

ALLEN OWEN
Mayor

JERRY WYATT
Councilmember at Large Position 1

CHRIS PRESTON
Councilmember at Large Position 2



YOLANDA FORD
Councilmember District A

DON SMITH
Councilmember District B

ANTHONY G. MAROULIS
Councilmember District C

FLOYD EMERY
Mayor Pro Tem
Councilmember District D

CITY COUNCIL SPECIAL MEETING AGENDA

Notice is hereby given of a Special City Council Meeting to be held on **Monday, February 6, 2017, at 6:00 p.m.** at: **City Hall, Council Conference Room, 2nd Floor, behind the Council Chamber**, 1522 Texas Parkway, Missouri City, Texas, 77489, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

1. CALL TO ORDER

2. DISCUSSION/POSSIBLE ACTION

- (a) Discuss Fort Bend County Municipal Utility District Number 48's requests for annexation.
- (b) Discuss the City's monthly financial updates.
- (c) Discuss the City's economic development plan.
- (d) Discuss the City's compensation philosophy.

3. CLOSED EXECUTIVE SESSION

The City Council may go into Executive Session regarding any item posted on the Agenda as authorized by 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 Texas 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:

- (a) Newpoint Estates Homeowners Association, and L.J. Butterfield & Ivan Butterfield v. Allen Owen, in his official capacity as Mayor of the City of Missouri City, Texas, Scott Elmer, in his official capacity as Assistant City Manager of the City of Missouri City, Texas, Otis Spriggs, in his official capacity as Director of Development Services of Missouri City, Texas, and The City of Missouri City, Texas, Fort Bend County Case No. 17-DCV-238465, in the 434th District Court, Fort Bend County, Texas; and
- (b) Creekmont Community Association, Inc. v. the City of Missouri City, Texas; Allen Owen, in his official capacity as Mayor of the City of Missouri City, Texas; Otis Spriggs, in his official capacity as Director of Development Services; and Scott Elmer, in his official capacity as assistant city manager; in the 61st Judicial District Court of Harris County, Texas Cause No. 2017-05988.

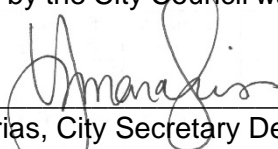
Texas Government Code, Section 551.074 – Deliberation concerning the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: city manager, city secretary, and city attorney.

- 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 February 6, 2017, agenda of items to be considered by the City Council was posted on the City Hall bulletin board on February 3, 2017, 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 _____, 2017.

Signed: _____ Title: _____



CITY COUNCIL AGENDA ITEM COVER MEMO

February 6, 2017

To: Mayor and City Council
Agenda Item: 2(a) Fort Bend County Municipal Utility District No. 48 Proposed Annexations
Submitted by: Scott Elmer, P.E., Assistant City Manager

SYNOPSIS

MUD 48 has petitioned the city to allow the annexation of property, located between the Fort Bend Tollroad and the existing MUD boundary (the western portion of the Rocky Lai tract). City Council has previously zoned this property residential and the Olympia Estates developer wishes to purchase and develop the property, pending annexation by the MUD.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a Great Place to Live
- Maintain A Financially Sound City Government
- Grow Business Investments In Missouri City
- Have Quality Development Through Buildout

BACKGROUND

In 2010 and 2011, respectively, the City entered into an agreement with Fort Bend County Municipal Utility District No. 48 for the provision of wastewater and water, respectively, and the operation of several facilities. Last year, the City amended those agreements to limit the application of the 2010 and 2011 agreements to the land that lies south of Lake Olympia Parkway that was in the District on February 15, 2016.

The 2016 utility agreement, which applied to land that lied north of Lake Olympia Parkway, allowed new customers to pay the current impact fees for water and wastewater capacity, provided that such customers would be City customers, and eliminated the requirement that the District customers north of Lake Olympia Parkway pay maintenance and operations charges, pay into the maintenance and operations reserve account and pay capital recovery costs. Additionally, the City represents that it has sufficient capacity or will have sufficient capacity to serve the land subject to the 2016 utility agreement. The current rates for water and wastewater capacity under the existing agreement are \$1,009.84/ESFC and \$2,276.29/ESFC, respectively.

Since the 2016 utility agreement was executed, there has been an exponential amount of growth and potential growth in the area, both north and south of Lake Olympia Parkway. Staff received a request from the District to annex one such area last year. At that time, the District assumed that the 2016 agreement applied to all new areas of the District. The City Council consented to the annexation of the portion of the area that was subject to the 2016 utility agreement in September of 2016. Staff and the District have been discussing potential amendments to the 2016 utility agreement and new agreements since that time to address the potential annexation of property south of Lake Olympia Parkway.

The District intends to submit a request for a revised agreement and a request for the City's consent to annex additional property in the near future.

Staff feels that it is in the best interest of the City to pursue a revised agreement and to consider future district annexations for the following reasons.

- It is consistent with City actions that allowed the creation of MMD 1 and MMD 2 where the residents remain city customers and the special district serves only as a financing mechanism.
- It allows staff and the MUD to create a new agreement that is more advantageous to both parties.
- It keeps a level playing field for all development in the Mustang Bayou Utility Service Area.
- It facilitates the development of a property that would not develop otherwise without a reimbursement mechanism.
- It furthers the ultimate regionalization of utilities in the service area and delays the capital expenditures of a future plant expansion.

BUDGET ANALYSIS

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

SUPPORTING MATERIALS

1. Fort Bend County Municipal Utility District No. 48 Boundary Map (color-coded)

STAFF'S RECOMMENDATION

Provide guidance to staff on whether staff should work with MUD 48 to develop an agreement that will allow the pending annexation and can serve as a model for future annexations.

Director Approval: Scott R. Elmer, P.E.

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

