional, knowing, reckless, or negligent act or omission (hereinafter referred to as "fault") of the CONTRACTOR, its officers, agents, employees, invitees or other persons for whom it is legally liable, with regard to the performance of this Agreement, and the CONTRACTOR will, at its cost and expense, defend, pay on behalf of, and protect the CITY and its officers, agents, and employees against any and all such claims and demands. Such indemnity shall apply where the suits, actions, legal proceedings, claims, demands, damages, costs, expenses and attorney fees arise in whole or in part from the fault of the CONTRACTOR. The indemnification provision shall survive the expiration or termination of the Agreement.

*Force Majeure.* Neither the CONTRACTOR, its suppliers nor the CITY will be liable for any failure or delay in this Agreement due to any cause beyond its reasonable control, including acts of war, acts of God, earthquake, flood, embargo, riot, sabotage, labor shortage or dispute, governmental act or failure of the Internet (not resulting from the negligence or willful misconduct of CONTRACTOR), provided that the delayed party: (a) gives the other party prompt notice of such cause, and (b) uses its reasonable commercial efforts to promptly correct such failure or delay in performance. If the CONTRACTOR is unable to provide services for a period of ten (10) consecutive days as a result of a continuing force majeure event, the CITY may cancel the services order without penalty.

## SECTION V THE CONTRACTOR'S COMPENSATION

For and in consideration of the services rendered by the CONTRACTOR pursuant to this Agreement, the CITY shall pay the CONTRACTOR the amount not exceed \$00 per annum.

## SECTION VI TIME OF PAYMENT

Payment by the CITY to the CONTRACTOR shall be made as follows:

The CONTRACTOR shall be provided a purchase order number from the CITY and such number shall be referenced on all invoices submitted to the CITY.

The CONTRACTOR shall submit, to the appropriate CITY staff member, an invoice in a form acceptable to the CITY, setting forth the charges for the service provided which were delivered during such billing period, and the compensation which is due for same. The CITY contract manager shall review the same and approve it with such modifications, as deemed appropriate. The CITY shall pay each invoice as approved by the CITY contract manager within thirty (30) days after receipt of a true and correct invoice by the CITY. The approval or payment of any such invoice shall not be considered to be evidence of performance by the CONTRACTOR to the point indicated by such invoice or of the receipt of or acceptance by the CITY of the services covered by such invoice.

Invoices shall be submitted via electronic mail to the following address:

City of Missouri City  
Accounts Payable Office  
1522 Texas Parkway  
Missouri City, TX 77489

AK  
10/20/19

[accountspayable@missouricitytx.gov](mailto:accountspayable@missouricitytx.gov)

Invoices submitted without a purchase order number will be returned unpaid. Failure to submit invoices to the above address will delay payment. DO NOT submit invoices to any other address for payment.

Chapter 2251 of the Texas Government Code, commonly known as the Prompt Payment Act, sets out the required deadlines for payment of the CITY'S obligations to its vendors, requirements for vendor's payments to their subcontractors, penalties for failure to comply with the Act and exceptions to the Act.

The Act requires political subdivisions to pay all payments owed not later than thirty (30) days after the goods and services are received, the performance of the service under the contract is completed, or the date the invoice is received, whichever is later. A payment begins to accrue interest on the date the payment becomes overdue. The rate of interest that accrues on an overdue payment is the rate in effect on September 1 of the fiscal year in which the payment becomes overdue. The rate in effect on September 1 is equal to the sum of one percent (1%) percent; and the prime rate as published in the Wall Street Journal on the first day of July of the preceding fiscal year that does not fall on a Saturday or Sunday. Interest on an overdue payment stops accruing on the date the governmental entity or vendor mails or electronically transmits the payment.

The CITY shall notify a vendor of an error in an invoice submitted for payment by the vendor not later than the 21st day after the date the entity receives the invoice. If a dispute is resolved in favor of the vendor, the vendor is entitled to receive interest on the unpaid balance of the invoice submitted by the vendor beginning on the date under Section 2251.021 that the payment for the invoice is overdue. If a dispute is resolved in favor of the governmental entity, the vendor shall submit a corrected invoice that must be paid in accordance with Section 2251.021. The unpaid balance accrues interest as provided by this chapter if the corrected invoice is not paid by the appropriate date.

#### **SECTION VII TERMINATION**

The CITY may terminate this Agreement at any time by giving thirty (30) days written notice to the CONTRACTOR. The CONTRACTOR may terminate this agreement upon thirty (30) days written notice to the CITY in the event the CITY has failed to pay the CONTRACTOR'S invoices. If the CONTRACTOR has been providing services in accordance with this Agreement, the CITY shall pay the CONTRACTOR all amounts due up to the time of termination.

#### **SECTION VIII ADDRESS AND NOTICES AND COMMUNICATIONS**

The parties contemplate that they will engage in informal communications with respect to the subject matter of this Agreement. However, any formal notices or other communications ("Notice") required to be given by one party to the other party under this Agreement shall be given in writing addressed to the party to be notified at the address set forth below for such party, (i) by delivering the same in person, (ii) by depositing the same in the United States mail, certified or registered, return receipt requested, postage prepaid, addressed to the party to be notified, or (iii) by depositing the same with a nationally recognized courier service guaranteeing "next day delivery," addressed to the party to be notified, (iv) by sending the same by telefax with confirming copy sent by mail, or (v) by sending the same by electronic mail with confirming copy sent by mail. Notice deposited in the United States mail in the manner hereinabove described shall be deemed effective from and after the date of such deposit. Notice given in any other manner shall be effective only if and when received by the party to be notified. For the purposes of notice, the addresses of the parties, until changed by providing written notice in accordance hereunder, shall be as follows:

All notices and communications under this Agreement shall be mailed to the CONTRACTOR at the following address:

**CONTRACTOR CONTACT PERSON  
ADDRESS  
EMAIL  
PHONE NUMBER**

All notices and communications under this Agreement shall be sent to the CITY at the following address:

City of Missouri City  
Attn: Procurement and Risk Management  
1522 Texas Parkway  
Missouri City, Texas 77489  
[purchasing@missouricitytx.gov](mailto:purchasing@missouricitytx.gov)

**SECTION IX  
LIMIT OF APPROPRIATION**

Prior to the execution of this Agreement, the CONTRACTOR has been advised by the CITY and the CONTRACTOR clearly understands and agrees, such understanding and agreement being of the absolute essence to this Agreement, that the CITY shall have available the amount budgeted by the CITY for materials testing to discharge any and all liabilities which may be incurred by the CITY pursuant to this Agreement and that the total maximum compensation that the CONTRACTOR may become entitled to hereunder and the total maximum sum that the CITY shall become liable to pay to the CONTRACTOR hereunder shall not under any conditions, circumstances, or interpretations, hereof, exceed the said total maximum sum provided for in this section without prior written permission from the CITY.

**SECTION IX  
SUCCESSORS AND ASSIGNS**

The CITY and the CONTRACTOR 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. Neither the CITY nor the CONTRACTOR shall assign, sublet or transfer its or his interest in this Agreement without the written consent of the other, which consent will not be unreasonably withheld. 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.

**SECTION X  
MEDIA**

Contact with the news media shall be the sole responsibility of the CITY. The CONTRACTOR shall under no circumstances release any material or information developed in the performance of its work hereunder without the express written permission of the CITY.

**SECTION XI  
AUTHORITY OF CITY PROJECT MANAGER**

All work to be performed by the CONTRACTOR hereunder shall be performed to the satisfaction of the CITY'S project manager. The CITY'S project manager shall decide any and all questions, which may arise as to the quality, or acceptability of the work performed by the CONTRACTOR and the decisions of the CITY'S project

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10/20/19*

manager in such cases shall be final and binding on both parties. However, nothing contained herein shall be construed to authorize the CITY'S project manager to alter, vary or amend this Agreement.

**SECTION XII  
MODIFICATIONS**

This instrument contains the entire Agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any oral or written representations or modifications concerning this instrument shall be of no force and effect, except for a subsequent modification in writing signed by both parties hereto.

**SECTION XIII  
FISCAL FUNDING**

The CITY'S fiscal year is October 1<sup>st</sup> through September 30<sup>th</sup>.

If this contract extends beyond September 30<sup>th</sup>, there shall be a fiscal funding out. If, for any reason, funds are not appropriated to continue the contract in the new fiscal year, said contract shall become null and void on the last day of the current appropriation of funds. Contract will then be terminated without penalty of any kind or form to the CITY.

**SECTION XIV  
INSURANCE REQUIREMENTS**

If required, as indicated below, the CONTRACTOR shall procure and maintain, with respect to the subject matter of this Agreement, appropriate insurance coverage with limits to cover the CONTRACTOR'S liability as may arise or cause, directly or indirectly, from work performed under terms of this Agreement.

If applicable, a current certificate of liability insurance is required to be submitted to the Purchasing Office before the CITY will enter into a contract with the CONTRACTOR. The certificate of insurance shall be an attachment to the contract document.

POLICY REQUIREMENTS (IF APPLICABLE)

The CONTRACTOR and all subcontractors performing work for the CONTRACTOR under this Agreement shall furnish a completed insurance certificate to the CITY prior to the event, which shall be completed by an agent authorized to bind the named underwriter(s) for coverage, limits, and termination provisions shown thereon, and which shall contain the following:

- (a) Worker's Compensation: Workers' Compensation Insurance with statutory limits as required by the State of Texas and Employer's Liability with minimum limits of \$1,000,000 each accident and each employee;
- (b) Commercial General Liability: General Liability Coverage with minimum limits of \$1,000,000 each occurrence, \$2,000,000 in aggregate;
- (c) Automobile Liability: Automobile Liability Insurance that provides coverage for owned, hired, and non-owned automobiles. Liability limits shall be \$1,000,000 combined single limit each accident for bodily injury and property damage; and
- (d) Professional Liability (Errors and Omissions): Coverage Amount \$1,000,000 per occurrence and \$1,000,000 annual aggregate.

The CITY shall be entitled, upon request and without expense, to receive copies of the certificate of insurance

*Handwritten signature and date: 10/20/19*

and the required policies and endorsements.

The CONTRACTOR agrees, with respect to the above required insurance, that all insurance contracts and certificate(s) of insurance will contain and state, in writing, on the certificate or its attachment, the following required provisions:

- (a) The CONTRACTOR shall notify the CITY of any change in the required coverage or cancellation, and shall give such notices not less than 30 days prior to the change or cancellation. The CONTRACTOR shall provide a replacement CERTIFICATE OF INSURANCE prior to such change or cancellation;
- (b) Provide for an endorsement that the "other insurance" clause or provision shall not apply to the CITY where the CITY is shown as an additional insured on the policy;
- (c) Provide for notice to the CITY at the address shown in this Agreement;
- (d) The CONTRACTOR agrees to waive all the CONTRACTOR'S, its officers, employees, agents, assigns, and successors' rights of subrogation against the CITY, its officers, employees, and elected representatives for injuries, death, property damage, or other loss covered by insurance and the CONTRACTOR will provide a waiver of subrogation endorsement against the CITY. The CITY must be named or listed on the endorsement; and
- (e) The CITY, its elected and appointed officials, employees and agents shall be listed as additional insured to the required coverage. All coverage specified shall remain in effect during the term of this Agreement. No cancellation of or changes to the certificates, the policies or endorsements may be made without thirty (30) days prior written notification to the CITY. Any termination of coverage without replacement shall result in immediate termination of this Agreement.

**COVERAGES SHALL BE WITH A COMPANY (WITH AT LEAST AN A- BEST RATING) ACCEPTABLE TO THE CITY PURCHASING AND RISK MANAGEMENT DEPARTMENT AND A COPY OF THE CERTIFICATE OF COVERAGE SHALL BE DELIVERED TO THE CITY ON OR BEFORE THE DATE OF THIS AGREEMENT.**

NOTICES

All notices shall be given to the CITY at the following address:

City of Missouri City  
Purchasing and Risk Management  
1522 Texas Parkway  
Missouri City, Texas 77489

**APPROVAL**

Approval, disapproval, or failure to act by the CITY regarding any insurance supplied by the CONTRACTOR shall not relieve the CONTRACTOR of full responsibility or liability for damages and accidents as set forth in the contract documents. Neither shall the bankruptcy, insolvency, or denial of liability by the insurance company exonerate the CONTRACTOR from liability.

**SECTION XV  
PROHIBITION ON BOYCOTTING ISRAEL**

Pursuant to Section 2270.002, Texas Government Code, the CITY may not enter into a contract for goods or services unless the contract contains a written verification that the contractor: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract. By executing the House Bill 89 Verification Form, Exhibit A, attached hereto and incorporated herein for all purposes, CONTRACTOR verifies that

CONTRACTOR does not boycott Israel and will not boycott Israel during the term of this Agreement.

**SECTION XVI  
ENGAGING IN BUSINESS WITH SUDAN, IRAN OR FOREIGN TERRORIST ORGANIZATIONS  
PROHIBITED**

Pursuant to Section 2252.152, Texas Government Code, CONTRACTOR warrants, represents, and agrees that CONTRACTOR is not identified on a list prepared and maintained by the Texas Comptroller of Public Accounts as a company that engages in business with Sudan, Iran or a foreign terrorist organization.

**SECTION XVII  
CHOICE OF LAW**

This Agreement shall be governed by the laws of the State of Texas, except for the conflict of law provisions, with venue in Fort Bend County, Texas and the CONTRACTOR hereby consents to such jurisdiction and venue.

**SECTION XIII  
SEVERABILITY**

In the event that any provision(s) of this Agreement shall for any reason be held invalid, illegal, or unenforceable, the invalidity, illegality or unenforceability of that provision(s) shall not affect any other provision(s) of this Agreement, and it shall further be construed as if the invalid, illegal, or unenforceable provision(s) had never been a part of this Agreement.

**SECTION XIX  
CONTRACT SIGNATURE SHEET**

This document and the included exhibit, except for any terms and conditions attached to or included in the Scope of Work by the CONTRACTOR, is the entire Agreement and recites the full consideration between the parties, there being no other written or parole agreement.

IN WITNESS WHEREOF, the said CITY has lawfully caused these presents to be executed by the City Manager of said CITY, and the said CONTRACTOR, acting by its thereunto duly authorized representative, does now sign, execute and deliver this instrument.

Authorized by the City of Missouri City, Texas on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Reviewed by: \_\_\_\_\_  
Procurement & Risk Manager

Department Director: \_\_\_\_\_ Date: \_\_\_\_\_

COMPANY NAME

CITY OF MISSOURI CITY

\_\_\_\_\_  
Signature CM or ACM

Title: \_\_\_\_\_ Title

\_\_\_\_\_  
Date Date

*City  
10/24/18*

EXHIBIT A

I, \_\_\_\_\_,  
being an adult over the age of eighteen (18) years and the undersigned authorized representative

of \_\_\_\_\_  
(hereafter referred to as "Company"), do hereby verify that the above-named Company, under the provisions of  
Subtitle F, Title 10, Texas Government Code, Chapter 2270:

- (1) Does not boycott Israel; and
- (2) Will not boycott Israel during the term of this Agreement with the City of Missouri City.

Pursuant to Section 2270.001, Texas Government Code, the following term has the following meaning:

- 1. "Boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

STATE OF TEXAS

§  
§  
§

COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019,

by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Texas

*Handwritten signature and date: 08/16/2019*

# CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.  
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

## OFFICE USE ONLY CERTIFICATION OF FILING

**1 Name of business entity filing form, and the city, state and country of the business entity's place of business.**

Advance Services Inc.  
LaPorte , TX United States

Certificate Number:  
2019-556121

Date Filed:  
10/28/2019

**2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.**

City of Missouri city purchasing department

Date Acknowledged:

**3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.**

20-0001  
Personnel

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	City of Missouri City	Missouri city , TX United States	X	

5 Check only if there is NO Interested Party.

### 6 UNSWORN DECLARATION

My name is Cassie Herrin, and my date of birth is \_\_\_\_\_.

My address is 10910 Spencer Hwy, LaPorte, TX, 77571, USA  
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Harris County, State of Texas, on the 28 day of October, 2019.  
(month) (year)

Cassie Herrin  
Signature of authorized agent of contracting business entity  
(Declarant)



**CITY COUNCIL  
AGENDA ITEM COVER MEMO**

**February 3, 2020**

**To:** Mayor and City Council  
**Agenda Item:** 10(a) Ordinance Ordering the May 2020 Special Election  
**Submitted by:** Maria Jackson, City Secretary

**SYNOPSIS**

This is a one reading ordinance ordering a special election for May 2, 2020.

**BACKGROUND**

On Tuesday, January 21, 2020, the City Secretary received a petition requesting an election to adopt Texas Local Government Code, Chapter 143, Municipal Civil Service, for the Police Officers and Firefighters of the City of Missouri City, Texas. Section 143.004 of the Texas Local Government Code states the following:

**Sec. 143.004. ELECTION TO ADOPT OR REPEAL CHAPTER.**

- (a) A municipality may hold an election to adopt or repeal this chapter as provided by this section.
- (b) If the governing body of the municipality receives a petition requesting an election that is signed by a number of qualified voters of the municipality equal to at least 10 percent of the number of voters who voted in the most recent municipal election, the governing body shall order an election submitting to the voters the question of whether this chapter should be adopted. The election must be held on the first authorized uniform election date prescribed by Chapter 41, Election Code, that occurs after the petition is filed and that allows sufficient time to comply with other requirements of law.
- (c) The ballot shall be printed to provide for voting for or against the proposition: "Adoption of the fire fighters' and police officers' civil service law." However, this chapter may be adopted to apply only to the fire or police department, and in that case, the ballot shall be printed to reflect the department that would be covered by this chapter. If a majority of the votes received in the election are in favor of adoption of this chapter, the governing body shall implement this chapter.

During the November 5, 2019 general election, 7,981 qualified voters voted in the election. The number of persons found on the petition who are qualified to vote must be greater than or equal to 798, 10 percent of the November 5, 2019 qualified voters.

The City Secretary completed examination of the petition and hereby certifies the results as follows:

1,903	number of persons found on the petition who are qualified to vote
1,307	number of persons found on the petition who are not qualified to vote
3,210	number of persons found on the petition

For the May/2020 election, Fort Bend County will incorporate the Harris County/Missouri City qualified voters who may only vote at the Old Municipal Court Room Building within the City Hall Complex during early voting;

and, at the Fondren Park Community Center on Election Day. The Fort Bend County/Missouri City voters may vote at any polling location in Fort Bend County.

Statutorily, February 14, 2020, is the recommended last day for City Council to order the designation of election precincts and polling places. February 14, 2020 is statutory the last day for ordering the special election. If the Council passes the ordinance tonight, the Council is well within the time constraints for ordering the election.

Sufficient funds have been budgeted for conducting the City's special election. The cost of Missouri City's special election is dependent upon the shared cost of each jurisdiction contracting with Fort Bend County for election services in May. 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.

### BUDGET/FISCAL ANALYSIS

Funding Source	Account Number	Project Code/Name	FY 2020 Funds Budgeted	FY 2020 Funds Available	Amount Requested
General Fund	101-53511-10-102	Election Expense	\$60,200	\$57,534	\$14,984*

\*Estimated cost of joint election

**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. Ordinance

### STAFF'S RECOMMENDATION

Consider adopting this ordinance ordering the election on the first and final reading.

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

ORDINANCE NO. O-20-\_\_

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, PROVIDING FOR A SPECIAL ELECTION TO BE HELD ON MAY 2, 2020, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF MISSOURI CITY A PROPOSITION PROVIDING FOR OR AGAINST THE ADOPTION OF THE FIRE FIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE LAW; PROVIDING FOR A JOINT ELECTION ON MAY 2, 2020, WITH OTHER ENTITIES CONTRACTING WITH FORT BEND COUNTY FOR SUCH JOINT ELECTION; PROVIDING FOR ELECTION PRECINCTS AND POLLING PLACES; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

\* \* \* \* \*

WHEREAS, Section 143.004 of the Texas Local Government Code requires the governing body of a municipality to order an election submitting to the voters the question of whether Chapter 143 of the Texas Local Government Code, the firefighter' and police officers' civil service law ("Chapter 143"), should be adopted if the governing body of the municipality receives a petition on said matter that is signed by at least 10 percent of the qualified voters who voted in the most recent municipal election; and

WHEREAS, on or about January 21, 2020, the City Secretary of the City of Missouri City ("City Secretary") received a petition requesting the adoption of Chapter 143 (the "Petition"); and

WHEREAS, on or about January 28, 2020, the City Secretary notified the petitioner as to the sufficiency of the Petition in accordance with Section 277.0023 of the Texas Election Code; and

WHEREAS, pursuant to Chapter 143, the Petition has been signed by at least 10 percent of the qualified voters who voted in the most recent municipal election; and

WHEREAS, pursuant to Chapter 143, the City Council of the City of Missouri City, Texas (the "City") is required to hold an election in the City for the purpose of submitting to the qualified voters of the City a proposition providing for or against the adoption of Chapter 143; now, therefore,

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

Section 1. *Election order.* A special municipal election is hereby called and ordered for the 2nd day of May, 2020 ("Election Day"), at which election shall be

submitted to the qualified voters of the City of Missouri City, Texas, for their action thereon, a proposition for or against the adoption of the fire fighters' and police officers' civil service law. Said election shall be held in accordance with the Texas Election Code.

Section 2. *Ballot language.* That the ballot of said election shall conform to the requirements of the Texas Local Government Code, as such code may be amended, and the Texas Election Code, as such code may be amended, with the provision on such ballot allowing voters to vote "FOR" or "AGAINST" the proposition. Such proposition, lettered, in accordance with Section 52.095 of the Texas Election Code, shall provide as follows:

**CITY OF MISSOURI CITY, TEXAS, PROPOSITION A**

Adoption of the fire fighters' and police officers' civil service law.

Section 3. *Election administrators.* For the special election called and ordered for the purpose of submitting to the qualified voters of the City of Missouri City, Texas, a proposition for or against the adoption of the fire fighters' and police officers' civil service law, the Fort Bend County Elections Administrator shall act as Contracting Officer. The election officials in Fort Bend County shall be designated by the Elections Administrator of Fort Bend County; and such election officials shall conduct the City's special election in accordance with the "Fort Bend County Joint Election Agreement and Contract." The Elections Administrator of Fort Bend County is hereby authorized and instructed to provide and furnish all necessary election supplies for all City of Missouri City precincts. The official mailing address of the Elections Administrator is 301 Jackson Street, Richmond, Texas 77469; and the physical address is 4520 Reading Road, Suite A-400, Rosenberg, Texas 77471.

Section 4. *Election Day polling places and precincts.* The polling places for voting on Election Day for each City election precinct shall be at the locations designated by Fort Bend County as countywide polling places and as set forth in Exhibit A, attached hereto and made a part hereof. Exhibit A may be modified to include additional or different locations designated by the Fort Bend County Elections Administrator and to conform to the Fort Bend County Joint Election Agreement and Contract.

Section 5. *Election Day schedule.* Each polling place on Election Day shall be open from 7:00 a.m. to 7:00 p.m.

Section 6. *Early voting polling places and schedule.* Early voting by personal appearance for each City election precinct shall be at the locations, dates, and times as set forth in Exhibit B, attached hereto and made a part hereof. Exhibit B may be modified to include additional or different early voting locations, dates, and times designated by the Fort Bend County Elections Administrator and to conform to the Fort Bend County Joint Election Agreement and Contract.

Section 7. *Method of voting.* Voting at the election, including early voting by personal appearance, shall be by use of the electronic voting system designated by the contracting entity and approved by the Texas Secretary of State. Early voting by mail shall be by paper ballot processed by an Early Voting Ballot Board through an electronic voting system designated by the contracting entity and approved by the Texas Secretary of State.

Section 8. *Early voting.* The Fort Bend County Elections Administrator is hereby designated as the Early Voting Clerk. An application for a voting ballot to be voted by mail shall be mailed to: Fort Bend County Elections Administrator, 301 Jackson Street, Richmond, Texas 77469; personally delivered to: 4520 Reading Road, Suite A-400, Rosenberg, Texas 77471; faxed to: 281-341-4418 or emailed to: [vote@fortbendcountytexas.gov](mailto:vote@fortbendcountytexas.gov). If mailed, faxed, or sent by email or common carrier, an application for a voting ballot to be voted by mail must be received no later than Monday, April 20, 2020.

Section 9. *Notice of changes.* The City Secretary shall provide notice of the election in accordance with state law and shall provide notice of any modifications to Exhibits A and B on the City's internet website.

Section 10. *Canvassing.* The results of the election shall be canvassed and the returns shall be declared in accordance with state law.

Section 11. *Open meeting.* It is further found and determined that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 12. *Repeal.* Any ordinance or any part of an ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

Section 13. *Severability.* That if any section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to a particular set of persons or circumstances, should for any reason be held to be invalid or adjudged unconstitutional

by a court of competent jurisdiction, such invalidity shall not affect the remaining portions of this ordinance, and to such end the various portions and provisions of this ordinance are declared to be severable; and the City Council of the City of Missouri City, Texas, declares 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, APPROVED, AND ADOPTED on first and final reading this 3rd day of February, 2020.

\_\_\_\_\_  
Yolanda Ford, Mayor

ATTEST:

Approved as to form:

\_\_\_\_\_  
Maria Jackson, City Secretary

\_\_\_\_\_  
E. Joyce Iyamu, City Attorney

## **Election Day Vote Centers May 2, 2020 Joint Election**

### **Eligible Missouri City voters residing in Fort Bend County:**

**Missouri City Precinct No. 1:** Those portions of Fort Bend County election Precinct Nos. 1109, 2033, 2050, 2059, 2061, 2075, 2077, 2078, 2081, 2089, 2090, 2091, 2092, 2093, 2108, 2112, 2115, 2136, 2151, 2157, 4028, 4030, 4049, 4062, 4065, and 4127 located within the City.

Those portions of Fort Bend County Precincts Nos. 1097, 1118, 2088, and 4044 falling within the boundaries of the City of Missouri City but having no Missouri City residents will have no Missouri City election day polling places.

### **Eligible Missouri City voters residing in Harris County:**

**Missouri City Precinct No. 2:** That portion of Harris County election Precinct No. 506 located within the City.

The portion of Harris County Precinct No. 0337 falling within the boundaries of the City of Missouri City but having no Missouri City residents will have no Missouri City election day polling places.

Precinct 1 and Precinct 2 polling places shall be the polling places set forth in the agreement to be entered into between the City of Missouri City and Fort Bend County for election services.

## **Early Voting Schedule May 2, 2020 Joint Election**

### **Eligible Missouri City voters residing in Fort Bend County:**

**Missouri City Precinct No. 1:** Those portions of Fort Bend County election Precinct Nos. 1109, 2033, 2050, 2059, 2061, 2075, 2077, 2078, 2081, 2089, 2090, 2091, 2092, 2093, 2108, 2112, 2115, 2136, 2151, 2157, 4028, 4030, 4049, 4062, 4065, and 4127 located within the City.

Those portions of Fort Bend County Precincts Nos. 1097, 1118, 2088, and 4044 falling within the boundaries of the City of Missouri City but having no Missouri City residents will have no Missouri City election day polling places.

### **Eligible Missouri City voters residing in Harris County:**

**Missouri City Precinct No. 2:** That portion of Harris County election Precinct No. 506 located within the City.

The portion of Harris County Precinct No. 0337 falling within the boundaries of the City of Missouri City but having no Missouri City residents will have no Missouri City election day polling places.

Precinct 1 and Precinct 2 polling places shall be the polling places set forth in the agreement to be entered into between the City of Missouri City and Fort Bend County for election services.



## CONCEJO MUNICIPAL MEMORANDO DEL ORDEN DEL DÍA

3 de febrero de 2020

**Para:** La alcaldesa y el Concejo Municipal  
**Orden del día:** 10(a) Ordenanza que ordena las elecciones especiales de mayo de 2020  
**Enviado por:** Maria Jackson, secretaria municipal

### RESUMEN

Esta es una ordenanza de una sola lectura que ordena unas elecciones especiales para el 2 de mayo de 2020.

### ANTECEDENTES

El martes 21 de enero de 2020, la secretaria municipal recibió una petición solicitando unas elecciones para adoptar el Código de Gobierno Local de Texas, capítulo 143, Servicio Civil Municipal, para los oficiales de policía y bomberos de la Ciudad de Missouri City, Texas. La sección 143.004 del Código de Gobierno Local de Texas establece lo siguiente:

#### **Sec. 143.004. ELECCIONES PARA ADOPTAR O DEROGAR EL CAPÍTULO**

(a) Una municipalidad puede celebrar unas elecciones para adoptar o derogar este capítulo según lo dispuesto en esta sección.

(b) Si el órgano de gobierno del municipio recibe una petición solicitando unas elecciones firmada por un número de votantes calificados del municipio igual a por lo menos el 10 por ciento del número de votantes que votaron en las elecciones municipales más recientes, el órgano de gobierno ordenará unas elecciones sometiendo a los votantes la cuestión de si este capítulo debe adoptarse. Las elecciones deben celebrarse en la primera fecha autorizada de elecciones uniformes prescrita por el capítulo 41 del Código Electoral, que tiene lugar después de que la petición sea presentada y que disponga del tiempo suficiente para cumplir con otros requisitos de la ley.

(c) La boleta se imprimirá para permitir el voto a favor o en contra de la siguiente propuesta: "Adopción de la ley de servicio civil para bomberos y oficiales de policía". Sin embargo, este capítulo puede adoptarse para aplicarse solamente al departamento de bomberos o de policía, y en ese caso, la boleta se imprimirá para reflejar el departamento que estaría cubierto por este capítulo. Si la mayoría de los votos recibidos en las elecciones están a favor de la adopción de este capítulo, el órgano de gobierno implementará este capítulo.

Durante las elecciones generales del 5 de noviembre de 2019, 7,981 votantes calificados votaron en las elecciones. El número de personas que se encuentran en la petición y que están calificadas para votar debe ser mayor o igual a 798, el 10 por ciento de los votantes calificados del 5 de noviembre de 2019.

La secretaria municipal completó el estudio de la petición y por la presente certifica los resultados como sigue:

1,903	número de personas encontradas en la petición que están calificadas para votar
1,307	número de personas encontradas en la petición que no están calificadas para votar

3,210	número de personas encontradas en la petición
-------	---

Para las elecciones de mayo de 2020, el Condado de Fort Bend incorporará a los votantes calificados del Condado de Harris/Missouri City que solo podrán votar en el Antiguo Edificio de la Sala de Audiencias Municipal (*Old Municipal Court Room Building*) dentro del Complejo del Ayuntamiento durante la votación anticipada; y en el Centro Comunitario Fondren Park el día de las elecciones. Los votantes del Condado de Fort Bend/Missouri City pueden votar en cualquier lugar del Condado de Fort Bend.

Por ley, el 14 de febrero de 2020 es el último día recomendado para que el Concejo Municipal ordene la designación de precintos electorales y lugares de votación. El 14 de febrero de 2020 es, por ley, el último día para ordenar las elecciones especiales. Si el Concejo aprueba la ordenanza esta noche, el Concejo está dentro de las limitaciones de tiempo para ordenar las elecciones.

Se han presupuestado fondos suficientes para llevar a cabo las elecciones especiales de la Ciudad. El costo de las elecciones especiales de Missouri City depende del costo compartido de cada jurisdicción que contrate servicios electorales con el Condado de Fort Bend en mayo. Es posible que el costo total de los servicios electorales fluctúe debido a las jurisdicciones que cancelen sus elecciones, lo que puede aumentar los costos compartidos de Missouri City para los servicios electorales.

**ANÁLISIS DEL PRESUPUESTO/FISCAL**

Fuente de financiación	Número de cuenta	Código/Nombre del proyecto	FY20 Fondos presupuestados	FY20 Fondos disponibles	Monto solicitado
Fondo general	101-53511-10-102	Gastos electorales	\$60,200		

**Revisión de adquisición:** N/A

**Revisión financiera/del presupuesto:** Bertha P. Alexander, Budget & Financial Reporting Manager

*Nota:* El cumplimiento de los requisitos del cuestionario de conflicto de intereses, si corresponde, y los requisitos de divulgación de la parte interesada (HB 1295) se han confirmado/están pendientes dentro de los 30 días de esta acción del Concejo y antes de su ejecución.

**MATERIALES COMPLEMENTARIOS**

1. Ordenanza

**RECOMENDACIÓN DEL PERSONAL**

Considerar la adopción de la ordenanza que ordena las elecciones en la primera y última lecturas.

**Aprobación del director:** Maria Jackson, secretaria municipal

## ORDENANZA N.º O-20-\_\_

**UNA ORDENANZA DE LA CIUDAD DE MISSOURI CITY, TEXAS, QUE DISPONE LA CELEBRACIÓN DE UNAS ELECCIONES ESPECIALES A REALIZARSE EL 2 DE MAYO DE 2020 CON EL PROPÓSITO DE SOMETER A LOS VOTANTES CALIFICADOS DE LA CIUDAD DE MISSOURI CITY UNA PROPUESTA QUE DISPONE A FAVOR O EN CONTRA LA ADOPCIÓN DE LA LEY DE SERVICIO CIVIL PARA BOMBEROS Y OFICIALES DE POLICÍA; QUE DISPONE UNAS ELECCIONES CONJUNTAS EL 2 DE MAYO DE 2020 CON OTRAS ENTIDADES QUE CELEBRAN CONTRATOS CON EL CONDADO DE FORT BEND PARA TALES ELECCIONES CONJUNTAS; QUE DISPONE PRECINTOS ELECTORALES Y LUGARES DE VOTACIÓN; QUE DISPONE DEROGACIÓN; QUE DISPONE SEPARABILIDAD; Y QUE CONTIENE OTRAS DISPOSICIONES RELATIVAS AL ASUNTO.**

\* \* \* \* \*

CONSIDERANDO QUE, la Sección 143.004 del Código de Gobierno Local de Texas exige que el órgano de gobierno de una municipalidad ordene unas elecciones sometiendo a los votantes la cuestión de si el Capítulo 143 del Código de Gobierno Local de Texas, la ley de servicio civil para bomberos y oficiales de policía (“Capítulo 143”), debe adoptarse si el órgano de gobierno de la municipalidad recibe una petición sobre dicho asunto que sea firmada por al menos el 10 por ciento de los votantes calificados que votaron en las elecciones municipales más recientes; y

CONSIDERANDO QUE, el o alrededor del 21 de enero de 2020, la Secretaria Municipal de la Ciudad de Missouri City (“Secretaria Municipal”) recibió una petición solicitando la adopción del Capítulo 143 (la “Petición”); y

CONSIDERANDO QUE, el o alrededor del 28 de enero 28 de 2020, la Secretaria Municipal notificó al peticionario en cuanto a la suficiencia de la Petición, de acuerdo con la Sección 277.0023 del Código Electoral de Texas; y

CONSIDERANDO QUE, de conformidad con el Capítulo 143, la Petición ha sido firmada por al menos el 10 por ciento de los votantes calificados que votaron en las elecciones municipales más recientes; y

CONSIDERANDO QUE, conforme al Capítulo 143, se exige al Concejo Municipal de la Ciudad de Missouri City, Texas (la “Ciudad”) celebrar unas elecciones en la Ciudad para el propósito de someter a los votantes calificados de la Ciudad una propuesta que dispone a favor o en contra la adopción del Capítulo 143; por consiguiente,

SEA ORDENADO POR EL CONCEJO MUNICIPAL DE LA CIUDAD DE MISSOURI CITY, TEXAS:

Sección 1. *Orden electoral.* Por medio de la presente, se convocan y ordenan unas elecciones municipales especiales para el día 2 de mayo de 2020 (“Día de las Elecciones”), en las cuales será sometida a los votantes calificados de la Ciudad de Missouri City, Texas, por su actuación sobre el particular, una propuesta a favor o en contra de la adopción de la ley de servicio civil para bomberos y oficiales de policía. Dichas elecciones se celebrarán de acuerdo con el Código Electoral de Texas.

Sección 2. *Texto de la boleta.* Que la boleta de dichas elecciones se ajustará a los requisitos del Código de Gobierno Local de Texas, como dicho código pudiera ser enmendado, y del Código Electoral de Texas, como dicho código pudiera ser enmendado, con la disposición en dicha boleta que permite a los votantes votar “A FAVOR” o “EN CONTRA” de la propuesta. Dicha propuesta, escrita, de acuerdo con la Sección 52.095 del Código Electoral de Texas, deberá disponer lo siguiente:

### **CIUDAD DE MISSOURI CITY, TEXAS, PROPUESTA A**

Adopción de la ley de servicio civil para bomberos y oficiales de policía.

Sección 3. *Administradores electorales.* Para las elecciones especiales convocadas y ordenadas con el propósito de someter a los votantes calificados de la Ciudad de Missouri City, Texas, una propuesta a favor o en contra de la adopción de la ley de servicio civil para bomberos y oficiales de policía, el Administrador Electoral del Condado de Fort Bend actuará como Funcionario Contratante. Los funcionarios electorales del Condado de Fort Bend serán designados por el Administrador Electoral del Condado de Fort Bend; dichos funcionarios electorales dirigirán las elecciones especiales de la Ciudad de acuerdo con el "Acuerdo y Contrato de Elecciones Conjuntas del Condado de Fort Bend". Por la presente, se autoriza y encomienda al Administrador Electoral del Condado de Fort Bend dotar y facilitar todo el material electoral necesario a todos los precintos de la Ciudad de Missouri City en el Condado de Fort Bend. La dirección de correspondencia oficial del Administrador Electoral es 301 Jackson Street, Richmond, Texas 77469, y su dirección física es 4520 Reading Road, Suite A-400, Rosenberg, Texas 77471.

Sección 4. *Lugares y precintos de votación del Día de las Elecciones.* Los lugares de votación para sufragar el Día de las Elecciones en cada uno de los precintos electorales de la Ciudad ubicados en el Condado de Fort Bend estarán en los sitios designados por el Condado de Fort Bend como lugares de votación en todo el condado y según lo establecido en el Anexo A, que se adjunta a la presente como parte de la misma. El Anexo A puede modificarse para incluir lugares adicionales o distintos designados por el Administrador Electoral del Condado de Fort Bend y de conformidad con el “Acuerdo y Contrato de Elecciones Conjuntas del Condado de Fort Bend”.

Sección 5. *Calendario del Día de las Elecciones.* Cada lugar de votación estará abierto de 7:00 a. m. a 7:00 p. m. durante el Día de las Elecciones.

Sección 6. *Lugares de votación anticipada y calendario.* La votación anticipada presencial para cada precinto electoral de la Ciudad debe realizarse en los sitios, fechas y horarios establecidos en el Anexo B, que se adjunta a la presente como parte de la misma. El Anexo B puede modificarse para incluir lugares de votación anticipada, fechas y horas adicionales o distintos designados por el Administrador Electoral del Condado de Fort Bend y de conformidad con el “Acuerdo y Contrato de Elecciones Conjuntas del Condado de Fort Bend”.

Sección 7. *Método de votación.* La votación en las elecciones, incluida la votación anticipada presencial, debe utilizar el sistema de votación electrónica designado por la entidad contratante y aprobado por la Secretaría del Estado de Texas. La votación anticipada por correspondencia deberá realizarse con una boleta de papel procesada por una Junta de Boletas de Votación Anticipada a través de un sistema de votación electrónica designado por la entidad contratante y aprobado por la Secretaría del Estado de Texas.

Sección 8. *Votación anticipada.* Por la presente, se designa al Administrador Electoral del Condado de Fort Bend como Secretario de Votación Anticipada. La solicitud para recibir una boleta de votación por correspondencia debe enviarse por correspondencia al Administrador Electoral del Condado de Fort Bend, 301 Jackson Street, Richmond, Texas 77469; entregarse personalmente en 4520 Reading Road, Suite A-400, Rosenberg, Texas 77471; enviarse por fax al 281-341-4418; o mediante correo electrónico a [vote@fortbendcountytexas.gov](mailto:vote@fortbendcountytexas.gov). Si se envía por correspondencia, fax, correo electrónico o por un transportista general, la solicitud para recibir una boleta de votación por correspondencia debe recibirse a más tardar el lunes 20 de abril de 2020.

Sección 9. *Notificación de cambios.* La Secretaria Municipal deberá notificar sobre las elecciones de conformidad con la ley estatal y avisar sobre cualquier modificación a los Anexos A, B, C y D en el sitio de web de la Ciudad.

Sección 10. *Escrutinio.* Los resultados de las elecciones se escrutarán y los resultados se declararán de conformidad con la ley estatal.

Sección 11. *Reunión abierta.* De manera adicional, se determina que se publicó una notificación adecuada por escrito con la fecha, hora, lugar y asunto de esta reunión del Concejo Municipal en una ubicación del Ayuntamiento accesible al público, en el plazo previo a esta reunión dispuesto por la Ley de Reuniones Abiertas, Capítulo 551, Código de Gobierno de Texas, y que esta reunión ha estado abierta al público según lo requerido por la ley en todo momento durante esta Ordenanza, y que el asunto de discusión al respecto se ha debatido, considerado, y que se ha actuado formalmente en

consecuencia. El Concejo Municipal vuelve a ratificar, aprobar y confirmar esta notificación por escrito, sus contenidos y su publicación.

Sección 12. *Derogación.* Todas las ordenanzas o cualquier parte de ellas que entren en conflicto con lo siguiente serán derogadas por la presente solo en la medida de dicho conflicto.

Sección 13. *Separabilidad.* Que si alguna sección, subsección, oración, cláusula o frase de esta ordenanza, o su aplicación a un grupo determinado de personas o circunstancias, llegara a ser considerada inválida por cualquier motivo, o juzgada inconstitucional por un tribunal de jurisdicción competente, esta invalidez no afectará las porciones restantes de esta ordenanza, y a tal fin las distintas porciones y disposiciones de esta ordenanza se declaran separables; y el Ayuntamiento de la Ciudad de Missouri City, Texas, declara haber aprobado todas y cada una de sus partes a pesar de la omisión de cualquiera de esas partes que pueda ser declarada inválida o inconstitucional, se trate bien sea de una o varias partes.

AUTORIZADO, APROBADO Y ADOPTADO en primera y última lecturas este día 3 de febrero de 2020.

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Yolanda Ford, Alcaldesa

DOY FE:

Aprobado en cuanto a la forma:

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Maria Jackson, Secretaria Municipal

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Joyce Iyamu, Abogada Municipal

## **Centros de votación del día de las elecciones Elecciones conjuntas del 2 de mayo de 2020**

### **Votantes elegibles de la Ciudad de Missouri City que residen en el Condado de Fort Bend:**

**Precinto N.º 1 de Missouri City:** aquellas porciones de los precintos electorales N.º 1109, 2033, 2050, 2059, 2061, 2075, 2077, 2078, 2081, 2089, 2090, 2091, 2092, 2093, 2108, 2112, 2115, 2136, 2151, 2157, 4028, 4030, 4049, 4062, 4065 y 4127 del Condado de Fort Bend, ubicados dentro de la Ciudad.

Aquellas porciones de los precintos electorales N.º 1097, 1114, 1118, 2088, y 4044 que están dentro de los límites de la Ciudad de Missouri City pero que no tienen residentes de Missouri City no tendrán lugares de votación el Día de las Elecciones de Missouri City.

### **Votantes elegibles de la Ciudad de Missouri City que residen en el Condado de Harris:**

**Precinto N.º 2 de Missouri City:** aquella porción del precinto electoral N.º 506 del Condado de Harris ubicado dentro de la Ciudad.

La porción del Precinto N.º 0337 del Condado de Harris que está dentro de los límites de la Ciudad de Missouri City pero que no tiene residentes de Missouri City no tendrá lugares de votación el Día de las Elecciones de Missouri City.

Los lugares de votación del Precinto N.º 1 y del Precinto N.º 2 serán los lugares de votación establecidos en el acuerdo que se celebrará entre la Ciudad de Missouri City y el Condado de Fort Bend para servicios electorales.

## **Calendario de votación anticipada Elecciones conjuntas del 2 de mayo de 2020**

### **Votantes elegibles de la Ciudad de Missouri City que residen en el Condado de Fort Bend:**

**Precinto N.º 1 de Missouri City:** aquellas porciones de los precintos electorales N.º 1109, 2033, 2050, 2059, 2061, 2075, 2077, 2078, 2081, 2089, 2090, 2091, 2092, 2093, 2108, 2112, 2115, 2136, 2151, 2157, 4028, 4030, 4049, 4062, 4065 y 4127 del Condado de Fort Bend, ubicados dentro de la Ciudad.

Aquellas porciones de los precintos electorales N.º 1097, 1114, 1118, 2088, y 4044 que están dentro de los límites de la Ciudad de Missouri City pero que no tienen residentes de Missouri City no tendrán lugares de votación el Día de las Elecciones de Missouri City.

### **Votantes elegibles de la Ciudad de Missouri City que residen en el Condado de Harris:**

**Precinto N.º 2 de Missouri City:** aquella porción del precinto electoral N.º 506 del Condado de Harris ubicado dentro de la Ciudad.

La porción del Precinto N.º 0337 del Condado de Harris que está dentro de los límites de la Ciudad de Missouri City pero que no tiene residentes de Missouri City no tendrá lugares de votación el Día de las Elecciones de Missouri City.

Los lugares de votación del Precinto N.º 1 y del Precinto N.º 2 serán los lugares de votación establecidos en el acuerdo que se celebrará entre la Ciudad de Missouri City y el Condado de Fort Bend para servicios electorales.



## FINANCE & SERVICES COMMITTEE AGENDA ITEM COVER MEMO

February 3, 2020

**To:** Mayor and City Council  
**Agenda Item:** 10(b) Consider an ordinance amending the FY 2020 Adopted Budget  
**Submitted by:** Bertha P. Alexander, Budget & Financial Reporting Manager

### SYNOPSIS

Consider an ordinance amending the budget for the fiscal year beginning October 1, 2019, and ending September 30, 2020; transferring various appropriations among accounts; appropriating supplemental revenue to various fund accounts; authorizing the appropriate city officials to take steps necessary to accomplish such transfers making certain findings; containing certain provisions relating to the subject; and consider the ordinance on the first and final reading.

### STRATEGIC PLAN 2019 GOALS ADDRESSED

- Maintain a financially sound City

### BACKGROUND

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

The purpose of this amendment is to revise appropriations in various line items and funds and provide supplemental revenue to various funds in accordance with the attached Exhibit A for the fiscal year 2020 Adopted Budget. The details and purposes are outlined in the Exhibit A.

The Finance and Services Committee met on January 23, 2020 to review the budget amendment and a revised amendment package was sent to the Committee on January 24, 2020.

### BUDGET ANALYSIS

See Exhibit A-Budget Amendment Details

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

### SUPPORTING MATERIALS

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

### STAFF'S RECOMMENDATION

Staff recommends approval of the FY 2020 budget amendment as presented.

**Director Approval:** Allena J Portis, Director of Financial Services  
**City Manager Approval:** Anthony J. Snipes, City Manager

**ORDINANCE NO. O-20-\_\_**

**AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING THE GENERAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020; TRANSFERRING VARIOUS APPROPRIATIONS AMONG ACCOUNTS; APPROPRIATING SUPPLEMENTAL REVENUE TO VARIOUS FUND ACCOUNTS; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO TAKE STEPS NECESSARY TO ACCOMPLISH SUCH TRANSFERS; MAKING CERTAIN FINDINGS; AND CONTAINING CERTAIN PROVISIONS RELATING TO THE SUBJECT.**

\* \* \* \* \*

WHEREAS, by Ordinance No. O-19-22, passed and approved on September 16, 2019, the City Council of the City of Missouri City (the "City Council") approved and adopted the City of Missouri City, Texas, General Budget for the fiscal year beginning October 1, 2019, and ending September 30, 2020 ("Fiscal Year 2020"); and

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

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

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

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

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

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

Section 2. The General Budget of the City of Missouri City, Texas, for Fiscal Year 2020 be, and is hereby, amended as set forth in Exhibit "A," budget transfers, which are attached hereto and incorporated herein by reference.

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

PASSED, APPROVED and ADOPTED on first and final reading this 3<sup>rd</sup> day of February 2020.

\_\_\_\_\_  
Yolanda Ford, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Maria Jackson, City Secretary

\_\_\_\_\_  
E. Joyce Iyamu, City Attorney

**Exhibit A-Budget Amendment Details - First Quarter 2020**

Line Item	Funding Source	Account Number	Account Number Description	FY 2020 Original/Revised Budget	FY 2020 Proposed Budget Amendment	FY 2020 Amended Budget	Purpose/Description
1	Grant Fund	230-58600-13-999-	Machinery & Equipment	-	150,000	150,000	To request revenue and expense budget for the Gulf States Regional Law Enforcement Technology Assistance (GSRLETA) Grant. Funding from this grant will be used to purchase a surveillance system that will be installed at Buffalo Run Park.
2	Grant Fund	230-46127-13-001-	GSRLETA Grant	-	(150,000)	(150,000)	
3	Grant Fund	230-46023-13-001-UASI	Intergov Rev-UASI Grant	-	(349,733)	(349,733)	To request revenue and expense budget for the 2019 Urban Area Security Initiative (UASI) Grant. Funding from this grant will be used for Missouri City/Sugar Land radio system, and time-division multiple access (TDMA) software and license upgrade.
4	Grant Fund	230-58600-13-999-UASI	Machinery & Equipment	-	349,733	349,733	
5	Seizure/Forfeiture Fund	205-58650-13-999-	Transportation Equipment	-	289,000	289,000	To request expense budget to purchase patrol vehicles and equipment from police seizure funds.
6	Seizure/Forfeiture Fund	205-58650-13-999-	Minor Tools, Furniture, & Equipment	75,000	11,000	86,000	
7	Seizure/Forfeiture Fund	205-39200-00.000-	Budgetary FB Unreserved	-	(300,000)	(300,000)	
8	PID #2 Fund	263-57550-10-263-	Pay Agent/Registrar/ESC Expense	-	750	750	To request expense budget for the Paying agent fee account.
9	PID #2 Fund	263-39200-00.000-	Budgetary FB Unreserved	-	(750)	(750)	
10	Steepbank/Flatbank Fund	506-48702-01-001-	Contribution-Sewer Capacity	-	(598,950)	(598,950)	To request revenue and expense budget; Fort Bend -MUD 149 has submitted a check for \$598,950 to the City towards the purchase of 82,500 gallons of available treatment capacity. The City staff will reimburse each participant's share, based on their pro-rata share of capacities sold to FB-MUD 149.
11	Steepbank/Flatbank Fund	506-53570-50-506-	Wastewater Capacity Expenses	-	598,950	598,950	

**Exhibit A-Budget Amendment Details - First Quarter 2020**

Line Item	Funding Source	Account Number	Account Number Description	FY 2020 Original/Revised Budget	FY 2020 Proposed Budget Amendment	FY 2020 Amended Budget	Purpose/Description
12	Transportation Projects Fund	403-58700-15-999-50083	Infrastructure Improvements	(15,049)	15,049	-	To request expense budget to cover purchase orders that rolled forward from the FY 2019, invoices from FY 2019 and projected expenses for FY 2020.
13	Transportation Projects Fund	403-58700-15-999-50084	Infrastructure Improvements	22,908	105,951	128,860	
14	Transportation Projects Fund	403-39200-00.000-	Budgetary FB Unreserved	-	(121,000)	(121,000)	
15	Park Improvement Fund	405-58200-16-999-30029	Land Improvements	(1,099)	1,099	-	
16	Park Improvement Fund	405-39200-00.000-	Budgetary FB Unreserved	-	(1,099)	(1,099)	
17	2018 GO Fund	410-54104-40-404-20017	Roof Repairs & Maintenance	(24,550)	24,550	-	
18	2018 GO Fund	410-58700-40-403-50084	Infrastructure Improvements	(93,104)	93,104	-	
19	2018 GO Fund	410-58400-40-407-40013	Building Improvements	400,078	206,572	606,650	
20	2018 GO Fund	410-39200-00.000-	Budgetary FB Unreserved	-	(324,226)	(324,226)	
21	General Fund	101-43018-01-001-	Infrastructure Fees	(300,000)	(150,000)	(450,000)	
22	General Fund	101-53506-15-140-	Contractual Services - Plan Review	-	100,000	100,000	
23	General Fund	101-39200-00-000-	Budgetary FB Unreserved	-	50,000	50,000	
24	General Fund	101-56439-10-103-BCBS	Wellness Program	12,500	20,863	33,363	To request an increase in expense budget to account for available balance of \$5,863 from FY19 and an allocation of \$15,000 for FY20.
25	General Fund	101-39200-00.000-	Budgetary FB Unreserved	-	(20,863)	(20,863)	

**Exhibit A-Budget Amendment Details - First Quarter 2020**

Line Item	Funding Source	Account Number	Account Number Description	FY 2020 Original/Revised Budget	FY 2020 Proposed Budget Amendment	FY 2020 Amended Budget	Purpose/Description
26	Transportation Projects Fund	403-48802-01-001-	Bonds Proceeds-Go Bonds	(2,517,000)	2,517,000	-	Move CIP budget new Bond Series 2019 Fund.
27	Facility & Public Safety Fund	404-48802-01-001-	Bonds Proceeds-Go Bonds	(6,384,000)	4,884,000	(1,500,000)	
28	2019 GO/RF Fund	411-48802-01-001-	Bonds Proceeds	-	(7,401,000)	(7,401,000)	
29	2019 GO/RF Fund	411-48810-01-001-	Bond Premium	-	(188,924)	(188,924)	
30	Transportation Projects Fund	403-58700-15-999-10038	Infrastructure Improvements	1,750,000	(1,600,000)	150,000	
31	Transportation Projects Fund	403-58700-15-999-10041	Infrastructure Improvements	20,000	(20,000)	-	
32	Transportation Projects Fund	403-58700-15-999-10042	Infrastructure Improvements	20,000	(20,000)	-	
33	Transportation Projects Fund	403-58700-15-999-50094	Infrastructure Improvements	1,223,554	(877,000)	346,554	
34	Facility & Public Safety Fund	404-58400-13-999-20018	Building Improvements	284,000	(284,000)	-	
35	Facility & Public Safety Fund	404-58400-16-999-20019	Building Improvements	500,000	(500,000)	-	
36	Facility & Public Safety Fund	404-54023-14-404-40030	Building Repairs	100,000	(100,000)	-	
37	Facility & Public Safety Fund	404-58400-14-999-40028	Building Improvements	4,000,000	(4,000,000)	-	
38	2019 GO/RF Fund	411-58700-15-999-10038	Infrastructure Improvements	-	1,600,000	1,600,000	
39	2019 GO/RF Fund	411-58700-15-999-10041	Infrastructure Improvements	-	20,000	20,000	
40	2019 GO/RF Fund	411-58700-15-999-10042	Infrastructure Improvements	-	20,000	20,000	
41	2019 GO/RF Fund	411-58700-15-999-50094	Infrastructure Improvements	-	877,000	877,000	
42	2019 GO/RF Fund	411-58400-13-999-20018	Building Improvements	-	284,000	284,000	
43	2019 GO/RF Fund	411-58400-16-999-20019	Building Improvements	-	500,000	500,000	
44	2019 GO/RF Fund	411-54023-14-404-40030	Building Repairs	-	28,000	28,000	
45	2019 GO/RF Fund	411-58400-14-999-40028	Building Improvements	-	4,072,000	4,072,000	
46	2019 GO/RF Fund	411-57525-10-411-	Bond Issue Costs	-	188,924	188,924	

# BUDGET AMENDMENT FIRST QUARTER 2020 Revised 1.23.2020

By:  
Allena J. Portis, Financial Services Director  
Bertha P. Alexander, Budget & Financial Reporting Manager



## **GENERAL FUND 101, 606, 611, 800**

### Revenue

Increase in Infrastructure Fees of \$150,000 to account for increased revenue from Major Construction Inspection (MCI) to offset the projected increase in expenses. Exhibit A Line Item #21.

### Expenditure

Increase in Contractual Services – Plan Review of \$100,000 for professional contracts for plan review, fire code review and inspection services. This cost is offset by increased plan review revenue. Exhibit A Line Item #22.

Increase in Wellness Program of \$20,863 for expenditures funded from FY 2019 \$5,863 available balance and the new allocation of \$15,000 for FY 2020. This program is funded by Blue Cross/Blue Shield. Exhibit A Line Item #24.



## GENERAL FUND SUMMARY

Fund 101, 606, 611, 800 <sup>(a)</sup> General Fund Summary	Original Adopted Budget	Incr./ (Decr.)	Revised Budget
Revenue*	\$ 55,195,884	\$ 150,000	\$ 55,345,884
Expenditures*	\$ 53,804,532	\$ 120,863	\$ 53,925,395
Net Impact		\$ 29,137	

\*Excludes transfers to/from among funds 101,606,611, 800 in order to eliminate duplication of revenue and expenditures

Estimated Ending Fund Balance \$18,367,926

The net of the revenue line items for the General Fund 101, 606, 611, 800 is an increase in revenue of \$29,137 due to the increase in Infrastructure Fees.



## CAPITAL PROJECT FUNDS

### Transportation/Drain Project – Fund 403

Revenue

Decrease in Bonds Proceeds – GO Bonds of \$2,517,000 (Cangelosi Detention \$1,600,000; American Legion Drainage \$20,000; Buffalo Run Drainage \$20,000; Waterfall Construction \$877,000) and transferring to new Bond Series 2019 Fund. Exhibit A Line Item #26.

Expenditure

Increase in Infrastructure Improvements expense of \$15,049 and \$105,951 to cover purchase orders that carried forward from FY 2019. Exhibit A Line Items #12 & #13.



## CAPITAL PROJECT FUNDS continued

### Transportation/Drain Project – Fund 403

Decrease in Infrastructure Improvements of \$1,600,000 (Cangelosi Detention) and transferring to new Bond Series 2019 Fund. Exhibit A Line Item #30.

Decrease in Infrastructure Improvements of \$20,000 (American Legion Drainage) and transferring to new Bond Series 2019 Fund. Exhibit A Line Item #31.

Decrease in Infrastructure Improvements of \$20,000 (Buffalo Run Drainage) and transferring to new Bond Series 2019 Fund. Exhibit A Line Item #32.

Decrease in Infrastructure Improvements of \$877,000 (Waterfall Construction) and transferring to new Bond Series 2019 Fund. Exhibit A Line Item #33.



## CAPITAL PROJECT FUNDS continued

### Transportation/Drain Project – Fund 403

Fund 403	Original Adopted Budget	Incr./((Decr.)	Revised Budget
Revenue	\$ 2,862,902	\$ (2,517,000)	\$ 345,902
Expenditures	\$ 2,517,000	\$ (2,396,000)	\$ 121,000
Net Impact		\$ (121,000)	

Estimated Ending Fund Balance \$10,625,622



## CAPITAL PROJECT FUNDS continued

### Facility/Public Safety– Fund 404

Revenue

Decrease in Bonds Proceeds – GO Bonds of \$4,884,000 (Public Safety Expansion \$284,000; Park Maintenance Facility \$500,000; Fire Station #1 Renovation \$28,000; Fire Station #6 Design & Construction \$4,072,000) and transferring to new Bond Series 2019 Fund. Exhibit A Line Item #27.

Expense

Decrease in Building Improvements of \$284,000 (Public Safety Expansion) and transferring to new Bond Series 2019 Fund. Exhibit A Line Item #34.

Decrease in Building Improvements of \$500,000 ( Park Maintenance Facility) and transferring to new Bond Series 2019 Fund. Exhibit A Line Item #35.

Decrease in Building Repairs of \$100,000 (Fire Station # 1 Renovation \$28,000; Fire Station #6 \$72,000) and transferring to new Bond Series 2019 Fund. Exhibit A Line Item #36.



## CAPITAL PROJECT FUNDS continued

### Facility/Public Safety– Fund 404

Decrease in Building Improvements of \$4,000,000 (Fire Station #6 Design & Construction) and transferring to new Bond Series 2019 Fund. Exhibit A Line Item #37.

Fund 404	Original Adopted Budget	Incr./((Decr.)	Revised Budget
Revenue	\$ 6,442,771	\$ (4,884,000)	\$ 1,558,771
Expenditures	\$ 5,809,000	\$ (4,884,000)	\$ 925,000
Net Impact		\$ -	

Estimated Ending Fund Balance \$1,272,440



## CAPITAL PROJECT FUNDS (cont'd)

### Park Improvement – Fund 405

Expense

Increase in Land Improvements expense of \$1,099 to cover an invoice from FY 2019. Exhibit A Line Item #15.

Fund 405	Original Adopted Budget	Incr./ (Decr.)	Revised Budget
Revenue	\$ 7,052		\$ 7,052
Expenditures		\$ 1,099	\$ 1,099
Net Impact		\$ (1,099)	

Estimated Ending Fund Balance \$305,700



## CAPITAL PROJECT FUNDS (cont'd)

### 2018 GO – Fund 410

Expense

Increase in Roof Repairs & Maintenance expense of \$24,550 to cover invoice from FY 2019. Exhibit A Line Item #17.

Increase in Infrastructure Improvements expense of \$93,104 to cover purchase orders that carried forward from FY 2019. Exhibit A Line Item #18.

Increase in Building Improvements expense of \$206,572 to cover projected Expenses for FY 2020. Exhibit A Line Item #19.



## CAPITAL PROJECT FUNDS (cont'd)

### 2018 GO – Fund 410

Fund 410	Original Adopted Budget	Incr./((Decr.)	Revised Budget
Revenue	\$ 120,000		\$ 120,000
Expenditures	\$ 8,374,578	\$ 324,226	\$ 8,698,804
Net Impact		\$ (324,226)	

Estimated Ending Fund Balance \$734,566



## CAPITAL PROJECT FUNDS (cont'd)

### 2019 GO – Fund 411 (new)

#### Revenue

Increase in Bonds Proceeds – GO Bonds of \$7,401,000 is a transfer of Bond Proceeds – GO Bonds from Transportation/Drain Project Fund 403 and Facility/Public Safety Fund 404 to establish this new bond fund. Exhibit A Line Item #28.

Increase in Bonds Premium of \$188,924 for the this new bond fund. Exhibit A Line Item #29.



## CAPITAL PROJECT FUNDS (cont'd)

### 2019 GO – Fund 411 (new)

#### Expense

Increase in Infrastructure Improvements of \$1,600,000 (Cangelosi Detention Facility) is a transfer from Transportation/Drain Project Fund 403 to establish this new Bond Series 2019 Fund. Exhibit A Line Item #38.

Increase in Infrastructure Improvements of \$20,000 (American Legion Drainage) is a transfer from Transportation/Drain Project Fund 403 to establish this new Bond Series 2019 Fund. Exhibit A Line Item #39.

Increase in Infrastructure Improvements of \$20,000 (Buffalo Run Drainage) is a transfer from Transportation/Drain Project Fund 403 to establish this new Bond Series 2019 Fund. Exhibit A Line Item #40.



13

## CAPITAL PROJECT FUNDS (cont'd)

### 2019 GO – Fund 411 (new)

#### Expense

Increase in Infrastructure Improvements of \$877,000 (Waterfall Construction) is a transfer Transportation/Drain Project Fund 403 to establish this new Bond Series 2019 Fund. Exhibit A Line Item #41.

Increase in Building Improvements of \$284,000 (Public Safety Expansion) is a transfer from Facility/Public Safety Fund 404 to establish this new Bond Series 2019 Fund. Exhibit A Line Item #42.

Increase in Building Improvements of \$500,000 (Park Maintenance Facility) is a transfer from Facility/Public Safety Fund 404 to establish this new Bond Series 2019 Fund. Exhibit A Line Item #43.



14

## CAPITAL PROJECT FUNDS (cont'd)

### 2019 GO – Fund 411 (new)

Expense

Increase in Building Repairs of \$28,000 (Fire Station One Renovation) is a transfer from Facility/Public Safety Fund 404 to establish this new Bond Series 2019 Fund. Exhibit A Line Item #44.

Increase in Building Improvements of \$4,072,000 (Fire Station #6 Design and Construction) is a transfer from Facility/Public Safety Fund 404 to establish this new Bond Series 2019 Fund. Exhibit A Line Item #45.

Increase in Bond Issue Costs of \$188,924 is a transfer from other funds to establish this new Bond Series 2019 Fund. Exhibit A Line Item #46.



## CAPITAL PROJECT FUNDS (cont'd)

### 2019 GO – Fund 411 (new)

Fund 411	Original Adopted Budget	Incr./ (Decr.)	Revised Budget
Revenue		\$ 7,589,924	\$ 7,589,924
Expenditures		\$ 7,589,924	\$ 7,589,924
Net Impact		\$ -	

Estimated Ending Fund Balance \$0



## UTILITY FUNDS

### Steepbank/Flatbank WWTP– Fund 506

#### Revenue

Increase in revenue of \$598,950 for funds received from Fort Bend MUD 149 towards the purchase of 82,500 gallons of available treatment capacity. Exhibit A Line Item #10.

#### Expenditure

Increase in expense of \$598,950 to cover the expenditures associated with Fort Bend MUD 149 purchase of 82,500 gallons of available treatment capacity. Exhibit A Line Item #11.



17

## UTILITY FUNDS

### Steepbank/Flatbank WWTP– Fund 506

Fund 506	Original Adopted Budget	Incr./ (Decr.)	Revised Budget
Revenue	\$ 2,185,551	\$ 598,950	\$ 2,784,501
Expenditures	\$ 1,605,886	\$ 598,950	\$ 2,204,836
Net Impact		\$ -	

Estimated Ending Fund Balance \$17,072,876.

\*\$11.4 million of Fund Balance represents Capital Assets such as Land, Buildings, Machinery, and Infrastructure



18

## SPECIAL FUNDS

### Police Seizure/Forfeiture – Fund 205

Expenditure

Increase in expense of \$289,000 to purchase patrol vehicles.  
Exhibit A Line Item #5.

Increase in expense of \$11,000 to purchase equipment. Exhibit A  
Line Item #6.

	Original Adopted Budget	Incr./ (Decr.)	Revised Budget
Fund 205			
Revenue	\$ 44,118		\$ 44,118
Expenditures	\$ 320,000	\$ 300,000	\$ 620,000
Net Impact		\$ (300,000)	

Estimated Ending Fund Balance \$283,352



## SPECIAL FUNDS continued

### Public Safety Grants – Fund 230

Revenue

Increase in revenue of \$150,000 will be received from the Gulf States Regional Law Enforcement Technology Assistance Grant (GSRLETA) for the purchase of a surveillance system that will be installed at Buffalo Run Park. Exhibit A Line Item #2.

Increase in revenue of \$349,733 will be received from the Urban Area Security Initiative (UASI) Grant for Missouri City/Sugar Land radio system, and time-division multiple access software and license upgrade. Exhibit A Line Item #3.



## SPECIAL FUNDS continued

### Public Safety Grants – Fund 230

#### Expenditure

Increase in expense of \$150,000 to purchase a surveillance system that will be installed at Buffalo Run Park. Funding will be received from the Gulf States Regional Law Enforcement Technology Assistance Grant. Exhibit A Line Item #1.

Increase in expense of \$349,733 to cover time-division multiple access software and license upgrade for Missouri City/Sugar Land radio system. Funding will be received from the Urban Area Security Initiative (UASI) Grant. Exhibit A Line Item #4.



## SPECIAL FUNDS continued

### Public Safety Grants – Fund 230

Fund 230	Original Adopted Budget	Incr./ (Decr.)	Revised Budget
Revenue	\$ 12,000	\$ 499,733	\$ 511,733
Expenditures	\$ 11,662	\$ 499,733	\$ 511,395
Net Impact		\$ -	

Estimated Ending Fund Balance \$329,904



## SPECIAL FUNDS continued

### PID #2 – Fund 263

#### Expenditure

Increase in expense of \$750 to cover the Paying Agent fee.  
Exhibit A Line Item #8.

Fund 263	Original Adopted Budget	Incr./ (Decr.)	Revised Budget
Revenue	\$ 714,764		\$ 714,764
Expenditures	\$ 701,403	\$ 750	\$ 702,153
Net Impact		\$ (750)	

Estimated Ending Fund Balance \$297,807



## ENCUMBRANCE CARRY FORWARD

Per Section 9.06 of the City Charter, every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered.

Under this authority, the City has encumbrances totaling \$70,703 in the General Fund that carried forward from FY 2019 to FY 2020. The \$70,703 is an increase to the FY 2020 General Fund Expense Budget.





**Council Agenda Item  
February 3, 2020**

11. **RESOLUTIONS** – *There are no Resolutions on this agenda.*
  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**
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