

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 AGENDA

Notice is hereby given of a Special City Council Meeting to be held on **Monday, June 15, 2020, at 6:00 p.m.** at: **City Hall, Council Chamber, 2nd Floor**, 1522 Texas Parkway, Missouri City, Texas, 77489, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

NOTICE REGARDING PUBLIC PARTICIPATION

Due to the COVID 19 Disaster and the Center for Disease Control's recommendation regarding social distancing measures, the public will not be allowed to be physically present at this meeting.

The meeting will be available to members of the public and allow for two-way communications for those desiring to participate. Any person interested in speaking on any item on the agenda must notify the City by one of the following methods **before 4:00 p.m. on the day of the City Council meeting**:

1. Email or call the City Secretary at CSO@missouricitytx.gov or 281-403-8686; or,
2. Submit a "Public Comment Form" to the City Secretary from the following webpage: <https://bit.ly/39pw73Q>.

The request must include the speaker's name, address, email address, phone number and the agenda item number.

To livestream the meeting, the public may access the following link:
<https://www.missouricitytx.gov/780/MCTV>.

To access the meeting agenda packet in PDF format, the public may access the following link:
<https://www.missouricitytx.gov/407/City-Council>.

1. CALL TO ORDER

2. DISCUSSION/POSSIBLE ACTION

- (a) Update on city-wide sidewalk and pavement assessments as part of the Pavement Maintenance and Management Program (PMMP).
- (b) Discuss the proposed ordinance adding Chapter 17, "Arts in Public Places Program," to the City Code of the City of Missouri City, Texas.
- (c) Consider and discuss the Missouri City Parks Foundation member appointments.

(d) Consider and discuss the charter review process.

3. 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. Notice is hereby given that the City Council may go into Executive Session in accordance with the following provision of the Government Code:

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: Ivy Kenneth Miraflor and Josefina P. Serrano v. City of Missouri City, Texas, and Yolanda Ford, as Mayor and Councilmember (Case number 4:20-CV-010504 in the United States District Court for the Southern District of Texas Houston Division).

4. RECONVENE into Special Session and consider action, if any, on items discussed in Executive Session.

5. 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 June 15, 2020, agenda of items to be considered by City Council was posted in a place convenient to the public in compliance with Chapter 551 of the Texas Government Code on June 11, 2020, at 4:00 p.m.



Yomara Frias, City Secretary Department

Update on City-wide Pavement and Sidewalk Assessments

Public Works Department
June 15, 2020



Pavement and Sidewalk Assessments

- In September 2019 City Council authorized a contract with Fugro USA Land, Inc.
- To perform city-wide assessment of sidewalk and pavement infrastructure.
- Fugro team completed these assessments in May 2020
- Staff will discuss the findings
- Staff will also provide recommendations for moving forward

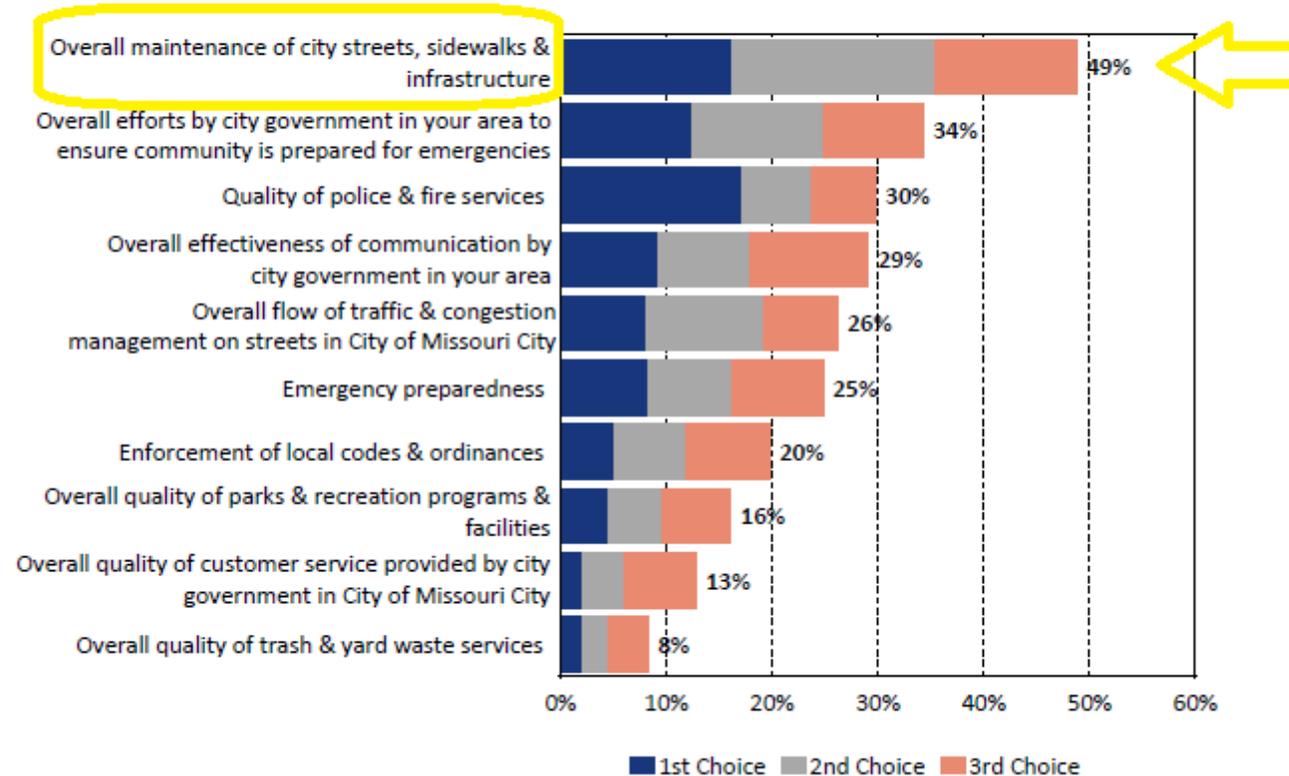


2020 Citizens Survey Findings

2020 Missouri City Community Survey: Findings Report

Q3. City Services That Should Receive the Most Emphasis Over the Next Two Years by Major Category

by percentage of respondents who selected the item as one of their top three choices



Source: ETC Institute (2020)

ETC Institute (2020)

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Pavement Maintenance and Management Program (PMMP)

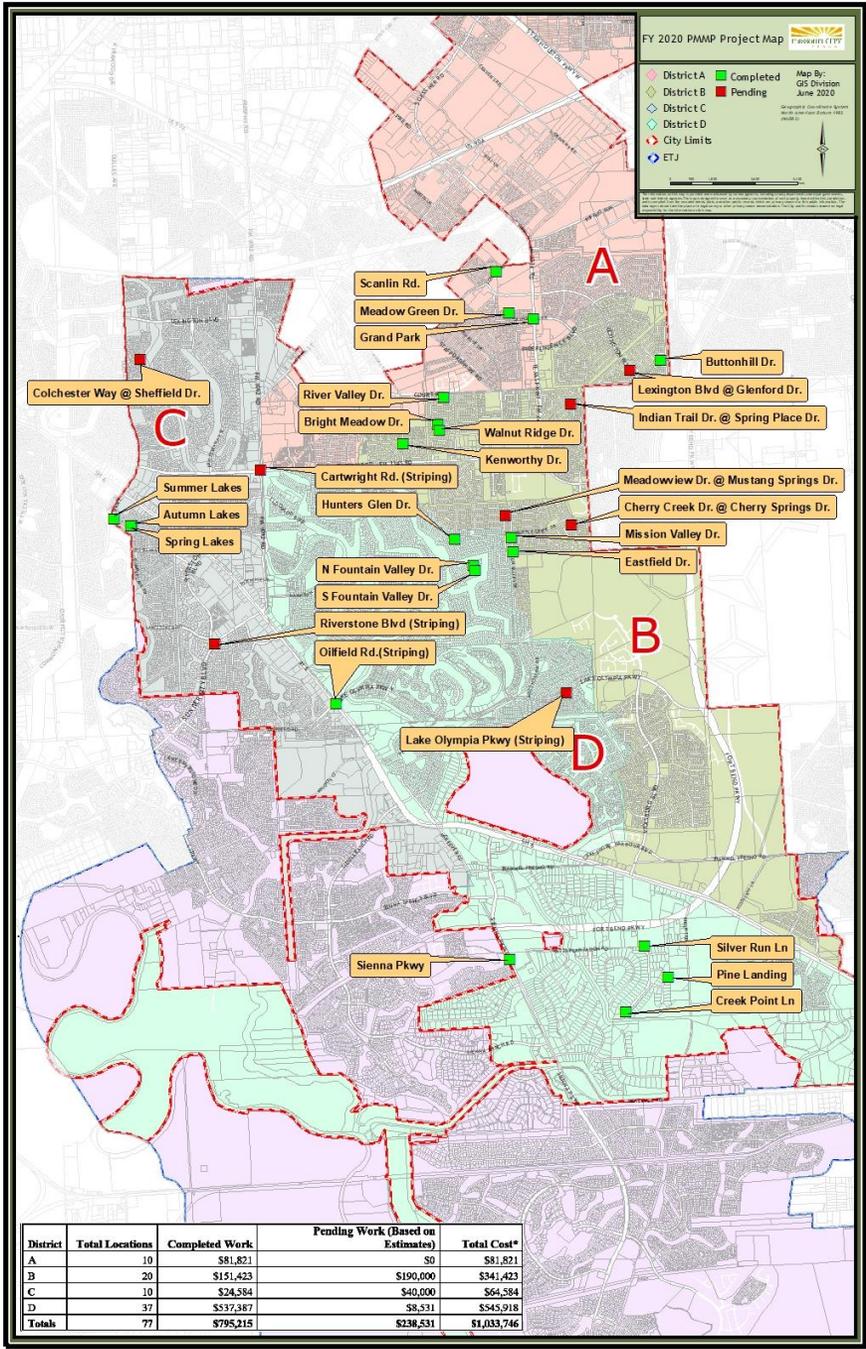
- City's previous pavement and sidewalk evaluation was performed in 2013
- This sidewalk evaluation was used as the basis for the sidewalk rehabilitation program
- The pavement evaluation established a Pavement Condition Index (PCI) for all City maintained streets
- PCI score was used to prioritize roadway repairs and reconstruction projects



PMMP

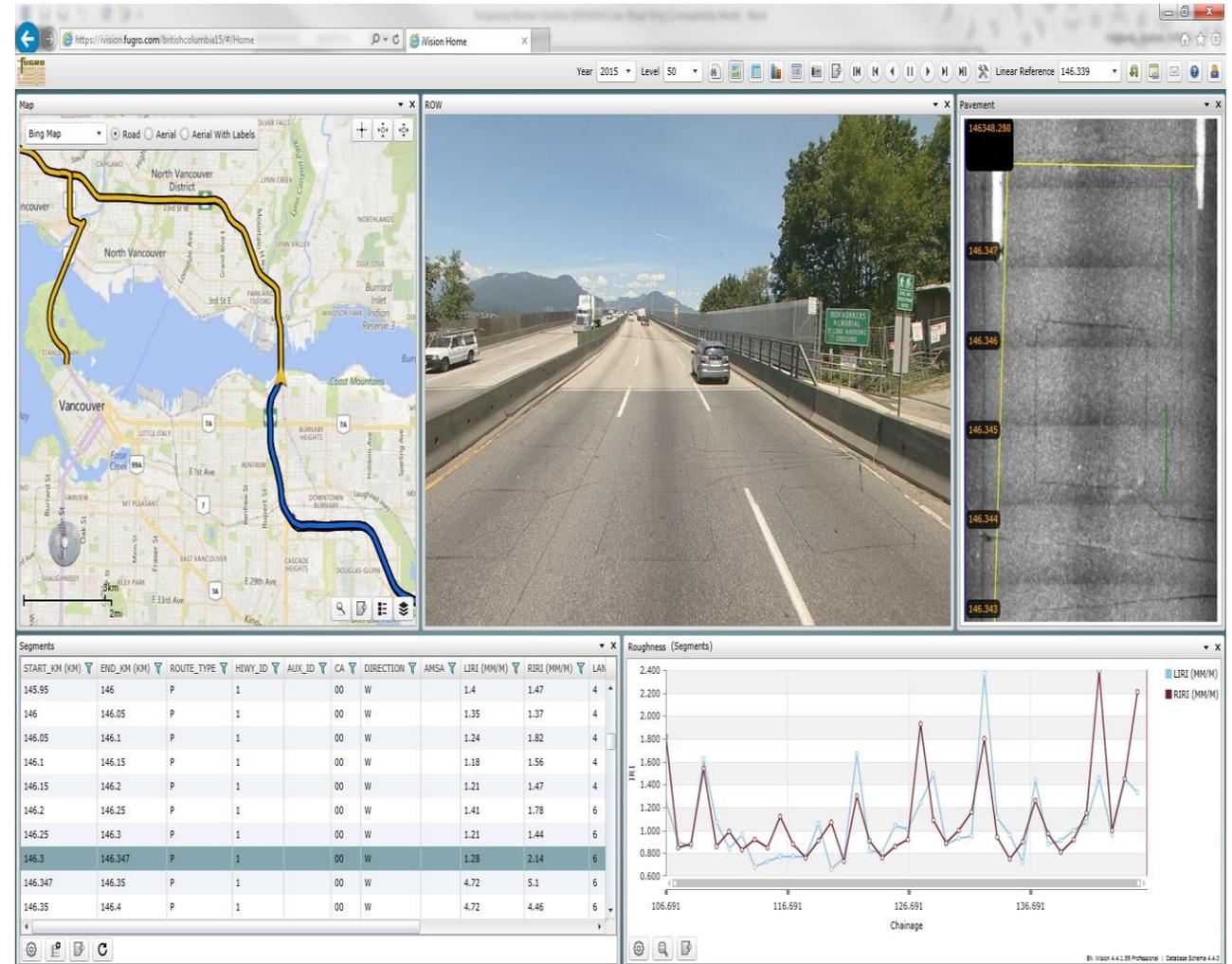
- PMMP projects are funded through METRO funds (approximately \$700,000 per year)
 - LaQuinta Dr.
 - Mission Valley panel replacements
- Larger (reconstruction) projects are funded through bond funding and other sources
 - Adams Street
 - Independence Blvd.



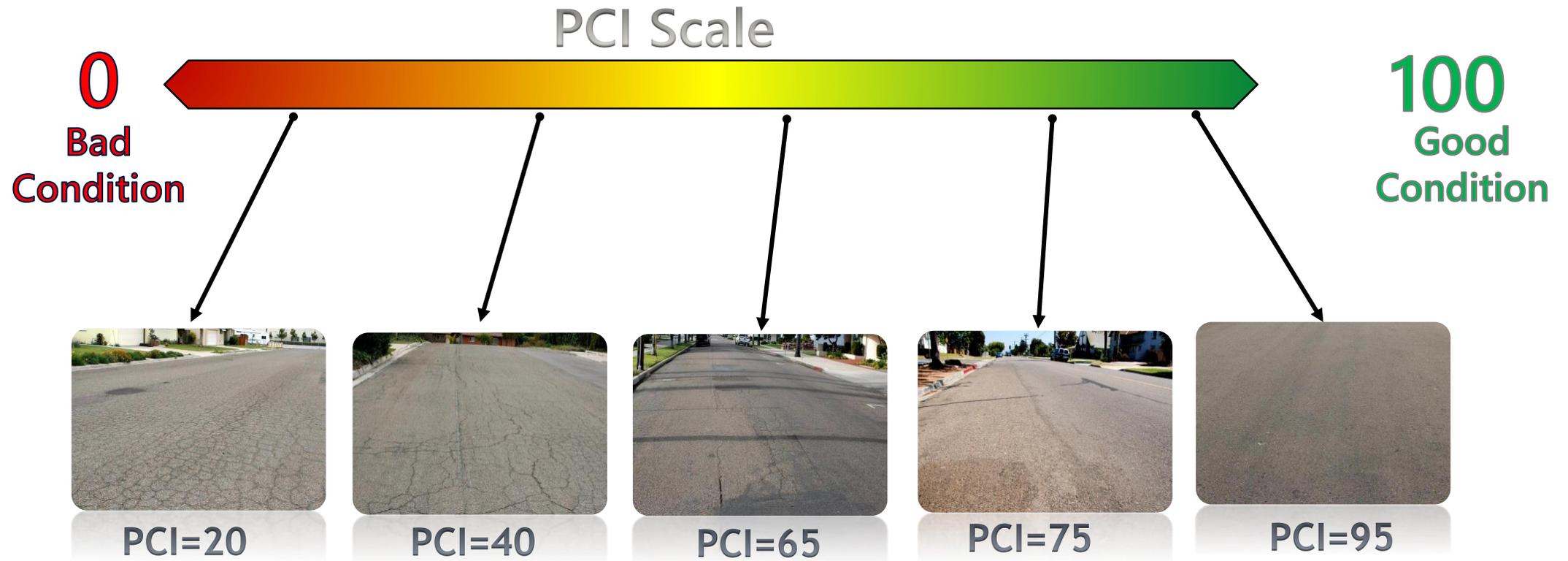


Pavement Evaluation

- Automated pavement data collection
- 330 test miles of data collection
 - 1 lane for residential streets
 - 2 lanes for arterial streets
- Identify pavement distresses according to industry standard (ASTM D6433)
- Delivery of pavement inspection data in iVision



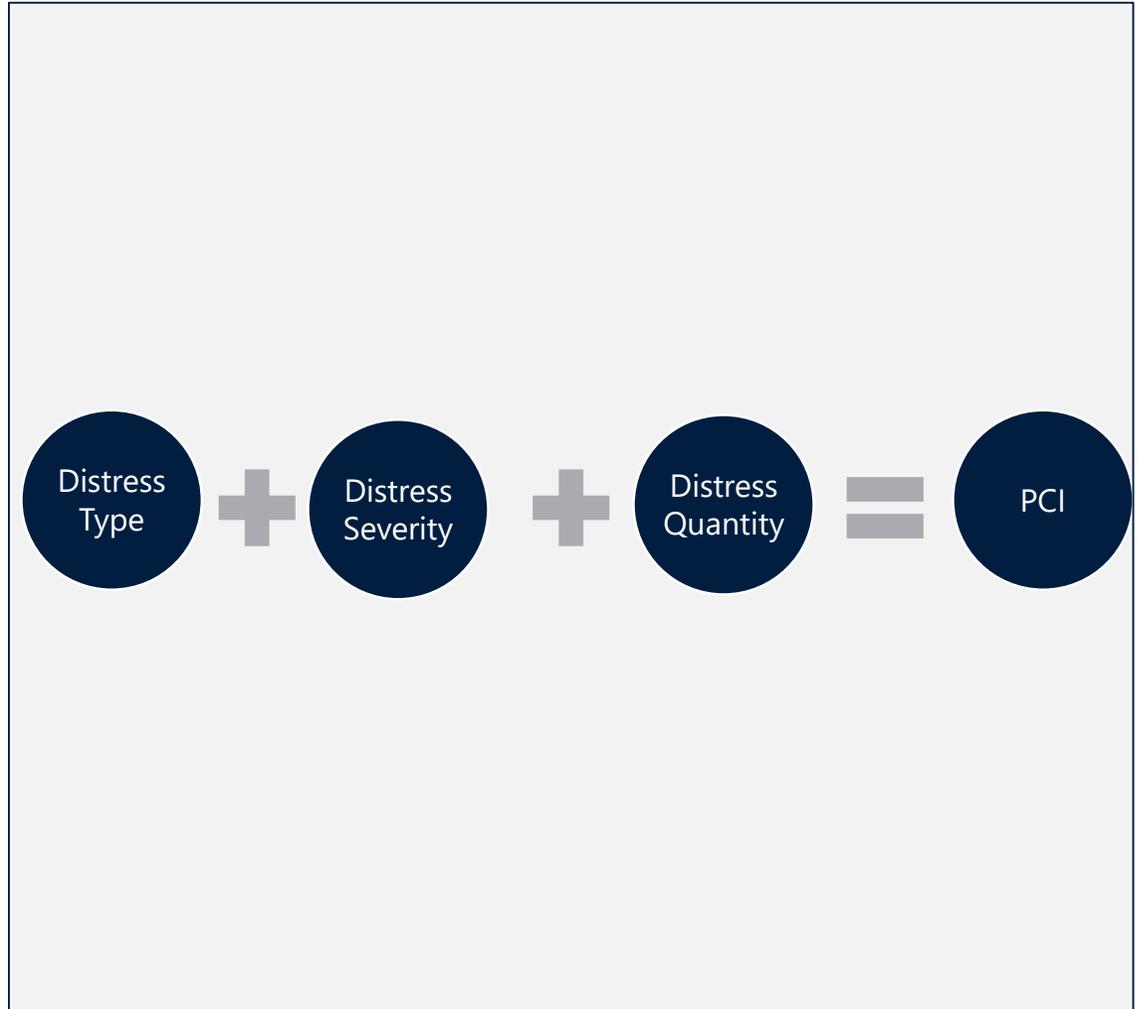
Pavement Evaluation



Pavement Evaluation

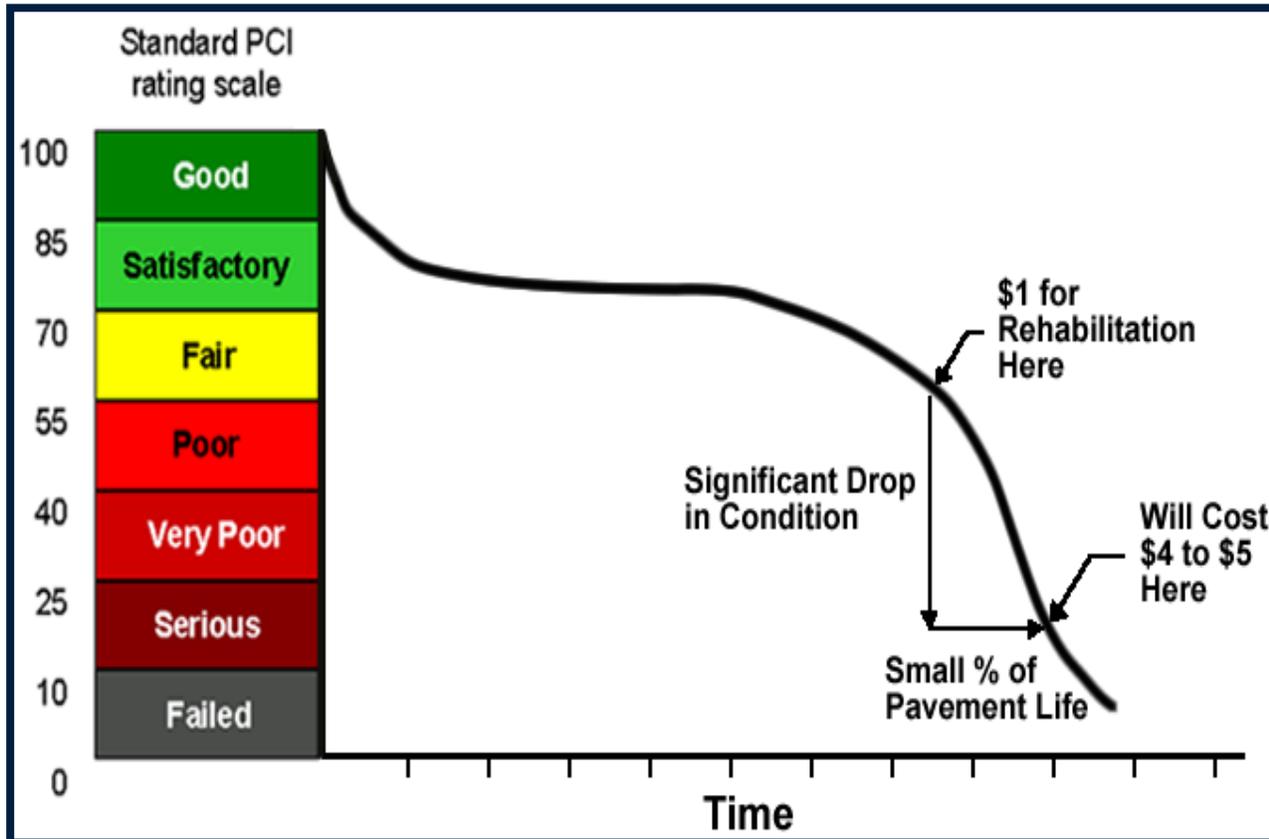
PCI	Pavement Rating
85-100	Good
70-85	Satisfactory
55-70	Fair
40-55	Poor
25-40	Very Poor
10-25	Serious
0-10	Failed

76
Missouri City Network
PCI in 2013



Pavement Evaluation

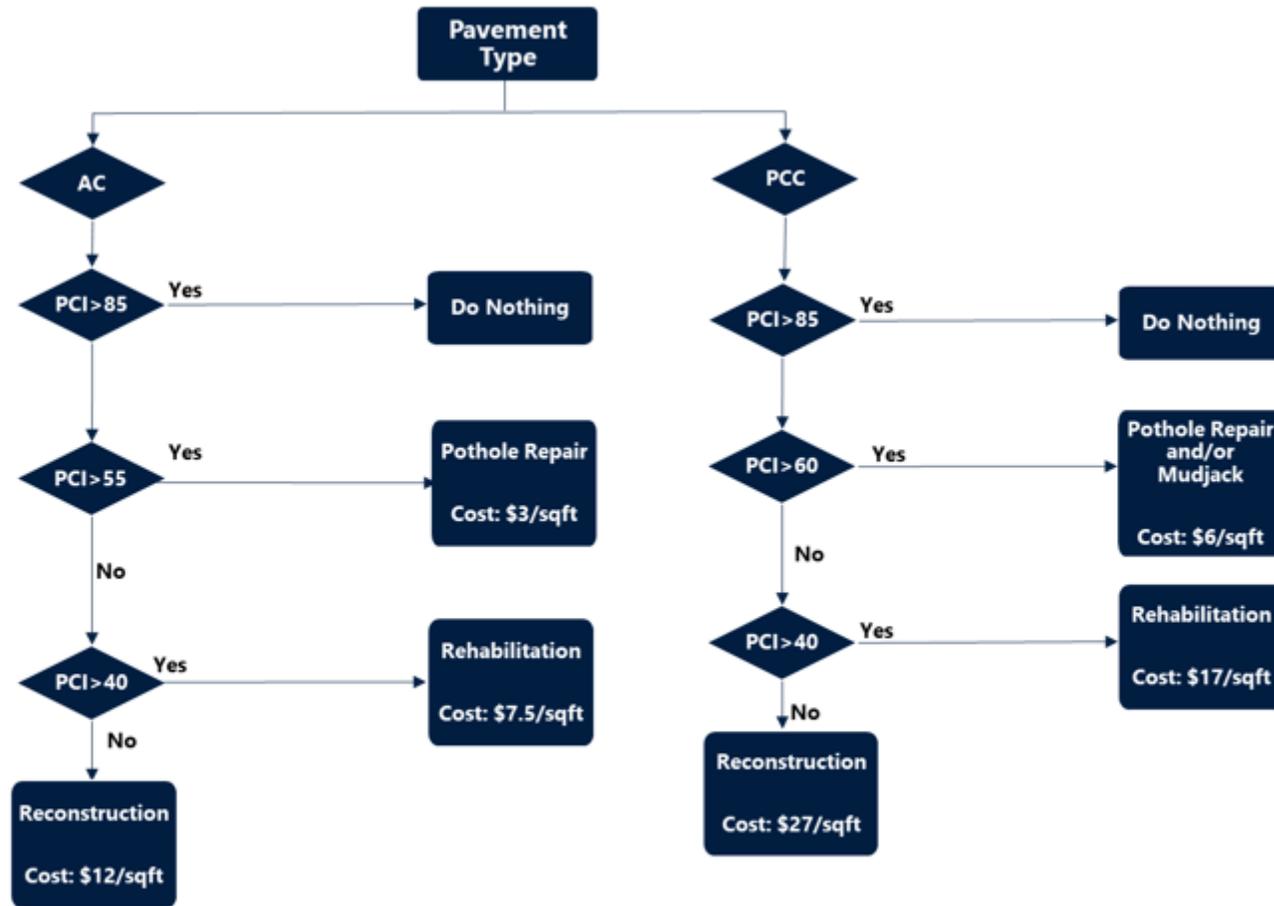
Impact of Timing on Cost



The **RIGHT**
treatment at the
RIGHT time to the
RIGHT pavement

Pavement Evaluation

Pavement Management Analyses



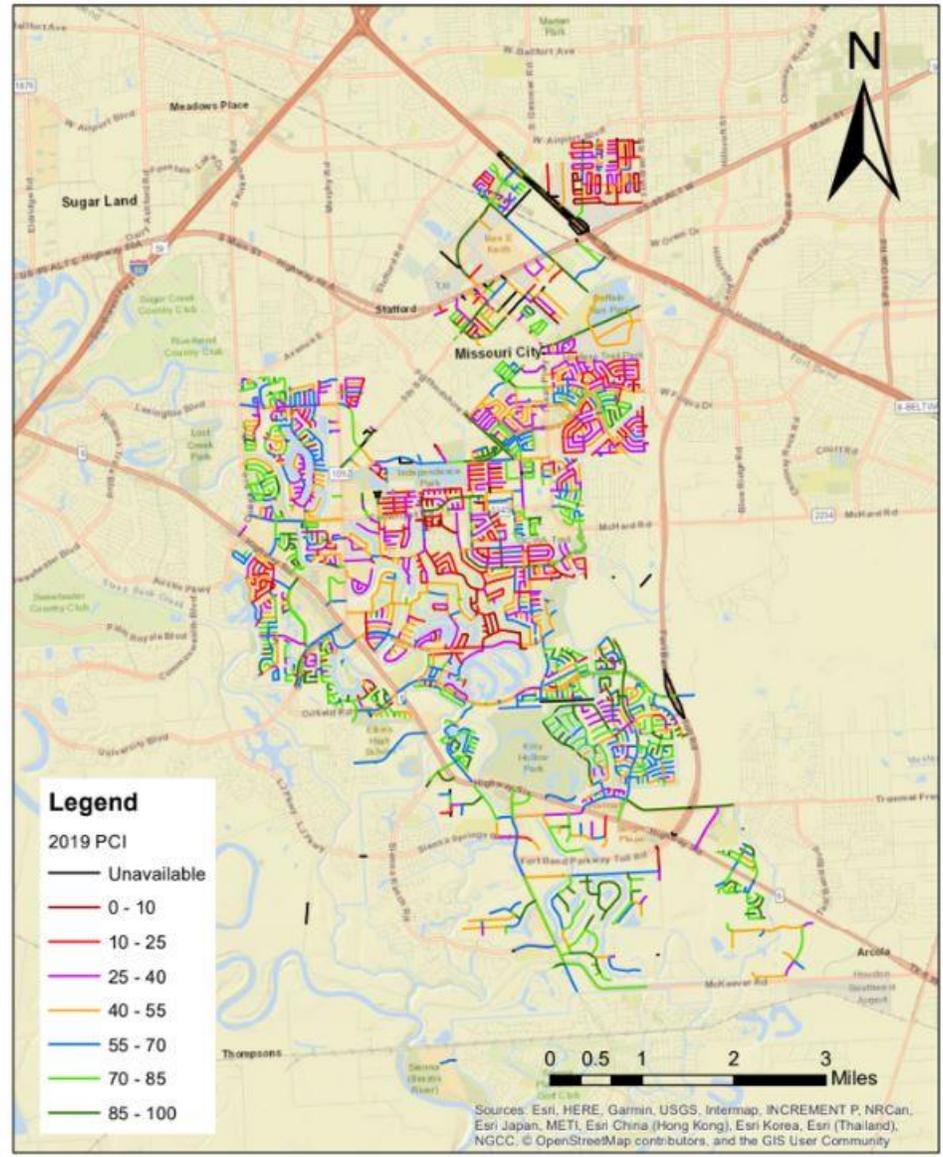
Pavement Evaluation

Pavement Management Analyses

Network PCI by Council Districts

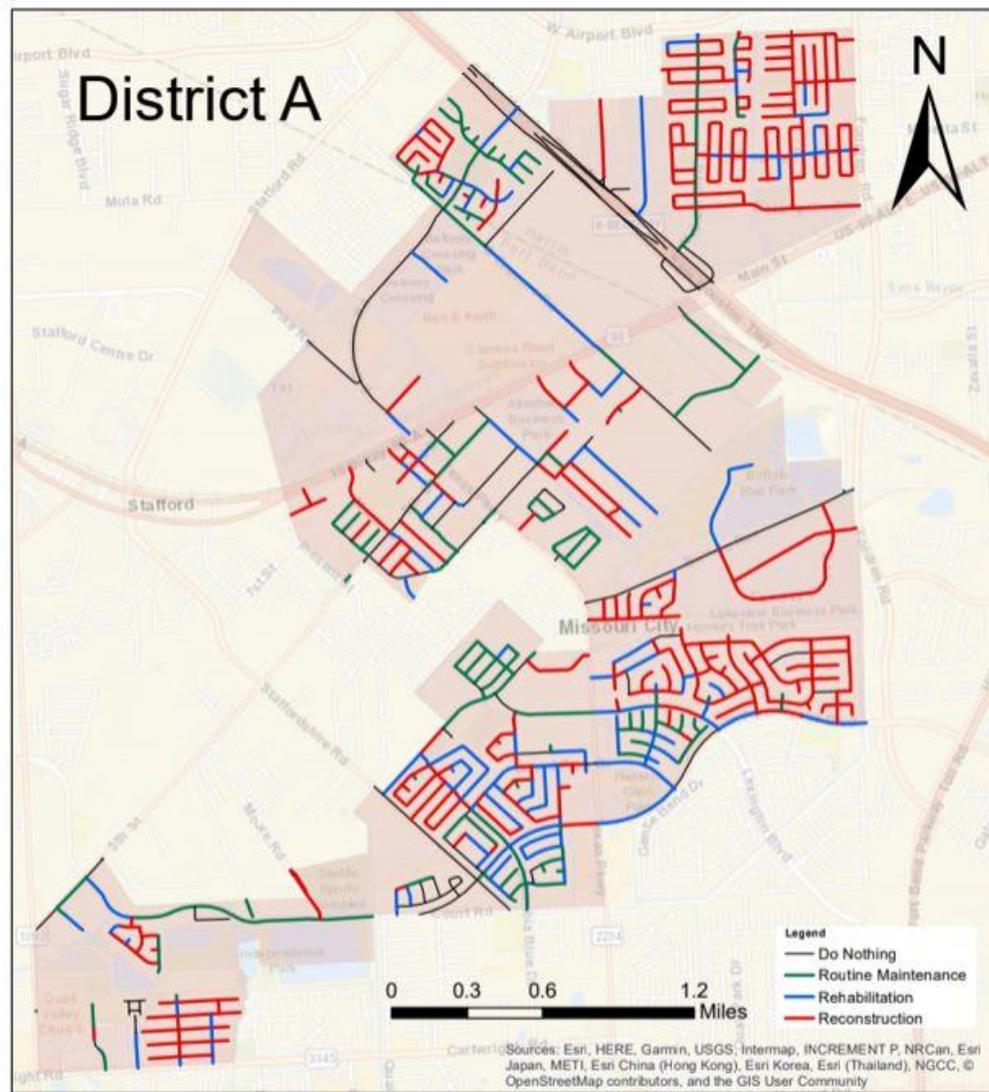
Location	Network	District A	District B	District C	District D
Inspection PCI	55	51	55	58	54

Overall Network PCI dropped from 76 (in 2013) to 55 (in 2019)



**Missouri City, TX
2019 PCI Values**

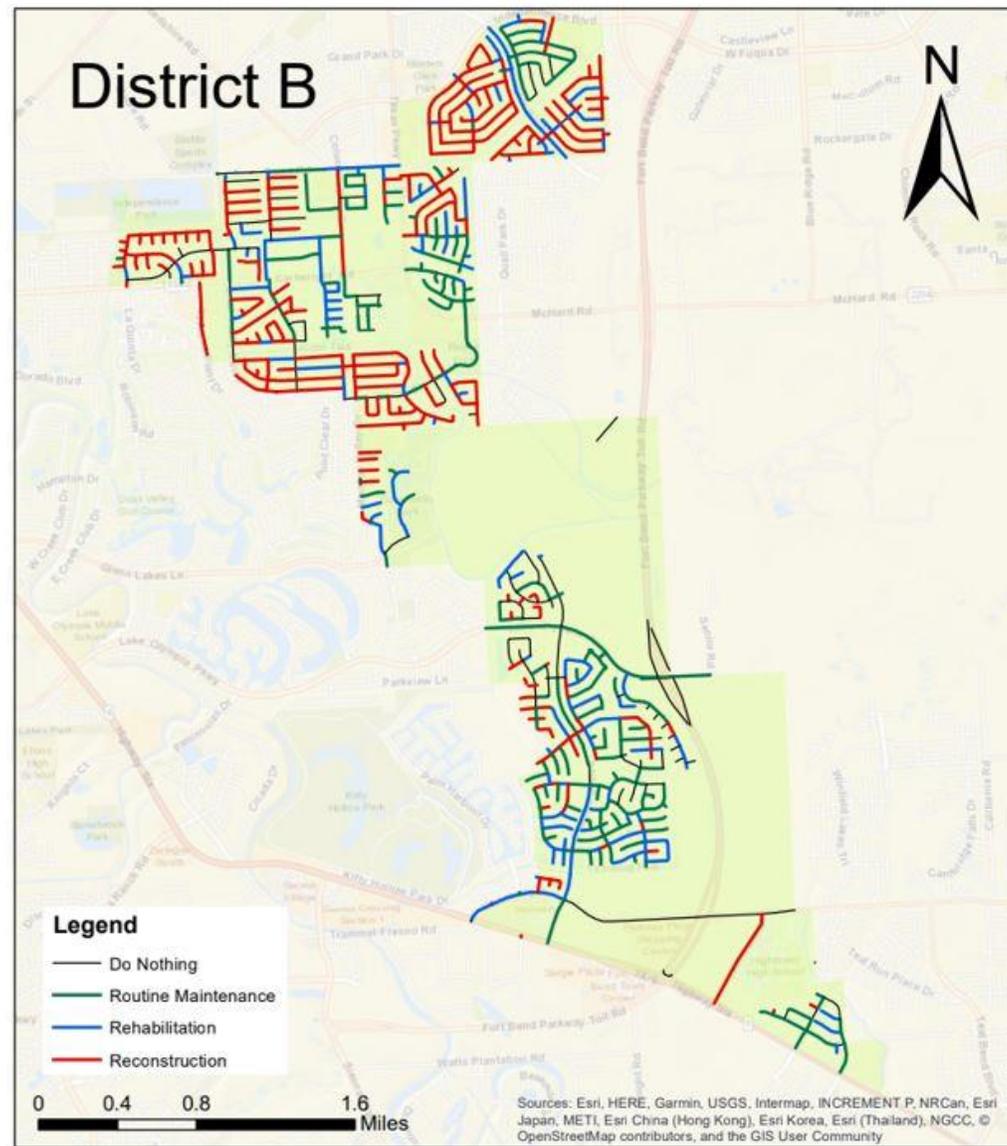




District A	Total Sections	Treatment	
		Treatment	Cost
	620	AC-Routine Maintenance	\$172,051
		AC-Rehabilitation	\$3,041,921
		AC-Reconstruction	\$5,051,336
		PCC-Routine Maintenance	\$4,462,445
		PCC-Rehabilitation	\$46,202,338
		PCC-Reconstruction	\$104,958,715

Missouri City, TX - District A Treatment Backlog

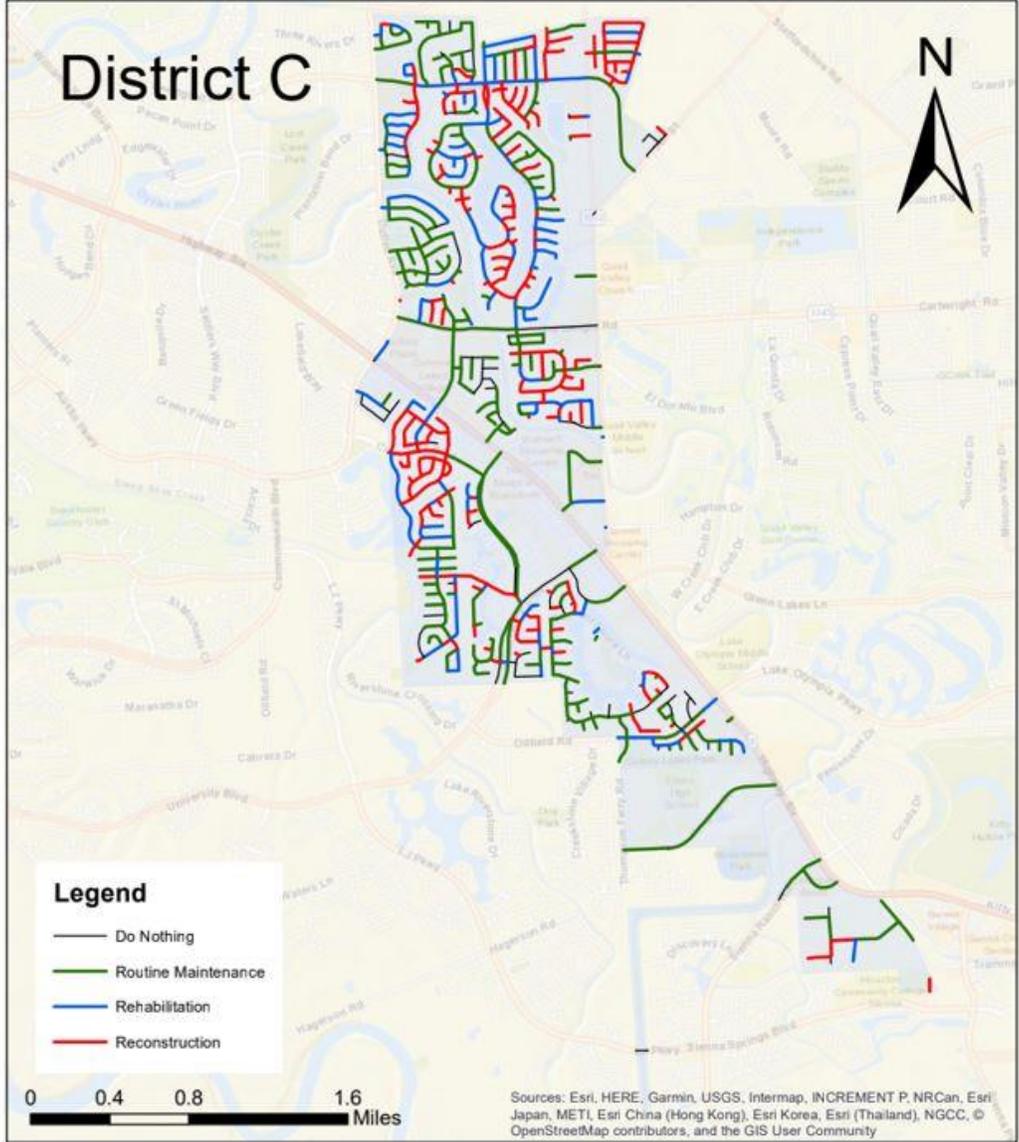




District B	Total Sections	Treatment	
		Treatment	Cost
	629	AC-Routine Maintenance	\$73,369
		AC-Rehabilitation	\$1,158,080
		AC-Reconstruction	\$1,935,439
		PCC-Routine Maintenance	\$5,780,140
		PCC-Rehabilitation	\$44,933,487
		PCC-Reconstruction	\$83,434,043

Missouri City, TX - District B Treatment Backlog

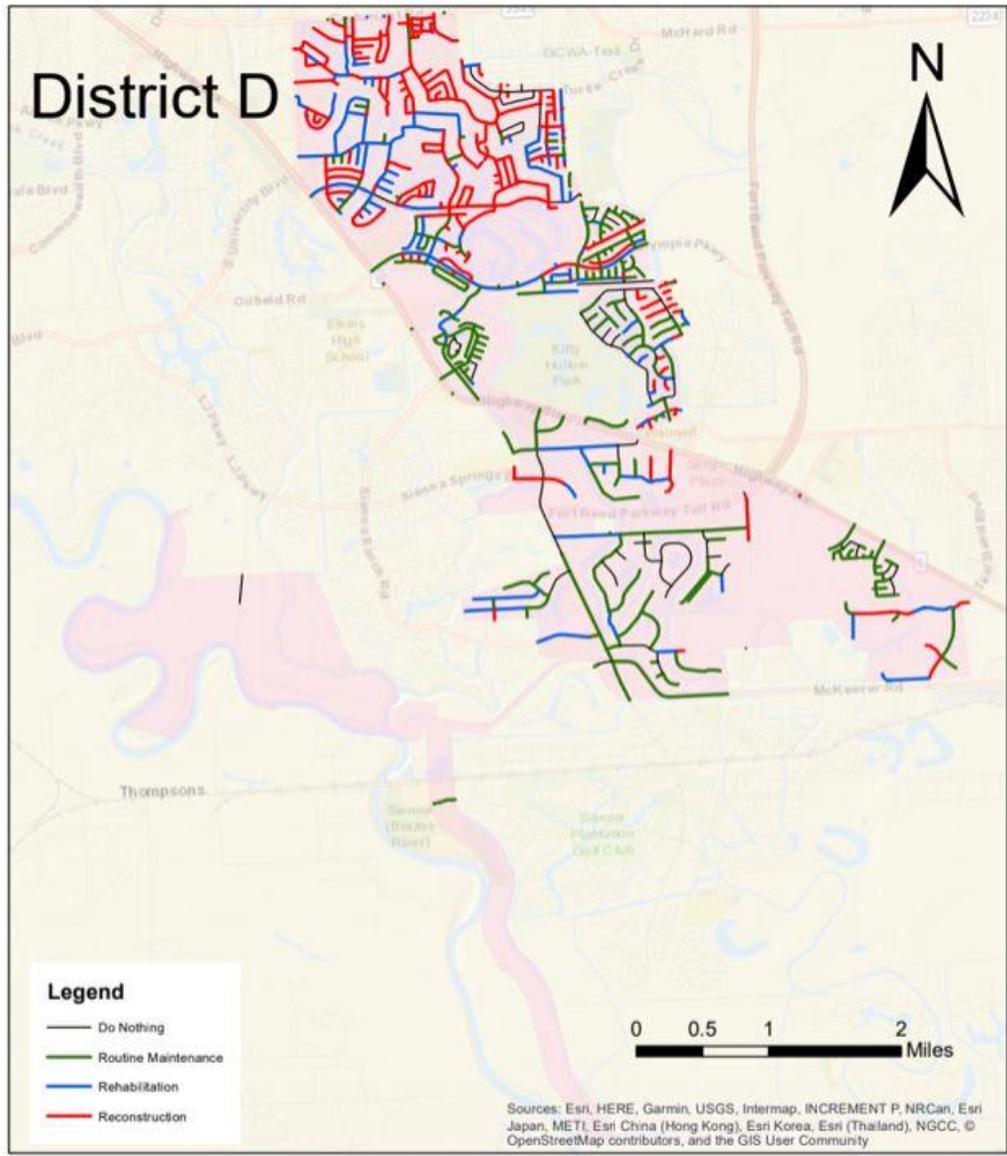




District C	Total Sections	Treatment	
		Treatment	Cost
District C	607	AC-Routine Maintenance	\$82,482
		AC-Rehabilitation	\$105,489
		AC-Reconstruction	\$816,183
		PCC-Routine Maintenance	\$8,455,169
		PCC-Rehabilitation	\$33,055,581
		PCC-Reconstruction	\$56,970,853

**Missouri City, TX - District C
Treatment Backlog**





District D	Total Sections	Treatment	Cost
	675	AC-Routine Maintenance	\$1,015,561
	AC-Rehabilitation	\$3,890,314	
	AC-Reconstruction	\$3,343,064	
	PCC-Routine Maintenance	\$8,017,414	
	PCC-Rehabilitation	\$39,390,082	
	PCC-Reconstruction	\$97,179,230	

Missouri City, TX - District D Treatment Backlog



Pavement Evaluation

Pavement Management Analyses

Current Needs

Activity	2019 Budget Needs	Approximate % of Budget
AC-Routine Maintenance	\$1,037,000	0.2%
AC-Rehabilitation	\$6,027,000	1.3%
AC-Reconstruction	\$7,927,000	1.7%
PCC-Routine Maintenance	\$24,136,000	5.2%
PCC-Rehabilitation	\$114,384,000	24.8%
PCC-Reconstruction	\$307,426,000	66.7%
Total	\$460,938,000	100%

Pavement Evaluation

Pavement Management Analyses

Pavement Treatment Type

Pavement Type	Treatment	PCI Impact	Unit Cost (\$/SF)	Annual Budget
AC	Pothole repair (Routine Maintenance)	Increase by 20 points	3	\$5,000
	Mill & Overlay (Rehabilitation)	Reset to 100	7.5	\$50,000
	Complete Reconstruction	Reset to 100	12	-
PCC	Pothole Repair and/or Mud Jacking (Routine Maintenance)	Increase by 25 points	6	\$105,000
	Panel Replacement (Rehabilitation)	Reset to 100	17	\$580,000
	Complete Reconstruction	Reset to 100	27	-

Pavement Evaluation

Pavement Management Analyses

PMMP Scenarios Analyzed

Activity	Current Budget (\$740 K)	Estimated Budget (\$1.5 M)	Maintain PCI, Required Budget (\$3 M)	Increase PCI, Required Budget (\$5.5 M)
Routine Maintenance	\$110 K	\$250 K	\$1 M	\$2 M
Rehabilitation	\$630 K	\$1.25 M	\$2 M	\$3.5 M

Pavement Evaluation

Pavement Management Analyses

Projected Network Pavement Condition Index (PCI) Score for Various Scenarios

Year	Date	Network PCI ¹ , Do Nothing	Network PCI ¹ , Unlimited Budget ³	Network PCI ¹ with Current Annual Budget (\$740 K)	Network PCI ¹ with Annual Budget (\$1.5 M)	Network PCI ² with Annual Budget (\$1.5 M)	Maintain PCI ² , Required Annual Budget (\$3 M)	Increase PCI by 5 scores in 5 years ² , Required Annual Budget (\$5.5 M)
Inspection	12/1/2019	55	55	55	55	69	69	69
Current	10/1/2020	54	54	54	54	69	69	69
1	10/1/2021	51	95	51	51	69	69	70
2	10/1/2022	48	94	49	49	68	69	71
3	10/1/2023	46	92	46	47	68	70	72
4	10/1/2024	43	91	44	44	68	70	73
5	10/1/2025	41	90	41	42	67	70	74

¹ Entire Network PCI

² Network PCI excluding CIP candidates (with PCI<40)

³ \$461 Million for the first year and an average of \$1.7 M/year for other years

Pavement Evaluation

Pavement Management Analyses

**Projected Network Pavement Condition Index (PCI) with \$1.5 M of Annual Budget
And Various CIP Budget Scenarios**

Year	Date	Network PCI ¹ , with Annual \$1.5 M of PMMP Budget and Annual CIP Budget of \$5 M	Network PCI ¹ , with Annual \$1.5 M of PMMP Budget and Annual CIP Budget of \$10 M	Maintain Network PCI ¹ , at Current Level, with Annual \$1.5 M of PMMP Budget and Required Average Annual CIP Budget of \$30 M ²
Inspection	12/1/2019	55	55	55
Current	10/1/2020	54	54	54
1	10/1/2021	52	52	54
2	10/1/2022	50	50	54
3	10/1/2023	48	49	54
4	10/1/2024	46	47	54
5	10/1/2025	44	46	54
6	10/1/2026	42	44	54
7	10/1/2027	40	43	54
8	10/1/2028	39	42	54
9	10/1/2029	37	41	54
10	10/1/2030	36	40	54

¹Entire Network PCI

²\$35 Million for first 5 years and \$25 Million in Years 6-10

Sidewalk Rehabilitation Program

- Close to \$450,000 is budgeted each year for sidewalk repairs
- Source of funding – METRO funds
- Council allocated \$2 million one-time bond funding in 2017
- The 2017 sidewalk “bond program” was completed in 2019
- Between FY 17 and FY 20, approx. \$3 Million was invested in the sidewalk program
- Re-evaluated sidewalk condition city-wide and re-assessed funding needs



Sidewalk Rehabilitation Policy

- Severity of horizontal or vertical separation (pose a trip hazard)
- Ponding of water on sidewalk
- Located in areas that provide access to schools
- Serve residents with handicap accessibility needs



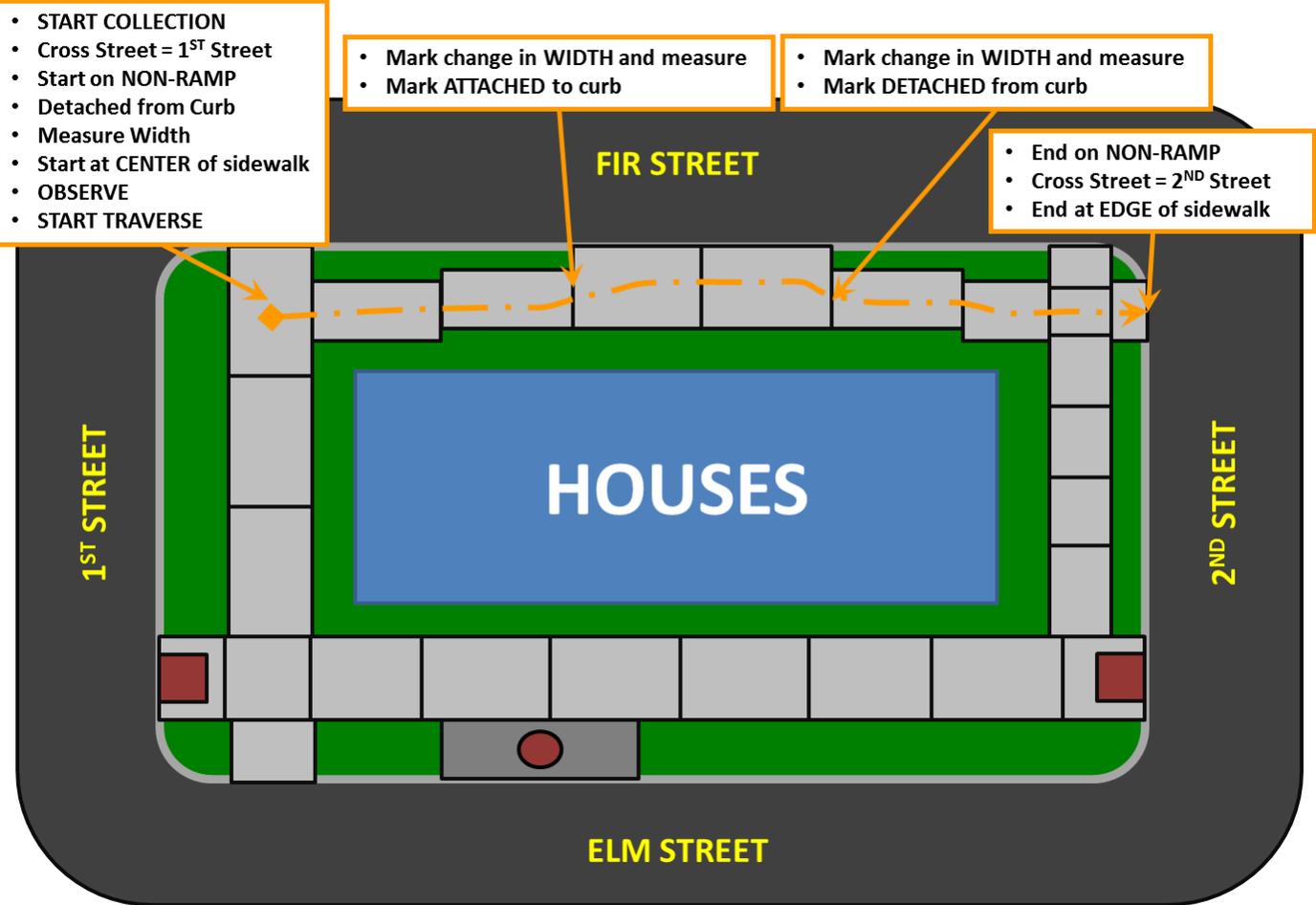
Sidewalk Update - Council Authorized list

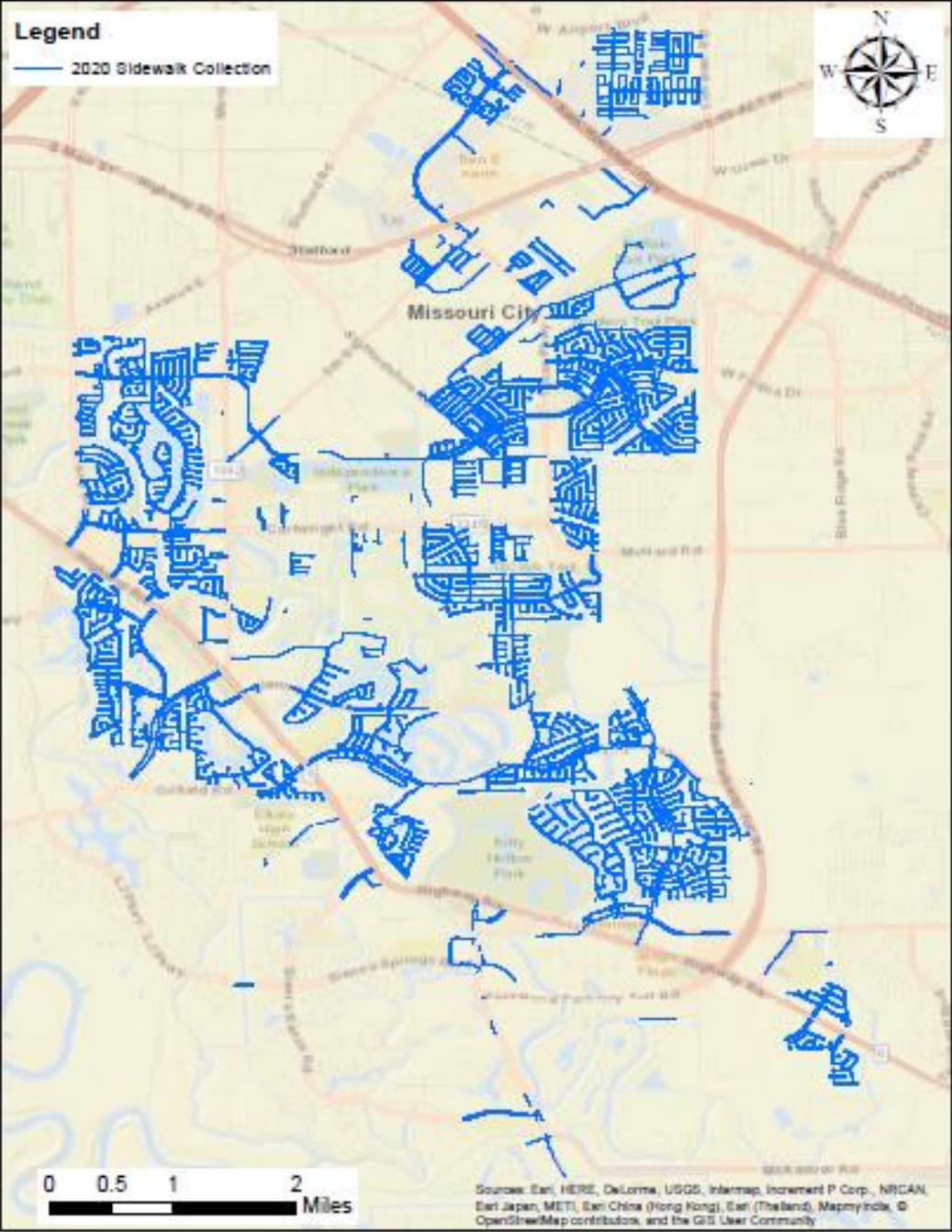
	One time Allocation (\$)	Actual Work Completed (\$)	Total Locations
District A	\$ 250,000	\$ 437,396	259
District B	\$ 250,000	\$ 379,058	258
District C	\$ 1,250,000	\$ 1,062,009	837
District D	\$ 250,000	\$ 282,590	176
Total	\$ 2,000,000	\$ 2,161,054	1,530



Sidewalk Evaluation (2020)

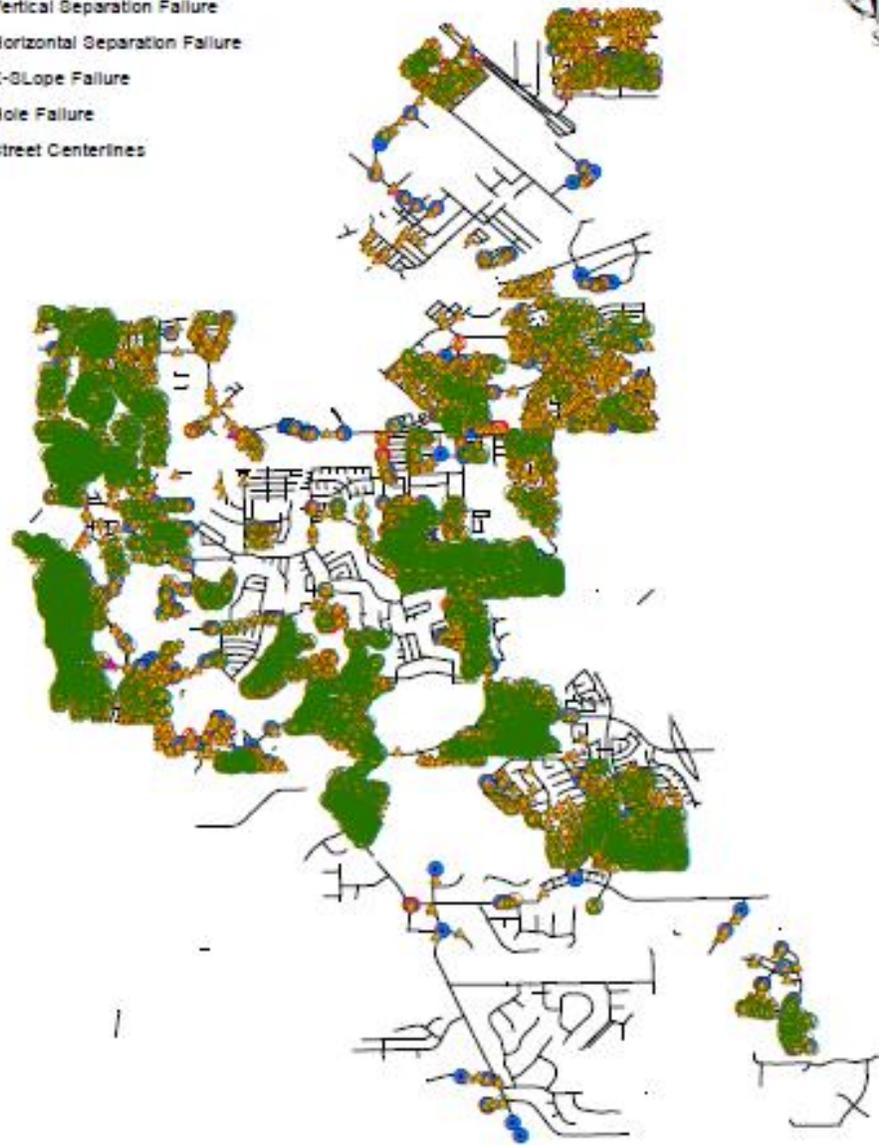
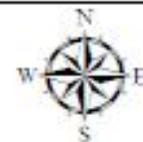
- Manual sidewalk inspection of 380 miles of sidewalk
- GPS system with sub-meter accuracy
- Pinpoint localized failures
 - Vertical separation
 - Horizontal separation
 - Holes and gaps





Legend

- Vegetation
- ▲ Vertical Separation Failure
- ▲ Horizontal Separation Failure
- ⊗ X-Slope Failure
- Hole Failure
- Street Centerlines



0 0.5 1 2 Miles



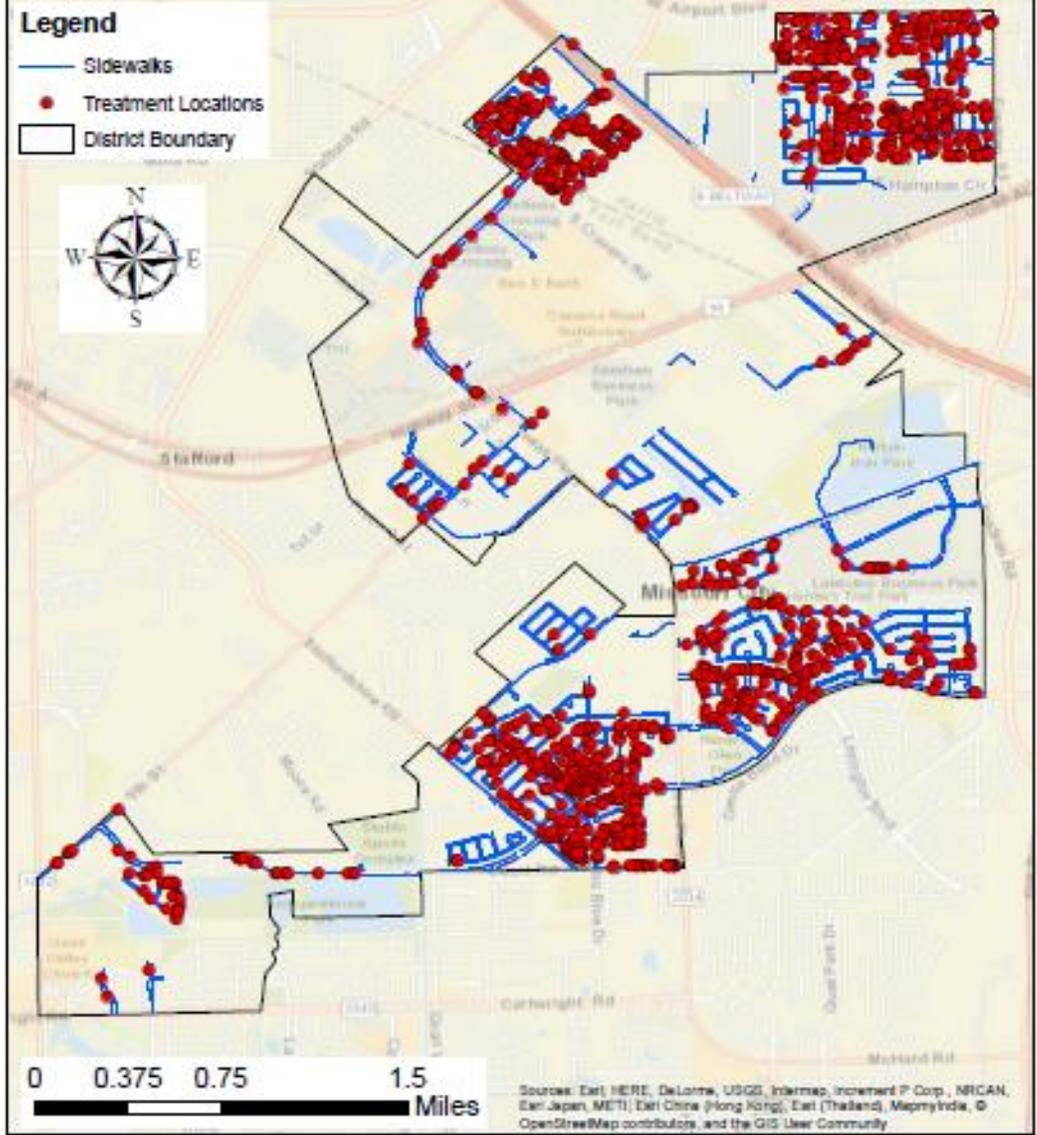
Sidewalk Evaluation

Sidewalk Budget Required for All Repairs

Final Treatment	Total Cost
Mudjacking	\$ 884,000
Replacement	\$ 1,069,000
Hole Repair	\$ 3,000
Total Cost	\$ 1,956,000

Sidewalk Budget Required by Council Districts

District	Treatment Locations	Total Cost
A	1,773	\$ 244,000
B	4,267	\$ 540,000
C	4,576	\$ 661,000
D	3,824	\$ 511,000

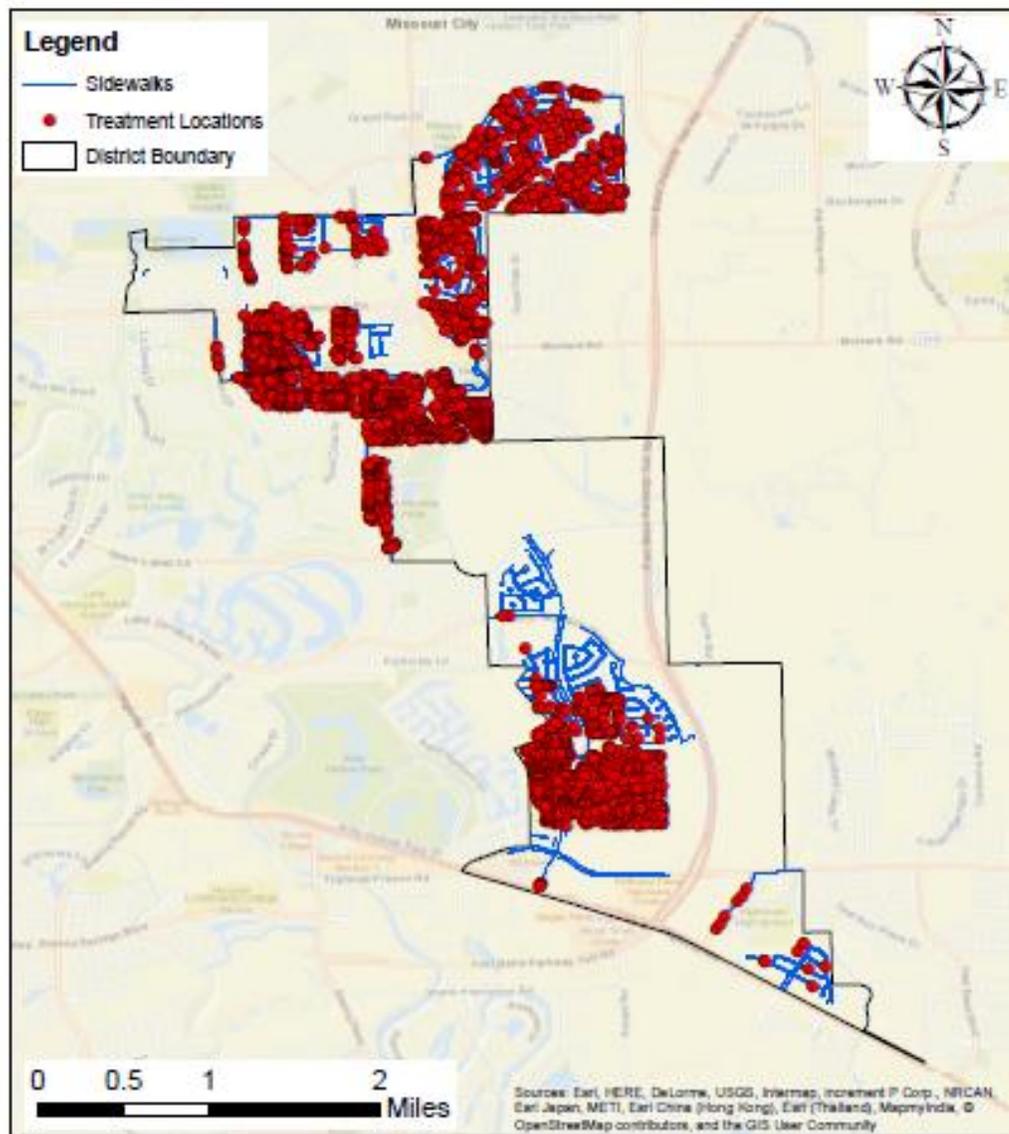


District A



Treatment Locations	Total Cost
1,773	\$244,000



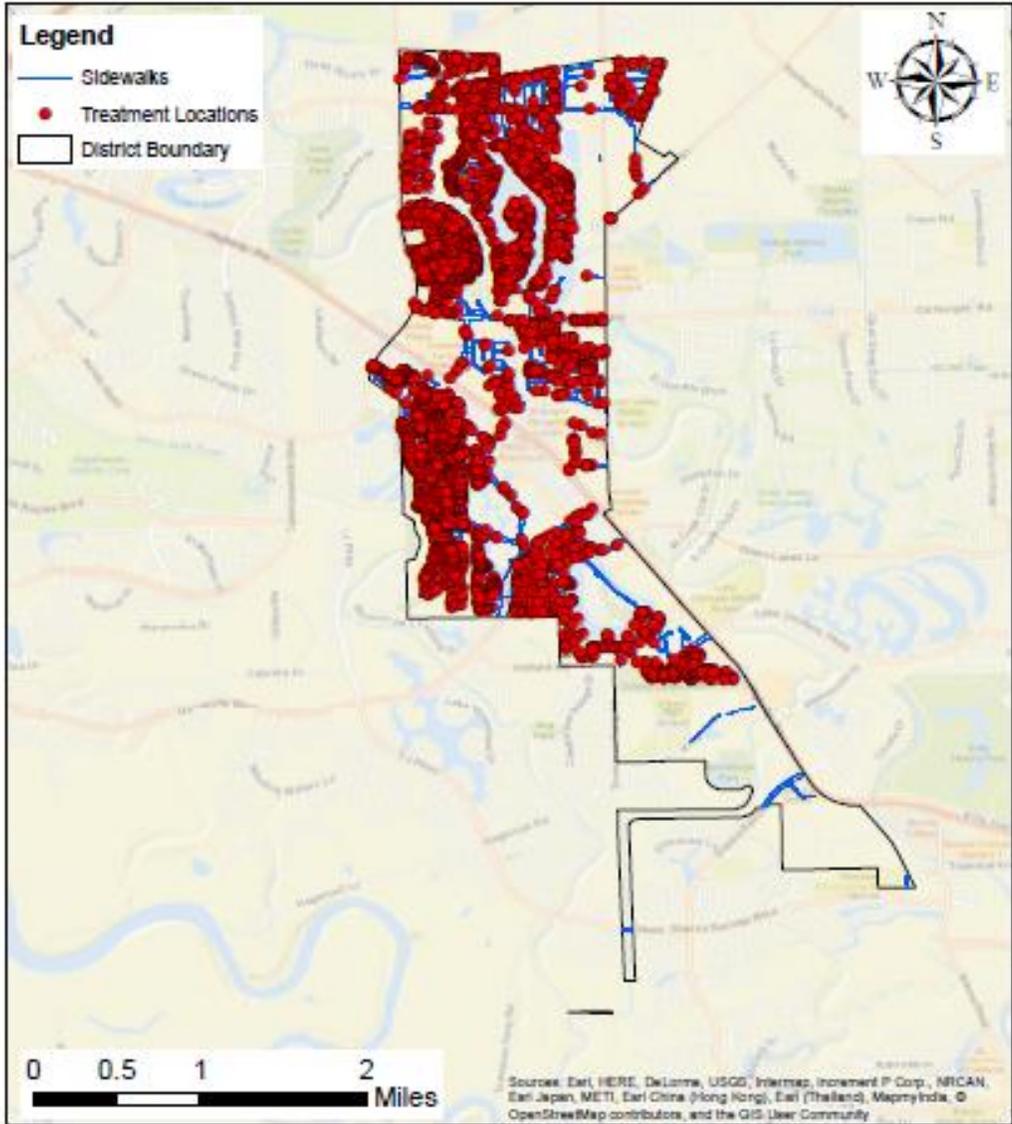


District B



Treatment Locations	Total Cost
4,267	\$540,000



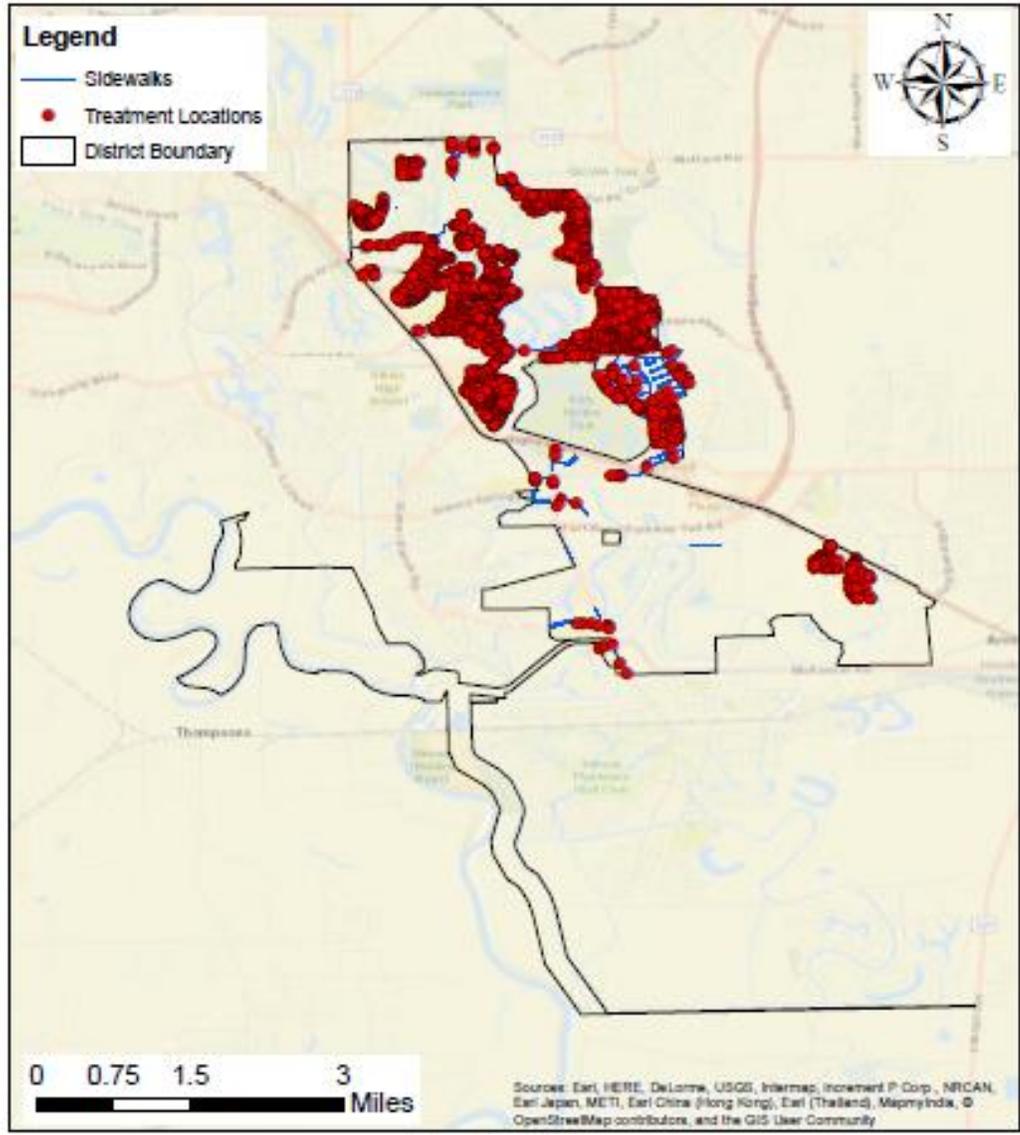


District C



Treatment Locations	Total Cost
4,576	\$661,000





District D



Treatment Locations	Total Cost
3,824	\$511,000



Findings

- City-wide pavement condition has deteriorated rapidly since the last assessment
 - Network PCI dropped from 76 (in 2013) to 55!
- Current PMMP funding (\$700,000\year) is grossly inadequate
- Failure to adequately fund PMMP will result in costly future reconstruction costs
- PMMP will also need to be supported by a robust reconstruction program (CIP)



Findings

- City-wide sidewalk assessment has shown that investment in the sidewalk program has reduced the backlog
- Current backlog of sidewalk repairs is approx. \$2.0 Million
- Current annual sidewalk funding (\$400 K plus) seems adequate
- Should be able to catch-up with the backlog in about 5 years
- Then re-access sidewalk program funding needs



Recommendations

- Increase annual PMMP funding by up to \$3 Million
- Continue investment in the street reconstruction program (CIP)
 - To the tune of \$10 Million plus annually
 - Leverage other funding sources (FB County, H-GAC, Etc.)
- Continue funding the sidewalk rehabilitation program (approximately \$400 K plus annually)
- May be able to divert sidewalk funds to PMMP in future years



Proposed Funding Moving Forward

TRANSPORTATION			2020	2021	2022	2023	2024	2025	2026
50027	401	TRAFFIC STUDIES	60,000	60,000	60,000	60,000	60,000	60,000	300,000
50031	401	GIS-MAPPING, PLOTTER, FLYOVER	30,000	30,000	30,000	30,000	30,000	30,000	150,000
50034	401	SIGNAL UPGRADE/SEQUENCING	400,000	400,000	900,000	1,200,000	1,200,000	1,200,000	4,100,000
50054	401	SIDEWALK	411,261	411,261	411,261	411,261	411,261	411,261	2,056,305
50063	401	PAVEMENT MAINTENANCE & MGMT PROGRAM	1,500,000	1,500,000	1,572,064	1,867,000	1,867,000	1,867,000	8,306,064
1TRNEW1	401	HWY 6 @ TOWNSHIP SIGNAL UPGRADE	50,000	500,000					550,000
1TRNEW2	401	THOROUGHFARE AND ITS MASTER PLAN	500,000		500,000				1,000,000
1TRNEW3	401	CITY HALL DR. RECON & EXTENSION (FBC \$900K)*	900,000						900,000
50093	401	PARK&NINETY / REIMBURSEMENT (380 AGREEMENT)	3,000,000	1,250,000	1,250,000				5,500,000
1TRNEW4	403	LEXINGTON BLVD. & CARTWRIGHT RECONSTRUCTION (FBC \$2M)**	1,066,675						1,066,675
TRANSPORTATION Total			6,851,261	4,151,261	4,723,325	3,568,261	3,568,261		22,862,369

** FY20 rollover funds will be used; remaining is drainage funds

QUESTIONS



Thank you!

Public Works and Fugro Team





CITY COUNCIL AGENDA ITEM COVER MEMO

JUNE 15, 2020

To: Mayor and City Council
Agenda Item: 2(b) Consider an ordinance adding Chapter 17, "Arts in Public Places Program," to the City Code of the City of Missouri City, Texas; providing for repeal; providing a penalty; and providing for severability.
Submitted by: Jason Mangum CPRE, Director of Parks and Recreation

SYNOPSIS

This ordinance will establish an arts in public places program, designed to create an enhanced visual environment for Missouri City Residents, to commemorate the city's cultural diversity, integrate art into the development of capital infrastructure, and to promote tourism and economic vitality through artistic design within Missouri City. Additionally, the ordinance establishes public art standards and a process for accepting or commissioning fine works of art, funding, and policy for managing the city's art collection. The ordinance also creates a council appointed arts commission to manage the collection, and provides for city manager appointed program administrator.

STRATEGIC PLAN 2020 GOALS ADDRESSED

- Create a great place to live

BACKGROUND

The need for a public arts program was realized after the city acquired three fine art pieces known as "Freedom Tree," a painting by Leonard Freeman, "Pursue Your Passion," a sculpture by Taft McWhorter, and "3 Musicians," a sculpture by David Adickes, over the last two years. These acquisitions initiated a lot of discussion about possession and placement of these art pieces. Therefore, it was determined that the city is in need of a comprehensive public arts program for future acquisition, placement and selection of art. As a collaborative effort, the Department of Development Services, Parks & Recreation Department, and Tourism Office held two public input sessions, conducted program research and, then, with the help of the City Attorney's Office, Chapter 17 of the City Code of Missouri City, establishing the Arts in Public Places Program, is proposed.

Designed to commemorate the city's cultural diversity, integrate art into the development of capital infrastructure, and to promote tourism and economic vitality through artistic design within Missouri City, the Arts in Public Places Program is proposed. This ordinance applies to all artwork constructed, commissioned, acquired, loaned, donated, performed or demonstrated in a city park, right-of-way, interior or exterior of any city facility meant for public display.

An Art's Commission is created and will be composed nine (9) city council appointed individuals. A city manager designated administrator is also established to serve as a facilitator and liaison between the program, the city, and the artist. The Art's Commission will be able to appoint subcommittees of appointed community member and art professionals. Article II within the ordinance addresses in detail the development of the Art Commissions guidelines, funding, donation & art on loan, and budget estimates. Within Article III, project criteria, review, recommendation, implementation, and documentation are discussed. The later articles include determination for artwork placement, signage for identification of artwork, and the maintenance of pieces, deaccession of artwork based on recommendation of the Art's Commission.

The draft ordinance was presented to the Parks Board on March 5, 2020 and to the Planning and Zoning Commission on April 8, 2020 both bodies forward a positive recommendation.

BUDGET ANALYSIS

N/A

SUPPORTING MATERIALS

1. Ordinance

STAFF'S RECOMMENDATION

Staff recommends that Council approve the Public Art Ordinance.

Director Approval: Jason S. Mangum, CPRE

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

ORDINANCE NO. O-20-__

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, ADDING CHAPTER 17, ARTS IN PUBLIC PLACES PROGRAM, TO THE MISSOURI CITY CODE; PROVIDING FOR REPEAL; PROVIDING A PENALTY; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, the City Council of the City of Missouri City, Texas ("City Council") desires to create an enhanced visual environment for city residents, commemorate the city's rich cultural diversity, integrate the work of artists into the development of the city's capital infrastructure improvements, and promote tourism and economic vitality in the city through the artistic design of public spaces; and

WHEREAS, the city desires to establish a program and policy and procedures for managing this arts in public places program; and

WHEREAS, City Council finds it necessary to add Chapter 17, "Arts in Public Places Program," to the City Code of the City of Missouri City, Texas; now, therefore,

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

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

Section 2. That Missouri City Code is hereby amended by adding a new Chapter 17 thereof to provide as follows:

"CHAPTER 17- ARTS IN PUBLIC PLACES PROGRAM

ARTICLE I. - IN GENERAL

Section 17-1. Purpose.

The ordinances in this chapter, including all sections now or hereafter amended, added or altered, shall constitute and be designated as the "Arts in Public Places Program," and may be so cited. The purpose of the Arts in Public Places Program is to create an enhanced visual environment for city residents, to commemorate the city's rich cultural diversity, integrate the work of artists into the development of the city's capital infrastructure improvements, and promote tourism and economic vitality in the city through the artistic design of public spaces.

Section 17-2. 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 to that position and his duly authorized deputy or representative. Terms, phrases or words not expressly defined in this section are to be construed in accordance with the customary usage of such terms, phrases, or words. When necessary for a reasonable construction of this chapter, words in the singular shall include the plural, words in the plural shall include the singular, and words used or defined in one tense or form shall include other tenses or derivative forms.

- (a) *Administrator* means the administrator of the Arts in Public Places Program.
- (b) *Approving authority* means the city council when the expenditures for a project exceed \$50,000 and shall mean the city manager when the expenditures for a project are \$50,000 or less.
- (c) *Artist* means a practitioner in the visual and or performing arts, recognized by critics and peers as a professional with the ability to produce fine art.
- (d) *Arts in public places* means any artistically designed feature that is a display, performance, or demonstration in a city park, right-of-way, or in the interior or on the exterior of any city facility. Arts in public places shall include a feature that enhances the aesthetics of a city structure, bridge, streetscape or park.
- (e) *Arts on loan* means artwork provided to the city to display for a predetermined period, which must be returned to the lender or owner after the loan period has expired.
- (f) *Artist registry* means the collection of artists and artworks used as a resource for the arts, the arts activities, and for the Arts in Public Places Program selection process.
- (g) *Artwork or fine art* means all forms of original creations of visual art, which may be portable as well as permanent. Artwork or fine art includes, but is not limited to:
 - (1) Paintings of all media, including frescoes and murals;
 - (2) Sculptures of any form and in any material or combination of materials, including statues, monuments, fountains, arches, or other structures intended for ornamentation or commemoration;
 - (3) Inscriptions, stained glass, fiber works, carvings, mosaics, photographs, drawings, collages, textile works, and prints; and
 - (4) Artist-designed landscapes and earthworks, including the artistic placement of natural materials or other functional art objects.
- (h) *City manager* means the city manager of the City of Missouri City, Texas.

- (i) *Deaccessioning* means the removal, relocation, selling, auctioning, or trading of artwork owned by the city.
- (j) *Donation* means art or monies donated to the city from a private individual, institution, or other outside source.
- (k) *Permanent arts in public places* means any permanent visual artwork displayed in a city park, right-of-way, or the interior or exterior of any city facility.
- (l) *Project manager* means the city manager.
- (m) *Project or Art in public places project* means the processes of commissioning, acquiring, selecting or deaccessioning works of art on city property.
- (n) *Public arts collection* means all city owned or controlled fine art.

Section 17-3. Applicability.

(a) This chapter applies to all artwork constructed by, commissioned by, acquired by, loaned to, or donated to the city that is intended to be displayed, performed or demonstrated in a city park, right-of-way, or in the interior or on the exterior of any city facility for the purpose of public exhibition or use.

(b) This chapter does not apply to:

- (1) Artworks mass produced or created primarily for media, merchandising, advertising, or commercial purposes;
- (2) Artworks that are made by public or private school students as part of school curriculum or an approved extracurricular activity;
- (3) Performances held during the city's annual events; or
- (4) Artworks that are otherwise recognized by the city council in an ordinance as being outside the scope of this chapter.

Section 17-4. Arts in Public Places Administrator.

The city manager shall designate an administrator of the Arts in Public Places Program to perform the functions described in this chapter. The administrator is responsible for maintaining an inventory of the city's public art collection and serving as a liaison of the city to the Arts Commission.

Section 17-5. Arts Commission.

(a) *Creation.* The Arts Commission is hereby created. The Arts Commission shall be composed of nine (9) individuals appointed by the city council. Each individual shall be assigned a position and shall be designated, Commissioner Number 1 through

Commissioner Number 9, as applicable. The Arts Commission shall be composed of four (4) community representatives and five (5) art professionals. The five (5) art professionals shall consist of at least one (1) curator and two (2) design professionals. Each commissioner serves a term of two-years and, upon the termination of such term, shall become a holdover commissioner, unless reappointed by the city council. The members of the commission shall serve at the pleasure of the city council and shall be subject to removal or replacement by the city council at any time with or without cause. A vacancy on said commission shall be filled by the city council for the unexpired term of such position. The members of said commission shall serve without compensation. Arts Commission commissioners shall have no term limits. The terms of the odd-numbered positions shall expire on June 30 of every odd-numbered year. The terms of the even-numbered positions shall expire on June 30 of every even-numbered year.

(b) *Powers and duties.* The Arts Commission shall advise and make recommendations to the appropriate approving authority, regarding arts in public places. At the first meeting of the Arts Commission, the members shall select a chair and vice chair and shall adopt rules to govern their meetings. A chair and a vice chair shall be selected by the Arts Commission by August 1 every year thereafter.

(c) *Arts in Public Places Subcommittee.* The Arts Commission may appoint a subcommittee that may include members of the community and other professionals of the arts community for projects, subject to the advice of the administrator and the consent of the appropriate approving authority for the project. An Arts in Public Places subcommittee may develop the concept and budget for each project and implement the Arts in Public Places Program in a manner consistent with this chapter.

(d) *Arts in Public Places Master Plan.* The Arts Commission may approve a ten-year master plan of sites for arts in public places. The master plan shall identify current sites and future sites for arts in public places. The master plan shall include a list of pre-approved sites for the placement of artwork. These sites shall take into consideration the availability of water, electricity, security, and any additional infrastructure that may be necessary to support a specific piece of art.

(e) *Guidelines.* The Arts Commission, in consultation with the administrator, shall develop guidelines for the implementation of this chapter. The guidelines shall include methods to:

- (1) determine whether a project is appropriate for the display of art;
- (2) integrate art into a capital improvement project;
- (3) identify suitable artwork for a project;
- (4) competitively select artwork for display, performance or demonstration;
- (5) select and commission artists;
- (6) encourage the preservation of cultural artwork;

(7) facilitate the preservation of artwork and artifacts that may be displaced by a project; and

(8) administer this chapter.

ARTICLE II. - FUNDING.

Section 17-21. Funding.

A public art fund may be established and may be achieved through, but is not limited to, any of the following means:

(a) The city council may appropriate funds to select, acquire, and display art for the purposes set forth in this chapter.

(b) The city council may specify by ordinance that a percentage not to exceed one percent of the cost of a city capital infrastructure improvement project shall be used for fine arts projects at or near the site of the capital infrastructure improvement project, as established in V.T.C.A., Texas Government Code, § 444.029, as amended.

(1) Appropriations for fine art shall be a separate item in the capital improvement project's budget.

(2) This subsection (b) does not apply to a construction project with a construction budget that is less than \$250,000. If the city council determines that a capital improvement project is inappropriate for a display of art, the council shall transfer the appropriated funds to the Public Art Fund.

(c) The city council may accept artwork and monetary donations and gifts for the public art fund, as established in Section 17-22 of this chapter.

(d) Contributions, commissions, appropriations, and donations shall be deposited into the public art fund and allocated for use at appropriate public sites. This does not authorize the transfer of funds from one project to another if a legal restriction on the source of such funds prohibits the transfer.

Section 17-22. Donations and Art on Loan.

(a) The city will consider donations of artwork and gifts of money for deposit into the public art fund, if established, based on the circumstances and criteria outlined in this section. The city will consider accepting a donation or gift of money for deposit into the public art fund, if established, provided that the donation or gift of money is not from a foreign source.

(b) All donations and gifts, whether financial or artistic, that are accepted by the city will be used or displayed, as recommended by the Arts Commission and approved by the city council.

(c) The Arts Commission shall provide the city council with a status update and recommendation on accepted artwork if such artwork is not utilized because of a failure to allocate funds, publicly display or install the artwork within one year of acceptance.

(d) The city shall control the location and arrangement of all exhibitions, and reserves the right to reject any part of an exhibition or to change the manner of display of any exhibition.

(e) The Arts in Public Places Program shall not be construed to require the city to accept any donation, whether financial or artistic.

Section 17-23. Budget Estimates.

A city department head who prepares a budget, authorization request, or appropriation request for a project must:

- (a) consult with the administrator; and
- (b) must indicate the funding source as provided in Section 17-21.

ARTICLE III. - PROJECTS.

Section 17-31. Public Arts Project Development Criteria.

Artwork displayed, demonstrated or performed shall meet the following criteria:

(a) Artwork shall be of the highest aesthetic and enduring value created by an artist who has the necessary experience in working with arts committees and projects related to arts in public places and talent, as determined by peers in the field, to execute the accepted design;

(b) The relationship of artworks and sites shall be considered in terms of integration of arts and architecture with landscape, social dynamics, local character and surrounding suburban context;

(c) Sites selected for arts in public places shall be sufficiently accessible to the viewing public; and

(d) Artwork shall be designed with consideration of minimum maintenance and requirements and maximum resistance to vandalism.

Section 17-32. Project Review and Art Recommendation.

(a) Subject to the limitation of subsection 17-32(b), the administrator shall review a project and make recommendations to the Arts Commission regarding appropriations for art and placement of the art.

(b) The administrator shall not recommend proposed art that requires extraordinary operation or maintenance expenses without the prior approval of the director of the department responsible for the art after installation and the city manager.

(c) The Arts Commission shall review the final recommendation of the Arts in Public Places Committee and make a recommendation to the appropriate approving authority.

Section 17-33. Project Implementation and Documentation.

(a) Upon approval of the Arts Commission's recommendation, the appropriate approving authority shall contract with the artist(s) for services or for the purchase and installation of a specific artwork in a manner that is consistent with the city's purchasing policy. Arts in public places project contracts shall require the artist(s) to produce, deliver, and install a work of art for a guaranteed maximum cost and by a predetermined time. Depending on the nature of the project, performance by the artist may be contractually insured through phased payment for work completed or professional liability coverage. The administrator shall work with the artist to determine the appropriate budget for each project to ensure that all necessary costs are met, and the Arts Commission must approve the budget. In addition, the artist may be asked to make a presentation where the work is to be sited.

(b) Prior to the construction of artwork, the artist must obtain approval of the final design by both the administrator and the Arts Commission. In the case of an artist who has contracted with the city to produce specific artwork, approval of the design prior to the signing of that contract shall be considered sufficient. If, however, the design changes substantially from that which was initially approved, the artist must return to the Arts Commission for subsequent review. The administrator shall have full authority to determine what constitutes a substantial change in the design. In the case of a design team approach, it shall be the primary responsibility of the artist and the project manager to collaborate on the design of the artwork and its relationship with the site. The stage at which final approval of the design occurs will vary from project to project, and shall be specifically set out in the artist's contractual agreement with the City of Missouri City.

(c) All project consultants expressing interest in an eligible construction or renovation project shall be advised of the Arts in Public Places Program requirements and guidelines. The consultant selected and appropriate city representatives shall work closely with the administrator in the development of the artwork project and with the committee in the selection of the artist and artwork. The consultant shall incorporate the requirements of the artwork, if desired by the city, into the construction documents, including time of delivery and installation.

(d) On site activity in connection with the installation of artwork shall be handled by the artist, the administrator, and the appropriate city representatives within the departments having jurisdiction over the site.

(e) The administrator shall function as a liaison between the artist and the various city departments involved in the completion of each artwork project. In instances

where construction matters cannot be resolved between the artist and the department, the project manager shall have final authority.

(f) The administrator shall establish and maintain appropriate records on each project, which shall include the contract with the artist, records of the Art Commission's actions, and, if applicable, any subcommittee's actions, interdepartmental agreements, all billings made in connection with the project, and all correspondence related to the project. In addition, the administrator shall maintain records particular to the project to ensure adequate standards of documentation, registration, care, and installation of the artwork.

ARTICLE IV. - COMPLETED ARTWORK.

Section 17-41. Placement of Artwork.

(a) Artwork donated to or purchased by the city may be located within the interior or the exterior of public spaces.

(b) If approved, the city's Public Arts Master Plan shall not be a limiting factor in selecting locations not identified within the master plan.

(c) A donor of artwork may suggest to the city locations for the placement of such artwork. The Arts Commission will consider these suggestions, but is not required to recommend placement in a location recommended by a donor. The city is not required to locate art in a location recommended by the donor of such artwork.

Section 17-42. Identification of Artwork.

(a) Signage must include relevant information such as the name or theme of the artwork, the name of the artist(s), who the artwork is presented from, and the date the artwork was created and dedicated. Signage may also include a brief description of the art and to which department, such as the fire and rescue services department, the artwork was presented. The signage should not distract from the artwork.

Section 17-43. Maintenance of Works of Art.

(a) The Arts Commission shall make an annual review of the city's art collection for the purposes of a maintenance needs assessment. The Arts Commission, shall communicate those needs and the appropriate actions required to meet those needs to the various user departments.

(b) The artwork acquired through the Arts in Public Places Program become the property of the City of Missouri City and are held in trust by the user department. Therefore, the expenses associated with the routine maintenance and operation of each artwork shall be incurred by the user department and considered to be part of the routine maintenance of the facility. Routine maintenance shall be understood to include such things as the periodic cleaning of artwork and operational costs such as water, in the case of a fountain. Any substantive repair of the work, such as structural repair, shall be

considered to be an expense of the related Public Art Fund. No maintenance or repair work shall be performed by the user department without the prior written consent of the administrator. Additionally, unless the artwork becomes a hazard or nuisance in the opinion of the city manager, the user department shall not move any artwork from the site for which it was selected, nor remove it from display, without the prior written consent of the administrator and in conformance with any restrictions regarding the source of funds for that work of art and Section 17-21 of this chapter.

(c) So far as practical, in the event repair of the artwork is required, the city may give the creating artist the opportunity to do that work for a reasonable fee, provided that the cost of the work is \$50,000 or less. Disputes concerning what constitutes a reasonable fee shall be determined by a panel of three visual art professionals, to be appointed by the Arts Commission, with knowledge of curatorial concerns. If the artist declines to perform the needed repairs for such a fee, the City may solicit bids from qualified conservators and award a contract to the conservator in accordance with the city's purchasing policies.

Section 17-44. Deaccession of Artwork

Upon recommendation of the Arts Commission, the city council may consider any of the following courses of action to deaccession of artworks:

(a) Sell or trade the artwork for fair market value in accordance with the city charter, city ordinances, state law, other laws, and applicable agreements;

(b) Remove the artwork from display and store the artwork;
or

(c) Remove the artwork from display and dispose of the artwork in accordance with the city charter, city ordinances, state law, other laws, and applicable agreements.”

Section 3. Notwithstanding any other section or provision of this Ordinance, a commissioner appointed to an odd-numbered position of the Arts Commission in 2020 shall serve a one-year term. A commissioner appointed to an odd-numbered position of the Arts Commission in 2021 and thereafter shall serve a two-year term as set forth in Section 2 of this Ordinance.

Section 4. *Repeal.* That 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 5. *Penalty.* That any person who violates, or any person who causes or allows another person to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each occurrence of any violation of this Ordinance shall constitute a separate offense. Each day in which any violation of this Ordinance occurs shall constitute a separate offense.

Section 6. *Severability.* That in the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED and APPROVED on first reading this __ day of _____, 2020.

PASSED, APPROVED and ADOPTED on second and final reading this _ day of _____, 2020.

Yolanda Ford, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Jackson, City Secretary

E. Joyce Iyamu, City Attorney



**CITY COUNCIL
AGENDA ITEM COVER MEMO**

June 15, 2020

To: Mayor and City Council

Agenda Item: 2(c) Consider and discuss the Missouri City Parks Foundation member appointments.

Submitted by: Maria Jackson, City Secretary

SYNOPSIS

Consider and discuss the Missouri City Parks Foundation member appointments.

BACKGROUND

During the June 8, 2020, special City Council meeting, City Council interviewed candidates for various city boards, committees and commissions. City Council requested that the City Secretary contact Mr. James Davidson and Ms. Debbie Poncik to determine if they would be interested in serving the Missouri City Parks Foundation.

Mr. Davidson submitted a candidate application to serve the Community Development Advisory Committee and was interviewed on June 8, 2020 to serve the committee.

Ms. Poncik submitted a candidate application to serve the Parks Board and was interviewed on June 5, 2020 to serve the board.

Mr. Davidson notified the City on June 9 that he would be honored to serve the City in this capacity.

Ms. Poncik also notified the City on June 11 that she would love to serve the City in this capacity, as well.

SUPPORTING MATERIALS

1. New Candidate Applications

STAFF'S RECOMMENDATION

Consider and discuss the Missouri City Parks Foundation member appointments.

Director Approval: Maria Jackson, City Secretary



CITY OF MISSOURI CITY

BOARD/COMMITTEE/COMMISSION APPLICATION

James Davidson, Jr.
Name

B
District

Address

Missouri City, Texas 77459
City, State, Zip Code

Parks Edge/Dry Creek Village
Subdivision

Phone Number

Email Address

Retirement Marketing/AIG/Sr. Communication Consultant

Occupation/Employer/Job Title

Master Degree
Education

On which Board/Committee/Commission would you like to serve?::

Tax Increment Reinvestment Zone (TIRZ) Board #2, or Community Development Advisory
Committee

Explain why::

I recently moved into the Dry Creek Community, though I grew up and lived in Missouri City since 1996. When starting my family and purchasing my first home, I chose to come back to Missouri City because of its potential and was excited to see the city take investment/reinvestment seriously.

With regard to background, I've served on the Houston Area Urban League Young professionals board multiple terms. While chair, I lead voter & policy education programs, and created issue-based initiatives to raise awareness for city of Houston residents. I have my Masters in Public Administration from the University of Houston and received a degree in communications from the University of Kentucky. I've also worked in retirement marketing & project management for the last six years.

Please list your civic or community involvement which you feel would make you an ideal candidate for the position you are applying for.::

Civic involvement:

- FBISD Board Leadership Academy Inaugural Class

- Volunteer, read across the glob

- Career Day participant at various FBISD schools

Voter registration drives and member, The Fort Bend Church

As a new home owner, I would like to assist int he decision making process for growing a world class community that attracts business, retail and families to Missouri City

Hobbies/Personal/Family Interests::

N/A

References (optional)::

Mayor Yolanda Ford

Length of residence in the City::

18

Are you a registered voter?::

Yes

If available, please attach your resume::

No file was uploaded

Do you have time to commit to this service? That is, attend meetings, study the matters to be brought before this board/committee/commission, and participate in all its activities?:: Yes

Submission Date:: 2/9/2020

Signature of Applicant:: James Davidson, Jr.



CITY OF MISSOURI CITY

BOARD/COMMITTEE/COMMISSION APPLICATION

Debbie Poncik _____ D _____
Name **District**

_____ Missouri City, Texas 77459 _____
Address **City, State, Zip Code**

QUAIL VALLEY ELDORADO Section : 1 _____
Subdivision

_____ **Phone Number** _____ **Email Address** _____

Office Manager of Furry Friend Pet Care _____

Occupation/Employer/Job Title

High School _____

Education

On which Board/Committee/Commission would you like to serve?::

Park _____

Explain why::

I would like to be more involved in my community. I attended MCCU and learned about all the different areas of the city. _____

Please list your civic or community involvement which you feel would make you an ideal candidate for the position you are applying for.::

I attend MCCU. _____

Volunteered at the Rec Center during Harvey. _____

I have volunteered with the care of the animals as well as transportation for MCAS. _____

I am a CASA/GAL (Court Appointed Special Advocate/Guardian ad Litem) for Child Advocates of Fort Bend. _____

I have been a volunteer at schools in FBISD for over 20 years. I also was Associate Principle Secretary and worked at Dulles Middle School for 10 years.

I am involved with Social Concerns at St. Laurence Catholic Church.

Hobbies/Personal/Family Interests::

My hobbies include sewing, crafts and reading. My passion is caring for animals and people. I love volunteering and being a voice for children in CPS custody.

References (optional)::

Jessica Rhudy owner of Furry Friend Pet Care

Dawn Mungroo staff member I worked with at Dulles Middle School

Anthony Maroulis-I have worked with him during my time at FBISD

Length of residence in the City::

14 years

Are you a registered voter?::

Yes

If available, please attach your resume::

No file was uploaded

Do you have time to commit to this service? That is, attend meetings, study the matters to be brought before this board/committee/commission, and participate in all its activities?:: Yes

Submission Date:: 5/01/2020

Signature of Applicant:: Debbie Poncik



CITY COUNCIL AGENDA ITEM COVER MEMO

June 15, 2020

To: Mayor and City Council
Agenda Item: 2(d) Charter Review Process
Submitted by: E. Joyce Iyamu, City Attorney

SYNOPSIS

This item provides the City Council with information relating to the 2020 Charter Review Commission process.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Develop a high performance City team.

BACKGROUND

The City of Missouri City (“City”) is a Texas home-rule municipality that has its own charter. A charter is the foundation upon which a home-rule city may self-govern. A charter is similar to a corporation’s articles of formation. The purpose of the Charter Review Commission (the “CRC”) is to review the City Charter to determine if any changes are merited. The last City Charter amendment election was held in 2017.

In the event the 2020 CRC recommends amending the City Charter, and in the event City Council decides to move forward with an election on the amendment of the City Charter, the Charter amendment election may be held in May of 2021. To abide by the terms of the Charter and to provide enough time for City Council’s consideration of potential amendments and the Spanish translation of potential amendments, staff recommends that the CRC submit its report to City Council no later than December 7, 2020.

Pursuant to the City Charter, an appointment to the CRC lasts for a period of six months. On June 8, 2020, you appointed the following individuals to the CRC:

- JaPaula Kemp (District B);
- Shirley Paul (District B);
- Jeanette Quimby (District A);
- Mary Ross (District D); and
- Joe Workman (District D).

Staff leadership team members have been asked to provide the Legal Division with potential amendments by Friday, June 26, 2020. Council may utilize this opportunity to identify any potential Charter amendments desired by Council. Council will ultimately determine whether potential amendments, if any, are submitted to voters.

Staff has contacted the newly appointed CRC members to poll members for their availability. The first meeting is expected to take place in July.

BUDGET ANALYSIS

\$150 has been allocated to provide the CRC with dinner before meetings, if in-person meetings are able to take place between now and December 2020.

Purchasing Review: N/A

Financial/Budget Review: N/A

SUPPORTING MATERIALS

1. City Charter Section 11.13

STAFF'S RECOMMENDATION

Discuss the 2020 Charter Review Commission process and submit any desired amendments to staff for consideration by the Charter Review Commission.

Sec. 11.13. - Charter review commission.

The council shall appoint a charter review commission at least every four (4) years. The council shall appoint the first charter review commission after the adoption of this provision no later than July, 1981. All charter review commissions shall be appointed in July and each shall consist of five (5) citizens of the City of Missouri City.

A. *Duties of the commission.*

1. Inquire into the operation of the city government under the Charter provisions and determine whether any such provisions require revision. To this end public hearings may be held, and the commission shall have the power to compel the attendance of any officer or employee of the city and require the submission of any of the city records which it may deem necessary to the conduct of such hearing.
2. Propose any recommendations it may deem desirable to ensure compliance with the provisions of the Charter by the several departments of the city government.
3. Propose, if it deems desirable, amendments to this Charter to improve the effective application of the Charter to current conditions.
4. Report its finding and present its proposed amendments, if any, to the council.

B. *Action by council.* The council shall receive and have published in the designated official public newspaper of the city a summary of any report presented by the Charter review commission; shall consider any recommendations made, and if any amendments be presented as part of such report, may order such amendment or amendments to be submitted to the voters of the city in the manner provided by law.

C. *Term of office.* The term of office of such Charter review commission shall be six (6) months; and at the completion of such term a report shall be presented to the council, and all records of the proceedings of such commission shall be filed with the city secretary and shall become a public record.

(Ord. No. O-78-12, § 3(12), 5-1-1978/4-1-1978; Ord. No. O-92-14, § 1, 3-1-1992/5-2-1992)