

**ALLEN OWEN**  
Mayor

**JERRY WYATT**  
Councilmember at Large Position 1

**CHRIS PRESTON**  
Councilmember at Large Position 2



**YOLANDA FORD**  
Mayor Pro Tem  
Councilmember District A  
**JEFFREY L. BONEY**  
Councilmember District B  
**ANTHONY G. MAROULIS**  
Councilmember District C  
**FLOYD EMERY**  
Councilmember District D

## **CITY COUNCIL MEETING AGENDA**

Notice is hereby given of a meeting of the City Council of Missouri City to be held on **Monday, September 17, 2018, 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.

**1. ROLL CALL**

**2. PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance will be led by Fire Chief Eugene Campbell.

**3. PRESENTATIONS AND RECOGNITIONS** – *There are no Presentations and Recognitions on this agenda.*

**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.

(b) Presentation of the Missouri City Fire and Rescue Services Department annual report.

**6. CONSENT AGENDA**

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

(a) Consider approving the minutes of the special and regular City Council meetings of September 4, 2018, and the special City Council meetings of September 5, 2018, and September 10, 2018.

(b) Consider an ordinance amending the standards and regulations contained in the specific use permit for River Pointe Church to allow for the development of a fellowship pavilion and exterior sign; providing for an amendment to the Comprehensive Plan; providing a penalty; and consider the ordinance on the second and final reading. The subject site is located north of Knights Court, south of Colony Lakes, east of Elkins High School and west of the center at Knights Court Shopping Center.

- (c) Consider an ordinance amending the regulations and restrictions of PD Planned Development District No. 88 pertaining to fence regulations for the Dry Creek Village residential subdivision; providing for an amendment to the Comprehensive Plan; providing a penalty; and consider the ordinance on the second and final reading. The subject site is located within PD No. 88, south of Lake Olympia Parkway, east of the Olympia Estates and Vicksburg residential subdivisions, and west of the Fort Bend Parkway.
- (d) Consider an ordinance amending Chapter 18, Businesses, of the Missouri City Code; amending regulations relating to mobile food units; providing a penalty; and consider the ordinance on the second and final reading.

**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**

- (1) Public hearing to receive comments for or against the proposed levy of assessments on certain residential lots within Section 8, Lake Shore Harbour subdivision, for public improvements in Public Improvement District No. 2; and consider an ordinance levying the same on the first of two readings.
- (2) Public hearing to receive comments concerning the City of Missouri City, Texas budget for the fiscal year beginning October 1, 2018, and ending on September 30, 2019; making appropriations for the City for such fiscal year as reflected in said budget; adopting a projection for Capital Improvement Program spending beginning October 1, 2019, and ending September 30, 2023; adopting pay structures and an incentive and certification pay plan within such budget for non-exempt personnel, exempt personnel, fire personnel, and police personnel; making certain findings; containing certain provisions relating to the subject; and consider the ordinance on the first and final reading.
- (3) Second and final public hearing to receive comments regarding the City's proposed tax rate of up to \$0.63000.
- (4) Public hearing to receive comments regarding the proposed groundwater pumpage fee recommended by the Groundwater Reduction Plan (GRP) Oversight Committee.

**8. APPOINTMENTS**

(a) Consider nominating and casting votes for candidates to the Texas Municipal League Intergovernmental Risk Pool (TMLIRP) Board of Trustees.

**9. AUTHORIZATIONS**

- (a) Consider authorizing the execution of an interlocal agreement with the Fort Bend County Sheriff's Office for housing county officers in a City of Missouri City facility.
- (b) Consider authorizing the City Manager to execute a contract for sidewalk construction and repair services.
- (c) Consider authorizing the City Manager to execute a contract for pavement construction and repair services.
- (d) Consider authorizing the City Manager to execute a contract for concrete pavement lifting services.

- (e) Consider authorizing an interlocal agreement with the City of Stafford for the use of the Missouri City Animal Shelter.
- (f) Consider authorizing the request by Farmers Market Partners to host a farmers market on the first and third Saturday of each month at 2700 Lake Olympia Parkway.

**10. ORDINANCES**

- (a) Consider an ordinance amending the general budget for the fiscal year beginning July 1, 2017, and ending September 30, 2018; transferring various appropriations among accounts; appropriating supplemental revenue to various fund accounts; authorizing the appropriate city official to take steps necessary to accomplish such transfers; making certain findings; containing certain provisions relating to the subject; and consider the ordinance on the first and final reading.

**11. RESOLUTIONS**

- (a) Consider a resolution amending the bylaws for the Missouri City Parks Foundation.

**12. CITY COUNCIL ANNOUNCEMENTS**

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

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

**13. CLOSED EXECUTIVE SESSION**

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

**14. RECONVENE**

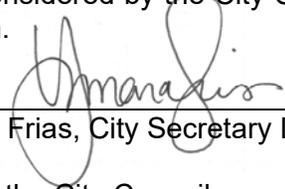
*Reconvene into Regular Session and Consider Action, if any, on items discussed in Executive Session.*

**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 September 17, 2018, agenda of items to be considered by the City Council was posted on the City Hall bulletin board on September 13, 2018, 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 \_\_\_\_\_, 2018.

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

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



**Council Agenda Item  
September 17, 2018**

1. **ROLL CALL**
  2. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance will be led by Fire Chief Eugene Campbell.
  3. **PRESENTATIONS AND RECOGNITIONS** – *There are no Presentations and Recognitions on this agenda.*
  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.
    - (b) Presentation of the Missouri City Fire and Rescue Services Department annual report.
-

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**JERRY WYATT**  
Councilmember at Large Position 1

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Councilmember at Large Position 2



**YOLANDA FORD**  
Mayor Pro Tem  
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 **Tuesday, September 4, 2018**, at the City Hall, Council Conference Room, 2nd Floor, behind the Council Chamber, 1522 Texas Parkway, Missouri City, Texas, 77489, at **6:00 p.m.** to consider the following:

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

Mayor Owen called the meeting to order at 6:01 p.m.

Those also present: Councilmembers Wyatt, Preston, Boney, Maroulis, and Emery; City Manager Snipes, City Secretary Jackson, Assistant City Manager Atkinson, Assistant City Manager Elmer, Director of Parks and Recreation Mangum, Director of Public Works Kumar, Director of Communications Walker, Interim Director of Finance Clarkson, Fire Chief Campbell, Assistant City Attorney Quintal, Assistant City Attorney Santangelo, and Police Sergeant Doench. Also present: Frank Hester, Renee Yan, Monica Riley, and Angie Wierzbicki. Mayor Pro Tem Ford arrived at 6:09 p.m. Absent: City Attorney Iyamu.

Councilmember Emery moved to take agenda item 2b out of order. Councilmember Wyatt seconded. **MOTION PASSED UNANIMOUSLY.**

See agenda item 2b for action taken.

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

(a) Budget work session to discuss Council priorities and the proposed Fiscal Year 2019 Budget.

City Manager Snipes presented on City Council priorities and the proposed Fiscal Year 2019 Budget.

(b) Fiscal Year 2019 Capital Improvements Program (CIP) overview.

Assistant City Manager Elmer presented an overview of the 2019 Capital Improvements Program. Councilmember Maroulis asked if the parking lot lines stripes at Municipal Court would be replaced soon. Elmer stated it was included as part of the bond package and would be done this year. Director Mangum spoke about the funding received to build a new playground at Roane Park.

### **3. ADJOURN**

The special City Council meeting adjourned at 7:01 p.m.

*ATTEST:*

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Allen Owen, Mayor

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Maria Jackson, City Secretary

**ALLEN OWEN**  
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**JERRY WYATT**  
Councilmember at Large Position 1

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Councilmember at Large Position 2



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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, September 4, 2018**, 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 Owen called the meeting to order at 7:06 p.m.

Those also present: Councilmembers Wyatt, Preston, Boney, Maroulis, and Emery; City Manager Snipes, Assistant City Attorney Quintal, and City Secretary Jackson. Mayor Pro Tem Ford arrived at 7:26 p.m. Absent: City Attorney Iyamu.

**2. The PLEDGE OF ALLEGIANCE** was led by Assistant City Manager Atkinson.

### **3. PRESENTATIONS AND RECOGNITIONS**

Chief Berezin and Officer Ibanez recognized Police K-9, Hektor, on his retirement and for his years of service with the City of Missouri City. Mayor Owen and Cory Stottlemeyer recognize Boy Scout Luke Parker and the Scouts in Troop 828 for creating outdoor recreational equipment for the pets at the Missouri City Animal Services shelter. Mayor Owen and Health Inspector Abraham presented the Clean Restaurant Award to local establishments. Community Resource Unit presented on National Night Out events.

### **4. PUBLIC COMMENTS**

**William McMullen**, 2103 Quail Valley East Drive, expressed concerns with the new fee structure at StaMo Park and the poor condition of the StaMo complex. McMullen stated the City increased fees but not the service.

**Jana McMullen**, 2103 Quail Valley East Drive, expressed concerns regarding new fee structure at StaMo Park.

### **5. STAFF REPORTS**

City Manager Snipes provided hurricane season updates. He announced the upcoming Fiscal Year 2019 budget meeting dates as follows: budget overview on September 10; first public hearing on September 13; and, second hearing of the proposed tax rate on September 17. Snipes congratulated the Parks and Recreation Department who received a competitive KaBoom! grant for new playground in Roane Park. He stated the METRO community connector launched on August 27. Snipes announced the following upcoming events: Police Department Car Seat Inspection event on September 6; Free Skills and Drills Lacrosse Clinic on August 25 with a second session on September 15; Second Annual Employee Conference on September 14; Community Connection Forum on September 18; Second Annual Oktoberfest on September 22; Job Fair & Career Development Forum on September 28; 2018 National Night Out on October 2; and, Community Night Out on October 6. Snipes highlighted the following events: grand opening of Baskin-Robbins on August 25 and Sugar's Cajun Cuisine on August 30. Snipes recognized Cory Stottlemeyer for his contributions to the City during his five years of service.

**6. CONSENT AGENDA**

- (a) Consider approving the minutes of the special and regular City Council meetings of August 20, 2018, and the special meeting minutes of August 27, 2018, and August 29, 2018.
- (b) Consider an ordinance changing the name of Lakeshore Harbour Boulevard, a public street located in the City of Missouri City, Texas, to Trammel Fresno Road; and consider the ordinance on the second and final reading.

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

**7. PUBLIC HEARINGS AND RELATED ACTIONS**

**(a) Zoning Public Hearings and Ordinances**

- (1) Public hearing to receive comments for or against a request to amend the standards and regulations contained in the specific use permit for River Pointe Church to allow for the development of a fellowship pavilion and exterior sign; providing for an amendment to the Comprehensive Plan; providing a penalty; and consider a related ordinance on the first of two readings. The subject site is located north of Knights Court, south of Colony Lakes, east of Elkins High School and west of the center at Knights Court Shopping Center.

Councilmember Maroulis moved to open the public hearing at 7:54 p.m. Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

Planner II White presented on a request by Dean King to amend the standards and regulations contained in ordinance O-15-62 to allow for the development of a fellowship pavilion. White stated they received positive recommendation to move forward from the Planning and Zoning Commission and staff.

Councilmember Emery moved to close the public hearing at 7:56 p.m. Councilmember Wyatt seconded. **MOTION PASSED UNANIMOUSLY.**

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

- (2) Public hearing to receive comments for or against a request to amend the regulations and restrictions of PD Planned Development District No. 88 pertaining to fence regulations for the Dry Creek Village residential subdivision; providing for an amendment to the Comprehensive Plan; providing a penalty; and consider a related ordinance on the first of two readings. The subject site is located within PD No. 88, south of Lake Olympia Parkway, east of the Olympia Estates and Vicksburg residential subdivision, and west of the Fort Bend Parkway.

Councilmember Wyatt moved to open the public hearing at 7:57 p.m. Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

Planning Manager Gomez presented on a request to amend the regulations and restrictions of PD, Planned Development District No. 88 pertaining to fence regulations for the Dry Creek Village residential subdivision. Gomez stated staff recommended approval to allow for the construction of the fence with two conditions: the fence should meet the color requirements for primary material permitted colors; and, the masonry pilasters should meet the requirements of Section 14.3. The Planning and Zoning Commission forward a negative recommendation due to the color chosen. Gomez noted the developer has proposed alternative colors. Mayor Pro Tem Ford inquired on the lifespan of the vinyl. David Glunt, the applicant, stated it had a lifetime warranty or 30 years. Councilmember Wyatt requested that the applicant note his color preference. Glunt stated they would like earth tones such as browns and umber rust.

Councilmember Wyatt moved to close the public hearing at 8:07 p.m. and approve the ordinance with the umber rust vinyl fence color as the primary material color. Councilmember Maroulis seconded. **MOTION PASSED UNANIMOUSLY.**

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

**10. ORDINANCES**

- (a) Consider an ordinance amending Chapter 18, Businesses, of the Missouri City Code; amending regulations relating to mobile food units; providing a penalty; and consider the ordinance on the first of two readings.

Director of Development Services Spriggs discussed the proposed ordinance amendments to Division 5, Article II, of Chapter 18, Businesses, of the Missouri City Code, which provide regulations pertaining to mobile food units. The regulation was proposed to allow the director to review and consider applications that satisfy reasonable distance requirements regarding hand-washing facilities, and operational requirements of mobile food units (MFU's) that do not constitute a substantial hazard to public health or public safety. The proposed text amendment changes provide flexibility in the regulations regarding location(s) where the MFU's could be in operation in proximity to other units and facilities; and, provides for deviations of deficiencies that would not constitute substantial hazard to public health or public safety. Councilmember Wyatt noted the proposed amendments do not change where mobile trucks would be allowed. He also inquired if it allows the fire marshal to make such determination. Spriggs stated the fire marshal would make determinations based on their evaluation.

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

There were no **RESOLUTIONS.**

**12. CITY COUNCIL ANNOUNCEMENTS**

Councilmember Preston gave kudos to the Animal Services team for a successful Animal Shelter open house event. Councilmember Emery spoke about the upcoming Missouri City Police Department golf tournament. Councilmember Maroulis stated it was good to see the clean restaurant awards and that we need to go support them. Councilmember Boney noted his excitement as residents took advantage of the new METRO service. Mayor Owen stated 102 residents used the METRO service first week. He also noted City Council would have a joint meeting with the Fort Bend County Independent School District on September 5 and that enrollment would be taking place at Houston Community College.

**13. ADJOURN**

The regular City Council meeting adjourned at 8:16 p.m.

*ATTEST:*

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Allen Owen, Mayor

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Maria Jackson, City Secretary

**ALLEN OWEN**  
Mayor

**JERRY WYATT**  
Councilmember at Large Position 1

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Councilmember at Large Position 2



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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 **Wednesday, September 5, 2018**, at the Emergency Operations Training Room, 3845 Cartwright Road, Missouri City, Texas, 77459, at **5:00 p.m.** to consider the following:

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

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

Those also present: Councilmembers Wyatt, Maroulis, and Emery; City Manager Snipes, City Secretary Jackson, Assistant City Manager Atkinson, Assistant City Manager Elmer, Fire Chief Campbell, First Assistant City Attorney Way, Assistant City Attorney Santangelo, IT Specialist II Rooda, and Community Relations Coordinator Matte. Councilmember Boney arrived at 5:13 p.m. Absent: Mayor Pro Tem Ford, Councilmember Preston, and City Attorney Iyamu.

Also present from Fort Bend Independent School District (ISD): Board President Burdine, Board Secretary Rosenthal, Board Member Rice, Board Member George, and Board Member Tassin; Superintendent Dupre, Board Counsel Morris, Chief of Schools Rodriguez, Chief of Staff and Strategic Planning Martinez, Chief Information Officer Pham, and Chief Operations Officer Mr. Perez. Vice President Heyliger arrived at 5:40 p.m.

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

(a) Discuss coordination of planning for City and Fort Bend Independent School District growth.

Mayor Owen and Board President Burdine began discussions with opening remarks. Discussions continued to acknowledge mutual beliefs of an ongoing partnership committed to the success of Fort Bend ISD growth, students, and the City of Missouri City. Councilmember Maroulis left the City Council meeting at 6:00 p.m.

(b) Discuss legislative priorities for the 86th Legislative Session.

Board Member Rice discussed school finances. City Manager Snipes and Board Member Tassin went over the proposed legislative priorities for the 86th Legislative Session.

### **3. ADJOURN**

The special City Council meeting adjourned at 6:53 p.m.

*ATTEST:*

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Allen Owen, Mayor

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Maria Jackson, City Secretary

**ALLEN OWEN**  
Mayor

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Councilmember at Large Position 1

**CHRIS PRESTON**  
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Councilmember District B

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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 **Monday, September 10, 2018**, at the City Hall, Council Conference Room, 2nd Floor, behind the Council Chamber, 1522 Texas Parkway, Missouri City, Texas, 77489, at **5:30 p.m.** to consider the following:

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

Councilmember Wyatt called the meeting to order at 5:30 p.m.

Those also present: Councilmembers Preston, Boney, Maroulis, and Emery; City Manager Snipes, City Attorney Iyamu, City Secretary Jackson, Assistant City Manager Atkinson, Director of Human Resources/Organizational Development Williams, Interim Director of Financial Services Clarkson, Director of Communications Walker, Budget & Financial Reporting Manager Alexander, and Senior Budget Analyst Aaron. Absent: Mayor Owen and Mayor Pro Tem Ford.

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

(a) Discuss the proposed Fiscal Year 2019 budget.

City Manager Snipes discussed the proposed Fiscal Year 2019 Budget.

(b) Update on the compensation and benefits study.

Director of Human Resources/Organizational Development Williams presented an update on the compensation and benefits study. Councilmember Preston left the City Council meeting at 5:58 p.m.

### **3. ADJOURN**

The special City Council meeting adjourned at 6:21 p.m.

*ATTEST:*

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Allen Owen, Mayor

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Maria Jackson, City Secretary



**CITY COUNCIL  
AGENDA ITEM COVER MEMO**

**September 17, 2018**

**To:** Mayor and City Council  
**Agenda Item:** 6(b) River Pointe Church Missouri City – SUP #197 Amendment  
**Submitted by:** Thomas K. White Jr., Planning II

**SYNOPSIS**

This is the second and final reading of an ordinance to amend the standards and regulations contained in ordinance O-15-62, pertaining to SUP #197, a request by Dean King, Executive Pastor, River Pointe Community Church, to allow for the development of a fellowship pavilion; and to the extent such rezoning does not deviate from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

The subject site is located north of Knights Court, south of Colony Lakes, east of Elkins High School and west of the center at Knights Court Shopping Center.

**STRATEGIC PLAN 2019 GOALS ADDRESSED**

- Create a great place to live

**BACKGROUND & SYNOPSIS**

River Pointe Church was founded in December 1996 with five families and has since grown with over 4,000 members and worship services conducted at three locations – Richmond, Houston and Missouri City. After operating from school auditoriums in its early years, River Pointe Church moved into a permanent campus in Richmond in 1995. Worship services have been held at the Missouri City location at Elkins High School.

In 2015, Ordinance O-15-62 pertaining to SUP, Specific Use Permit #197 was approved to allow for the church to construct its permanent campus just adjacent to the Elkins High School campus. Ordinance O-15-62 allowed for the place of assembly as well as certain architectural, landscaping and sign regulations that took into consideration the significant portion of the site that would be encumbered for drainage and detention purposes.

Construction on the Missouri City campus is now underway, beginning in April 2018.

The applicant has submitted this request to allow for certain deviations from the city's architectural design standards in the future construction of a fellowship pavilion to be located on the campus.

As part of this application, a 41-foot tall climber visual structure piece is proposed, similar to the one displayed at the original campus in Richmond TX; it would be considered as signage and meets the building height requirement allowance for SD. Presently the city does not have a code pertaining to art.

City Council approved the ordinance on first reading with no changes.

## SUPPORTING MATERIALS

1. Ordinance
2. Ordinance O-15-62
3. Application
4. Pavilion example images
5. Ortho map
6. Notice of public hearing
7. Rezoning application protest letters analysis

## STAFF'S RECOMMENDATION

Staff recommends approval of the ordinance on the final reading.

**Director Approval:**

Otis T. Spriggs, AICP, Development Services Director

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

Scott Elmer, P.E., Assistant City Manager

ORDINANCE NO. O-18-\_\_

**AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING A SPECIFIC USE PERMIT AUTHORIZING THE USE OF AN 18.90-ACRE TRACT OF LAND IN THE CITY OF MISSOURI CITY AS A SPECIFIC USE-PLACES OF ASSEMBLY; DESCRIBING SAID 18.90-ACRE TRACT OF LAND; PROVIDING LIMITATIONS, RESTRICTIONS, AND CONDITIONS ON SUCH SPECIFIC USE; REFERENCING A SITE PLAN; PROVIDING FOR CERTAIN CONSTRUCTION ACCORDING TO SAID PLAN; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MISSOURI CITY; PROVIDING FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.**

\* \* \* \* \*

WHEREAS, River Pointe Community Church, is the owner of an 18.90-acre tract of land within the corporate limits of the City of Missouri City, Texas (the "Property"); and

WHEREAS, said Property presently has a zoning classification of SD suburban district under Ordinance No. O-81-1, adopted on January 19, 1981, and is subject to Specific Use Permit No. 197 under Ordinance No. O-15-62, adopted on November 16, 2015; and

WHEREAS, the owner's agent, Dean King of River Pointe Church, has made application to the City of Missouri City for an amendment to the specific use permit authorizing the use of said Property as a Specific Use-Places of Assembly; and

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

WHEREAS, the Planning and Zoning Commission has issued its final report and the City Council of the City of Missouri City now deems it appropriate to grant such requested specific use permit; now therefore,

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

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

Section 2. As required by law, the City Council of the City of Missouri City conducted the public hearing on the request to amend the specific use permit and closed the public hearing prior to the final adoption of this Ordinance.

Section 3. The Property is more fully described in the legal description in Exhibit “A,” attached hereto and made a part hereof for all purposes, and is depicted in Exhibit “A-1,” attached hereto and made a part hereof for all purposes. Exhibit “A-1” shall be for reference purposes only. In the event that Exhibit “A-1” conflicts with Exhibit “A,” Exhibit “A” shall prevail.

Section 4. The specific use of the Property authorized and permitted by this Ordinance is Places of Assembly.

Section 5. The specific use authorized and permitted by this Ordinance shall be developed in accordance with the Missouri City Code and the City of Missouri City Zoning Ordinance and shall be developed in accordance with the site plan, Exhibit “B,” attached hereto and made a part hereof for all purposes, and as specifically set forth herein and subject to the following limitations, restrictions, and conditions:

**I. Use Permitted.** The following specific use shall be permitted:

Places of Assembly

**II. Standards and Regulations.**

**A. Architectural Design Standards.** Except as provided herein, the requirements of Section 7A, Architectural Design Standards, of the City of Missouri City Zoning Ordinance shall apply.

1. The use of visible pitched roofs or architectural elements with visible pitched roofs is not required for the accessory structure consisting of a pavilion.
2. Except as provided herein, buildings may be constructed as depicted and described on Exhibit “C,” Elevations. Concrete masonry block materials may be used for the building to be located beneath the pavilion as described and depicted in the River Pointe Church Missouri City Campus Elevations, Drawing Number SUP 1.00, set forth in Exhibit “D”. Such building may be visible from a street or driveway used by the general public and is not required to have a pitched roof element.

**B. Landscaping regulations.** Except as provided herein, the requirements of Section 11, Landscaping, of the City of Missouri City Zoning Ordinance shall apply.

1. The number and location of planting islands and diamonds may be provided as depicted on Exhibit “B”, Site Plan, provided that the requirements of subsection 11.5.A of the City of Missouri City Zoning Ordinance are met.

- C. Sign regulations.** Except as provided herein, the sign regulations for nonresidential districts contained in Section 13, Sign Regulations, of the City of Missouri City Zoning Ordinance shall apply.
1. The requirements of subsection 13.12.G.5 of the City of Missouri City Zoning Ordinance do not apply provided that a monument sign shall be constructed as provided and depicted on Exhibit “E,” Monument Sign.
  2. The sign depicted in Exhibit “F” is allowed.
- D. Trash disposal regulations.** Except as provided herein, the trash disposal regulations contained in Subsection 9.14, Trash disposal regulations, of the City of Missouri City Zoning Ordinance shall apply.
1. The trash disposal regulations for nonresidential zones, specifically LC-3 retail districts, shall apply.
- E. Outside placement, storage, sales and services regulations.** Outside placement, storage, sales, and services are prohibited, except during the place of assembly’s festivals and permitted special events.
- F. Development Schedule.** This Ordinance shall expire on the fifth anniversary of the date the first specific use permit application was filed, provided no progress has been made toward the completion of this project.

Section 6. The Zoning District Map of the City of Missouri City shall be revised and amended to show the specific use permitted on said 18.90 acres of land as provided in Section 3 hereof, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the changes.

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

Section 8. *Comprehensive plan deviation.* To the extent this Ordinance represents any deviation from the Future Land Use and Character map of the City of Missouri City Comprehensive Plan, such map is hereby amended to conform with this Ordinance.

Section 9. *Repeal.* Ordinance No. O-15-62, adopted on November 16, 2015, is hereby repealed. Any ordinance or any part of any other ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

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

Section 11. *Severability.* In the event any section, paragraph, subdivision, clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED and APPROVED on first reading this 4<sup>th</sup> day of September, 2018.

PASSED, APPROVED and ADOPTED on second and final reading this 17<sup>th</sup> day of September, 2018.

\_\_\_\_\_  
Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

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

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

***18.9002 acres of land in the Elijah Roark League Survey, Abstract No. 77,  
Fort Bend County, Texas***

A FIELD NOTE DESCRIPTION of a 18.9002 acre (823,295 square feet) tract of land in the Elijah Roark League Survey, Abstract No. 77, Fort Bend County, Texas; said 18.9002 acre tract being a tract of land conveyed to Amanda H. Wood, as recorded in Fort Bend County Clerk's File No. 2010099143 and also being out of Reserve "C", Herman Hospital Estate Large Acreage Tract Plat, according to the map or plat recorded in Slide No. 1092A of the Fort Bend County Plat Records; said tract being more particularly described by metes-and-bounds as follows with the bearings being based on Texas State Plane Coordinate System, South Central Zone (NAD83) per GPS Observations using National Geodetic Survey Continuously Operating Reference Stations:

BEGINNING at a 5/8-inch rod found in the south right-of-way line of a 80 foot wide Levee for a northeast corner of Reserve B of said Herman Hospital Estate Large Acreage Tract Plat and for a northwest corner of this tract;

THENCE, North 87° 15' 11" East - 707.10 feet with the south of said Levee to a 5/8-inch iron rod found for a northwest corner of a remainder of 13.729 acre tract of land conveyed to Kwan Family Living Trust, as recorded in Fort Bend County Clerk's File No. 2009004785 and for a northeast corner of this tract;

THENCE, South 02° 57' 55" East - 599.14 feet with west line of said 13.729 acre tract to a 5/8-inch iron rod with cap stamped "RPLS 3438" found for the northwest corner of a called 0.1849 acre tract of land conveyed to Fort Bend County Municipal Utility District No. 46, as recorded in Fort Bend County Clerk's File No. 20090017799 and for an angle point of this tract;

THENCE, South 35° 17' 11" East - 152.38 feet with the west line of said 0.1849 acre tract to a 5/8-inch iron rod with cap found in the northeast right-of-way line of Knights Court (60 feet wide) for a southeast corner of this tract;

THENCE, in a southwesterly direction with the southwest right-of-way line of said Knights Court and with a curve to the left having a radius of 830.00 feet, a central angle of 14° 40' 11", a length of 212.51 feet, and a chord bearing South 47° 27' 13" West - 211.93 feet to a 5/8-inch iron rod found for the end of said curve;

THENCE, South 40° 00' 40" West - 968.60 feet with the southwest right-of-way line of said Knights Court to a 5/8-inch iron rod with cap stamped "T.E.A.M." set for an interior corner of said Reserve "B" and for a southwest corner of this tract;

THENCE, North 05° 46' 37" West - 229.34 feet to a 5/8-inch iron rod found for an angle point of this tract;

THENCE, the next 5 calls with the centerline of a 120 foot drainage easement, as recorded in Volume 2381, Page 1613 and in Volume 2398, Page 2063 of the Fort Bend County Deed Records:

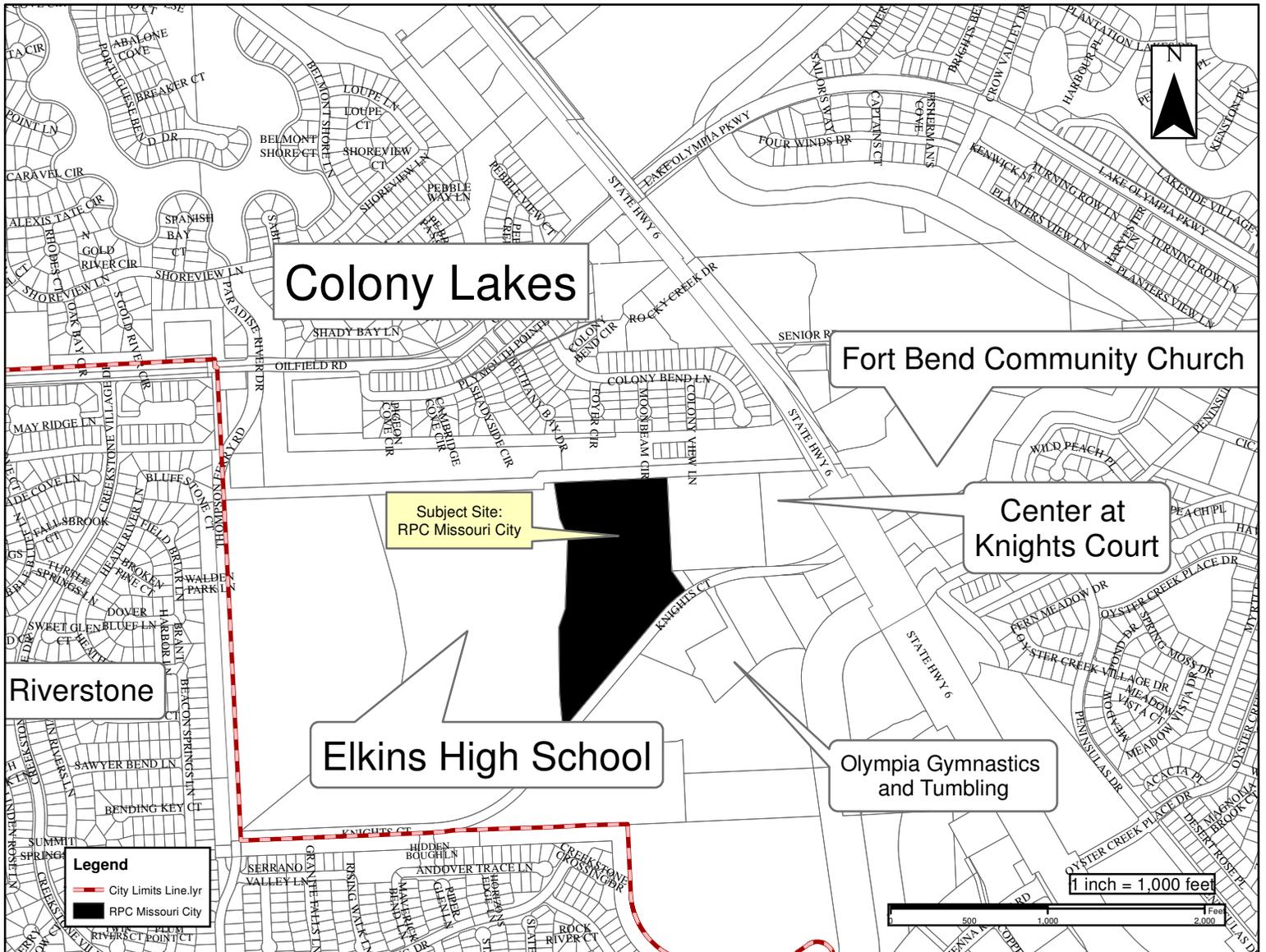
- 1.) North 00° 29' 26" West - 425.43 feet;
- 2.) North 19° 25' 59" East - 123.60 feet;
- 3.) North 02° 49' 14" East - 457.14 feet;
- 4.) North 23° 05' 22" West - 128.55 feet; and
- 5.) North 08° 10' 31" West - 231.36 feet to the POINT OF BEGINNING and containing 18.9002 acres (823,295 square feet) of land.

COMPILED BY:  
TEXAS ENGINEERING AND MAPPING Co.  
Civil Engineers - Land Surveyors  
Stafford, Texas  
Firm Registration No. 10119000  
Job No. 1176-1  
W:\1176-1\_18.9002-Acres.docx



Brian Nesvadba  
Registered Professional Land Surveyor  
State of Texas No. 5776





JUL 16 2018

Planning Division

| Issue No. | Date | Description     |
|-----------|------|-----------------|
| 07/16/18  |      | SUP Application |



PROJECT TEAM

|                      |                       |
|----------------------|-----------------------|
| Owner:               | River Pointe Church   |
| Architect:           | Studio Red Architects |
| CAD Engineer:        | T.E.A.M.              |
| Structural Engineer: | Mark                  |
| Timber Designer:     | RM Redgers            |
| Landscape Architect: | Red Oak Design Group  |

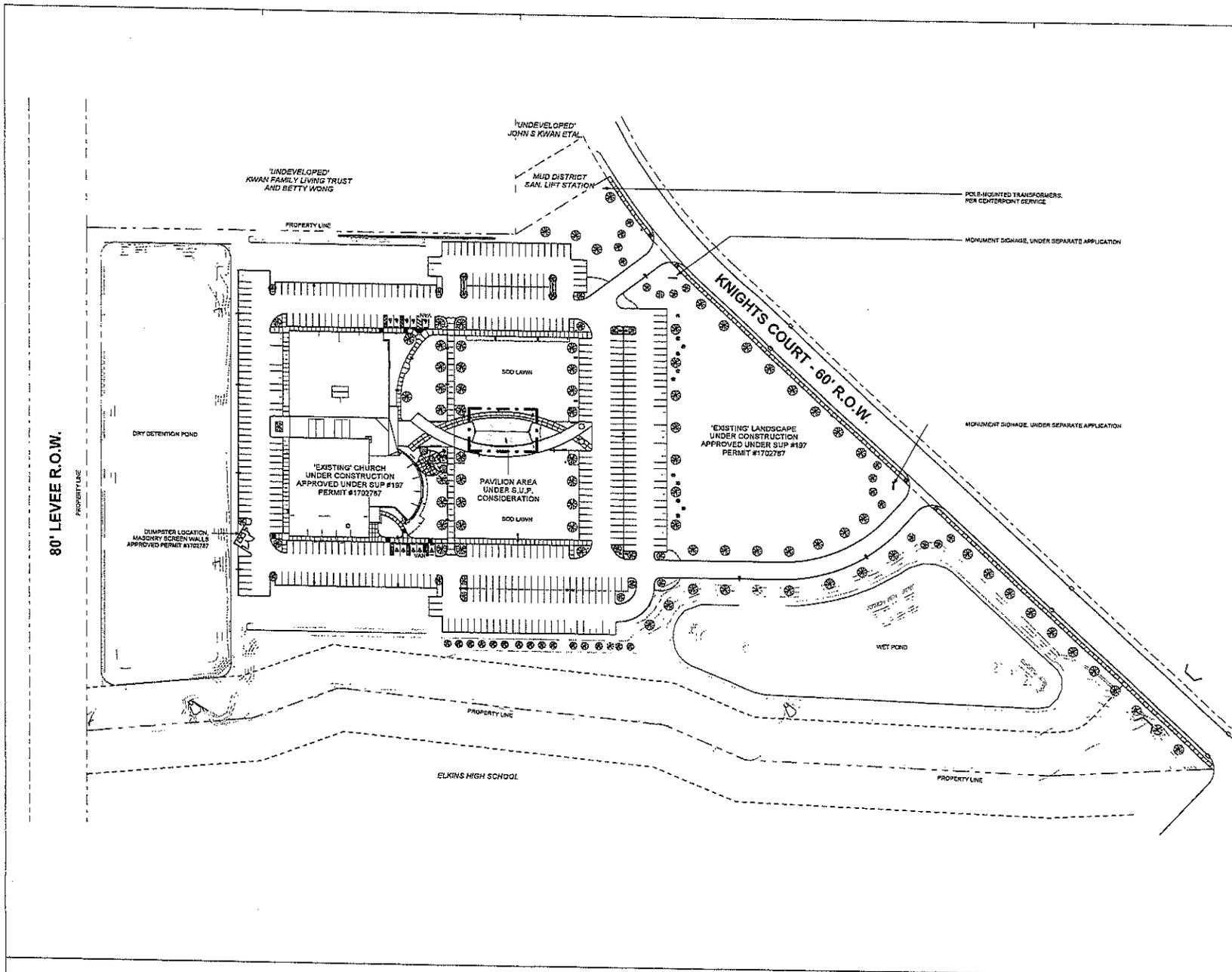
KEY PLAN

Project Name  
 River Pointe Church  
 Missouri City Campus  
 Drawing Name  
 Site Plan

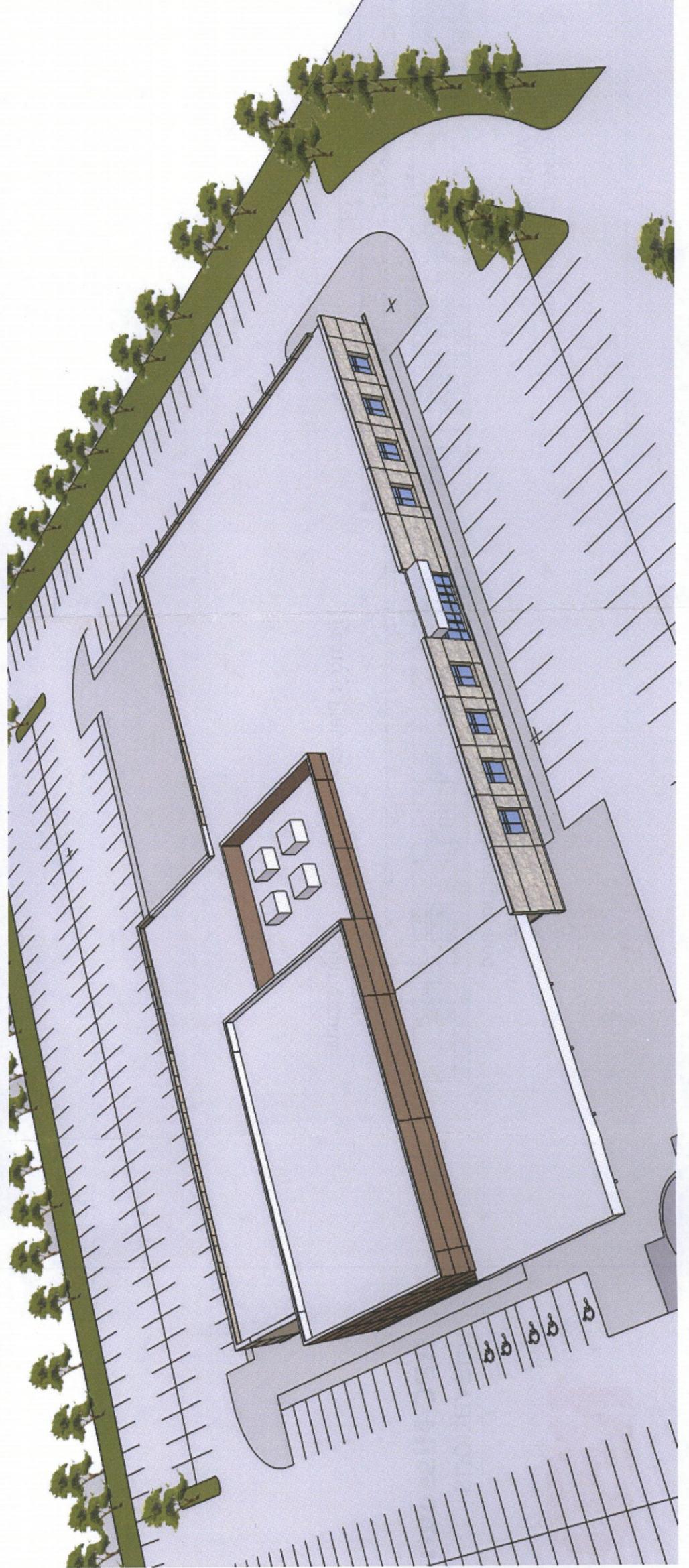
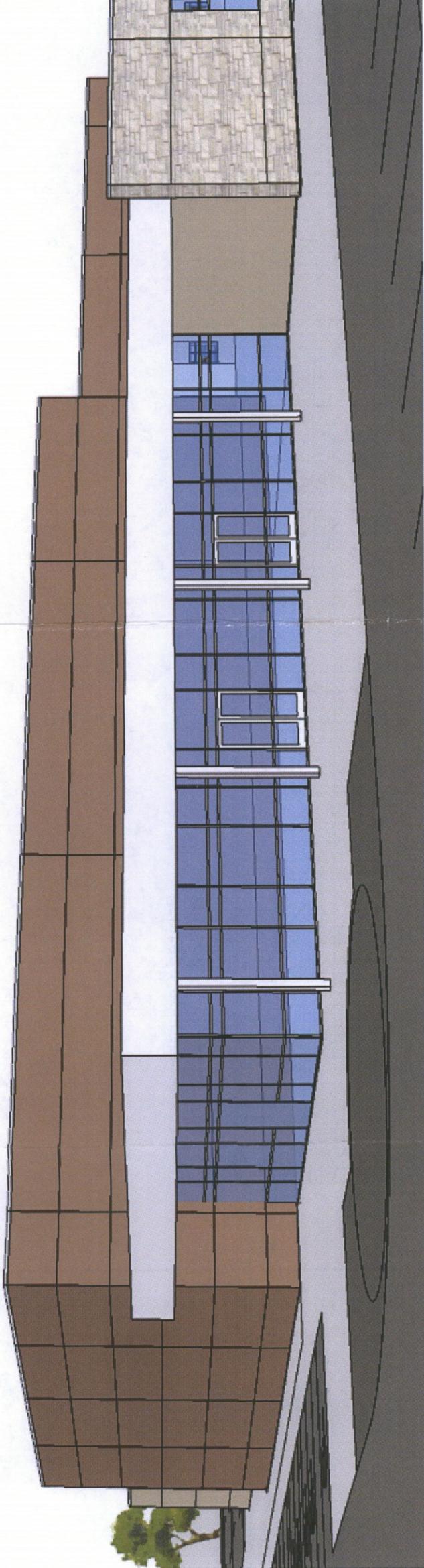
SRA Project Number  
 1555

Scale  
 1" = 60'-0"

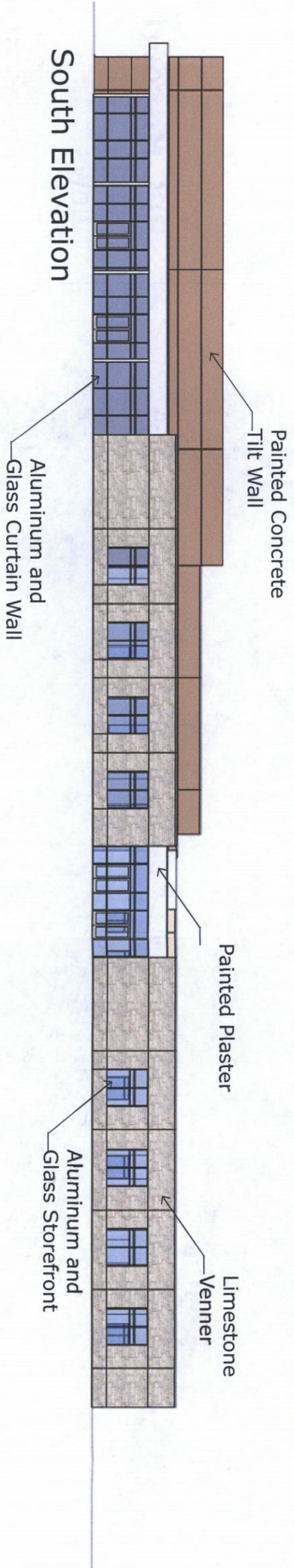
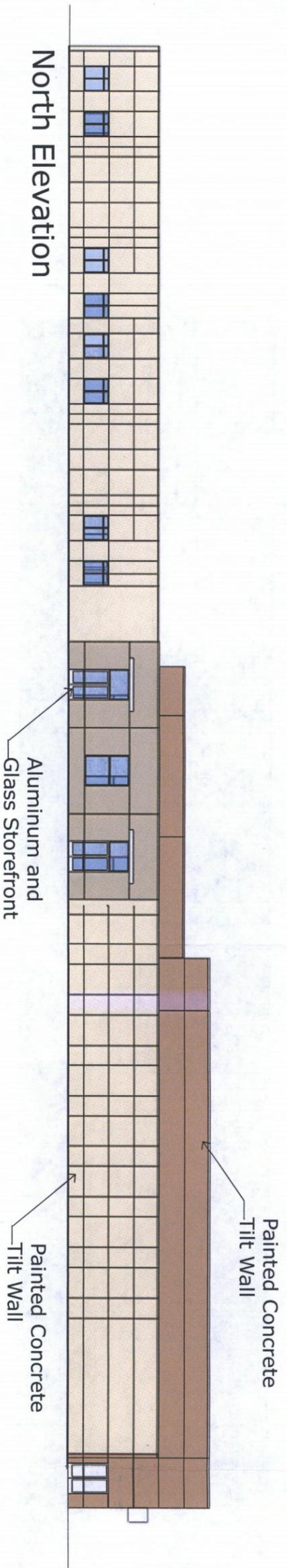
Drawing Number  
 SUP 0.00



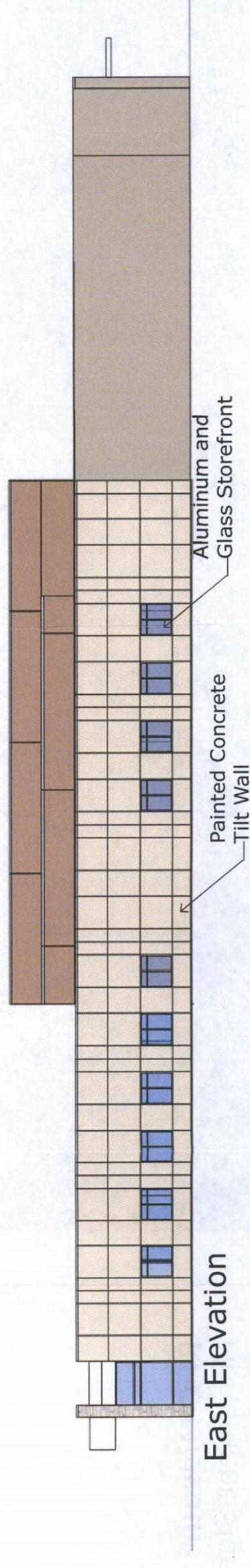
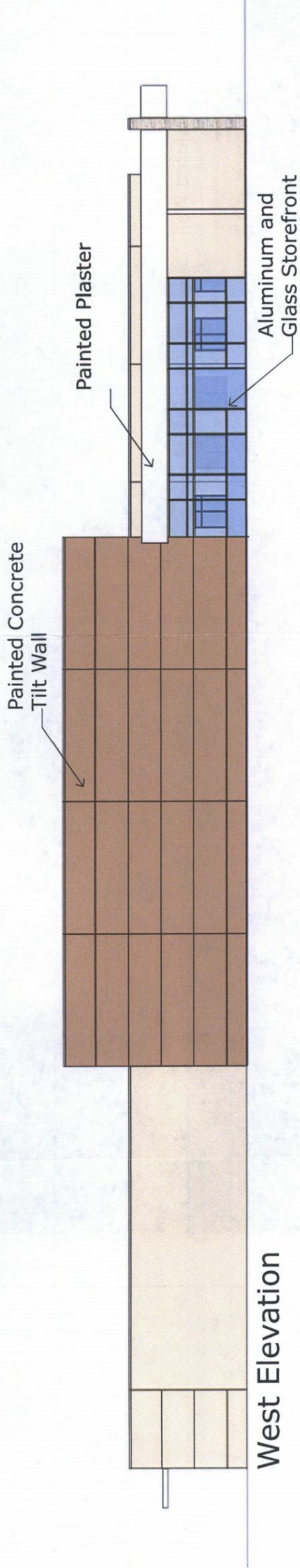
SITE PLAN 1" = 60'-0" 1



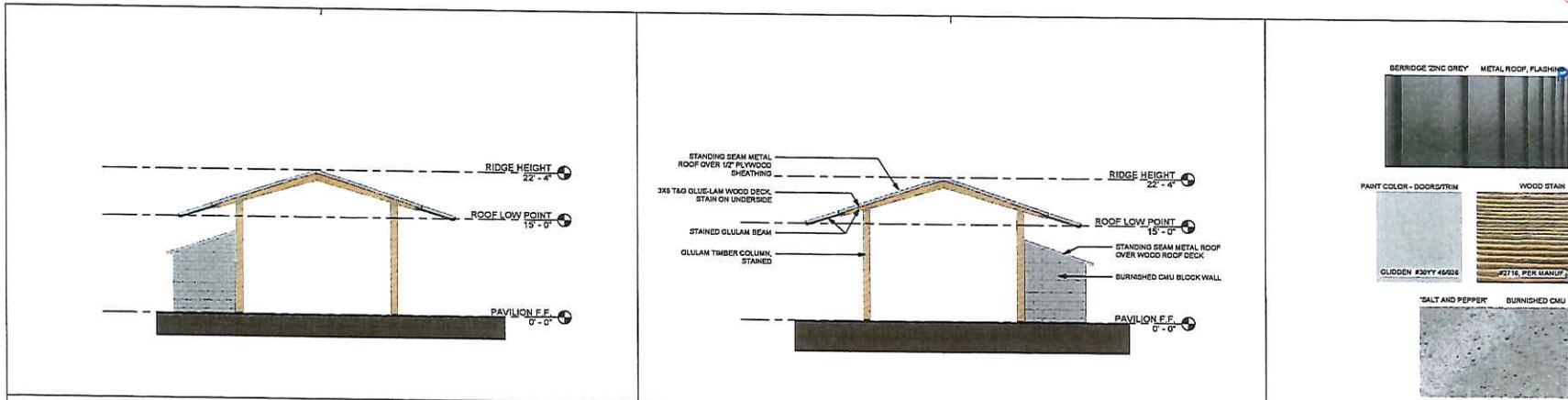
RPC Missouri  
Perspective  
Views



**RPC Missouri**  
Elevations



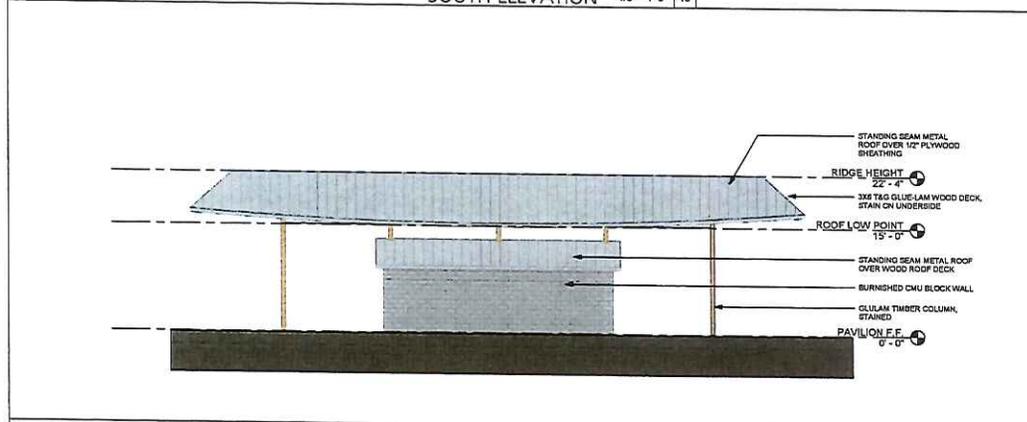
JUL 18 2018



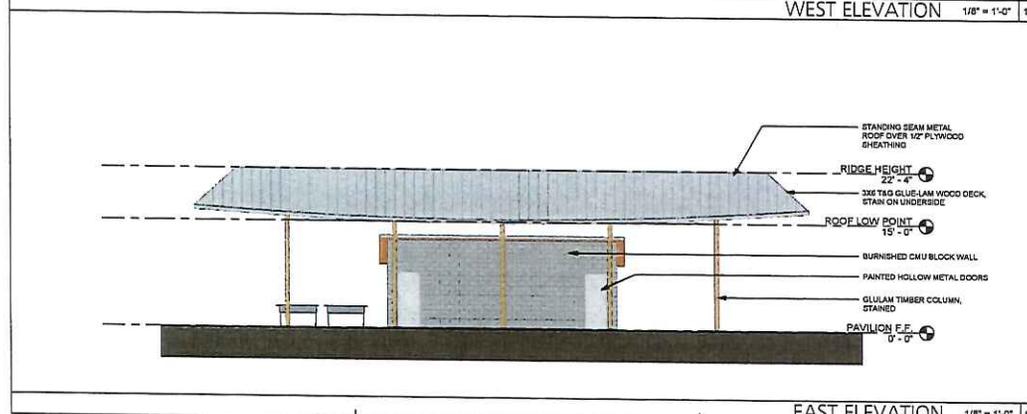
SOUTH ELEVATION 1/8" = 1'-0" 18

NORTH ELEVATION 1/8" = 1'-0" 08

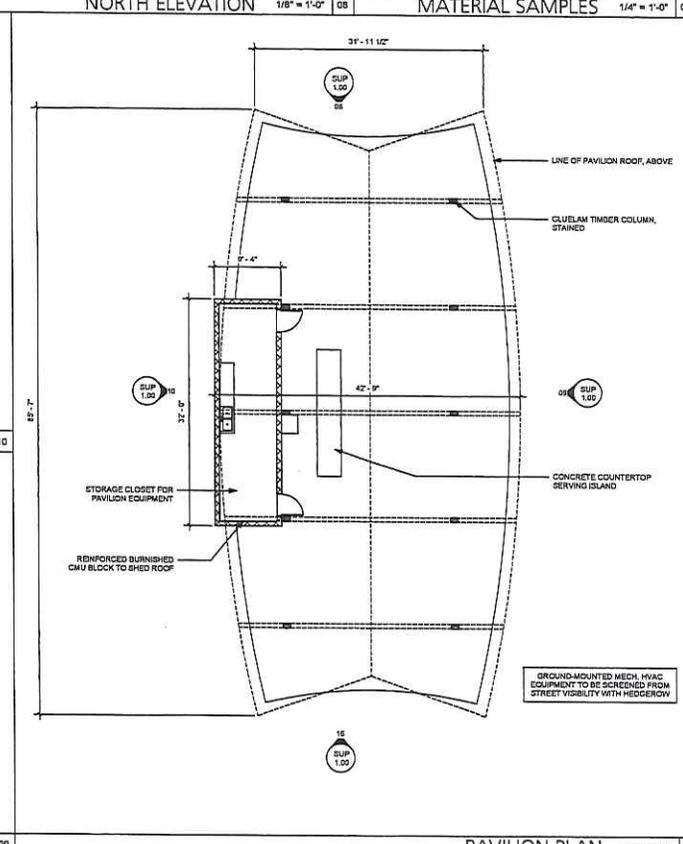
MATERIAL SAMPLES 1/4" = 1'-0" 04



WEST ELEVATION 1/8" = 1'-0" 10



EAST ELEVATION 1/8" = 1'-0" 09



PAVILION PLAN 1/8" = 1'-0" 1

Planning Division  
Iss.08

| No. | Date     | Description     |
|-----|----------|-----------------|
| 1   | 07/18/18 | SUP Application |



PROJECT TEAM

|                     |                       |
|---------------------|-----------------------|
| Owner               | River Points Church   |
| Architect           | Studio Red Architects |
| Civil Engineer      | T.E.A.M.              |
| Structural Engineer | Matrix                |
| Timber Designer     | RM Rodgers            |
| Landscape Architect | Red Oak Design Group  |

KEY PLAN

Project Name  
**River Pointe Church**  
Missouri City Campus  
Drawing Name  
**Elevations**

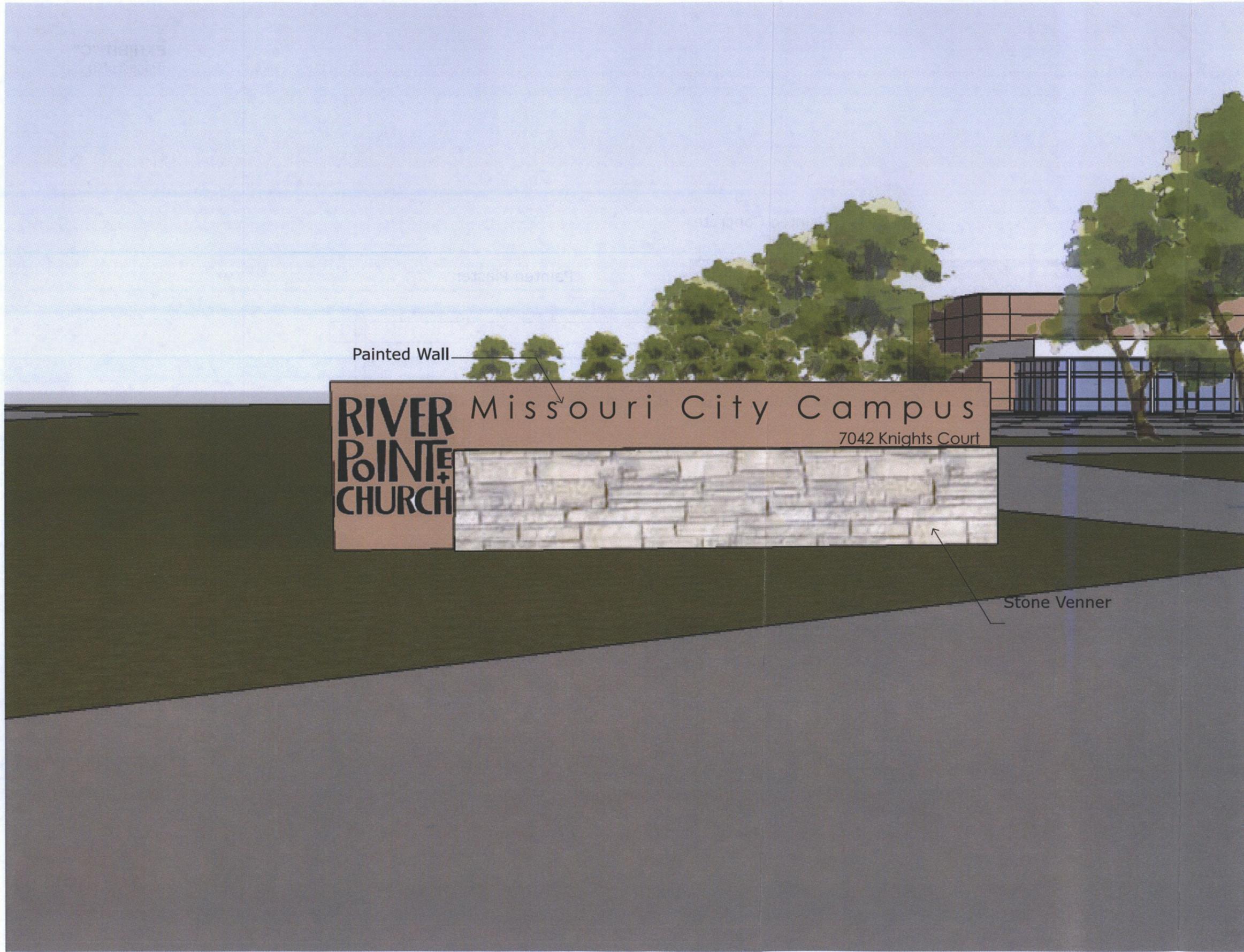
SRA Project Number

Scale 1555

As indicated

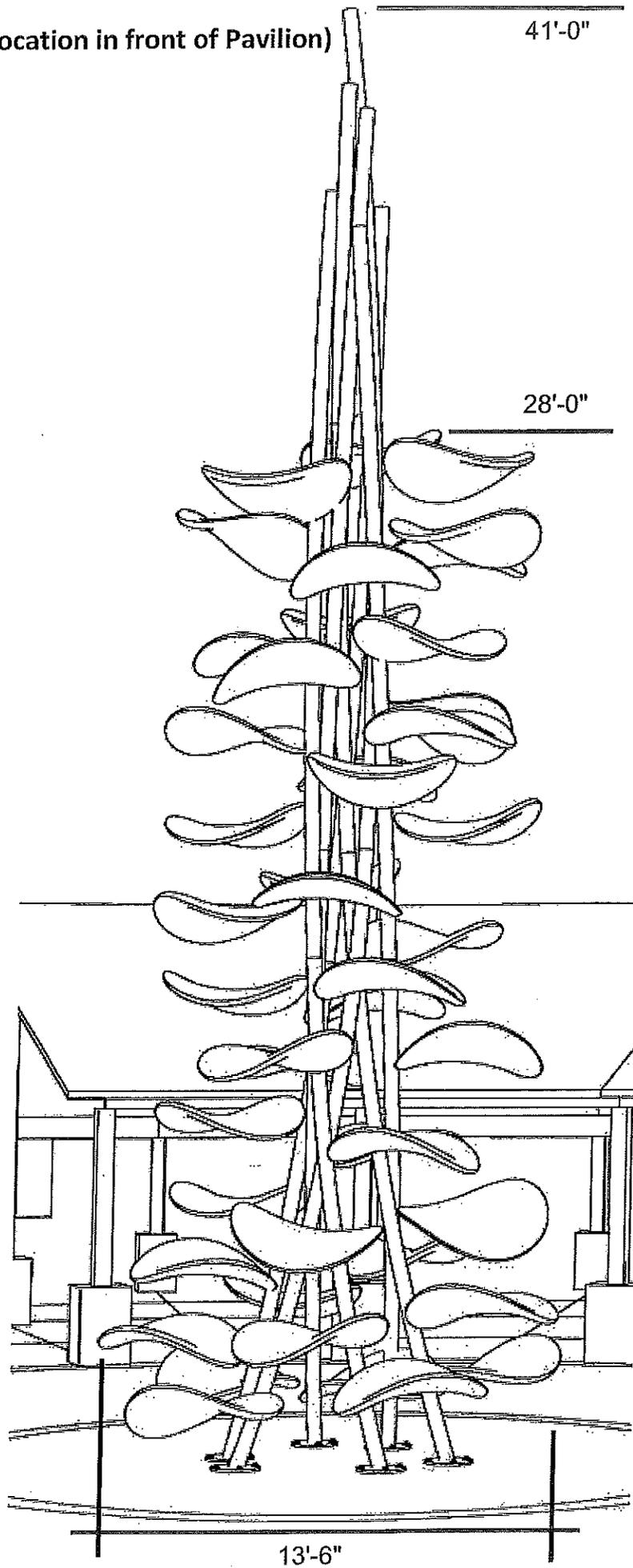
Drawing Number

SUP 1.00



**RPC Missouri  
Monument Sign**

Proposed Art Feature (location in front of Pavilion)



**ORDINANCE NO. O-15-62**

**AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, GRANTING A SPECIFIC USE PERMIT AUTHORIZING THE USE OF AN 18.90-ACRE TRACT OF LAND IN THE CITY OF MISSOURI CITY AS A SPECIFIC USE-PLACES OF ASSEMBLY; DESCRIBING SAID 18.90-ACRE TRACT OF LAND; PROVIDING LIMITATIONS, RESTRICTIONS, AND CONDITIONS ON SUCH SPECIFIC USE; REFERENCING A SITE PLAN; PROVIDING FOR CERTAIN CONSTRUCTION ACCORDING TO SAID PLAN; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MISSOURI CITY; PROVIDING FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.**

\* \* \* \* \*

WHEREAS, Amanda Wood is the owner of an 18.90-acre tract of land within the corporate limits of the City of Missouri City, Texas (the "Property"); and

WHEREAS, said Property presently has a zoning classification of SD suburban district under Ordinance No. O-81-1, adopted on January 19, 1981; and

WHEREAS, the owner's agent, Dean King of River Pointe Church, has made application to the City of Missouri City for a specific use permit authorizing the use of said Property as a Specific Use-Places of Assembly; and

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

WHEREAS, the Planning and Zoning Commission has issued its final report and the City Council of the City of Missouri City now deems it appropriate to grant such requested specific use permit; now therefore,

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

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

Section 2. As required by law, the City Council of the City of Missouri City conducted the public hearing on the request to grant a specific use permit and closed the public hearing prior to the final adoption of this Ordinance.

Section 3. The Property is more fully described in the legal description in Exhibit "A," attached hereto and made a part hereof for all purposes, and is depicted in Exhibit "A-

1," attached hereto and made a part hereof for all purposes. Exhibit "A-1" shall be for reference purposes only. In the event that Exhibit "A-1" conflicts with Exhibit "A," Exhibit "A" shall prevail.

Section 4. The specific use of the Property authorized and permitted by this Ordinance is Places of Assembly.

Section 5. The specific use authorized and permitted by this Ordinance shall be developed in accordance with the Missouri City Code and the City of Missouri City Zoning Ordinance and shall be developed in accordance with the site plan, Exhibit "B," attached hereto and made a part hereof for all purposes, and as specifically set forth herein and subject to the following limitations, restrictions, and conditions:

I. **Use Permitted.** The following specific use shall be permitted:

Places of Assembly

II. **Standards and Regulations.**

A. **Architectural Design Standards.** Except as provided herein, the requirements of Section 7A, Architectural Design Standards, of the City of Missouri City Zoning Ordinance shall apply.

1. Buildings may be constructed as depicted and described on Exhibit "C," Elevations.

B. **Landscaping regulations.** Except as provided herein, the requirements of Section 11, Landscaping, of the City of Missouri City Zoning Ordinance shall apply.

1. The number and location of planting islands and diamonds may be provided as depicted on Exhibit "B", Site Plan, provided that the requirements of subsection 11.5.A of the City of Missouri City Zoning Ordinance are met.

C. **Sign regulations.** Except as provided herein, the sign regulations for nonresidential districts contained in Section 13, Sign Regulations, of the City of Missouri City Zoning Ordinance shall apply.

1. The requirements of subsection 13.12.G.5 of the City of Missouri City Zoning Ordinance do not apply provided that a monument sign shall be constructed as provided and depicted on Exhibit "D," Monument Sign.

- D. Trash disposal regulations.** Except as provided herein, the trash disposal regulations contained in Subsection 9.14, Trash disposal regulations, of the City of Missouri City Zoning Ordinance shall apply.
1. The trash disposal regulations for nonresidential zones, specifically LC-3 retail districts, shall apply.
- E. Outside placement, storage, sales and services regulations.** Outside placement, storage, sales, and services are prohibited, except during the place of assembly's festivals and permitted special events.
- F. Development Schedule.** This Ordinance shall expire on the fifth anniversary of the date the first specific use permit application was filed, provided no progress has been made toward the completion of this project.

Section 6. The Zoning District Map of the City of Missouri City shall be revised and amended to show the specific use permitted on said 18.90 acres of land as provided in Section 3 hereof, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the changes.

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

Section 8. *Comprehensive plan deviation.* To the extent this Ordinance represents any deviation from the Future Land Use and Character map of the City of Missouri City Comprehensive Plan, such map is hereby amended to conform with this Ordinance.

Section 9. *Repeal.* Any ordinance or any part of any other ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

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Section 11. Severability. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED and APPROVED on first reading this 2nd day of November, 2015.

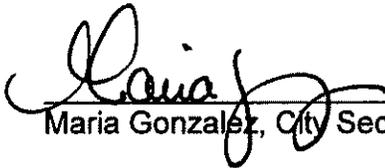
PASSED, APPROVED and ADOPTED on second and final reading this 16th day of November, 2015.



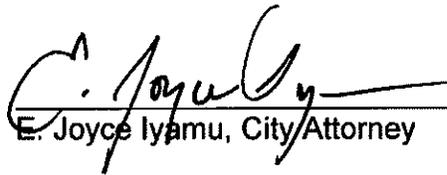
Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:



Maria Gonzalez, City Secretary



E. Joyce Iyamu, City Attorney



***18.9002 acres of land in the Elijah Roark League Survey, Abstract No. 77,  
Fort Bend County, Texas***

A FIELD NOTE DESCRIPTION of a 18.9002 acre (823,295 square feet) tract of land in the Elijah Roark League Survey, Abstract No. 77, Fort Bend County, Texas; said 18.9002 acre tract being a tract of land conveyed to Amanda H. Wood, as recorded in Fort Bend County Clerk's File No. 2010099143 and also being out of Reserve "C", Herman Hospital Estate Large Acreage Tract Plat, according to the map or plat recorded in Slide No. 1092A of the Fort Bend County Plat Records; said tract being more particularly described by metes-and-bounds as follows with the bearings being based on Texas State Plane Coordinate System, South Central Zone (NAD83) per GPS Observations using National Geodetic Survey Continuously Operating Reference Stations:

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THENCE, the next 5 calls with the centerline of a 120 foot drainage easement, as recorded in Volume 2381, Page 1613 and in Volume 2398, Page 2063 of the Fort Bend County Deed Records:

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- 2.) North 19° 25' 59" East - 123.60 feet;
- 3.) North 02° 49' 14" East - 457.14 feet;
- 4.) North 23° 05' 22" West - 128.55 feet; and
- 5.) North 08° 10' 31" West - 231.36 feet to the POINT OF BEGINNING and containing 18.9002 acres (823,295 square feet) of land.

COMPILED BY:  
TEXAS ENGINEERING AND MAPPING CO.  
Civil Engineers - Land Surveyors  
Stafford, Texas  
Firm Registration No. 10119000  
Job No. 1176-1  
W:\1176-1\_18.9002-Acres.docx



Brian Nesvadba  
Registered Professional Land Surveyor  
State of Texas No. 5776





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

**APPLICATION FOR:**

Check One:

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

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

**Date of Application:**

|   |  |   |
|---|--|---|
| 1. Project Name:  | RPC Missouri City Fellowship Pavilion  |   |
| 2. Address/Location of Property:  | 7057 Knights Court   | Missouri City, TX 77459                     |
| 3. Applicant's Name:  | Dean King, Executive Pastor - River Pointe Community Church  |   |
| Mailing Address:  | 5000 Ransom Road   | Richmond, TX 77469                          |
| Phone No. :( 281 ) 277 - 6767   |  |   |
| Email:  | deank@riverpointe.org  |   |
| 4. Status of Applicant:   | <input checked="" type="radio"/> Owner   | Agent Attorney Trustee Corporation Relative |
| (If other than Owner, submit written authorization from Owner with application.)  |  |   |
| 5. Property Owner:  | River Pointe Community Church  |   |
| Mailing Address:  | 5000 Ransom Road   | Richmond, TX 77469                          |
| Phone No.:( 281 ) 277 - 6767  |  |   |
| Email:  | deank@riverpointe.org  |   |
| 6. Existing Zoning District:  | Suburban District  |   |
| 7. Total Acreage:   | 18.9002 acres  |   |
| 8. Proposed Development and Reasons for Application:  | Proposed development to include a fellowship pavilion for church events. SUP sought for event use and material standards variance. |   |
| 9. Legal Description of the Property (If the legal description is a portion of a lot, then a metes and bound description of the tract must be submitted with application.): | 0077 E ROARK, ACRES 18.9002, River Pointe Church Missouri City, Restricted Reserve "A" (Non-Residential Use)                       |   |
| 10. Central Appraisal District tax identification numbers of property (Attach Paid Tax Receipts):   | 0077-00-000-1425-907   |   |
| 11. Do deed restrictions or restrictive covenants exist for the property? (Circle One):   | YES  | <input checked="" type="radio"/> NO         |
| (If yes, submit with application.)  |  |   |
| 12. Does this application include an Architectural Design Review: (Circle One):   | <input checked="" type="radio"/> YES   | NO  |
| (If yes, see page 8, Exhibit C for materials required to be submitted.)   |  |   |
| <b>FILING FEE: \$1,200.00</b>   |  |   |

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

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

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

Dean King  
 \_\_\_\_\_  
 Print Name of Applicant  
  
 \_\_\_\_\_  
 Signature of Applicant

River Pointe Church  
 \_\_\_\_\_  
 Print Name of Property Owner  
 City of Missouri City, TX  
 Received  
  
 \_\_\_\_\_  
 Signature of Property Owner, Agent or Attorney  
 JUL 18 2018  
 Planning Division

JUL 18 2018

Planning Division

| Issue |          |                 |
|-------|----------|-----------------|
| No.   | Date     | Description     |
| 1     | 07/18/18 | SUP Application |



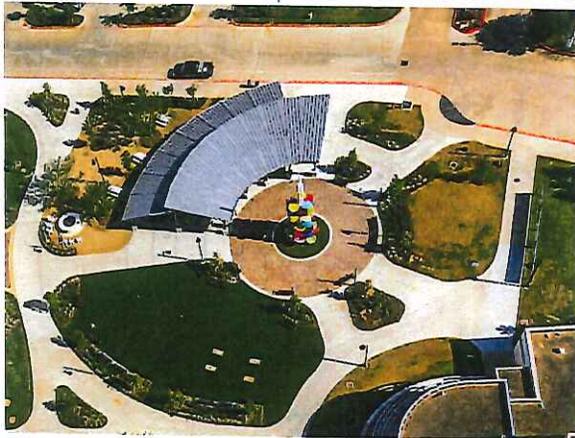
PROJECT TEAM

|                     |                       |
|---------------------|-----------------------|
| Owner               | River Pointe Church   |
| Architect           | Studio Red Architects |
| Civil Engineer      | T.E.A.M.              |
| Structural Engineer | Matta                 |
| Timber Designer     | RM Rodgers            |
| Landscape Architect | Red Oak Design Group  |

KEY PLAN

Project Name  
**River Pointe Church  
 Missouri City**  
 Drawing Name  
**Example Images**

|                    |             |
|--------------------|-------------|
| SRA Project Number | 1555        |
| Scale              | 12" = 1'-0" |
| Drawing Number     | SUP 2.00    |



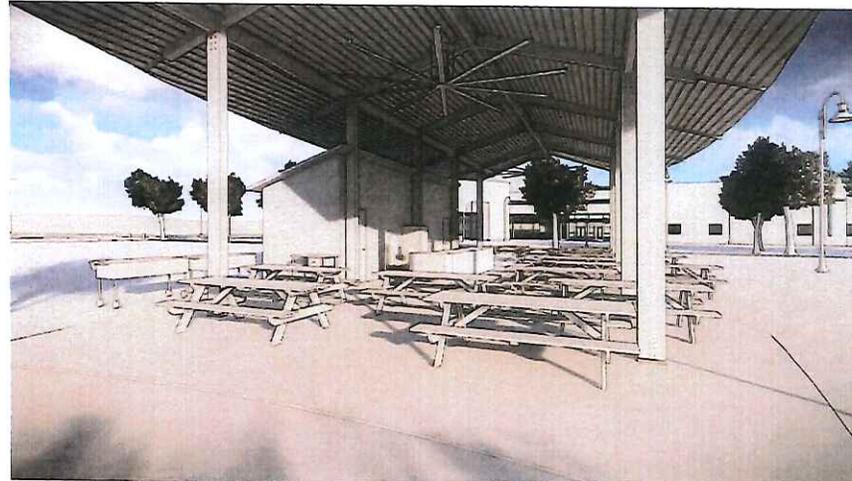
RICHMOND CAMPUS - PAVILION, SAME MATERIALS



RICHMOND CAMPUS - PAVILION, SAME MATERIALS



RICHMOND CAMPUS - PAVILION, SAME MATERIALS



MISSOURI CITY CAMPUS - RENDERING



MISSOURI CITY CAMPUS - RENDERING



Colony Lakes

Fort Bend Community Church

Subject Site:  
RPC Missouri City

Center at  
Knights Court

Riverstone

Elkins High School

Olympia Gymnastics  
and Tumbling

Legend  
City Limits Line.lyr  
RPC Missouri City

1 inch = 1,000 feet



## 930 Legal Notices

### NOTICE OF PUBLIC HEARING

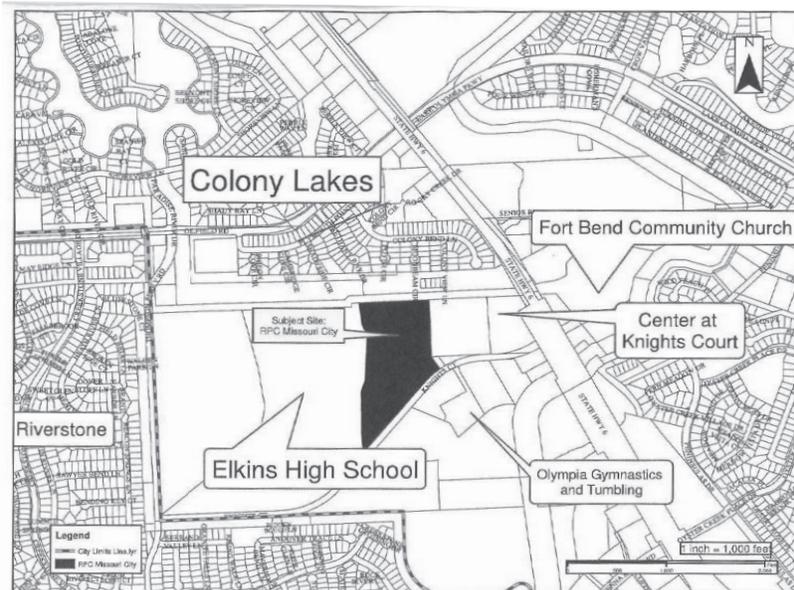
**LOCATION/DATE:** The City Council of the City of Missouri City will hold a public hearing on Tuesday, September 4, 2018, at the City Council Chambers – 2<sup>nd</sup> Floor, City Hall Building, 1522 Texas Parkway (FM-2234), Missouri City, Texas at 7:00 p.m.

**PURPOSE:** To receive comments for or against a request by Dean King, Executive Pastor, River Pointe Community Church, to amend the standards and regulations contained in ordinance O-15-62, pertaining to SUP, Specific Use Permit #197, to allow for the development of a fellowship pavilion and to the extent such rezoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

**SITE LOCATION:** The subject site is located north of Knights Court, south of Colony Lakes, east of Elkins High School and west of the center at Knights Court Shopping Center.

**SITE LEGAL DESCRIPTION:** The subject site is described as being all of Reserve A, River Pointe Community Church Missouri City, filed and recorded as instrument number 20180010, official Public Records of Fort Bend County.

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



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

**Application:** River Pointe Church-SUP Amendment  
**City Council First Reading:** Sept. 4, 2018

**Protest Letters Received**

| Name   | Property Address<br>OR<br>Fort Bend County Account<br>Number | Land Area (Square Feet)<br>Within 200 Feet |
|--|--|--|
| N/A  |  | -  |
| <b>Total Area Represented by Protest(s):</b>                 |  | -  |
| Total Land Area <i>including</i> Subject Site:               |  | 1,795,070.64                               |
| Subject Site <i>Only</i> Land Area:                          |  | 823,193.00                                 |
| Total Land Area <i>Only Within 200 Feet</i> of Subject Site: |  | 971,877.64                                 |
| <b>Protest(s) Percentage of Land Area Within 200 Feet:</b>   |  | <b>0%</b>                                  |

**Note:** A total of 0 letters of support and 0 letters of protest have been received for the application request as of August 30, 2018.



## CITY COUNCIL AGENDA ITEM COVER MEMO

September 17, 2018

**To:** Mayor and City Council  
**Agenda Item:** 6(c) Dry Creek Village - PD, Planned Development District No. 88 Amendment  
**Submitted by:** Jennifer Thomas Gomez, AICP, Planning Manager

### SYNOPSIS

This is the second and final reading of an ordinance to amend the regulations and restrictions of PD, Planned Development District No. 88 pertaining to fence regulations for the Dry Creek Village residential subdivision, and to the extent such rezoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

The subject site is located within PD No. 88, south of Lake Olympia Parkway, east of the Olympia Estates and Vicksburg residential subdivision, west of the Fort Bend Parkway.

### STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live
- Have quality development through buildout

### BACKGROUND

PD, Planned Development District #88 is proposed to be a mixed use development consisting of single family residential and commercial uses to the west of the Fort Bend Parkway (Tollroad) and business park uses to the west.

The single family residential component of the PD is being developed as a subdivision named Dry Creek Village. Section 1, being the northern most part of the subdivision located at its entrance along Lake Olympia Parkway and Dry Creek Drive is now under construction. The developer is seeking an amendment to the PD to allow for flexibility in the material to be used for community (perimeter) fencing.

Staff recommended approval to allow for the construction of the fence with two conditions.

- (1) Fence should meet the color requirements for primary material permitted colors;
- (2) Masonry pilasters meeting the requirements of Section 14.3 should be required.

The Planning and Zoning Commission forwarded a negative recommendation however discussed support for the flexibility in the material.

City Council approved the ordinance on the first reading with the applicant selecting to use a Sherwin Williams color, called "Umber Rust" identified as SW9100.

## SUPPORTING MATERIALS

1. Ordinance
2. Changes marked
3. Ordinance O-16-13
4. Application
5. Letter of owner authorization
6. Dry Creek Village conceptual plan
7. Developer proposed fence layout
8. Developer fence color proposal
9. Ortho map
10. Notice of public
11. Rezoning application protest letters analysis
12. Letters of protest

## STAFF'S RECOMMENDATION

Staff recommends approval of the ordinance on the final reading.

**Director Approval:**

Otis T. Spriggs, AICP, Development Services Director

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

Scott Elmer, P.E., Assistant City Manager

**ORDINANCE NO. O-18-\_\_**

**AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING REGULATIONS IN PD PLANNED DEVELOPMENT DISTRICT NO. 88; REGULATING AND RESTRICTING THE DEVELOPMENT AND USE OF PROPERTY WITHIN SUCH PD PLANNED DEVELOPMENT DISTRICT; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MISSOURI CITY; PROVIDING FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.**

\* \* \* \* \*

WHEREAS, DC Development Partners LP, FLC Parkway LP, Fort Bend County Municipal Utility District No. 48, Ft Bend Parkway-34 LP, K. Hovnanian Houston Dry Creek Village, and Meritage Homes of Texas LLC are the owners of approximately 432.87 acres of land within the corporate limits of the City of Missouri City, Texas (the "Property"); and

WHEREAS, said Property presently has a zoning classification of PD Planned Development District No. 88 under Ordinance No. O-16-13, adopted on April 18, 2016; and

WHEREAS, the owners' agent, Stan Winter of Jones Carter, has made application to the City of Missouri City to amend PD Planned Development District No. 88 to allow vinyl fencing; and

WHEREAS, pursuant to Section 8.3 of the City of Missouri City Zoning Ordinance, said application was submitted to the City of Missouri City with proof of notice to all of the other property owners within PD Planned Development District No. 88; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Missouri City have each conducted, in the time and manner and after the notice required by law and the City of Missouri City Zoning Ordinance, a public hearing on such requested amendment; and

WHEREAS, the City of Missouri City Planning and Zoning Commission has issued its final report and the City Council of the City of Missouri City now deems it appropriate to grant such requested amendment; now therefore,

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

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

Section 2. As required by law, the City Council of the City of Missouri City conducted the public hearing on the request for zoning amendments and closed the public hearing prior to the final adoption of this Ordinance.

Section 3. The Property is more fully described in Exhibit "A," attached hereto and made a part hereof for all purposes, and is depicted in Exhibit "B," the concept plan, attached hereto and made a part hereof for all purposes.

Section 4. PD Planned Development District No. 88 shall be developed in accordance with the Missouri City Code, including the City of Missouri City Zoning Ordinance, and shall be developed generally in accordance with Exhibit "B," and is subject to the following regulations and restrictions:

- A. Purpose.** PD Planned Development District No. 88 may include a combination of uses consisting of LC-3 retail district uses, BP business park district uses, and R-2 single-family residential district uses. Improvements to the site shall be designed to enhance the overall urban design and nature of the surrounding area.
- B. Use regulations.** In PD Planned Development District No. 88, no building, structure, or land shall be used and no building or structure shall be hereafter erected, reconstructed, altered or enlarged except as provided in this Ordinance.
  - 1. The following uses shall be located within the subdistricts designated on Exhibit "B" as set forth below:
    - a. Except as provided in Subsection 4.B.1.b of this Ordinance, LC-3 retail district uses may be located only within the Commercial Northeast, Commercial Northwest, and Commercial Southeast Subdistricts.
    - b. BP business park district uses may be located only within the Business Park East Subdistrict.
    - c. R-2 single-family residential district uses may be located only within the Single-family Residential Subdistrict.
  - 2. The following uses shall be prohibited:
    - a. sexually oriented businesses;
    - b. quarry, mine, sand and mineral extraction uses; and
    - c. sanitary landfills.

**C. Use district regulations.** Except as set forth in Subsections 4.D to 4.K of this Ordinance, the following use district regulations shall apply within the designated subdistricts:

1. Commercial Northeast, Commercial Northwest, and Commercial Southeast Subdistricts: LC-3 retail district regulations contained in Subsection 7.12 of the City of Missouri City Zoning Ordinance shall apply.
2. Business Park East Subdistrict: BP business park district regulations contained in Subsection 7.1255 of the City of Missouri City Zoning Ordinance shall apply.
3. Single-family Residential Subdistrict: R-2 single-family residential district regulations contained in Subsection 7.3 of the City of Missouri City Zoning Ordinance shall apply.

**D. Height and area regulations.** The height and area regulations for the subdistricts set forth below shall be as follows:

1. Commercial Northeast, Commercial Northwest, and Commercial Southeast Subdistricts: Except as set forth herein, the height and area regulations for LC-3 retail districts contained in Subsection 7.12 of the City of Missouri City Zoning Ordinance shall apply.
  - a. The maximum building height shall be based on the ratio of one foot of height for each 1.75 feet of distance from the exterior portion of a building nearest to the nearest property line within a residential zoning district to the nearest property line in the nearest residential zoning district.
  - b. Buildings shall be set back at least 25 feet from the right-of-way line of the Fort Bend Parkway.
2. Business Park East Subdistrict: Except as set forth herein, the height and area regulations for BP business park district contained in Subsection 7.1255 of the City of Missouri City Zoning Ordinance shall apply.
  - a. The maximum building height shall be based on the ratio of one foot of height for each 1.75 feet of distance from the exterior portion of a building nearest to the nearest property line within a residential zoning district to the nearest property line in the nearest residential zoning district.
  - b. Buildings shall be set back at least 25 feet from the right-of-way line of the Fort Bend Parkway.

**E. Building regulations.** The building regulations within the planned development district shall be as follows:

1. Horizontal and vertical building planes shall be interrupted by offsets, changes in building materials, colors, textures, or other methods allowed in Section 7A, Architectural Design Standards, of the City of Missouri City Zoning Ordinance.
2. Architectural details that create shade and cast shadows shall be incorporated to provide visual relief.
3. Any uninterrupted street-facing facade may not exceed 100 feet in length. A building facade of more than 100 feet in length that faces a public street shall have offsets with a minimum depth of at least five feet and a minimum length extending at least 20 percent of the length of such building facade.
4. Exterior lighting shall be shielded to prohibit illumination in excess of 0.25 footcandles of average general light overflow or 0.50 footcandles at any point on the boundary of an adjacent residential zoning district.

**F. Architectural standards.** The architectural standards within the planned development district shall be as follows:

1. Commercial Northeast, Commercial Northwest, Commercial Southeast, and Business Park East Subdistricts: Except as set forth herein, all buildings and structures constructed in PD Planned Development District No. 88 to which Section 7A, Architectural Design Standards, of the City of Missouri City Zoning Ordinance applies, shall be constructed in accordance with Section 7A, Architectural Design Standards, of the City of Missouri City Zoning Ordinance.
  - a. The following materials may not be installed on the exterior of a building:
    - i. Vinyl siding, wood-fiber hardboard siding, oriented strand board siding, plastic, and fiberglass panels;
    - ii. Unfired or underfired clay, sand, or shale brick;
    - iii. Smooth or untextured concrete surfaces; and
    - iv. Exterior insulation and finish system (EIFS).
  - b. A single building material may not cover more than 80 percent of the front exterior of any building.

- c. The architectural design, color, and materials of all facades facing or siding a public street, internal access drive, or pedestrian walkway shall match for the following:
    - i. an independent business establishment; and
    - ii. multiple buildings within an integrated business development or a shopping center.
  - d. The architectural design, color, and materials of screening walls, wing walls, columns, and similar building extensions and supports shall match the building to which they are attached.
2. Single-family Residential Subdistrict: All residential buildings and structures located within the Single-family Residential Subdistrict shall be constructed in accordance with the architectural guidelines contained in Exhibit "C," the Residential Builder Guidelines, attached hereto and made a part hereof for all purposes.

**G. Landscaping regulations.** The landscaping regulations within the planned development district shall be as follows:

- 1. Commercial Northeast, Commercial Northwest, and Commercial Southeast Subdistricts: Except as set forth herein, the landscaping, screening, and buffer yard regulations contained in Section 11, Landscaping, of the City of Missouri City Zoning Ordinance shall apply.
  - a. The minimum depth for buffer yards abutting the areas specified below shall be as follows:
    - i. Fort Bend Parkway: 20 feet
    - ii. Other public streets: 20 feet
    - iii. Internal access drives: 10 feet
    - iv. All other property lines: 5 feet
  - b. At the time of planting, canopy trees shall have a minimum four-inch caliper and be a minimum of 10 feet in height as measured at ground level. Canopy trees may be clustered or spaced linearly and are not required to be spaced evenly.
- 2. Single-family Residential Subdistrict: The landscaping, screening, and buffer yard regulations shall be as follows:
  - a. A landscape or open space buffer a minimum of 25 feet in depth shall be provided between Fort Bend Parkway and the

rear property line of single-family residential lots. A masonry wall a minimum of eight feet in height shall be provided along the property line of single-family residential lots adjacent to the landscape or open space buffer. Landscaping within the landscape or open space buffer shall consist of a combination of trees, shrubs and berms. At the time of planting, canopy trees and understory trees within the landscape or open space buffer shall have a minimum three-inch caliper. Berms with a slope of a minimum ratio of four to one and a minimum of two feet in height shall be provided within the landscape and open space buffer.

- b. A landscape or open space buffer a minimum of 20 feet in depth shall be provided between nonresidential uses adjoining single-family residential uses. No parking, paving, or buildings shall be installed within the landscape or open space buffer. A masonry wall a minimum of eight feet in height and one canopy tree per 30 linear feet of buffer area shall be provided within the landscape or open space buffer. At the time of planting, canopy trees within the landscape or open space buffer shall have a minimum three-inch caliper.

**H. Ingress and Egress.** Ingress and egress within the planned development district shall be as follows:

- 1. A pedestrian walkway shall be provided to connect the primary entrance of a nonresidential building to a sidewalk abutting a public street. For a nonresidential use with a parking area located between a public street and the nonresidential building, at least one pedestrian walkway shall be provided to and through the associated parking area to connect any nonresidential building entrance of such building to a sidewalk abutting the public street.

**I. Parking regulations.** Except as set forth herein, the parking regulations contained in Section 12, Parking Regulations, of the City of Missouri City Zoning Ordinance shall apply.

- 1. The minimum setback for nonresidential parking facilities abutting the areas specified below shall be as follows:
  - a. Fort Bend Parkway: 20 feet
  - b. Other public streets: 20 feet
  - c. Internal access drives: 10 feet
  - d. All other property lines: 5 feet

2. Bicycle parking: An off-street parking area for bicycles shall be provided within 50 feet of a primary employee or visitor entrance of each building. Such parking area shall include racks and other structures intended for parking bicycles.
- J. Garages.** Except as set forth in Exhibit “C,” construction of garages within the Single-family Residential Subdistrict shall comply with Section 9.8, Garages, of the City of Missouri City Zoning Ordinance.
- K. Fence Regulations.** Except as set forth herein and in Exhibit “C,” fences installed within the Single-family Residential Subdistrict shall comply with Section 14, Fence Regulations, of the City of Missouri City Zoning Ordinance. A homeowners association or property owner association shall be responsible for maintaining community fencing within the Single-family Residential Subdistrict.
1. Fences that are adjacent to collector streets or major thoroughfares and installed within the Single-family Residential Subdistrict shall be fenced with community fencing, which may consist of vinyl fencing, provided that:
    - (a) such fencing, not including the pilasters, shall be “SW 9100 Umber Rust” in color, or a color substantially similar to such color; and
    - (b) such fencing shall include architectural masonry unit, brick, or stone pilasters, as required by Subsection 14.3 of the Missouri City Zoning Ordinance.
- L. Conflicts.** Except as set forth in Subsections 4.D, 4.E, 4.F, 4.G, 4.H, 4.I, 4.J, and 4.K, in the event that any exhibit to this Ordinance conflicts with the Missouri City Code, the Missouri City Code shall prevail.
- M. Development schedule.** Pursuant to Section 8, PD Planned Development District, of the City of Missouri City Zoning Ordinance the property shall be developed in accordance with the development schedule attached hereto as Exhibit “D” and made a part hereof for all purposes. This Ordinance shall expire on the fifth anniversary of the date the first permit application was filed for this project, provided no progress has been made toward the completion of this project.

Section 5. The Zoning District Map of the City of Missouri City shall be revised and amended to show the zoning classification of said 432.87-acre tract of land with the appropriate references thereon to the number and effective date of this Ordinance and a brief description of the nature of these changes.

Section 6. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Missouri City, save and except the changes in zoning classification described in Section 3 hereof and the imposition of the findings, regulations, restrictions and conditions contained herein.

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

Section 8. *Repeal.* Ordinance Number O-16-13, adopted by the City Council of the City of Missouri City on April 18, 2016, is hereby repealed. Any ordinance or any other part of any other ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

Section 9. *Penalty.* Any person, firm, partnership, association, corporation, company, or organization of any kind who or which violates any provision of this zoning ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed Five Hundred Dollars (\$500.00). Each day during which said violation shall exist or occur shall constitute a separate offense. The owner or owners of any property or of premises where any violation of this zoning ordinance shall occur, and any agent, contractor, builder, architect, person, or corporation who shall assist in the commission of such offense shall be guilty of a separate offense unless otherwise prohibited by law and, upon conviction thereof, shall be punished as above provided.

Section 10. *Severability.* In the event any section, paragraph, subdivision, clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED and APPROVED on first reading this 4th day of September, 2018.

PASSED, APPROVED and ADOPTED on second and final reading this 17th day of September, 2018.

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Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

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Maria Jackson, City Secretary

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E. Joyce Iyamu, City Attorney

**Exhibit A (Metes and bounds description of subject 432.87-acre tract of land)**

Page 1 of 6

Tract 1 appearing to contain a portion of the Commercial Northeast and the Business Park East subdistricts and containing all of the Multifamily subdistrict as shown on Exhibit "B," the concept plan.

**METES AND BOUNDS  
OLYMPIA ESTATES COMMERCIAL TRACT I**

BEING a 152.586 acre tract situated in the Elijah Roark League Survey, Abstract 77, Fort Bend County, Texas same being Tract 11A of Olympia Estates. Said 152.586 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, South Central Zone (nad83):

BEGINNING at a 5/8-inch iron rod with cap stamped "COTTON" found for the intersection of the northwest line of a 80-foot wide H L & P Fee Strip recorded in Volume 495, Page 659, Fort Bend County Deed Records (FBCDR) and the east boundary line of Olympia Estates;

THENCE, South 19°38'12" West, 2339.12 feet along said northwest line of the 80-foot wide H L & P Fee Strip to the centerline of a Proposed 80-foot wide Collector Road;

THENCE, along the centerline of said Collector Road, THE FOLLOWING:

273.94 feet along the arc of a curve to the left, having a radius of 800.00 feet, a central angle of 19°37'11" and chord which bears North 23°17'47" West, 272.61 feet to a point of tangency;

North 33°06'22" West, 519.69 feet to a point of curvature;

1008.22 feet along the arc of a curve to the right, having a radius of 2010.00 feet, a central angle of 28°44'23" and a chord which bears North 18°44'11" West, 997.68 feet to a point of tangency;

North 04°21'59" West, 330.66 feet to a point of curvature;

708.67 feet along the arc of a curve to the right, having a radius of 2010.00 feet, a central angle of 20°12'03" and a chord which bears North 05°44'02" East, 705.00 feet to a point of tangency;

North 15°50'03" East, 178.95 feet to a point of curvature;

687.32 feet along the arc of a curve to left, having a radius of 1190.00 feet, a central angle of 33°05'34", and a chord which bears North 00°42'43" West, 677.80 feet to a point of tangency;

North 17°15'30" West, 130.28 feet to a point of curvature;

890.16 feet along the arc of a curve to the right, having a radius of 3010.00 feet, a central angle of 16°56'39" and a chord which bears North 08°47'10" West, 886.92 feet to a point of tangency;

North 00°18'51" West, 793.93 feet to a point for corner in the north line of Senior Road (variable width Roadway Easement) as recorded in Volume 446, Page 42 and Volume 446, Page 49 FBCDR;

THENCE, South 89°54'41" East, 1606.82 feet to the east boundary line of Olympia Estates;

THENCE, South 00°17'18" West, 3100.93 feet to the POINT OF BEGINNING and containing a computed area of 152.586 acres (6,646,629 square feet) of land.

Tract 2 appearing to contain a portion of the Commercial Northeast subdistrict and the Business Park East subdistrict as shown on Exhibit "B," the concept plan.

**METES AND BOUNDS  
OLYMPIA ESTATES COMMERCIAL TRACT 2**

BEING a 116.302 acre tract situated in the Cochran and McCluer Survey, Abstract 191, Fort Bend County, Texas. Said 116.302 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, South-Central Zone (NAD83):

BEGINNING at a 1/2-inch iron rod set for the southwest corner of said 116.302 acre tract, same also being east R.O.W. corner of a Proposed Fort Bend County Toll Road with a variable R.O.W. width;

THENCE, Northwestarily, along west property line, same also being the east R.O.W. line of said Proposed Fort Bend County Toll Road, with a curve to the left, having a radius of 5,879.60 feet, an arc length of 4,992.03' a chord bearing of N00°20'03"W, and a chord length of 4752.91' to a point of tangency;

THENCE, N 24°10'28" W, continuing along west property line, a distance of 807.08 feet to an angle point;

THENCE, N 11°34'52" W, continuing along west property line, a distance of 68.96 feet to a point of curvature;

THENCE, Northwestarily, continuing along west property line, with a curve to the left, having a radius of 1,453.39 feet, an arc length of 319.45', a chord bearing of N 17°52'40"W, a chord length of 318.81 feet to a point of tangency;

THENCE, N 24°10'28" W, continuing along west property line, a distance of 289.05 feet to an angle point;

THENCE, N 23°37'13" W, continuing along west property line, a distance of 106.91 feet to an angle point;

THENCE, N 38°55'39" E, continuing along west property line, a distance of 61.27 feet to an angle point;

THENCE, N 00°04'56" E, continuing along west property line, a distance of 98.12 feet to an angle point;

THENCE, N 89°55'04" W, continuing along west property line, a distance of 15.22 feet to an angle point;

THENCE, N 53°23'49" W, continuing along west property line, a distance of 9.98 feet to an point marking the northwest corner and north property line of said 116.302 acre tract;

THENCE, S 89°54'41" E, along north property line, a distance of 1,300.91 feet to an angle point marking the northeast corner of said 116.302 acre tract;

Tract 2 (Continued)

THENCE, S 00°18'51" E, along east property line, a distance of 793.93 feet to a point of curvature;

THENCE, Southeasterly, continuing along east property line, with a curve to the left, having a radius of 3,010.00 feet, an arc length of 890.16', a chord bearing of S 08°47'10" E and a chord length of 886.92 feet to a point of tangency;

THENCE, S 17°15'30" E, continuing along east property line, a distance of 130.28 feet to a point of curvature;

THENCE, Southeasterly, continuing along east property line, with a curve to the right, having a radius of 1,190.00 feet, an arc length of 687.32', a chord bearing of S 00°42'43" E, and a chord length of 677.80 feet to a point of tangency;

THENCE, S 15°50'03" W, continuing along east property line, a distance of 178.96 feet to a point of curvature;

THENCE, Southwesterly, continuing along east property line, with a curve to the right, having a radius of 2010.00 feet, and an arc length of 708.66 feet, a chord bearing of S 05°44'02" W, a chord length of 705.00 feet to a point of tangency;

THENCE, S 04°21'59" E, continuing along east property line, a distance of 330.66 feet to a point of curvature;

THENCE, Southeasterly, continuing along the east property line, with a curve to the left, having a radius of 2010.00 feet, and an arc length of 1008.22 feet, a chord bearing of S 18°44'11" E, a chord length of 997.68 feet to a point of tangency;

THENCE, S 33°06'22" E, continuing along east property line, a distance of 519.69 feet to a point of curvature;

THENCE, Southeasterly, continuing along the east property line, with a curve to the right, having a radius of 800.00 feet, and an arc length of 273.94 feet, a chord bearing of S 23°17'47" E, a chord length of 272.71 feet to an angle point;

THENCE, S 19°38'12" W, along the east property line, a distance of 1188.58 feet to an angle point marking the southeast corner of said 116.302 acre tract;

THENCE, S 89°06'43" W, along the south property line, a distance of 257.43 feet to a point of curvature;

THENCE, Westerly, continuing along the south property line, with a curve to the left, having a radius of 17130.73 feet, and an arc length of 118.10 feet, a chord bearing of S 89°18'33" W, a chord length of 118.10 feet to a point of tangency;

THENCE, S 89°30'22" W, continuing along south property line, a distance of 40.75 feet to an angle point;

THENCE, N 86°20'48" W, continuing along south property line, a distance of 401.05 feet to an angle point;

THENCE, N 82°48'17" W, continuing along south property line, a distance of 276.38 feet to the POINT OF BEGINNING and containing 116.302 acres and 5,066,122.07 square feet;

Tract 3 appearing to contain a portion of the Single-family Residential subdistrict as shown on Exhibit "B," the concept plan.

**METES AND BOUNDS  
OLYMPIA ESTATES COMMERCIAL TRACT 3**

**BEING a 88.1380 acre tract situated in the Cochran and McCluer Survey, Abstract 191, Fort Bend County, Texas. Said 88.1380 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, South Central Zone (NAD83):**

**BEGINNING at a 1/2-inch iron rod set for the southwest corner of said 88.1380 acre tract;**

**THENCE, North, along west property line, a distance of 747.53 feet to an angle point;**

**THENCE, N 00°00'04" W, continuing along west property line, a distance of 398.98 feet to an angle point;**

**THENCE, N 00°00'01" E, continuing along west property line, a distance of 3,095.34 feet to an angle point;**

**THENCE, N 00°00'01" E, continuing along west property line, a distance of 1,389.79 feet to a point of curvature set for corner, same also being east property line of said 88.1380 acre tract;**

**THENCE, Southeasterly, continuing along east property line, with a curve to the right, having a radius of 1,453.39 feet, an arc length of 87.07', and a chord bearing of S 33°53'10" E, and a chord length of 87.06 feet to a point of curvature;**

**THENCE, Southeasterly, continuing along east property line, with a curve to the right, having a radius of 1,453.39 feet, an arc length of 99.64', a chord bearing of S 35°36'09" E and a chord length of 99.44 feet to an angle point;**

**THENCE, S 23°57'22" E, continuing along east property line, a distance of 871.96 feet to a point of curvature;**

**THENCE, Southeasterly, continuing along east property line, with a curve to the right, having a radius of 5,579.60 feet, an arc length of 4,878.69', a chord bearing of S 00°45'16" W and a chord length of 4664.89 feet to an angle point for the southeast corner of said 88.1380 acre tract**

**THENCE, S 62°06'03" W, along the south property line, a distance of 69.12 feet to an angle point;**

**THENCE, S 81°15'24" W, continuing along the south property line, a distance of 321.85 feet to an angle point;**

**THENCE, S 85°22'13" W, continuing along south property line, a distance of 19.91 feet to the POINT OF BEGINNING and containing 88.1380 acres and 383,9290.95 square feet;**

## Exhibit A (Metes and bounds description of subject 432.87-acre tract of land)

Page 5 of 6

**Tract 4** appearing to contain a portion of the Single-family Residential subdistrict and all of the Commercial Northwest subdistrict as shown on Exhibit "B," the concept plan.

### FIELD NOTES FOR 37.429 ACRES

Being a tract of land containing 37.429 acres located in the Elijah Roark League, Abstract Number 77, in Fort Bend County, Texas; Said 37.429 acre tract being a called 37.429 acre tract of land recorded in the name of Point Center Financial, Inc., in Fort Bend County Clerk's File (F.B.C.C.F.) Number 2009050702; Said 37.429 acre tract being more particularly described by metes and bounds as follows (bearings are referenced to said 37.429 acre tract as described in F.B.C.C.F. Number 2009050702):

BEGINNING at a 5/8-inch iron rod found at the most northerly corner of said 37.429 acre tract, the northeast corner of a called 35.971 acre tract of land recorded in the name of Graham Mortgage Corporation in F.B.C.C.F. Number 2011022711 and being on the southerly right-of-way (R.O.W.) line of Lake Olympia Parkway (100-foot wide) as described in F.B.C.C.F. Number 2004110055;

Thence, with said southerly R.O.W. line, the following two (2) courses:

1. 962.26 feet along the arc of a curve to the left, said curve having a central angle of 44 degrees 06 minutes 25 seconds, a radius of 1,250.00 feet and a chord bearing: South 64 degrees 38 minutes 47 seconds East, a distance of 938.68 feet to a 5/8-inch iron rod found;
2. South 86 degrees 41 minutes 59 seconds East, a distance of 222.99 feet to 5/8-inch iron rod found at the transition from said southerly R.O.W. line to the R.O.W. line of Fort Bend Parkway (width varies) as described in F.B.C.C.F. Number 2003114427;

Thence, with said R.O.W. line, the following four (4) courses:

1. South 89 degrees 35 minutes 18 seconds East, a distance of 68.39 feet to a 5/8-inch iron rod found;
2. South 64 degrees 36 minutes 16 seconds East, a distance of 51.01 feet to a 5/8-inch iron rod found;
3. 315.88 feet along the arc of a curve to the left, said curve having a central angle of 03 degrees 03 minutes 08 seconds, a radius of 5,929.60 feet and a chord bearing: South 22 degrees 38 minutes 54 seconds East, a distance of 315.84 feet to a 5/8-inch iron rod found;
4. South 24 degrees 10 minutes 28 seconds East, a distance of 84.53 feet to a 5/8-inch iron rod found on the west line of a called 19.6971 acre tract of land recorded in the name of Fort Bend County Municipal Utility District No. 48 in F.B.C.C.F. Number 9869821;

Thence, with said west line, South 00 degrees 00 minutes 00 seconds East, a distance of 1,312.88 feet to a 5/8-inch iron rod found at the most southerly corner of said 37.429 acre tract, the northeast corner of Olympia Estates Phase 1 Section 3, a subdivision recorded in Slide Number 20040238 of the Fort Bend County Plat Records (F.B.C.P.R.), and being the most easterly corner of a called 16.996 acre tract of land recorded in the name of Graham Mortgage Corporation in F.B.C.C.F. Number 2011022711;

Thence, with lines common to said 37.429 acre tract and said 16.996 acre tract, the following three (3) courses:

1. 862.06 feet along the arc of a curve to the left, said curve having a central angle of 25 degrees 12 minutes 40 seconds, a radius of 1,959.15 feet and a chord bearing of North 34 degrees 50 minutes 48 seconds West, a distance of 855.12 feet to a 5/8-inch iron rod found;
2. North 47 degrees 24 minutes 00 seconds West, a distance of 263.29 feet to a 5/8-inch iron rod found;
3. North 90 degrees 00 minutes 00 seconds West, at a distance of 542.59 feet pass the northwest corner of said 16.996 acre tract and the most northerly northeast corner of Olympia Estate Section 2, a subdivision recorded in Slide Numbers 2331 A&B of the F.B.C.P.R., in all, a distance of 717.60 feet to the southeast corner of Restricted Reserve "A", Olympia Estates Phase 1 Section 4, a subdivision recorded in Slide Number 20040240 of the F.B.C.P.R.;

Thence, with said Restricted Reserve "A", the following three (3) courses:

1. North 00 degrees 00 minutes 00 seconds East, a distance of 336.02 feet to a 5/8-inch iron rod found;
2. North 23 degrees 18 minutes 16 seconds West, a distance of 384.41 feet to a 5/8-inch iron rod found;
3. South 66 degrees 41 minutes 44 seconds West, a distance of 110.00 feet to a 5/8-inch iron rod found on the east line of Lot 17, Block 1, of said Olympia Estates Phase 1 Section 4;

Thence, with said east line, North 23 degrees 18 minutes 16 seconds West, a distance of 23.62 feet to the northeast corner of said Lot 17 and being a southeasterly corner of aforesaid 35.971 acre tract;

Thence, with the easterly lines of said 35.971 acre tract, the following two (2) courses:

1. North 00 degrees 56 minutes 10 seconds East, a distance of 196.32 feet to a 5/8-inch iron rod found;
2. North 40 degrees 15 minutes 31 seconds East, a distance of 491.52 feet to the POINT OF BEGINNING and containing 37.429 acres of land.

**Exhibit A (Metes and bounds description of subject 432.87-acre tract of land)**

Page 6 of 6

Tract 5 appearing to contain the entire Commercial Southeast subdistrict as well as an area noted as Open Space/Utility as shown on Exhibit "B," the concept plan and described below as Tract 7 containing 38.4163 acres.

**TRACT 3:**

**Of 38.4163 Acres or 1,673,415 Square Feet of land being part of the remainder of that certain 80 Acre tract of land, conveyed to HERMANN HEALTH CARE SYSTEM, Inc. by a deed recorded under Clerk's File No. 9774265, of the Fort Bend County Deed Records (F.B.C.D.R.), lying in the ELIJAH ROARK LEAGUE Survey, Abstract No. 77, in Fort Bend County, Texas, said 38.4163 Acre tract is more particularly described by metes and bounds as follows:**

**BEGINNING at the North Right-of-Way of Trammel - Fresno Road, (A Variable Width Right-of-Way as monument and occupied), at the Southwest corner of that certain 961.03 Acre tract of land conveyed to TEAL RUN, LTD & TEAL RUN No. 2, LTD by a deed recorded under Volume 1923, Page 368, F.B.C.D.R, from which a 5/8 inch Iron rod with a Cotton Cap found North, 1.95 feet, and West, 0.39 feet;**

**THENCE South 84 deg. 17 min. 58 sec. West, along the North Right-of-Way of said Trammel - Fresno Road, a distance of 300.11 feet to a point for corner, from which a 5/8 inch iron rod was found North, 8.15 feet, and East, 0.14 feet;**

**THENCE South 89 deg. 08 min. 32 sec. West, along the North Right-of-Way of said Trammel Fresno Road, a distance of 711.97 feet to a 5/8 inch Iron rod found at a point for corner at the Southeast corner of that certain 6.269 Acre tract of land conveyed to HOUSTON LIGHTING AND POWER Co. by a deed recorded under Volume 495, Page 659, F.B.C.D.R.;**

**THENCE North 19 deg. 38 min. 12 sec. East, along the Southeast line of said 6.269 Acre tract of land, a distance of 3289.59 feet to a point for corner, from which a 5/8 inch iron rod with a Cotton Cap was found North, 0.08 feet;**

**THENCE South 00 deg. 17 min. 18 sec. West, along the West line of said 961.03 Acre tract of land, a distance of 3049.90 feet to the POINT OF BEGINNING, containing within these calls 38.4163 Acres or 1,673,415 Square Feet of land as depicted on sheet 4 of 4 of a plat prepared by Donald K. Hall, R.P.L.S. No. 4070, dated November 20, 2000, revised February 13, 2001, and June 28, 2001.**

The above description as found in Exhibit A of a deed recorded under Clerk's file number 2011012748 of the Fort Bend County Deed Records.



**Exhibit B**  
**Concept Plan**  
 Page 1 of 1

an exhibit for  
**FT. BEND PARKWAY TRACT**  
**PD 88**



— Land Planning Consultants —  
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THIS DRAWING IS A PICTORIAL REPRESENTATION FOR PRESENTATION PURPOSES ONLY AND IS SUBJECT TO CHANGE. FURTHER, SAID DRAWING IS A SCANNED IMAGE ONLY AND IS NOT FOR COMPUTATION OR CONSTRUCTION PURPOSES. THIS DRAWING MAY OR MAY NOT INCORPORATE INFORMATION AND/OR DATA PROVIDED TO BOE | KERRY R. GILBERT & ASSOCIATES BY OTHER CONSULTANTS RELATIVE TO ENGINEERING AND DRAINAGE. FLOOD PLAINS AND ENVIRONMENTAL ISSUES AND SHOULD NOT BE RELIED UPON FOR ANY PURPOSE. NO WARRANTIES, EXPRESS OR IMPLIED, CONCERNING THE ACTUAL DESIGN, LOCATION, AND CHARACTER OF THE FACILITIES SHOWN ON THIS MAP ARE INTENDED. ADDITIONALLY, NO WARRANTY IS MADE TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.



**RESIDENTIAL BUILDER GUIDELINES**

**Prepared By:**



**Table of Contents**

- I. Site Plan Guidelines**
  - a. Lot Types/ Setbacks
  - b. Garages
  - c. Garage Placement
  - d. Driveways
  - e. Sidewalks
  - f. Walkways
  - g. Fencing
  - h. Grading, Drainage and Berms
  
- II. Architectural Guidelines**
  - a. Square Footage Requirements
  - b. Housing Plan and Elevation Repetition
  - c. Masonry Requirements
  - d. Materials
  - e. Chimneys
  - f. Roofs
  - g. Garages
  - h. Signage

**I. Site Plan Guidelines**

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

**1) Lot types/ Building Setbacks**

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

All building setbacks will be in compliance with those set forth within the R-2 Zoning District

**2) Garages**

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

**3) Driveways**

- a) Width
  - i) On attached garages, the driveway must be a minimum of eighteen (18) feet in width
  - ii) For detached garages, the minimum width must be ten (10) feet at the property line.
  - iii) No driveway shall be greater than twenty (20) feet at the property line
- b) Location
  - i) Driveways must be located on one side of the lot. Driveways should not be centered on the lot.
- c) Materials
  - i) Driveways must be constructed of concrete and/or pavers
  - ii) Asphalt paving, stone, timber borders, and loose gravel are prohibited.
- d) Radius
  - i) All driveways shall have a minimum radius of five (5) feet at the curb
- e) Setback
  - i) No driveway shall be located closer than two (2) feet from the side property line.

**4) Sidewalks**

- a) All sidewalks must meet the rules and regulations set forth within the City's Public Infrastructure Design Manual

- b) Sidewalks must be a minimum of five (5) feet in width
- c) Sidewalks must be constructed of concrete
- d) With the exception of cul de sacs, sidewalks should be located not closer than two (2) feet from the right of way

**5) Walkways**

- a) A walkway a minimum of three (3) feet must be provided on all homes.
- b) The walkway may lead from the front of the home to the street or from the front of the home to the driveway.
- c) All walkways that connect to the front sidewalk must be perpendicular where they intersect.
- d) Walkways may be composed of concrete and/or decorative pavers

**6) Fencing**

- a) Fences must be installed on all lots.
- b) The front fence must begin a minimum of ten (10) feet and a maximum of fifteen (15) feet from the front elevation.
- c) On corner lots, the fence must be located a minimum of five (5) feet from the side property line.
- d) Unless specified elsewhere in this section, all fences shall be a minimum of six (6) feet in height
- e) All fencing visible from the public must be installed good side facing out.
- f) All interior fencing must be composed of a good neighbor fence. A good neighbor fence is composed of alternating panels.
- g) Greenbelt lots
  - i) A four (4) foot tall tubular steel fence is required on all fences adjacent greenspace, detention and/or lakes.
  - ii) Where a four (4) foot tubular steel fence is required, a 4' to 6' wood transition panel must be used at the transition for the tubular steel fence to the typical wood fence.
- h) Gates
  - i) A six (6) foot tall by three (3) foot wide wood gate may be placed on one side of the front fence facing the street.
  - ii) All gates must be self-closing and self-latching.

**7) Grading, Drainage, Berms**

- a) Each lot shall be graded so that storm water will drain from the rear property line through the side yard and front yard to the abutting street and not across adjacent lots or reserves. Minimum grade shall be 1.0 percent (1%). Exceptions will be made in those instances where existing topography dictates an alternate lot grading plan.

**II. Architectural Guidelines**

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

**1) Square Footage Requirements**

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

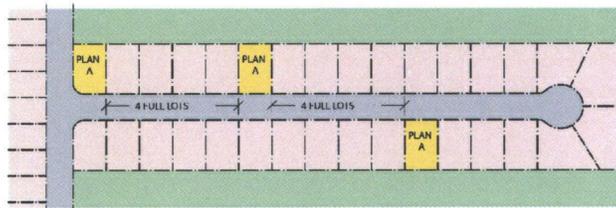
| Lot Size | Minimum |
|----------|---------|
| 50'      | 1,500   |
| 55'      | 1,800   |
| 60'      | 2,100   |

**2) Housing Plan and Elevation Repetition**

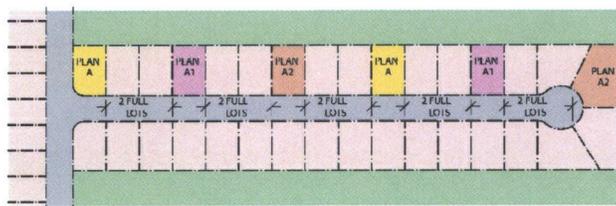
a) The following three scenarios represent the guidelines for determining when a plan and elevation can be repeated within the subdivision:

- i) When building the same plan, same elevation, on the same side of the street or on both sides of the street, four (4) full lots must be skipped.
- ii) When building the same plan, different elevation, on the same side of the street, two (2) lots must be skipped.
- iii) When building the same plan, different elevation, on opposite sides of the street, one (1) full lot must be skipped.
- iv) An elevation that closely resembles that of a nearby home or in any way detracts from the overall street scene can be rejected.

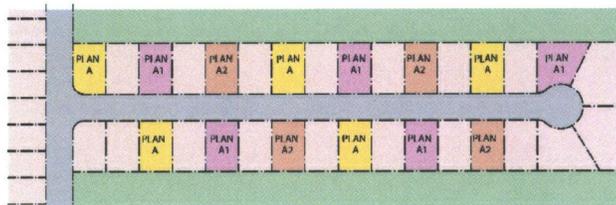
1. SAME PLAN, SAME ELEVATION, SAME OR OPPOSITE SIDE



2. SAME PLAN, DIFFERENT ELEVATION, SAME SIDE



3. SAME PLAN, DIFFERENT ELEVATION, OPPOSITE SIDE



**3) Masonry Requirements**

- a) All homes must be 100% masonry on the first floor (front, side and rear elevations)
- b) On two story homes, the masonry material must wrap a minimum of five (5) feet around the side of the home on the second story.

**4) Materials**

- a) Masonry Materials
  - i) Brick
    - (1) All brick must meet the standard specification established by the Brick Institute of America
  - ii) Stone
  - iii) Stucco
  - iv) Stucco Board
- b) Non Masonry materials
  - i) Hardie Siding
  - ii) Wood
    - (1) All wood must be painted, stained or treated.
  - iii) Metal
    - (1) Exposed metals must be anodized aluminum, bronze, copper or painted galvanized steel
  - iv) Prohibited Materials
    - (1) Shaker Shingles
    - (2) Reflective aluminum
    - (3) Vinyl siding
- c) Masonry Repetition
  - i) Same color brick, stone or stucco may not be used on homes immediately adjacent to or directly across the street from one another.
- d) Exterior Colors
  - i) No more than three (3) colors may be used per residence
  - ii) Pastel and Primary colors are prohibited unless used as accent colors on doors, shutters, etc.

**5) Chimneys**

- a) Chimneys must be constructed of materials in keeping with those used on the home.
- b) Chimneys may be wrapped in hardie plank and/or masonry
- c) Metal caps are required on all chimneys
- d) Direct vents are permitted if not visible from the street and/or a public area.

**6) Roofs**

- a) Materials
  - i) Shingles
    - (1) All shingles must be thirty (30) year composition shingles
    - (2) Garages and/or breezeway roofs must be the same roofing material as the home
  - ii) Metal
    - (1) Cooper roofing and standing seam metal are permitted for accent areas (bay windows, porches, etc)
- b) Pitches
  - i) Roof pitch must be a minimum of 6:12
  - ii) Porches and/or dormers may have a roof pitch of 3:12 or greater
  - iii) Flat roofs are PROHIBITED

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

**7) Garages**

- a) Attached Garages
  - i) Front loaded garages
    - (1) Storage extensions may not exceed ten (10) feet in width beyond the side of the garage
  - ii) Three Car garages
    - (1) Three car tandem garages are permitted
    - (2) Three side by side garages are not permitted
- b) Detached garages
  - i) Detached garages are not permitted on greenbelt or lake lots
  - ii) On corner lots, detached garages must be located on the interior side of the lot, away from the street.
- c) Porte Cocheres
  - i) Must be the same architectural style of the home
- d) Garage doors
  - i) One (1) double door is permitted or two (2) single wide doors separated by a column

**8) Signage**

- a) Model Identification Sign
  - i) Each builder may have one (1) lighted sign per model home
- b) Lot identification sign
  - i) One sale sign is permitted for each lot

**FORT BEND PARKWAY PLANNED DEVELOPMENT  
DEVELOPMENT SCHEDULE**

- A.** If Hurricane Lane is extended as projected, within 2-4 years, site development is expected to commence within the following districts and/or tracts:
- Commercial Northwest, Tract 2 (Lake Olympia Parkway at Fort Bend Parkway)
  - Single-family residential
- B.** Within 4-6 years, site development will continue within the three districts above and is expected to commence within the following additional districts and/or tracts:
- Commercial Northeast, Tracts 2 and 3 (Lake Olympia Parkway at Hurricane Lane)
  - Commercial Southeast (Hurricane Lane at Trammel-Fresno Road)
  - Business Park East (Hurricane Lane corridor)
- C.** Within 6 years, the single-family district should be built out.
- D.** Within 6-8 years, site development will continue within the districts above.
- E.** Within 8 years, the commercial districts should be mostly built-out.
- F.** Within 8-12 years, in-fill development will continue within the business park district.
- G.** The PD should be substantially developed within 12 years.

PUBLISHER'S AFFIDAVIT

THE STATE OF TEXAS

COUNTY OF FORT BEND

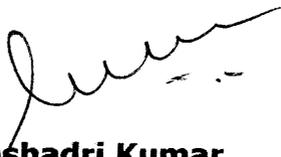
Before me, the undersigned authority, on this day personally appeared Seshadri Kumar who being by me duly sworn, deposes and says that he is the publisher of **Fort Bend Independent** and that said newspaper meets the requirements of Section 2051.044 of the Texas Government Code, to wit:

1. It devotes not less than twenty-five percent (25%) of its total column lineage to general interest items;
2. It is published at least once each week;
3. It is entered as second-class postal matter in the county where it is published; and
4. It has been published regularly and continuously since 2008.

Publisher further deposes and says that the attached notice was published in said newspaper to wit:

**April 27, 2016**

**City of Missouri City Ord.16-12;16-13 and 16-14**



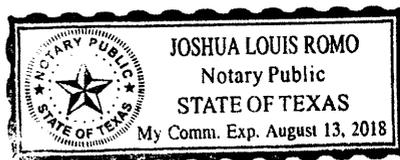
**Seshadri Kumar**

Publisher

SUBSCRIBED AND SWORN BEFORE ME by Seshadri Kumar who

- (a) Is personally known to me, or
- (b) Provided the following evidence to establish his/ her identity,
- (c) On this the 6th day of May, 2016 to certify which witness my hand and seal of office.

Notary Public, State of Texas



ORDINANCE NO. O-18-\_\_

**AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING REGULATIONS IN PD PLANNED DEVELOPMENT DISTRICT NO. 88; REGULATING AND RESTRICTING THE DEVELOPMENT AND USE OF PROPERTY WITHIN SUCH PD PLANNED DEVELOPMENT DISTRICT; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MISSOURI CITY; PROVIDING FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.**

\* \* \* \* \*

WHEREAS, DC Development Partners LP, FLC Parkway LP, Fort Bend County Municipal Utility District No. 48, Ft Bend Parkway-34 LP, K. Hovnanian Houston Dry Creek Village, and Meritage Homes of Texas LLC are the owners of approximately 432.87 acres of land within the corporate limits of the City of Missouri City, Texas (the "Property"); and

WHEREAS, said Property presently has a zoning classification of PD Planned Development District No. 88 under Ordinance No. O-16-13, adopted on April 18, 2016; and

WHEREAS, the owners' agent, Stan Winter of Jones Carter, has made application to the City of Missouri City to amend PD Planned Development District No. 88 to allow vinyl fencing; and

WHEREAS, pursuant to Section 8.3 of the City of Missouri City Zoning Ordinance, said application was submitted to the City of Missouri City with proof of notice to all of the other property owners within PD Planned Development District No. 88; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Missouri City have each conducted, in the time and manner and after the notice required by law and the City of Missouri City Zoning Ordinance, a public hearing on such requested amendment; and

WHEREAS, the City of Missouri City Planning and Zoning Commission has issued its final report and the City Council of the City of Missouri City now deems it appropriate to grant such requested amendment; now therefore,

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

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

Section 2. As required by law, the City Council of the City of Missouri City conducted the public hearing on the request for zoning amendments and closed the public hearing prior to the final adoption of this Ordinance.

Section 3. The Property is more fully described in Exhibit “A,” attached hereto and made a part hereof for all purposes, and is depicted in Exhibit “B,” the concept plan, attached hereto and made a part hereof for all purposes.

Section 4. PD Planned Development District No. 88 shall be developed in accordance with the Missouri City Code, including the City of Missouri City Zoning Ordinance, and shall be developed generally in accordance with Exhibit “B,” and is subject to the following regulations and restrictions:

- A. Purpose.** PD Planned Development District No. 88 may include a combination of uses consisting of LC-3 retail district uses, BP business park district uses, and R-2 single-family residential district uses. Improvements to the site shall be designed to enhance the overall urban design and nature of the surrounding area.
- B. Use regulations.** In PD Planned Development District No. 88, no building, structure, or land shall be used and no building or structure shall be hereafter erected, reconstructed, altered or enlarged except as provided in this Ordinance.
  - 1. The following uses shall be located within the subdistricts designated on Exhibit “B” as set forth below:
    - a. Except as provided in Subsection 4.B.1.b of this Ordinance, LC-3 retail district uses may be located only within the Commercial Northeast, Commercial Northwest, and Commercial Southeast Subdistricts.
    - b. BP business park district uses may be located only within the Business Park East Subdistrict.
    - c. R-2 single-family residential district uses may be located only within the Single-family Residential Subdistrict.
  - 2. The following uses shall be prohibited:
    - a. sexually oriented businesses;
    - b. quarry, mine, sand and mineral extraction uses; and
    - c. sanitary landfills.

**C. Use district regulations.** Except as set forth in Subsections 4.D to 4.K of this Ordinance, the following use district regulations shall apply within the designated subdistricts:

1. Commercial Northeast, Commercial Northwest, and Commercial Southeast Subdistricts: LC-3 retail district regulations contained in Subsection 7.12 of the City of Missouri City Zoning Ordinance shall apply.
2. Business Park East Subdistrict: BP business park district regulations contained in Subsection 7.1255 of the City of Missouri City Zoning Ordinance shall apply.
3. Single-family Residential Subdistrict: R-2 single-family residential district regulations contained in Subsection 7.3 of the City of Missouri City Zoning Ordinance shall apply.

**D. Height and area regulations.** The height and area regulations for the subdistricts set forth below shall be as follows:

1. Commercial Northeast, Commercial Northwest, and Commercial Southeast Subdistricts: Except as set forth herein, the height and area regulations for LC-3 retail districts contained in Subsection 7.12 of the City of Missouri City Zoning Ordinance shall apply.
  - a. The maximum building height shall be based on the ratio of one foot of height for each 1.75 feet of distance from the exterior portion of a building nearest to the nearest property line within a residential zoning district to the nearest property line in the nearest residential zoning district.
  - b. Buildings shall be set back at least 25 feet from the right-of-way line of the Fort Bend Parkway.
2. Business Park East Subdistrict: Except as set forth herein, the height and area regulations for BP business park district contained in Subsection 7.1255 of the City of Missouri City Zoning Ordinance shall apply.
  - a. The maximum building height shall be based on the ratio of one foot of height for each 1.75 feet of distance from the exterior portion of a building nearest to the nearest property line within a residential zoning district to the nearest property line in the nearest residential zoning district.
  - b. Buildings shall be set back at least 25 feet from the right-of-way line of the Fort Bend Parkway.

**E. Building regulations.** The building regulations within the planned development district shall be as follows:

1. Horizontal and vertical building planes shall be interrupted by offsets, changes in building materials, colors, textures, or other methods allowed in Section 7A, Architectural Design Standards, of the City of Missouri City Zoning Ordinance.
2. Architectural details that create shade and cast shadows shall be incorporated to provide visual relief.
3. Any uninterrupted street-facing facade may not exceed 100 feet in length. A building facade of more than 100 feet in length that faces a public street shall have offsets with a minimum depth of at least five feet and a minimum length extending at least 20 percent of the length of such building facade.
4. Exterior lighting shall be shielded to prohibit illumination in excess of 0.25 footcandles of average general light overflow or 0.50 footcandles at any point on the boundary of an adjacent residential zoning district.

**F. Architectural standards.** The architectural standards within the planned development district shall be as follows:

1. Commercial Northeast, Commercial Northwest, Commercial Southeast, and Business Park East Subdistricts: Except as set forth herein, all buildings and structures constructed in PD Planned Development District No. 88 to which Section 7A, Architectural Design Standards, of the City of Missouri City Zoning Ordinance applies, shall be constructed in accordance with Section 7A, Architectural Design Standards, of the City of Missouri City Zoning Ordinance.
  - a. The following materials may not be installed on the exterior of a building:
    - i. Vinyl siding, wood-fiber hardboard siding, oriented strand board siding, plastic, and fiberglass panels;
    - ii. Unfired or underfired clay, sand, or shale brick;
    - iii. Smooth or untextured concrete surfaces; and
    - iv. Exterior insulation and finish system (EIFS).
  - b. A single building material may not cover more than 80 percent of the front exterior of any building.

- c. The architectural design, color, and materials of all facades facing or siding a public street, internal access drive, or pedestrian walkway shall match for the following:
    - i. an independent business establishment; and
    - ii. multiple buildings within an integrated business development or a shopping center.
  - d. The architectural design, color, and materials of screening walls, wing walls, columns, and similar building extensions and supports shall match the building to which they are attached.
2. Single-family Residential Subdistrict: All residential buildings and structures located within the Single-family Residential Subdistrict shall be constructed in accordance with the architectural guidelines contained in Exhibit "C," the Residential Builder Guidelines, attached hereto and made a part hereof for all purposes.

**G. Landscaping regulations.** The landscaping regulations within the planned development district shall be as follows:

- 1. Commercial Northeast, Commercial Northwest, and Commercial Southeast Subdistricts: Except as set forth herein, the landscaping, screening, and buffer yard regulations contained in Section 11, Landscaping, of the City of Missouri City Zoning Ordinance shall apply.
  - a. The minimum depth for buffer yards abutting the areas specified below shall be as follows:
    - i. Fort Bend Parkway: 20 feet
    - ii. Other public streets: 20 feet
    - iii. Internal access drives: 10 feet
    - iv. All other property lines: 5 feet
  - b. At the time of planting, canopy trees shall have a minimum four-inch caliper and be a minimum of 10 feet in height as measured at ground level. Canopy trees may be clustered or spaced linearly and are not required to be spaced evenly.
- 2. Single-family Residential Subdistrict: The landscaping, screening, and buffer yard regulations shall be as follows:
  - a. A landscape or open space buffer a minimum of 25 feet in depth shall be provided between Fort Bend Parkway and the

rear property line of single-family residential lots. A masonry wall a minimum of eight feet in height shall be provided along the property line of single-family residential lots adjacent to the landscape or open space buffer. Landscaping within the landscape or open space buffer shall consist of a combination of trees, shrubs and berms. At the time of planting, canopy trees and understory trees within the landscape or open space buffer shall have a minimum three-inch caliper. Berms with a slope of a minimum ratio of four to one and a minimum of two feet in height shall be provided within the landscape and open space buffer.

- b. A landscape or open space buffer a minimum of 20 feet in depth shall be provided between nonresidential uses adjoining single-family residential uses. No parking, paving, or buildings shall be installed within the landscape or open space buffer. A masonry wall a minimum of eight feet in height and one canopy tree per 30 linear feet of buffer area shall be provided within the landscape or open space buffer. At the time of planting, canopy trees within the landscape or open space buffer shall have a minimum three-inch caliper.

**H. Ingress and Egress.** Ingress and egress within the planned development district shall be as follows:

- 1. A pedestrian walkway shall be provided to connect the primary entrance of a nonresidential building to a sidewalk abutting a public street. For a nonresidential use with a parking area located between a public street and the nonresidential building, at least one pedestrian walkway shall be provided to and through the associated parking area to connect any nonresidential building entrance of such building to a sidewalk abutting the public street.

**I. Parking regulations.** Except as set forth herein, the parking regulations contained in Section 12, Parking Regulations, of the City of Missouri City Zoning Ordinance shall apply.

- 1. The minimum setback for nonresidential parking facilities abutting the areas specified below shall be as follows:
  - a. Fort Bend Parkway: 20 feet
  - b. Other public streets: 20 feet
  - c. Internal access drives: 10 feet
  - d. All other property lines: 5 feet

2. Bicycle parking: An off-street parking area for bicycles shall be provided within 50 feet of a primary employee or visitor entrance of each building. Such parking area shall include racks and other structures intended for parking bicycles.
- J. Garages.** Except as set forth in Exhibit “C,” construction of garages within the Single-family Residential Subdistrict shall comply with Section 9.8, Garages, of the City of Missouri City Zoning Ordinance.
- K. Fence Regulations.** Except as set forth herein and in Exhibit “C,” fences installed within the Single-family Residential Subdistrict shall comply with Section 14, Fence Regulations, of the City of Missouri City Zoning Ordinance. A homeowners association or property owner association shall be responsible for maintaining community fencing within the Single-family Residential Subdistrict.
1. Fences that are adjacent to collector streets or major thoroughfares and installed within the Single-family Residential Subdistrict shall be fenced with community fencing, which may consist of vinyl fencing, provided that:
    - (a) such fencing, not including the pilasters, shall be ~~beige, brown, burgundy, cream, gray, orange, red, rose, sage, or tan in~~ “SW 9100 Umber Rust” in color, or a color substantially similar to such color; and
    - (b) such fencing shall include architectural masonry unit, brick, or stone pilasters, as required by Subsection 14.3 of the Missouri City Zoning Ordinance.
- L. Conflicts.** Except as set forth in Subsections 4.D, 4.E, 4.F, 4.G, 4.H, 4.I, 4.J, and 4.K, in the event that any exhibit to this Ordinance conflicts with the Missouri City Code, the Missouri City Code shall prevail.
- M. Development schedule.** Pursuant to Section 8, PD Planned Development District, of the City of Missouri City Zoning Ordinance the property shall be developed in accordance with the development schedule attached hereto as Exhibit “D” and made a part hereof for all purposes. This Ordinance shall expire on the fifth anniversary of the date the first permit application was filed for this project, provided no progress has been made toward the completion of this project.

Section 5. The Zoning District Map of the City of Missouri City shall be revised and amended to show the zoning classification of said 432.87-acre tract of land with the appropriate references thereon to the number and effective date of this Ordinance and a brief description of the nature of these changes.

Section 6. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Missouri City, save and except the changes in zoning classification described in Section 3 hereof and the imposition of the findings, regulations, restrictions and conditions contained herein.

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

Section 8. *Repeal.* Ordinance Number O-16-13, adopted by the City Council of the City of Missouri City on April 18, 2016, is hereby repealed. Any ordinance or any other part of any other ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

Section 9. *Penalty.* Any person, firm, partnership, association, corporation, company, or organization of any kind who or which violates any provision of this zoning ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed Five Hundred Dollars (\$500.00). Each day during which said violation shall exist or occur shall constitute a separate offense. The owner or owners of any property or of premises where any violation of this zoning ordinance shall occur, and any agent, contractor, builder, architect, person, or corporation who shall assist in the commission of such offense shall be guilty of a separate offense unless otherwise prohibited by law and, upon conviction thereof, shall be punished as above provided.

Section 10. *Severability.* In the event any section, paragraph, subdivision, clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED and APPROVED on first reading this 4th day of September, 2018.

PASSED, APPROVED and ADOPTED on second and final reading this 17th day of September, 2018.

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Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

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Maria Jackson, City Secretary

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E. Joyce Iyamu, City Attorney

Document comparison by Workshare 9.5 on Wednesday, September 12, 2018  
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| Description   | W:\Public\COUNCIL\2018\09.17.2018\6c Dry Creek\PD 88 Amendment Ordinance 2018.Final.doc   |
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| Format changed | 0     |
| Total changes  | 12    |



**ORDINANCE NO. O-16-13**

**AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING REGULATIONS IN PD PLANNED DEVELOPMENT DISTRICT NO. 88; REGULATING AND RESTRICTING THE DEVELOPMENT AND USE OF PROPERTY WITHIN SUCH PD PLANNED DEVELOPMENT DISTRICT; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MISSOURI CITY; PROVIDING FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.**

\* \* \* \* \*

WHEREAS, FLC Parkway LP is the owner of approximately 395.44 acres of land and Ft Bend Parkway-34 LP is the owner of approximately 37.43 acres of land for a total of approximately 432.87 acres of land within the corporate limits of the City of Missouri City, Texas (the "Property"); and

WHEREAS, said Property presently has a zoning classification of PD Planned Development District No. 88 under Ordinance No. O-13-05, adopted on January 22, 2013; and

WHEREAS, the owners' agent, Kathryn Edwards of KRG/RBB, Inc., also known as BGE Kerry R. Gilbert, has made application to the City of Missouri City to amend PD Planned Development District No. 88 to incorporate single-family residential uses on land that was previously designated for business park uses and to incorporate commercial uses on land that was previously designated for multifamily residential uses; and

WHEREAS, pursuant to Section 8.3 of the City of Missouri City Zoning Ordinance, said application was submitted to the City of Missouri City with proof of notice to all of the other property owners within PD Planned Development District No. 88; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Missouri City have each conducted, in the time and manner and after the notice required by law and the City of Missouri City Zoning Ordinance, a public hearing on such requested amendment; and

WHEREAS, the City of Missouri City Planning and Zoning Commission has issued its final report and the City Council of the City of Missouri City now deems it appropriate to grant such requested amendment; now therefore,

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

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

Section 2. As required by law, the City Council of the City of Missouri City conducted the public hearing on the request for zoning amendments and closed the public hearing prior to the final adoption of this Ordinance.

Section 3. The Property is more fully described in Exhibit "A," attached hereto and made a part hereof for all purposes, and is depicted in Exhibit "B," the concept plan, attached hereto and made a part hereof for all purposes.

Section 4. PD Planned Development District No. 88 shall be developed in accordance with the Missouri City Code, including the City of Missouri City Zoning Ordinance, and shall be developed generally in accordance with Exhibit "B," and is subject to the following regulations and restrictions:

- A. Purpose.** PD Planned Development District No. 88 may include a combination of uses consisting of LC-3 retail district uses, BP business park district uses, and R-2 single-family residential district uses. Improvements to the site shall be designed to enhance the overall urban design and nature of the surrounding area.
- B. Use regulations.** In PD Planned Development District No. 88, no building, structure, or land shall be used and no building or structure shall be hereafter erected, reconstructed, altered or enlarged except as provided in this Ordinance.
1. The following uses shall be located within the subdistricts designated on Exhibit "B" as set forth below:
    - a. Except as provided in Subsection 4.B.1.b of this Ordinance, LC-3 retail district uses may be located only within the Commercial Northeast, Commercial Northwest, and Commercial Southeast Subdistricts.
    - b. BP business park district uses may be located only within the Business Park East Subdistrict.
    - c. R-2 single-family residential district uses may be located only within the Single-family Residential Subdistrict.
  2. The following uses shall be prohibited:
    - a. sexually oriented businesses;
    - b. quarry, mine, sand and mineral extraction uses; and

c. sanitary landfills.

**C. Use district regulations.** Except as set forth in Subsections 4.D to 4.K of this Ordinance, the following use district regulations shall apply within the designated subdistricts:

1. Commercial Northeast, Commercial Northwest, and Commercial Southeast Subdistricts: LC-3 retail district regulations contained in Subsection 7.12 of the City of Missouri City Zoning Ordinance shall apply.
2. Business Park East Subdistrict: BP business park district regulations contained in Subsection 7.1255 of the City of Missouri City Zoning Ordinance shall apply.
3. Single-family Residential Subdistrict: R-2 single-family residential district regulations contained in Subsection 7.3 of the City of Missouri City Zoning Ordinance shall apply.

**D. Height and area regulations.** The height and area regulations for the subdistricts set forth below shall be as follows:

1. Commercial Northeast, Commercial Northwest, and Commercial Southeast Subdistricts: Except as set forth herein, the height and area regulations for LC-3 retail districts contained in Subsection 7.12 of the City of Missouri City Zoning Ordinance shall apply.
  - a. The maximum building height shall be based on the ratio of one foot of height for each 1.75 feet of distance from the exterior portion of a building nearest to the nearest property line within a residential zoning district to the nearest property line in the nearest residential zoning district.
  - b. Buildings shall be set back at least 25 feet from the right-of-way line of the Fort Bend Parkway.
2. Business Park East Subdistrict: Except as set forth herein, the height and area regulations for BP business park district contained in Subsection 7.1255 of the City of Missouri City Zoning Ordinance shall apply.
  - a. The maximum building height shall be based on the ratio of one foot of height for each 1.75 feet of distance from the exterior portion of a building nearest to the nearest property line within a residential zoning district to the nearest property line in the nearest residential zoning district.

- b. Buildings shall be set back at least 25 feet from the right-of-way line of the Fort Bend Parkway.

**E. Building regulations.** The building regulations within the planned development district shall be as follows:

- 1. Horizontal and vertical building planes shall be interrupted by offsets, changes in building materials, colors, textures, or other methods allowed in Section 7A, Architectural Design Standards, of the City of Missouri City Zoning Ordinance.
- 2. Architectural details that create shade and cast shadows shall be incorporated to provide visual relief.
- 3. Any uninterrupted street-facing facade may not exceed 100 feet in length. A building facade of more than 100 feet in length that faces a public street shall have offsets with a minimum depth of at least five feet and a minimum length extending at least 20 percent of the length of such building facade.
- 4. Exterior lighting shall be shielded to prohibit illumination in excess of 0.25 footcandles of average general light overflow or 0.50 footcandles at any point on the boundary of an adjacent residential zoning district.

**F. Architectural standards.** The architectural standards within the planned development district shall be as follows:

- 1. Commercial Northeast, Commercial Northwest, Commercial Southeast, and Business Park East Subdistricts: Except as set forth herein, all buildings and structures constructed in PD Planned Development District No. 88 to which Section 7A, Architectural Design Standards, of the City of Missouri City Zoning Ordinance applies, shall be constructed in accordance with Section 7A, Architectural Design Standards, of the City of Missouri City Zoning Ordinance.
  - a. The following materials may not be installed on the exterior of a building:
    - i. Vinyl siding, wood-fiber hardboard siding, oriented strand board siding, plastic, and fiberglass panels;
    - ii. Unfired or underfired clay, sand, or shale brick;
    - iii. Smooth or untextured concrete surfaces; and
    - iv. Exterior insulation and finish system (EIFS).

- b. A single building material may not cover more than 80 percent of the front exterior of any building.
  - c. The architectural design, color, and materials of all facades facing or siding a public street, internal access drive, or pedestrian walkway shall match for the following:
    - i. an independent business establishment; and
    - ii. multiple buildings within an integrated business development or a shopping center.
  - d. The architectural design, color, and materials of screening walls, wing walls, columns, and similar building extensions and supports shall match the building to which they are attached.
2. Single-family Residential Subdistrict: All residential buildings and structures located within the Single-family Residential Subdistrict shall be constructed in accordance with the architectural guidelines contained in Exhibit "C," the Residential Builder Guidelines, attached hereto and made a part hereof for all purposes.

**G. Landscaping regulations.** The landscaping regulations within the planned development district shall be as follows:

- 1. Commercial Northeast, Commercial Northwest, and Commercial Southeast Subdistricts: Except as set forth herein, the landscaping, screening, and buffer yard regulations contained in Section 11, Landscaping, of the City of Missouri City Zoning Ordinance shall apply.
  - a. The minimum depth for buffer yards abutting the areas specified below shall be as follows:
    - i. Fort Bend Parkway: 20 feet
    - ii. Other public streets: 20 feet
    - iii. Internal access drives: 10 feet
    - iv. All other property lines: 5 feet
  - b. At the time of planting, canopy trees shall have a minimum four-inch caliper and be a minimum of 10 feet in height as measured at ground level. Canopy trees may be clustered or spaced linearly and are not required to be spaced evenly.
- 2. Single-family Residential Subdistrict: The landscaping, screening, and buffer yard regulations shall be as follows:

- a. A landscape or open space buffer a minimum of 25 feet in depth shall be provided between Fort Bend Parkway and the rear property line of single-family residential lots. A masonry wall a minimum of eight feet in height shall be provided along the property line of single-family residential lots adjacent to the landscape or open space buffer. Landscaping within the landscape or open space buffer shall consist of a combination of trees, shrubs and berms. At the time of planting, canopy trees and understory trees within the landscape or open space buffer shall have a minimum three-inch caliper. Berms with a slope of a minimum ratio of four to one and a minimum of two feet in height shall be provided within the landscape and open space buffer.
- b. A landscape or open space buffer a minimum of 20 feet in depth shall be provided between nonresidential uses adjoining single-family residential uses. No parking, paving, or buildings shall be installed within the landscape or open space buffer. A masonry wall a minimum of eight feet in height and one canopy tree per 30 linear feet of buffer area shall be provided within the landscape or open space buffer. At the time of planting, canopy trees within the landscape or open space buffer shall have a minimum three-inch caliper.

**H. Ingress and Egress.** Ingress and egress within the planned development district shall be as follows:

- 1. A pedestrian walkway shall be provided to connect the primary entrance of a nonresidential building to a sidewalk abutting a public street. For a nonresidential use with a parking area located between a public street and the nonresidential building, at least one pedestrian walkway shall be provided to and through the associated parking area to connect any nonresidential building entrance of such building to a sidewalk abutting the public street.

**I. Parking regulations.** Except as set forth herein, the parking regulations contained in Section 12, Parking Regulations, of the City of Missouri City Zoning Ordinance shall apply.

- 1. The minimum setback for nonresidential parking facilities abutting the areas specified below shall be as follows:
  - a. Fort Bend Parkway: 20 feet
  - b. Other public streets: 20 feet

- c. Internal access drives: 10 feet
  - d. All other property lines: 5 feet
- 2. Bicycle parking: An off-street parking area for bicycles shall be provided within 50 feet of a primary employee or visitor entrance of each building. Such parking area shall include racks and other structures intended for parking bicycles.
- J. Garages.** Except as set forth in Exhibit “C,” construction of garages within the Single-family Residential Subdistrict shall comply with Section 9.8, Garages, of the City of Missouri City Zoning Ordinance.
- K. Fence Regulations.** Except as set forth herein and in Exhibit “C,” fences installed within the Single-family Residential Subdistrict shall comply with Section 14, Fence Regulations, of the City of Missouri City Zoning Ordinance. A homeowners association or property owner association shall be responsible for maintaining community fencing within the Single-family Residential Subdistrict.
- L. Conflicts.** Except as set forth in Subsections 4.D, 4.E, 4.F, 4.G, 4.H, 4.I, 4.J, and 4.K, in the event that any exhibit to this Ordinance conflicts with the Missouri City Code, the Missouri City Code shall prevail.
- M. Development schedule.** Pursuant to Section 8, PD Planned Development District, of the City of Missouri City Zoning Ordinance the property shall be developed in accordance with the development schedule attached hereto as Exhibit “D” and made a part hereof for all purposes. This Ordinance shall expire on the fifth anniversary of the date the first permit application was filed for this project, provided no progress has been made toward the completion of this project.

Section 5. The Zoning District Map of the City of Missouri City shall be revised and amended to show the zoning classification of said 432.87-acre tract of land with the appropriate references thereon to the number and effective date of this Ordinance and a brief description of the nature of these changes.

Section 6. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Missouri City, save and except the changes in zoning classification described in Section 3 hereof and the imposition of the findings, regulations, restrictions and conditions contained herein.

Section 7. *Comprehensive plan deviation.* To the extent this Ordinance represents any deviation from the Future

Land Use and Character map of the City of Missouri City Comprehensive Plan, such map is hereby amended to conform with this Ordinance.

Section 8. Repeal. Ordinance Number O-13-05, adopted by the City Council of the City of Missouri City on January 22, 2013, is hereby repealed only to the extent of conflict with this Ordinance. Any ordinance or any other part of any other ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

Section 9. Penalty. Any person, firm, partnership, association, corporation, company, or organization of any kind who or which violates any provision of this zoning ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed Five Hundred Dollars (\$500.00). Each day during which said violation shall exist or occur shall constitute a separate offense. The owner or owners of any property or of premises where any violation of this zoning ordinance shall occur, and any agent, contractor, builder, architect, person, or corporation who shall assist in the commission of such offense shall be guilty of a separate offense unless otherwise prohibited by law and, upon conviction thereof, shall be punished as above provided.

Section 10. Severability. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

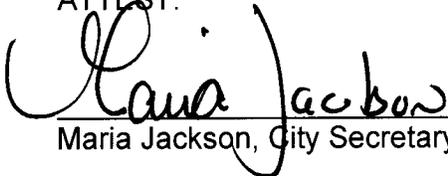
PASSED and APPROVED on first reading this 4th day of April, 2016.

PASSED, APPROVED and ADOPTED on second and final reading this 18th day of April, 2016.

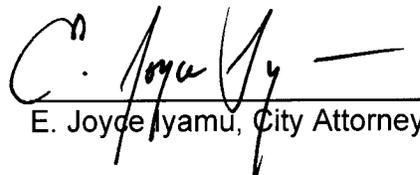


Allen Owen, Mayor

ATTEST:

  
Maria Jackson, City Secretary

APPROVED AS TO FORM:

  
E. Joyce Lyamu, City Attorney



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

**APPLICATION FOR:**

- Check One:  
 SPECIFIC USE PERMIT  
 SPECIFIC USE PERMIT AMENDMENT  
 PLANNED DEVELOPMENT DISTRICT  
 PLANNED DEVELOPMENT DISTRICT AMENDMENT

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

**Date of Application:**

|   |   |
|---|---|
| 1. Project Name:  | DRY CREEK VILLAGE   |
| 2. Address/Location of Property:  | SOUTH OF LAKE OLYMPIA PKWY, WEST OF DRY CREEK DR.   |
| 3. Applicant's Name:  | JONES CARTER  |
| Mailing Address:  | 1575 SANDUST RD. S. 400 THE WOODLANDS, TX. 77380  |
| Phone No.:  | (281) 363 - 4039  |
| Email:  | SWINTER@JONESCARTER.COM   |
| 4. Status of Applicant:   | Owner <u>(Agent)</u> Attorney Trustee Corporation Relative<br><small>(If other than Owner, submit written authorization from Owner with application.)</small> |
| 5. Property Owner:  | DC DEVELOPMENT PARTNERS, LP   |
| Mailing Address:  | 4101 GREENBRIAR, S. 316 HOUSTON, TX. 77098  |
| Phone No.:  | (713) 627-1015  |
| Email:  | GLUNTDR@EARTHLINK.NET   |
| 6. Existing Zoning District:  | PD DIST. 88; ORD. NO. 0-16-13   |
| 7. Total Acreage:   | 4.5359 ACRES  |
| 8. Proposed Development and Reasons for Application:  | AMEND PD REQUIREMENTS TO ALLOW ALTERNATIVE PERIMETER FENCE  |
| 9. Legal Description of the Property (If the legal description is a portion of a lot, then a metes and bound description of the tract must be submitted with application.): | SEE ATTACHED; DRY CREEK VILLAGE, SECTION 1, BUK 1, LOTS 9, LOT 60, LOTS 90 THRU 103, LOTS 106, 107 AND LOT 108, RESERVES G AND I                              |
| 10. Central Appraisal District tax identification numbers of property (Attach Paid Tax Receipts):   | SEE ATTACHED LIST.  |
| 11. Do deed restrictions or restrictive covenants exist for the property? (Circle One):   | <u>YES</u> NO<br><small>(If yes, submit with application.)</small>  |
| 12. Does this application include an Architectural Design Review? (Circle One):   | YES <u>NO</u><br><small>(If yes, see page 8, Exhibit C for materials required to be submitted.)</small>   |
| <b>FILING FEE: \$1,200.00</b>   |   |

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

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

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

STAN WINTER, AICP  
 Print Name of Applicant

*Stan Winter*  
 Signature of Applicant

DAMOR GLUNT  
 Print Name of Property Owner

*Damor Glunt*  
 Signature of Property Owner, Agent or Attorney

# DC DEVELOPMENT PARTNERS, LP

4101 Greenbriar  
Suite 316  
Houston, Texas 77098  
713-824-2386

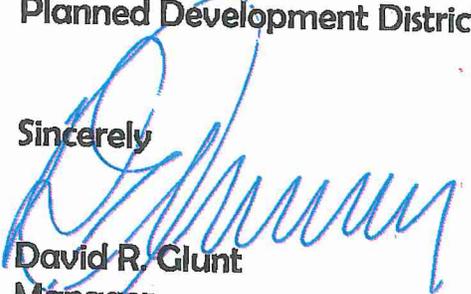
19 July 2019

Mr. Stan Winter, A.I.C.P.  
Planning Division Manager  
Jones + Carter Engineers, Inc.  
1575 Sawdust Road, Suite 400  
The Woodlands, Texas 77380

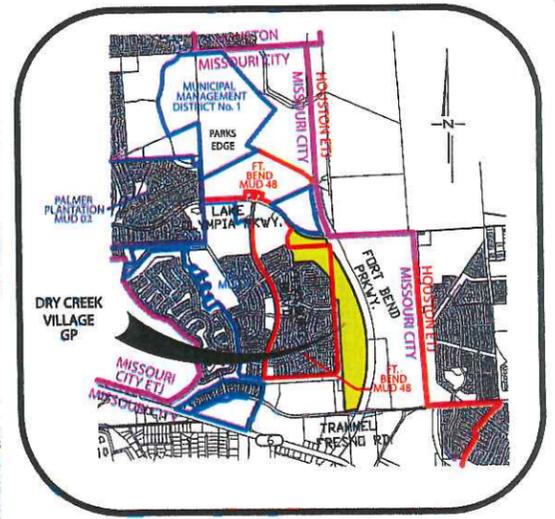
**RE: DRY CREEK VILLAGE:** a proposed amendment to PD District 88 on 4.5359 acres of land situated in the H Shropshire Survey, A-313 and the Elijah Roark League, A-77, Fort Bend County, Texas

This letter authorizes your firm to prepare and submit application to the City of Missouri City regarding the referenced property. The purpose of the application is to amend the perimeter fence requirements regarding Planned Development District 88. (Ordinance O-16-13).

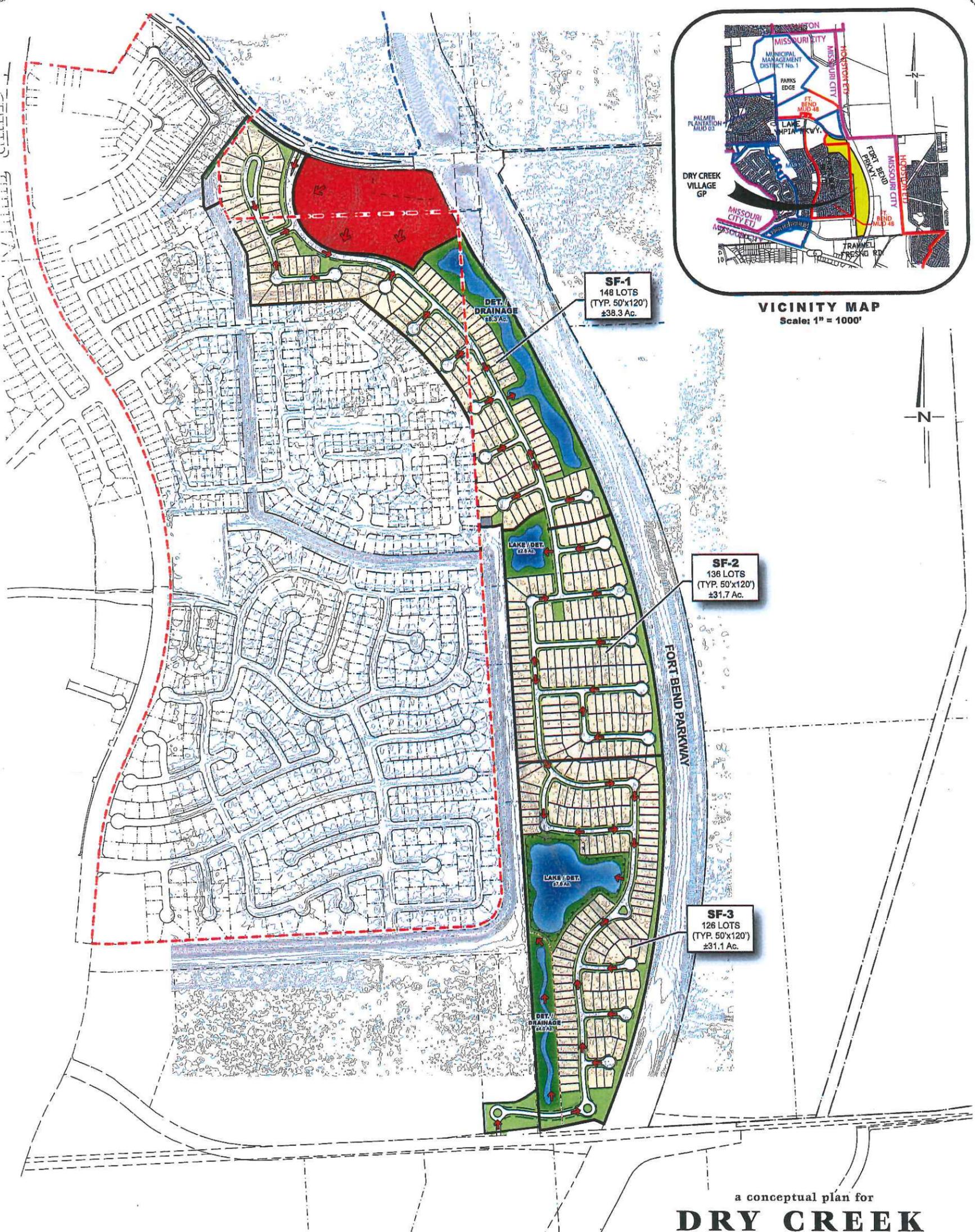
Sincerely



David R. Glunt  
Manager  
DC Development Partners, LP



**VICINITY MAP**  
Scale: 1" = 1000'



**SF-1**  
148 LOTS  
(TYP. 50'x120')  
±38.3 Ac.

**SF-2**  
136 LOTS  
(TYP. 50'x120')  
±31.7 Ac.

**SF-3**  
126 LOTS  
(TYP. 50'x120')  
±31.1 Ac.

**LAND USE ANALYSIS**

|                          |                  |
|--------------------------|------------------|
| <b>RESIDENTIAL</b>       | 65.2 Ac.         |
| 50'x120' /               | 412 LOTS         |
| <b>COMMERCIAL</b>        | 12.5 Ac.         |
| COMMERCIAL               | 12.5 Ac.         |
| <b>OPEN SPACE</b>        | 31.7 Ac.         |
| LAKES/DETENTION          | 22.5 Ac.         |
| OPEN SPACE & L/S BUFFERS | 9.2 Ac.          |
| <b>CIRCULATION</b>       | 24.0 Ac.         |
| <b>UTILITIES</b>         | 0.2 Ac.          |
| LIFT STATION             | 0.2 Ac.          |
| <b>PROJECT TOTALS</b>    | <b>133.6 Ac.</b> |



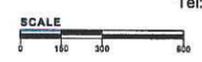
a conceptual plan for  
**DRY CREEK VILLAGE**  
± 133.6 ACRES of LAND

OUT OF THE ELIJAH ROARK LEAGUE, ABSTRACT NO. 77  
FORT BEND COUNTY, TEXAS  
**ENGINEER/SURVEYOR:**  
JONES | CARTER  
6330 West Loop South, Suite 150  
Bellaire, Texas 77401  
713-777-5337  
Attn: Mr. Sean Burch

**OWNERS:**  
FT. BEND PARKWAY - LP  
FLC PARKWAY, LLP  
CITY OF MISSOURI CITY  
**PLANNER:**



— Land Planning Consultants —  
23501 Cinco Ranch Blvd., Suite A-250  
Katy, Texas 77494  
Tel: 281-579-0340



MARCH 7, 2017  
KGA #17002C

THIS DRAWING IS A PICTORIAL REPRESENTATION FOR PRESENTATION PURPOSES ONLY AND IS SUBJECT TO CHANGE. FURTHER, SAID DRAWING IS A SCANNED IMAGE ONLY AND IS NOT FOR COMPUTATION OR CONSTRUCTION PURPOSES. THIS DRAWING MAY OR MAY NOT INCORPORATE INFORMATION AND/OR DATA PROVIDED TO BGE | KERRY R. GILBERT & ASSOCIATES BY OTHER CONSULTANTS RELATIVE TO ENGINEERING AND DRAINAGE, FLOOD PLAINS AND ENVIRONMENTAL ISSUES AND SHOULD NOT BE RELIED UPON FOR ANY PURPOSE. NO WARRANTIES, EXPRESS OR IMPLIED, CONCERNING THE ACTUAL DESIGN, LOCATION, AND CHARACTER OF THE FACILITIES SHOWN ON THIS MAP ARE INTENDED. ADDITIONALLY, NO WARRANTY IS MADE TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

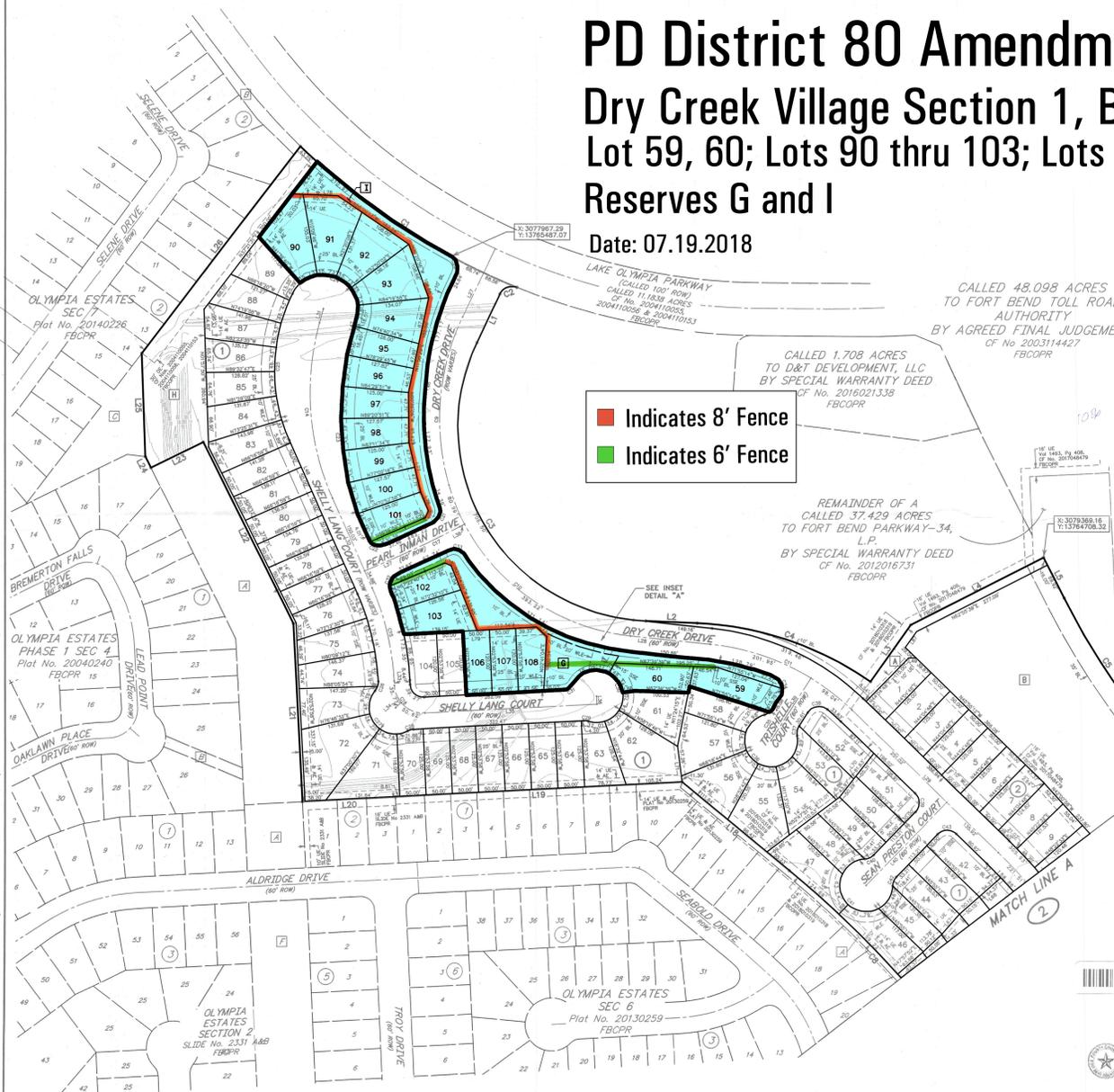
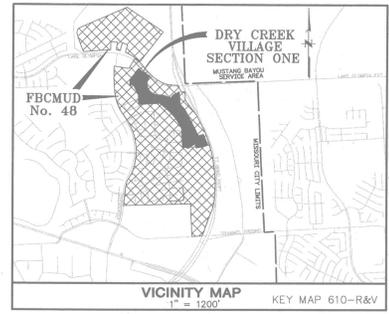
# PD District 80 Amendment

## Dry Creek Village Section 1, Block 1

### Lot 59, 60; Lots 90 thru 103; Lots 106, 107 & 108

### Reserves G and I

Date: 07.19.2018



- General Notes
- 1) A one-foot reserve (1' reserve) has been dedicated to the public in fee as a buffer separation between the side or end of streets in subdivision plots where such streets abut adjacent streets. The condition of such dedication being that when the adjacent property is subdivided in a recorded plat, the one-foot reserve shall thereupon become vested in the public for street right-of-way purposes and the title thereto shall revert in the dedicator, his heirs, assigns or successors.
  - 2) All cul-de-sac road or tilly type (50') unless otherwise noted.
  - 3) All block corner and cul-de-sac return to tangent radii are twenty-five feet (25').
  - 4) BL ..... "Building Line"
  - CL ..... "Clear Line"
  - DE ..... "Drainage Easement"
  - ES ..... "Easement"
  - FBCMUD ..... "Fort Bend County Municipal Utility District"
  - FBCPD ..... "Fort Bend County Official Public Records"
  - FBCPR ..... "Fort Bend County Plat Records"
  - FO ..... "Found"
  - NO ..... "Number"
  - NR ..... "Number-Word"
  - SE ..... "Square Feet"
  - SS ..... "Storm Sewer Easement"
  - SSM ..... "Storm Sewer Easement"
  - UL ..... "Utility Easement"
  - VE ..... "Volume and Page"
  - WE ..... "Waterline Easement"
  - W ..... "Well"
  - OT ..... "Block Number"
  - OT ..... "Set 3/4-inch Iron With Cap Stamped 'Jones|Cartier' as Per Certification"
  - OT ..... "Found 3/4-inch Iron With Cap Stamped 'Cotton Surveying'"
  - 5) All easements are centered on lot lines unless shown otherwise.
  - 6) All building lines along street right-of-way as shown on the plat.
  - 7) Elevations shown herein are based on Missouri City Survey Control Monument Marker No. FCM-003 located at the northwest corner of Stella Parkway and Tremont-Frasno Road with a published elevation of 65.07 feet, NAVD 83, 2001 Adjustment.
  - 8) Stormseals shall be constructed as required by section 82-164 of the Code of Ordinances of the City of Missouri City, Texas.
  - 9) Required fire flow shall be provided based on the size and construction of all buildings as required by the International Fire Code as adopted by the City.
  - 10) All drainage and floodway easements shall be kept clear of fences, buildings, plantings and other obstructions to the operations and maintenance of the drainage facility as required by Subsection 82-168(c) of the Code of Ordinances of the City of Missouri City, Texas.
  - 11) All slab elevations shall be one foot above the 100-year flood elevation as established by FEMA on per Section 3.0 (1) of the Administrative Planning Manual of the City of Missouri City (June 2014).
  - 12) Restricted Reserve "A" is restricted to landscape/grading purposes only. Restricted Reserve "A" is 0.3294 acres, 14,305 square feet. Restricted Reserve "A" is restricted to landscape purposes only and trails as required by the parkland dedication. Restricted Reserve "B" is 0.87 acres, 34,933 square feet. Restricted Reserve "B" is restricted to landscape/utility purposes only. Restricted Reserve "C" is 0.1095 acres, 4,729 square feet. Restricted Reserve "D" is restricted to landscape/utility purposes only and trails as required by parkland dedication. Restricted Reserve "E" is 0.1129 acres, 4,915 square feet. Restricted Reserve "E" is restricted to landscape/open space purposes only. Restricted Reserve "F" is 0.1399 acres, 4,571 square feet. Restricted Reserve "F" is restricted to landscape purposes only. Restricted Reserve "G" is 0.1845 acres, 17,740 square feet. Restricted Reserve "G" is restricted to landscape/open space purposes only. Restricted Reserve "H" is 0.1845 acres, 17,740 square feet. Restricted Reserve "H" is restricted to landscape/grading purposes only. Restricted Reserve "I" is 1.1424 acres, 39,778 square feet. Restricted Reserve "I" is restricted to landscape/open space purposes only. Restricted Reserve "J" is 0.6503 acres, 28,208 square feet.

- 13) The placement of fire hydrants shall be provided based on the minimum distance requirements as established in the International Fire Code as adopted by the City (500 ft. for residential development and 300 ft. for commercial development). All fire hydrants shall be installed according to the International Fire Code adopted by the City.
- 14) The City of Missouri City shall not be responsible for maintenance of driveways, sidewalks, emergency access easements, recreational areas and open spaces; and the Fort Bend County MUD No. 48 shall be responsible for such maintenance of driveways, emergency access easements, recreational areas and open spaces as required by Subsection 3.0(1) of the Code of Ordinances of the City of Missouri City, Texas. The City of Missouri City is not responsible for the maintenance of trails as required by the parkland dedication. This would include trails/sidewalks constructed along Lake Olympia Parkway, Dry Creek Drive and within Reserves B and D and as depicted on the trail exhibit approved by the parkland dedication.
- 15) All required utility companies have been contacted and all public utility easements as shown on the above and foregoing plat constitute all of the easements required by the utility companies contacted.
- 16) There are no existing or proposed pipeline easements within the limits of the subdivision.
- 17) All of the property subdivided in the above and foregoing plat is within the incorporated boundaries of the City of Missouri City, Texas.
- 18) Spot elevation shall be elevated to at least a height which is the higher of eighteen inches above highest adjacent grade, or twelve inches above the maximum one percent annual flood risk floodplain ponding elevation in the nearest drainage system as per Section 42-54 of the Missouri City Code of Ordinances. The minimum slab elevation for Dry Creek Village Section One is 73.56' for Block 1, Lots 42-108 and Block 2, Lots 1-8 and 72.57' for Block 1, Lots 1-41 and Block 2, Lots 9-42.
- 19) No building or other permit, except permits for construction of public improvements, will be issued by the City of Missouri City, Texas, for construction within this subdivision until such time as all public improvements of the subdivision have been constructed by the developer and accepted by the City or the guarantee of construction of public improvements required by Section 82-208 of the Code of Ordinances of the City of Missouri City, Texas, is submitted to and approved by the City.
- 20) In accordance with Center Point Energy Electric Service Manual, Article 42.2, electric meters shall be in a position that is accessible at all times without customer assistance. Access to the meter shall not be blocked by pipes, walls or fences.
- 21) Driveway approaches shall be provided in accordance with the Missouri City Driveway Approach Policy as required under the provisions of Subsection 82-160 of the Code of Ordinances of the City of Missouri City, Texas.
- 22) All drainage and floodway easements shall be kept clear of fences, buildings, plantings and other obstructions to the operations and maintenance of the drainage facility as required by Subsection 82-168(c) of the Code of Ordinances of the City of Missouri City, Texas.
- 23) There shall be a rear building line of not less than 15 feet. Detached garages shall have a rear yard setback of not less than eight feet.
- 24) There shall be a side yard setback of not less than five feet for interior lots and not less than ten feet for the street side of corner lots; the combined side yards between a building on the lot in question and a building on an adjacent lot shall be not less than ten feet. There shall be a side yard of not less than three feet for accessory buildings or garages on interior lots.
- 25) Garages facing a side street must have a setback of not less than 20 feet.
- 26) Coordinates shown herein are Texas Coordinate System, South Central Zone (Grid) NAD 83. Combined scale factor = 0.99999733.
- 27) Driveway Location - for the lot on the inside of a knuckle or 90 degree turn, driveway must be placed on the lot frontage along the inside approach line to the right turn, to avoid slight obstruction safety hazards.
- 28) Borings shown herein are based on Texas Coordinate System, South Central Zone NAD 83.
- 29) All drainage and floodway easements shall be kept clear of fences, buildings, plantings and other obstructions to the operations and maintenance of the drainage facility as required by Subsection 82-168(c) of the Code of Ordinances of the City of Missouri City, Texas.
- 30) All slab elevations shall be one foot above the 100-year flood elevation as established by FEMA as per Section 3.0 (1) of the Administrative Planning Manual of the City of Missouri City (June 2014).
- 31) A parkland dedication was approved by the Missouri City Council on March 6, 2017 for the provisions of trails as noted on the plat and for a cash payment for 50% of the total number of residential lots.
- 32) The subject plat is located within the boundaries of PD, Planned Development District #88 (Ordinance 20-113) and is subject to the regulations and restrictions of the PD #88 including Exhibit C, Residential Builder Guidelines.
- 33) The easement recorded in Clerk's File No. 2017020006 and referenced on the City Planning Letter dated November 21, 2017 is a 30-foot wide Easement for certain utility lines. The plat includes a detailed description or exhibit showing a route. The tract to be platted shown herein is affected by this easement.

## DRY CREEK VILLAGE SECTION ONE

A SUBDIVISION OF 46.80 ACRES OF LAND  
OUT OF THE  
H. SHROPSHIRE SURVEY, A-313  
ELIJAH ROARK LEAGUE, A-77  
CITY OF MISSOURI CITY,  
FORT BEND COUNTY, TEXAS

150 LOTS      9 RESERVES      2 BLOCKS

FEBRUARY 2018

23 pgs      2018032734

FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

*Anna Michael*  
Anna Michael, County Clerk  
Fort Bend County Texas  
March 23, 2018 02:21:19 PM  
FEE: \$438.00    CR1

OWNER:  
DC DEVELOPMENT PARTNERS, LP  
4101 GREENBRIAR, SUITE 316  
HOUSTON, TEXAS 77098  
713-627-1015

ENGINEER/PLANNER/SURVEYOR:  
J.C. JONES & CARTER  
1000 West 19th Street, Suite 1000  
Houston, Texas 77002

# Dry Creek Village - Developer Fence Color Proposal

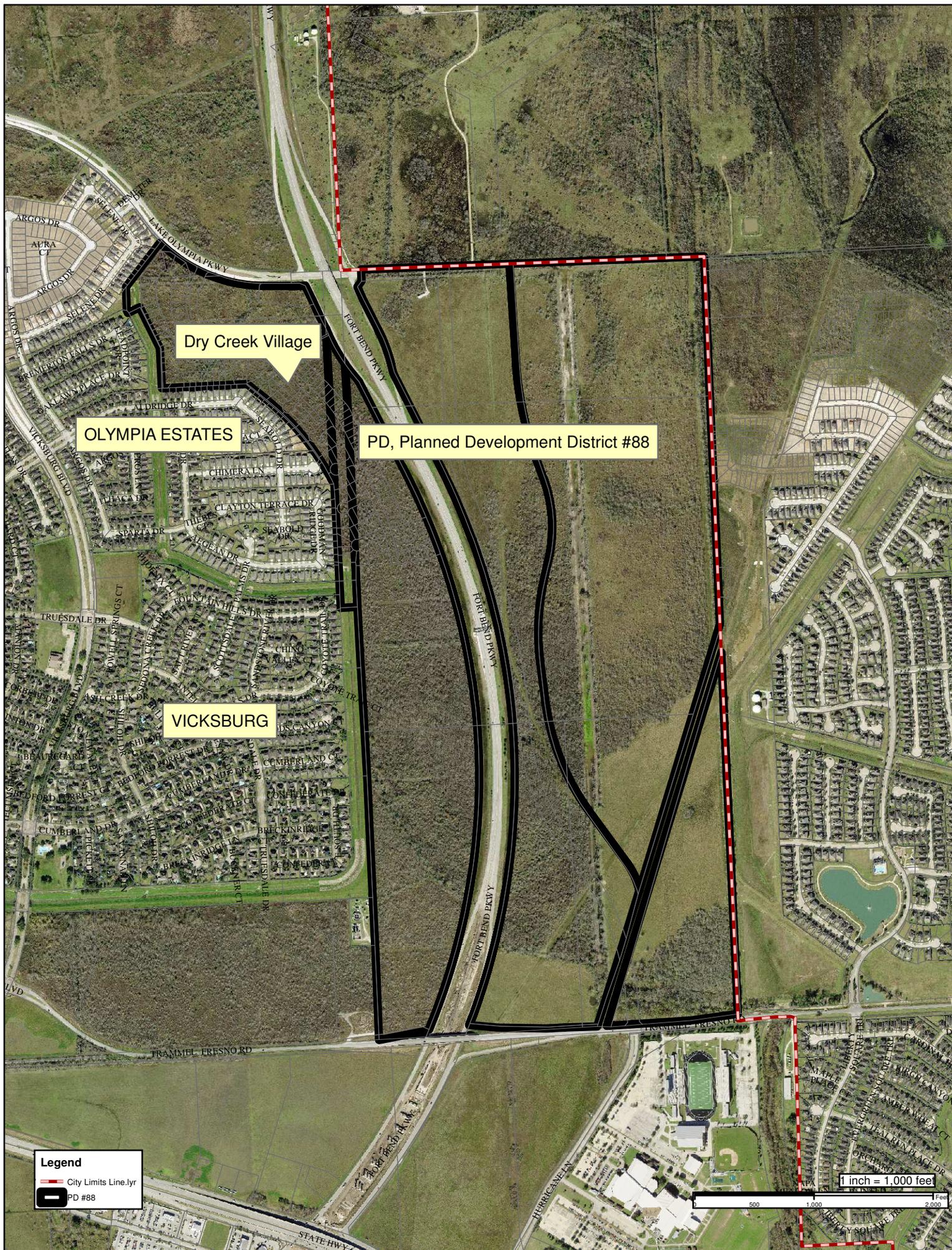
Submitted: 08-16-2018 through 08-29-2018



| ✓ FEATURE IN SCENE                 |   |
|------------------------------------|---|
| SW 7032<br>Warm Stone*             | 1 |
| SW 7034<br>Status Bronze           | 4 |
| SW 7507<br>Stone Lion*             | 2 |
| SW 2827<br>Colonial Revival Stone* | 5 |
| SW 9100<br>Umber Rust              | 3 |

\*Builder preference (In order of preference):

1. Colonial Revival Stone
2. Stone Lion
3. Warm Stone



Dry Creek Village

OLYMPIA ESTATES

PD, Planned Development District #88

VICKSBURG

**Legend**

-  City Limits Line.lyr
-  PD #88

1 inch = 1,000 feet



**930 Legal Notices**

**NOTICE OF PUBLIC HEARING**

**LOCATION/DATE:** The City Council of the City of Missouri City will hold a public hearing on Tuesday, September 4, 2018, at the City Council Chambers – 2<sup>nd</sup> Floor, City Hall Building, 1522 Texas Parkway (FM-2234), Missouri City, Texas at 7:00 p.m.

**PURPOSE:** To receive comments for or against a request by Stan Winter, Jones | Carter, to amend the regulations and restrictions of PD, Planned Development District No. 88 pertaining to fence regulations for the Dry Creek Village residential subdivision; and to the extent such rezoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

**SITE LOCATION:** PD No. 88 is located east and west of the Fort Bend Parkway, north of FBISD Hightower High School and Trammel Fresno Road; east of the Olympia Estates and Vicksburg residential subdivisions. The Dry Creek Village residential subdivision is located within PD No. 88, south of Lake Olympia Parkway, east of the Olympia Estates and Vicksburg residential subdivision, west of the Fort Bend Parkway.

**SITE LEGAL DESCRIPTION:** PD No. 88 is described to include the following tracts:

**Tract 1** being described as a 152.586 acre tract of land situated in the Elijah Roark League Survey, A-77, Fort Bend County, Texas same being Tract 11A of Olympia Estates as recorded in Slide Number 2331 A & B of the Fort Bend County Plat Records.

**Tract 2** being described as a 116.302 acre tract of land being out of the remainder of that certain 263.13 acre tract of land and out of the remainder of that certain 80 acre tract of land, conveyed to Hermann Health Care System, Inc. by deed recorded under Clerk's File No. 9774265, of the Fort Bend County Deed Records.

**Tract 3** being described as being a 88.1380 acre tract being out of the remainder of that certain 100 acre tract of land, conveyed to Hermann Health Care System, Inc. by a deed recorded under Clerk's File No. 9774265, of the Fort Bend County Deed Records.

**Tract 4** being described as being a 37.429 acre tract located in the Elijah Roark League, A-77, in Fort Bend County and recorded in the name of Point Center Financial, Inc. in F.B.C.C.F. No. 2009050702.

**Tract 5** being described as being a 38.4163 acre tract of land being part of the remainder of an 80 acre tract, conveyed to Hermann Health Care System, Inc. by a deed recorded under Clerk's File No. 9774265, of the Fort Bend County Deed Records lying in the Elijah Roark League Survey, A-77 in Fort Bend County, Texas.

The **Dry Creek Village residential subdivision** is contained within the above described tracts and is further described as being 46.60 acres of land filed and recorded as Dry Creek Village Section One under instrument number 20180086 in the Official Public Records of Fort Bend County Texas.

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



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

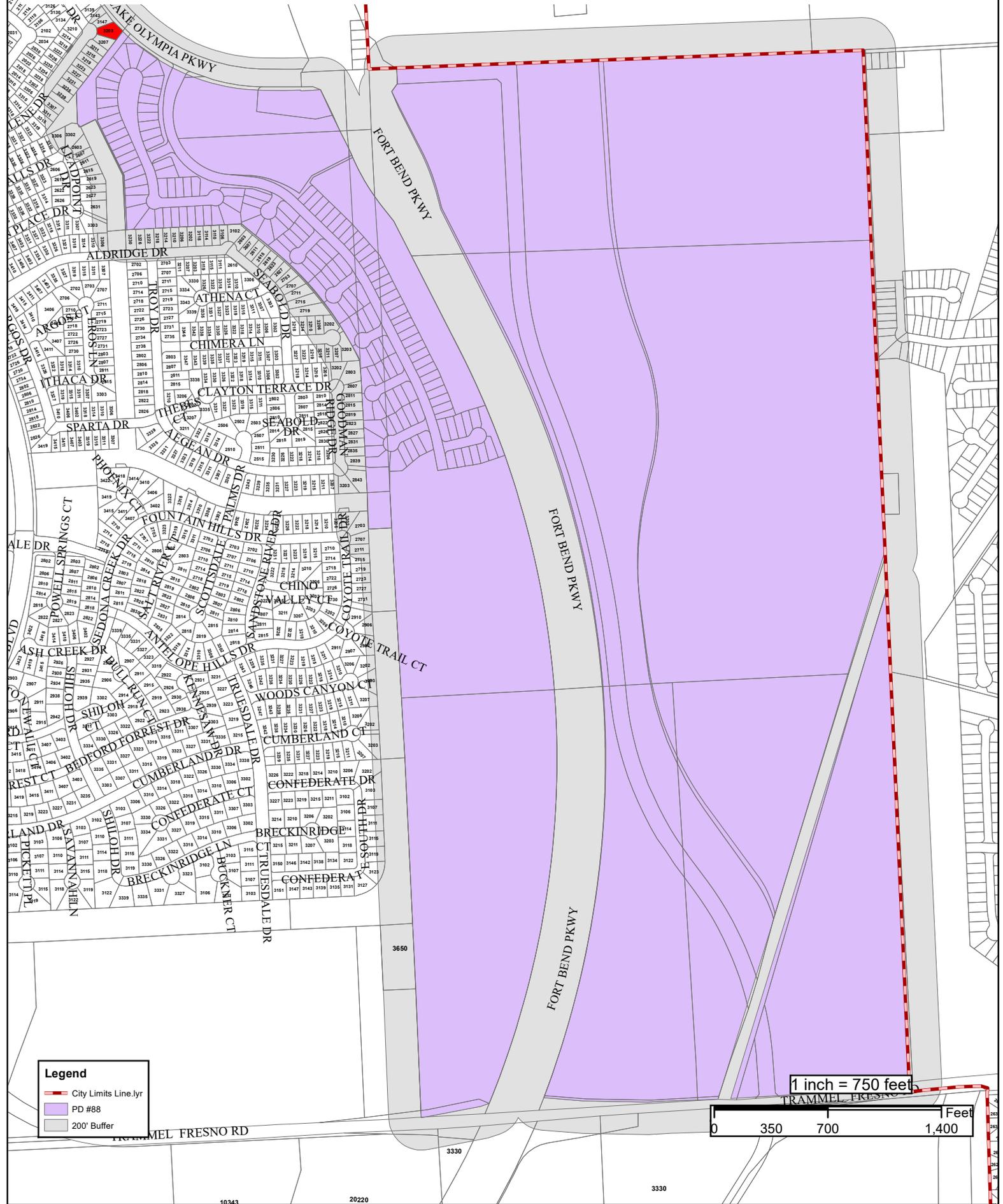
**Application:** Dry Creek Village - PD #88 Amendment  
**City Council First Reading:** September 4, 2018

**Protest Letters Received**

| Name   | Property Address<br>OR<br>Fort Bend County Account<br>Number | Land Area (Square Feet)<br>Within 200 Feet |
|--|--|--|
| Pamela Moon  | 3222 Selene Dr.  | 476.96                                     |
| Anh Pham Azam  | 3203 Selene Dr.  | 10,954.89                                  |
| <b>Total Area Represented by Protest(s):</b>                 |  | <b>11,431.84</b>                           |
| Total Land Area <i>Including</i> Subject Site:               |  | 29,566,091.17                              |
| Subject Site <i>Only</i> Land Area:                          |  | 18,855,817.20                              |
| Total Land Area <i>Only Within 200 Feet</i> of Subject Site: |  | 10,710,273.97                              |
| <b>Protest(s) Percentage of Land Area Within 200 Feet:</b>   |  | <b>0.11%</b>                               |

**Note:** A total of 0 letters of support and 2 letters of protest have been received for the application request as of August 30, 2018.

# 200 Foot Analysis Map of Protest Received



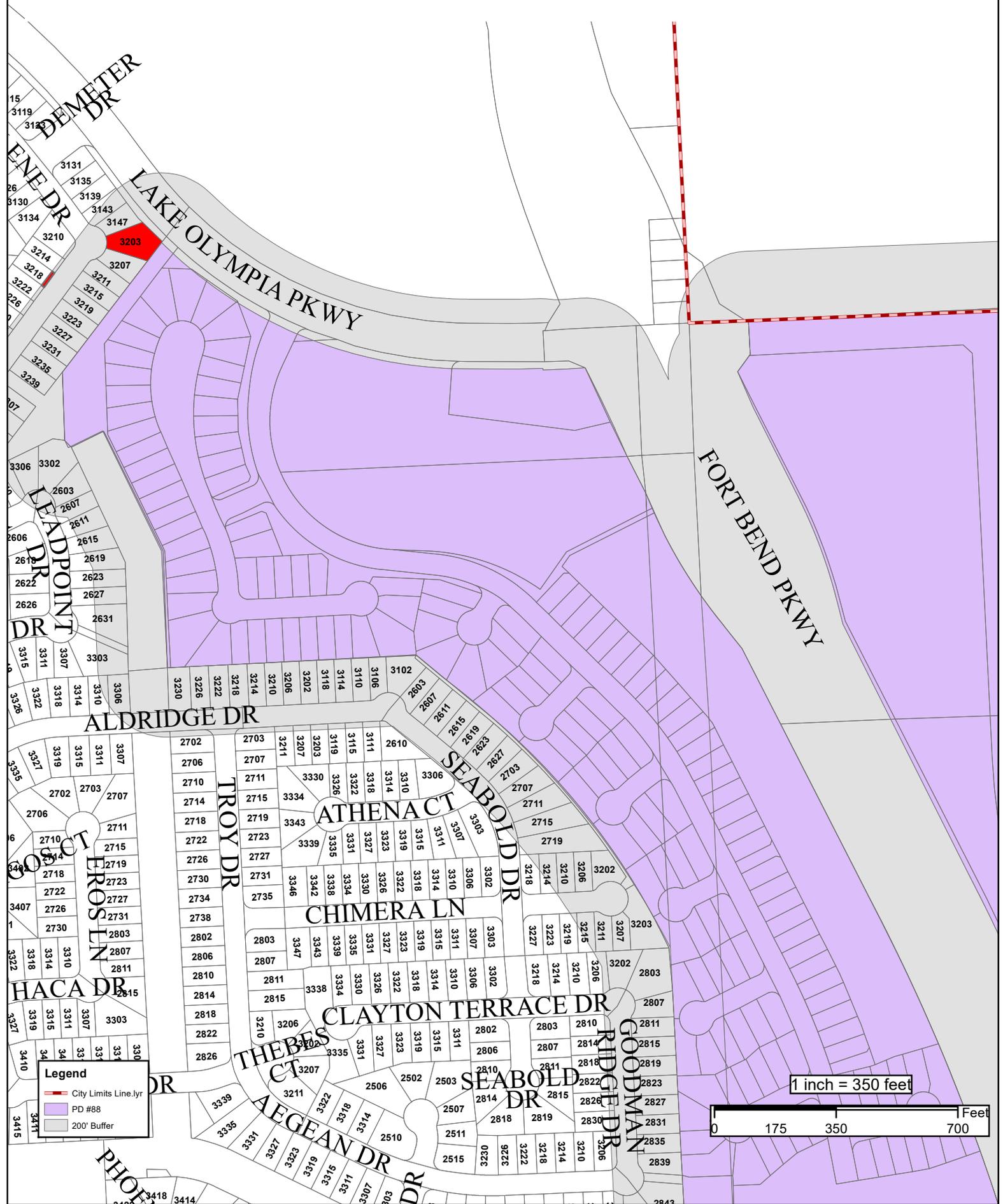
**Legend**

- City Limits Line.lyr
- PD #88
- 200' Buffer

1 inch = 750 feet

0 350 700 1,400 Feet

# 200 Foot Analysis Map of Protest Received





DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

July 27, 2018

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:  
Wednesday, August 8, 2018  
City Council Chambers  
2nd Floor, City Hall Building  
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by Stan Winter, Jones | Carter, to amend the regulations and restrictions of PD, Planned Development District No. 88 pertaining to fence regulations for the Dry Creek Village residential subdivision; and to the extent such rezoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

\*\*\*\*\*

Dear City Representatives:

I/We protest this proposed rezoning because

Not sure about this, but if this is about the new fence for Dry Creek it is horrible.

I/We support this proposed rezoning because

Sincerely,  
Camelam Moon  
Signature

3222 Selene Dr.  
Street Address

[Redacted] Return to:  
Phone Number

Pamela M. Moon  
Print Name  
Olympia Estates  
Subdivision

Development Services Department  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX (281) 208-5551

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

Pamela M. Moon  
Print Name

Camelam Moon  
Signature

City of Missouri City, TX  
Received

AUG 07 2018

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

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MISSOURI CITY, TEXAS 77489

July 27, 2018

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

\*\*\*\*\*

Dear City Representatives:

I/We protest this proposed rezoning because

It will cause unnecessary traffic and cause many people to hang around the area at night time and they can congregates around the neighborhood. This could lead to crime and other unwanted outcomes

I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely, Anh Pham Azam

Anh Pham Azam

Signature

Print Name

3203 Selen Dr

Olympia Estates

Street Address

Subdivision

[Redacted] Return to:

Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281) 208-5551

Phone Number

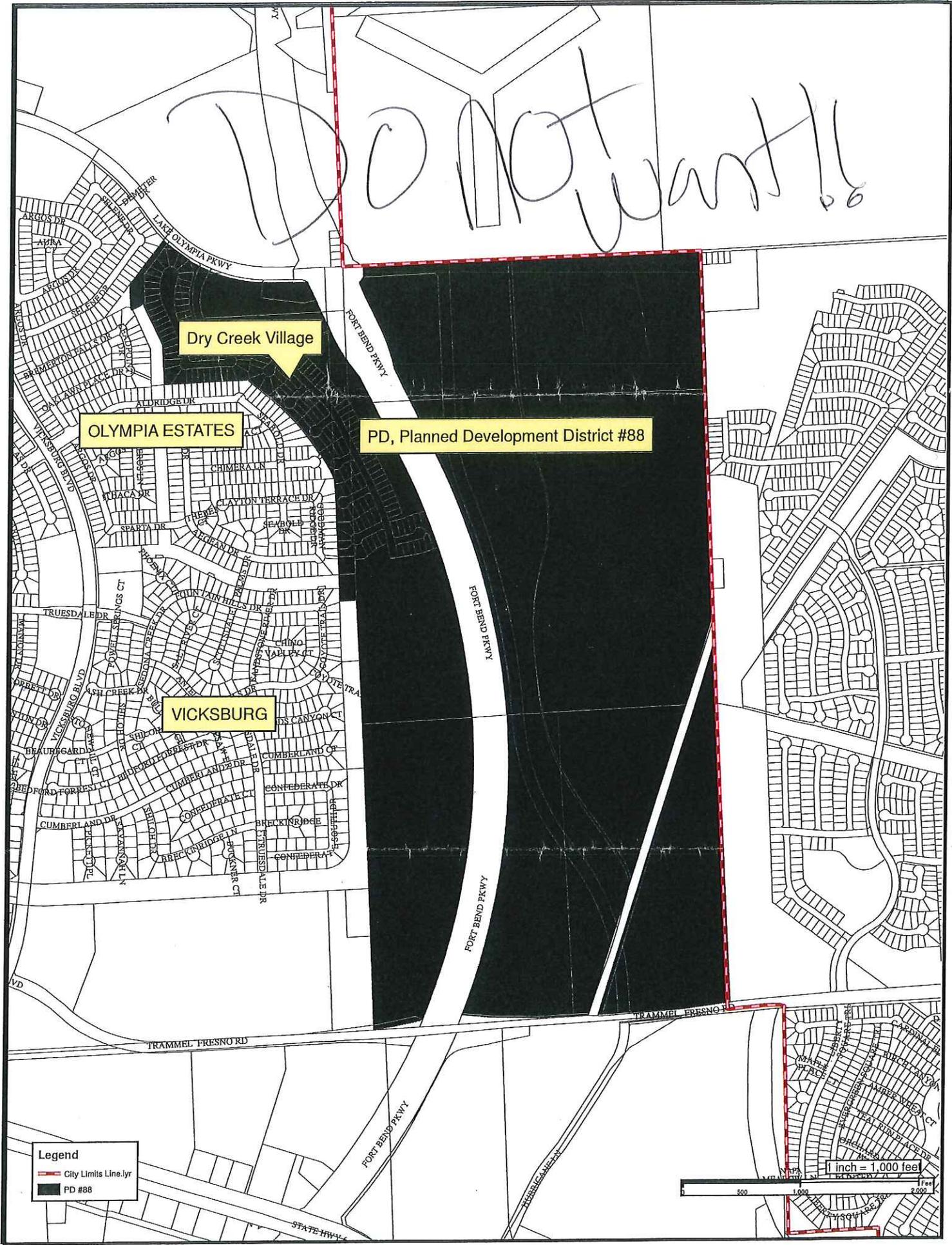
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Anh Azam

Anh Pham Azam City of Missouri City, TX
Signature Received

AUG 14 2018

0 Not want!!



Dry Creek Village

OLYMPIA ESTATES

PD, Planned Development District #88

VICKSBURG

**Legend**  
City Limits Line.lyr  
PD #88

1 inch = 1,000 feet  
500 1,000 2,000 Feet



## CITY COUNCIL AGENDA ITEM COVER MEMO

September 17, 2018

**To:** Mayor and City Council

**Agenda Item:** 6(d) Consider an ordinance amending Division 5, Article II, of Chapter 18, Businesses, of the Missouri City Code; amending regulations relating to mobile food units (MFU's); providing a penalty; and consider the ordinance on final reading.

**Submitted by:** Otis T. Spriggs, Director of Development Services

### SYNOPSIS

The proposed ordinance amendments to Division 5, Article II, of Chapter 18, Businesses, of the Missouri City Code, are to provide regulations pertaining to mobile food units is proposed to allow the director to review and consider applications that satisfy reasonable distance requirements regarding hand washing facilities, and operational requirements of mobile food units (MFU's) that do not constitute a substantial hazard to public health or public safety.

The proposed text amendment changes provide flexibility in the regulations regarding location(s) where the MFU's can be in operation in proximity to other units and facilities; and, provides for deviations of deficiencies that will not constitute substantial hazard to public health or public safety.

### STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live

### BACKGROUND

Last year Council established some base guidelines and regulations regarding the operation of mobile food trucks with in the Missouri City, with the adoption occurring as follows:

October 16, 2017 Council Final Reading of Mobile Food Truck Ordinance  
June 25, 2018 Council approved an appeal of permit denials for the July 4<sup>th</sup> Celebration  
(*due to existing units not meeting particular code requirements*).

Under the June 25, 2018 action, Council authorized the Fire Marshal, the ability to consider future approvals of mobile food truck permits for the July 4<sup>th</sup> Celebration, with particular substitutions.

The proposed text amendments will afford the Director of Development Services the ability to approve permits submitted by mobile food unit owners/operators for approximately one year to give those owners and operators time to bring their units in compliance with the adopted codes. In the interim, certain unique circumstances will be reviewed by the plan reviewing departments, assuring that no public, life safety, or health risks are caused by any deviations.

Also this change could prevent an influx of variance requests that could be potentially reviewed by Council, such as the June 25<sup>th</sup> instance, where community and City sponsored events could be affected by certain hardship situations that occur, due to location and proximity to required code restricted facilities and areas.

## BUDGET/FISCAL ANALYSIS

**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

## STAFF'S RECOMMENDATION

Staff recommends that City Council considers adoption of the proposed Ordinance of proposed amendments to Chapter 18- Businesses, of the Missouri City Code to provide flexibility in the regulations pertaining to mobile food units.

**Director Approval:** Otis T. Spriggs, AICP, Director of Planning

**Assistant City Manager/  
City Manager Approval:** Scott Elmer, Assistant City Manager

**ORDINANCE NO. O-18-\_\_**

**AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS,  
AMENDING CHAPTER 18, BUSINESSES, OF THE MISSOURI CITY  
CODE; AMENDING REGULATIONS REGARDING MOBILE FOOD  
UNITS; PROVIDING FOR REPEAL; PROVIDING A PENALTY; AND  
PROVIDING FOR SEVERABILITY.**

\* \* \* \* \*

WHEREAS, on October 16, 2017, the City Council of the City of Missouri City adopted regulations to facilitate the provision of food to members of the public by mobile food vendors for the benefit of public health and safety; and

WHEREAS, to provide mobile food vendors with additional time to comply with the City's regulations, the City Council has determined that greater flexibility is required for the complete implementation of the mobile food unit regulations for a time certain; and

WHEREAS, the City Council of the City of Missouri City now deems it appropriate to amend regulations regarding mobile food units; 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 Missouri City Code is hereby amended by deleting Sections 18-134 and 18-135 of Division 5 of Article II of Chapter 18 thereof and substituting therefor new Sections 18-134 and 18-135 of Division 5 of Article II of Chapter 18, respectively, to provide as follows:

**“Chapter 18 - BUSINESSES**

. . . .

**ARTICLE II. - FOOD SERVICE**

. . . .

**DIVISION 5. - MOBILE FOOD UNITS.**

. . . .

**Sec. 18-134. - Applications for mobile food unit permits.**

A person seeking to operate a mobile food unit in the city shall submit an application for a mobile food unit permit to the director in an application form provided by the director accompanied by the payment of a fee in the amount specified in a resolution adopted by the city council establishing a schedule of fees. The application shall include the following information:

- (1) The name, address, telephone number, and email address of the applicant, provided that if the applicant is an entity, the following information shall also be provided:
  - (a) The legal name of the entity;
  - (b) If the entity is a corporation, the full name and address of each director, officer, and each shareholder, or if the corporation has more than five shareholders, the full name and address of at least five shareholders with the most shares;
  - (c) If the entity is a partnership, the full name and address of each partner and the type of partnership;
  - (d) If the entity is an unincorporated association, the full name and address of each associate and officer of such association;
  - (e) Proof of the entity's form and current status, including, but not limited to:
    - i. A current and valid certificate of existence or certificate of authority from the state office of the secretary of state;
    - ii. A current and valid certificate of good standing from the state comptroller of accounts;
    - iii. All assumed names used and copies of all filings related to such names from the county clerk's office;
    - iv. A certificate of incorporation; and
    - v. If applicable, a determination letter issued by the Internal Revenue Service;
  - (f) The entity's federal tax identification number; and
  - (g) Documentation that the entity is not delinquent in state, local, and federal taxes;
- (2) A copy of the applicant's valid and current driver's license;
- (3) If the applicant will designate an operator to supervise the operation of the MFU, the name, address, telephone number, and email address of the operator, and a copy of the operator's valid and current driver's license;
- (4) The applicant's sales tax number and a copy of the applicant's sales tax permit;
- (5) A certificate of title showing the current true ownership of the mobile food unit, provided that if the applicant is not the owner of the mobile food unit, a copy of a written and notarized statement from the owner authorizing the applicant to operate the mobile food unit;
- (6) The vehicle identification number, license plate number, and proof of vehicle registration;

- (7) A copy of the applicant's liability insurance policy, insurance endorsement or evidence of self-insurance on the MFU;
- (8) A copy of a current and valid food protection manager certification;
- (9) A written standard operation procedure of how the applicant plans to operate the mobile food unit, that includes, but is not limited to, whether food will be prepackaged, hours of operation, methods of serving food to customers, the MFU's waste water disposal site and process, and other servicing operations details;
- (10) Plans drawn to reasonable scale that clearly specify and address the proposed layout of the MFU, the identity, number, and capacity of food equipment, the location and sizes of plumbing fixtures and connections, food preparation, storage and service window areas, construction material of the inside of the MFU, and location of the LP-gas appliances, LP-gas container storage, and fire extinguishers;
- (11) A description or menu of the types of food that the applicant proposes to sell or offer for sale from the mobile food unit;
- (12) The location(s) where the mobile food unit will be in operation and a site plan drawn to reasonable scale showing the location of the mobile food unit on the parcel on which it will be placed and the distance from any building, vehicle, or structure from each edge of the MFU when parked;
- (13) Proof of ownership of a central preparation facility, other fixed food establishment or service area, as applicable, or if the applicant is not the owner of the central preparation facility, other fixed food establishment or service area, a signed and notarized statement on the letterhead of the central preparation facility, other fixed food establishment or service area, as applicable, authorizing the applicant to use the central preparation facility, other fixed food establishment or service area as its base of operation;
- (14) If the central preparation facility, other fixed food establishment or service area that the applicant proposes to use as its base of operation is located outside the jurisdiction of the city, a copy of the most current health inspection report obtained from the regulatory authority having jurisdiction over such central preparation facility, other fixed food establishment or service area;
- (15) For a mobile food unit that will be operated on private property, proof of ownership of the property or, if the applicant is not the owner of the property, a signed and notarized written statement from the property owner or the property owner's authorized agent granting the applicant permission to operate a mobile food unit on the property;
- (16) For a mobile food unit that will operate at one location for more than two hours, a signed and notarized statement from the owner or the authorized agent of the owner of a business establishment with a restroom with a flushable toilet, a hand wash sink with hot and cold running water, and

soap and hand-drying provisions, located within a reasonable distance from the location where the mobile food unit will be in operation, granting employees of the mobile food unit permission to use such restroom during the business establishment's hours of operation or documentation providing an alternative proposal to satisfy the requirements of this subdivision;

- (17) A description of the signage that will be affixed on the mobile food unit; and
- (18) Any other information that may be requested by the director to fully evaluate and review the application.

**Sec. 18-135. - Review and approval of applications.**

- (a) Upon receipt of a complete application for a permit, the director will review the application and grant a mobile food unit permit unless one or more of the following conditions is met:
  - (1) The application contains false or misleading information, or required information is omitted;
  - (2) The application or the mobile food unit does not comply with all applicable laws, including the requirements of this chapter; or
  - (3) Operation of the mobile food unit constitutes a substantial hazard to public health or public safety.
- (b) Notwithstanding any provision contained in this division, the director may grant a permit for a MFU that generally complies with the requirements of this division, provided that:
  - (1) The director notifies the applicant, in writing, of the deficiencies in the applicant's application for a permit before the permit is issued;
  - (2) The application does not contain false or misleading information, or omit required information; and
  - (3) Operation of the mobile food unit will not constitute a substantial hazard to public health or public safety.
- (c) Subsections (b) and (c) of this section 18-135 shall remain in effect until September 30, 2019."

**Section 3. *Repeal.*** All ordinances or parts of ordinances in conflict herewith, if any, shall be and are hereby repealed only to the extent of such conflict.

Section 4. Penalty. 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 5. Severability. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof, other than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED and APPROVED on first reading this 4<sup>th</sup> day of September, 2018.

PASSED, APPROVED and ADOPTED on second and final reading this 17<sup>th</sup> day of September, 2018.

\_\_\_\_\_  
Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

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

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



**Council Agenda Item  
September 17, 2018**

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



# CITY COUNCIL AGENDA ITEM COVER MEMO

September 17, 2018

**To:** Mayor and City Council  
**Agenda Item:** 7(b)(1) Public Hearing and Ordinance: PID No. 2 Special Assessment  
**Submitted by:** Joseph Quintal, Assistant City Attorney

## SYNOPSIS

This item requires a public hearing and relates to an ordinance levying special assessments on the first of two readings.

## 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

Lake Shore Harbour subdivision is located in Public Improvement District Number Two (PID 2). City Council previously approved the Service and Assessment Plan for PID 2 and Assessment Rolls for Lake Shore Harbour Sections 1, 2, 3, 4, and 6 in 2004, 2006, 2007, 2012, 2013, and 2015, respectively. This Ordinance is for the approval of the Section 8 assessment roll. The assessment is determined as prescribed by the Service and Assessment Plan.

The cost of the infrastructure is \$1,483,582.07. The cost per lot is \$2,884.63, which includes interest. The annual assessment in Sections 1 and 2 was \$1,148.53, \$1,328.93 in Section 3 and \$1,400.00 in Sections 4 and 5. The annual assessment in Section 6 was \$781.00. The property owner has been given notice of the proposed assessments and supports the assessments.

## BUDGET/FISCAL ANALYSIS

| Funding Source | Account Number | Project Code/Name | FY18 Funds Budgeted | FY18 Funds Available | Amount Requested |
|----------------|----------------|-------------------|---------------------|----------------------|------------------|
| N/A            |                |                   |                     |                      | \$0              |

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

## SUPPORTING MATERIALS

1. Ordinance

2. Plat of Section 8 of Lakeshore Harbour residential subdivision
3. Copy of published notice

**STAFF'S RECOMMENDATION**

Consider conducting a public hearing and adopting the ordinance levying special assessments for public improvements.

**ORDINANCE NO. O-18-\_\_**

**AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, LEVYING AN ASSESSMENT AGAINST SECTION 8 PROPERTIES IN THE LAKESHORE HARBOUR SUBDIVISION LOCATED IN THE CITY OF MISSOURI CITY PUBLIC IMPROVEMENT DISTRICT NO. TWO (LAKESHORE HARBOUR RESIDENTIAL SUBDIVISION); AND MAKING CERTAIN FINDINGS RELATED THERETO.**

\* \* \* \* \*

WHEREAS, the City of Missouri City (the "City") is authorized pursuant to TEX. LOCAL GOV'T CODE, ch. 372, as amended ("Chapter 372") to create public improvement districts for the purposes described therein, and to levy and collect an assessment in furtherance of the purposes thereof; and

WHEREAS, the City has created City of Missouri City Public Improvement District No. Two (the "PID") and, pursuant to Ordinance No. O-07-31, adopted a Service and Assessment Plan (the "Plan") for the PID, all in accordance with the applicable provisions of Chapter 372; and

WHEREAS, the City Council of the City of Missouri City (the "City Council") filed a proposed assessment roll with the City Secretary which roll was available for public inspection, and following notice thereof by mail and publication as required by Chapter 372, the City Council held a public hearing at which written or oral objections to the proposed assessments were considered and passed on by the City Council; and

WHEREAS, the City Council has conducted, in the time and manner and after the notice required by law, a public hearing on such proposed assessment roll; and

WHEREAS, the City Council has determined that the levy of a special assessment in, for and on behalf of the PID is necessary and advisable, and that the proposed assessment roll apportions the cost of the subject improvements in the PID on the basis of special benefits accruing to the property because of the improvement; now therefore,

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

Section 1. The facts recited in the preamble hereto are found to be true and correct.

Section 2. The assessment roll attached hereto is hereby approved and the special assessments described therein are hereby levied on the subject property in accordance with the terms of the Plan, which Plan determines the method of payment of the assessments, and makes provision for the payment thereof in periodic installments, interest thereon and the collection thereof. The Mayor, City Secretary and any other appropriate officials of the City are hereby authorized to take all necessary actions on behalf of the City to implement the terms thereof in accordance therewith.

Section 3. There is hereby created a first and prior lien securing payment of the assessment levied, effective as of the date of this Ordinance as provided in the Plan and Chapter 372.

Section 4. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, TEX. GOV'T 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. City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

PASSED AND APPROVED on first reading this \_\_\_\_ day of \_\_\_\_\_, 2018.

PASSED, APPROVED and ADOPTED on second and final reading this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

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

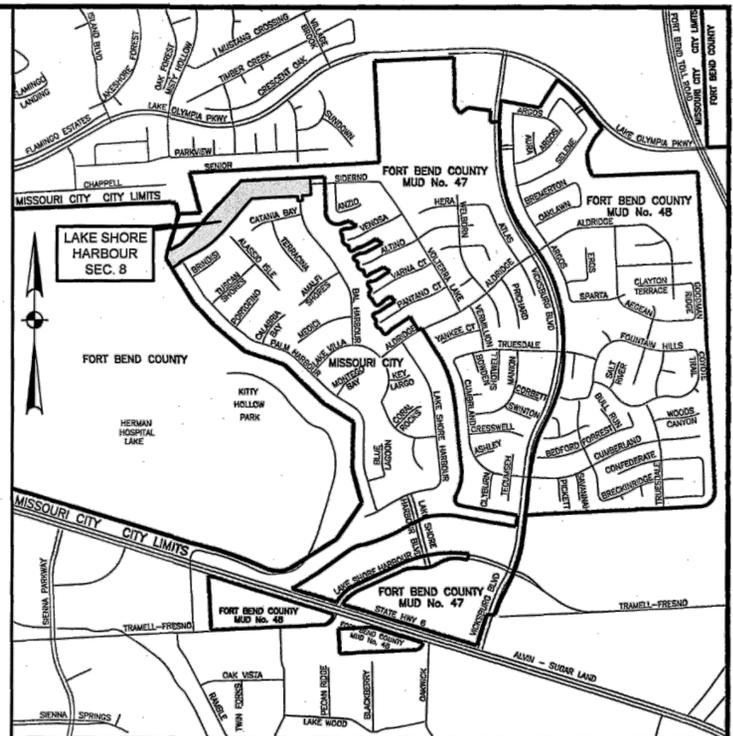
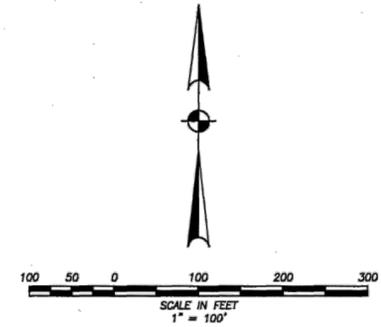
\_\_\_\_\_  
E. Joyce Iyamu, City Attorney

| SYMBOL | DESCRIPTION            | RESERVE USE                    | AREA                     |
|--------|------------------------|--------------------------------|--------------------------|
| (A)    | RESTRICTED RESERVE "A" | RESTRICTED TO DRAINAGE USE     | 0.035 AC. - 1,510 S.F.   |
| (B)    | RESTRICTED RESERVE "B" | RESTRICTED TO DRAINAGE USE     | 0.158 AC. - 6,875 S.F.   |
| (C)    | RESTRICTED RESERVE "C" | RESTRICTED TO DRAINAGE USE     | 4.155 AC. - 180,983 S.F. |
| (D)    | RESTRICTED RESERVE "D" | RESTRICTED TO PRIVATE PARK USE | 0.222 AC. - 9,656 S.F.   |
| (E)    | RESTRICTED RESERVE "E" | RESTRICTED TO PRIVATE PARK USE | 0.058 AC. - 2,522 S.F.   |
| TOTAL  |                        |                                | 4.628 AC. - 201,546 S.F. |

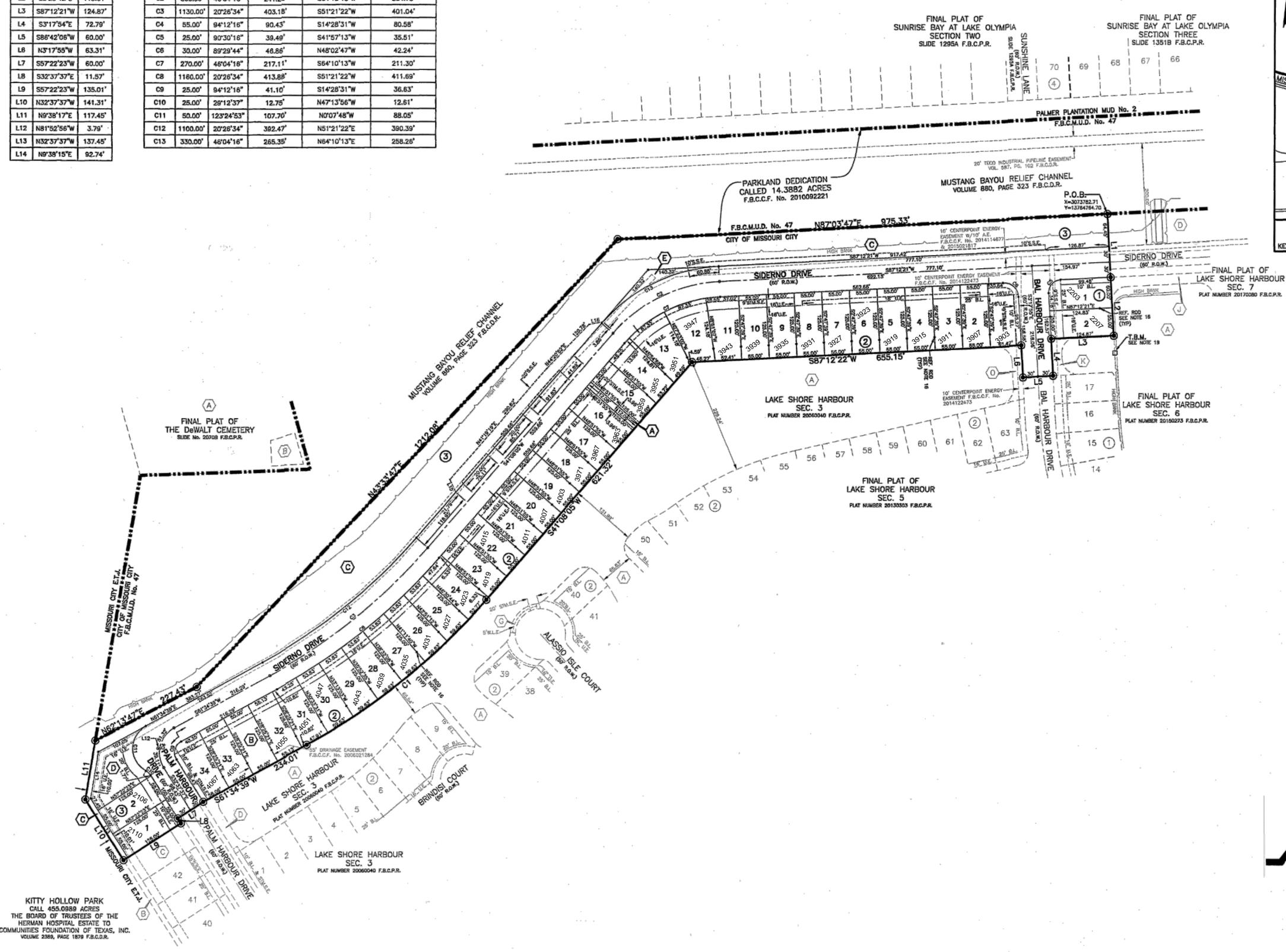
| LINE | BEARING     | LENGTH  |
|------|-------------|---------|
| L1   | S2°58'13"E  | 124.45' |
| L2   | S3°20'42"E  | 115.01' |
| L3   | S87°12'21"W | 124.87' |
| L4   | S3°17'54"E  | 72.78'  |
| L5   | S86°42'08"W | 60.00'  |
| L6   | N3°17'59"W  | 63.31'  |
| L7   | S57°22'23"W | 60.00'  |
| L8   | S32°37'37"E | 11.57'  |
| L9   | S57°22'23"W | 135.01' |
| L10  | N32°37'37"W | 141.31' |
| L11  | N9°38'17"E  | 117.45' |
| L12  | N81°52'56"W | 3.79'   |
| L13  | N32°37'37"W | 137.45' |
| L14  | N9°38'15"E  | 92.74'  |

| CURVE | RADIUS   | DELTA      | ARC LENGTH | CHORD BEARING | CHORD LENGTH |
|-------|----------|------------|------------|---------------|--------------|
| C1    | 1285.00' | 20°28'34"  | 458.48'    | S51°21'22"W   | 456.05'      |
| C2    | 300.00'  | 48°04'16"  | 241.23'    | S64°10'13"W   | 234.78'      |
| C3    | 1130.00' | 20°28'34"  | 403.18'    | S51°21'22"W   | 401.04'      |
| C4    | 55.00'   | 94°12'16"  | 90.43'     | S14°28'31"W   | 80.58'       |
| C5    | 25.00'   | 90°30'16"  | 39.49'     | S41°57'13"W   | 35.51'       |
| C6    | 30.00'   | 89°29'44"  | 46.86'     | N48°02'47"W   | 42.24'       |
| C7    | 270.00'  | 48°04'16"  | 217.11'    | S64°10'13"W   | 211.30'      |
| C8    | 1160.00' | 20°28'34"  | 413.88'    | S51°21'22"W   | 411.69'      |
| C9    | 25.00'   | 94°12'16"  | 41.10'     | S14°28'31"W   | 36.63'       |
| C10   | 25.00'   | 28°12'37"  | 12.75'     | N47°13'56"W   | 12.61'       |
| C11   | 50.00'   | 123°24'53" | 107.70'    | N0°07'48"W    | 88.05'       |
| C12   | 1100.00' | 20°28'34"  | 362.47'    | N51°21'22"E   | 390.39'      |
| C13   | 330.00'  | 48°04'16"  | 265.35'    | N64°10'13"E   | 258.28'      |

- LEGEND**
- AC. = ACRE
  - A.E. = AERIAL EASEMENT
  - B.L. = BUILDING LINE
  - F.B.C.C.F. = FORT BEND COUNTY CLERK'S FILE
  - F.B.C.D.R. = FORT BEND COUNTY DEED RECORDS
  - F.B.C.M.R. = FORT BEND COUNTY MAP RECORDS
  - F.B.C.P.R. = FORT BEND COUNTY PLAT RECORDS
  - LTD. = LIMITED
  - NO. = NUMBER
  - R. = RADIUS
  - S.F. = SQUARE FEET
  - S.S.E. = SANITARY SEWER EASEMENT
  - STM.S.E. = STORM SEWER EASEMENT
  - TYP. = TYPICAL
  - U.E. = UTILITY EASEMENT
  - W.L.E. = WATER LINE EASEMENT
  - X = EASTING COORDINATE
  - Y = NORTHING COORDINATE
  - = SET 5/8" IRON ROD w/MISG CAP
  - = F.B.C.M.U.D. No. 47 BOUNDARY LINE
  - = STREET NAME CHANGE



L:\2324\_LAKE\_SHORE\_HARBOR\2324-008\_LAKE\_SHORE\_HARBOR SEC 8\CAD\PLAT\2324-008\_PLAT\_020118.DWG Jul. 3, 2018-5:20 AM TROY NIXON



5 pgs 201809681

FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS  
*Laura Richard*  
Laura Richard, County Clerk  
Fort Bend County Texas  
August 08, 2018 02:42:37 PM  
FEE: \$294.00 CR1 20180191

## ADDRESS PLAT FINAL PLAT OF LAKE SHORE HARBOUR SEC. 8

BEING A SUBDIVISION CONTAINING 14.38 ACRES AND BEING A PORTION OF A CALLED 262.296 ACRE TRACT RECORDED IN THE NAME OF VICKSBURG ESTATES, LTD. IN F.B.C.C.F. NO. 1999082607, LOCATED IN THE ELIJAH ROARK LEAGUE, A-77 CITY OF MISSOURI CITY, FORT BEND COUNTY, TEXAS

38 LOTS 3 BLOCKS 5 RESERVES

DATE: JULY, 2018 SCALE: 1" = 100'

OWNER:  
VICKSBURG ESTATES, LTD.  
A TEXAS LIMITED PARTNERSHIP  
1616 VOSS, SUITE 618  
HOUSTON, TEXAS 77057  
CLINTON F. WONG  
713-978-5900 (PH.)  
713-978-5944 (FAX)

OWNER:  
CITY OF MISSOURI CITY  
1522 TEXAS PARKWAY  
MISSOURI CITY, TEXAS 77489  
ALLEN OWEN, MAYOR  
281-403-8500 (PH.)

ENGINEER  
**r.g.miller**  
engineers

SURVEYOR  
**MILLER**  
SURVEY GROUP

16340 Park Ten Place - Suite 350  
Houston, Texas 77084  
(713) 461-9800

1760 WEST SAM HOUSTON PARKWAY NORTH, HOUSTON TEXAS 77043  
PHONE 713-413-1900 FAX 713-413-1944  
TEXAS FIRM REGISTRATION NO. 10047100

TEXAS FIRM REGISTRATION NO. F-487  
JACK P. MILLER, P.E.

BRIAN E. WILSON, R.P.L.S.

STATE OF TEXAS  
COUNTY OF FORT BEND

WE, VICKSBURG ESTATES, LTD., A TEXAS LIMITED PARTNERSHIP ACTING BY AND THROUGH CLINTON F. WONG, PRESIDENT AND PHILLIP PEACOCK, SECRETARY, BOTH BEING OFFICERS OF GREATMARK INTERNATIONAL, INC. ITS GENERAL PARTNER, AND THE CITY OF MISSOURI CITY, ACTING BY AND THROUGH ALLEN OWEN, BEING MAYOR, OF THE CITY OF MISSOURI CITY, OWNERS HERINAFTER REFERRED TO AS OWNERS OF THE 14.38 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF FINAL PLAT OF LAKE SHORE HARBOUR SEC. 8, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

WE FURTHER ACKNOWLEDGE THAT THE DEDICATIONS AND/OR EXACTIONS MADE HEREIN ARE PROPORTIONAL TO THE IMPACT OF THE SUBDIVISION UPON THE PUBLIC SERVICES REQUIRED IN ORDER THAT THE DEVELOPMENT WILL COMPORT WITH THE PRESENT AND FUTURE GROWTH NEEDS OF THE CITY. WE, OUR SUCCESSORS AND ASSIGNS HEREBY WAIVE ANY CLAIM, DAMAGE, OR CAUSE OF ACTION THAT WE MAY HAVE AS A RESULT OF THE DEDICATION OR EXACTIONS MADE HEREIN.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER UNOBSTRUCTED AERIAL EASEMENTS, THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL ELEVEN FEET, SIX INCHES (11'6") FOR TEN FEET (10'0") PERIMETER GROUND EASEMENTS OR SEVEN FEET, SIX INCHES (7'6") FOR FOURTEEN FEET (14'0") PERIMETER GROUND EASEMENTS OR FIVE FEET, SIX INCHES (5'6") FOR SIXTEEN FEET (16'0") PERIMETER GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16'0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. & A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY THE AERIAL EASEMENTS TOTAL TWENTY-ONE FEET, SIX INCHES (21'6") IN WIDTH.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER UNOBSTRUCTED AERIAL EASEMENTS, THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL TEN FEET (10'0") FOR TEN FEET (10'0") BACK-TO-BACK GROUND EASEMENTS, OR EIGHT FEET (8'0") FOR FOURTEEN FEET (14'0") BACK-TO-BACK GROUND EASEMENTS OR SEVEN FEET (7'0") FOR SIXTEEN FEET (16'0") BACK TO BACK GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16'0") ABOVE THE GROUND LEVEL UPWARD, LOCATED ADJACENT TO BOTH SIDES AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY THE AERIAL EASEMENT TOTALS THIRTY FEET (30'0") IN WIDTH.

IN TESTIMONY WHEREOF, THE VICKSBURG ESTATES, LTD., HAS CAUSED THESE PRESENTS TO BE SIGNED BY CLINTON F. WONG, ITS PRESIDENT, THEREUNTO AUTHORIZED, ATTESTED BY ITS SECRETARY, PHILLIP PEACOCK, BOTH BEING OFFICERS OF GREATMARK INTERNATIONAL, INC., ITS GENERAL PARTNER, AND ITS COMMON SEAL HEREUNTO AFFIXED THIS 5<sup>TH</sup> DAY OF July, 2018.

VICKSBURG ESTATES, LTD.  
BY: GREATMARK INTERNATIONAL, INC.,  
ITS GENERAL PARTNER

BY: *Clinton F. Wong*  
CLINTON F. WONG  
PRESIDENT

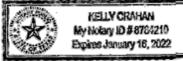
ATTEST: *Phillip Peacock*  
PHILLIP PEACOCK  
SECRETARY

STATE OF TEXAS  
COUNTY OF FORT BEND

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED CLINTON F. WONG AND PHILLIP PEACOCK, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED, AND AS THE ACT AND DEED OF SAID CORPORATION.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 5<sup>TH</sup> DAY OF July, 2018.

*Kelly Graham*  
KELLY GRAHAM  
NOTARY PUBLIC IN AND  
FOR THE STATE OF TEXAS



MY COMMISSION EXPIRES: 01-16-2022

IN TESTIMONY WHEREOF, THE CITY OF MISSOURI CITY, HAS CAUSED THESE PRESENTS TO BE SIGNED BY ALLEN OWEN, ITS MAYOR, THEREUNTO AUTHORIZED, THIS 6<sup>TH</sup> DAY OF August, 2018.

CITY OF MISSOURI CITY  
BY: *Allen Owen*  
ALLEN OWEN  
MAYOR

STATE OF TEXAS  
COUNTY OF FORT BEND

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED ALLEN OWEN, MAYOR, OF THE CITY OF MISSOURI CITY, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 6<sup>TH</sup> DAY OF August, 2018.

*Margo Jackson*  
MARGO JACKSON  
NOTARY PUBLIC IN AND  
FOR THE STATE OF TEXAS



MY COMMISSION EXPIRES: 11/21/2019

I, CAROLYN J. QUINN, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND CORRECT; WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND; THAT ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN FIVE EIGHTHS (5/8) INCH AND A LENGTH OF NOT LESS THAN THREE (3) FEET; AND THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE NEAREST SUBDIVISION CORNER.

*Carolyn J. Quinn*  
CAROLYN J. QUINN  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 6033



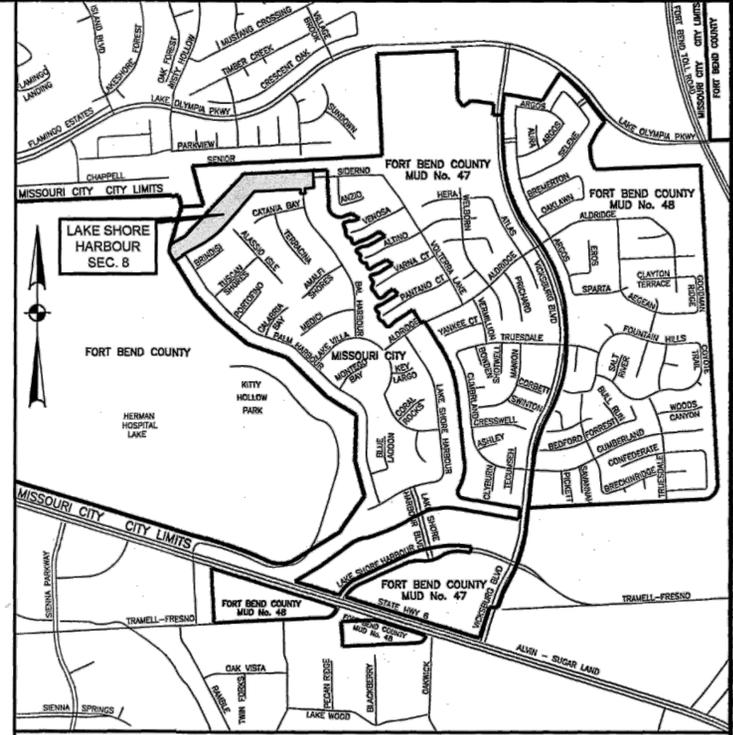
THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF MISSOURI CITY, TEXAS, HAS APPROVED THIS PLAT AND SUBDIVISION OF FINAL PLAT OF LAKE SHORE HARBOUR SEC. 8 IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF MISSOURI CITY AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS 11<sup>TH</sup> DAY OF July, 2018.

BY: *Sonya Brown-Marshall*  
SONYA BROWN-MARSHALL  
CHAIRMAN

BY: *Timothy R. Haney*  
TIMOTHY R. HANEY  
VICE CHAIRMAN

NOTES:

- 1. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP NUMBER 48157C0295L REVISED APRIL 2, 2014, THE SUBJECT PROPERTY LIES WITHIN ZONE "X" (UNSHADED). AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- 2. ALL SLAB ELEVATIONS SHALL BE ONE FOOT ABOVE THE 100-YEAR FLOOD ELEVATION AS ESTABLISHED BY FEMA AS PER SECTION 3.C(11) OF THE ADMINISTRATIVE PLATTING MANUAL OF THE CITY OF MISSOURI CITY (JUNE 2014). THE MINIMUM SLAB ELEVATION SHALL BE 78.00'.
- 3. THERE ARE NO KNOWN PIPELINES OR PIPELINE EASEMENTS WITHIN THE LIMITS OF THIS SUBDIVISION.
- 4. ALL REQUIRED UTILITY COMPANIES HAVE BEEN CONTACTED AND ALL PUBLIC UTILITY EASEMENTS SHOWN HEREON CONSTITUTE ALL THE EASEMENTS REQUESTED BY THE UTILITY COMPANIES.
- 5. THE CITY OF MISSOURI CITY SHALL NOT BE RESPONSIBLE FOR MAINTENANCE OF DRIVEWAYS, EMERGENCY ACCESS EASEMENTS, RECREATIONAL AREAS, AND OPEN SPACES AND PRIVATE PARKLAND AREAS. THE LAKESHORE HARBOUR COMMUNITY ASSOCIATION, INC. SHALL BE RESPONSIBLE FOR SUCH MAINTENANCE OF DRIVEWAYS, EMERGENCY ACCESS EASEMENTS, RECREATIONAL AREAS, AND OPEN SPACES AND PRIVATE PARKLAND AREAS AS REQUIRED BY SECTION 3.C(12) OF THE ADMINISTRATIVE PLATTING MANUAL OF THE CITY OF MISSOURI CITY (JUNE 2014).
- 6. DRIVEWAY APPROACHES SHALL BE PROVIDED IN ACCORDANCE WITH THE MISSOURI CITY DRIVEWAY APPROACH POLICY AS REQUIRED UNDER THE PROVISIONS OF SUBSECTION 82-160 OF THE CODE OF ORDINANCES OF THE CITY OF MISSOURI CITY, TEXAS.
- 7. ALL OF THE PROPERTY SUBDIVIDED IN THE ABOVE AND FOREGOING PLAT IS WITHIN THE INCORPORATED BOUNDARIES OF THE CITY OF MISSOURI CITY, TEXAS.
- 8. IN ACCORDANCE WITH CENTERPOINT ENERGY ELECTRICAL SERVICE MANUAL, ARTICLE 421.2, ELECTRIC METERS SHALL BE LOCATED IN A LOCATION THAT IS ACCESSIBLE AT ALL TIMES WITHOUT CUSTOMER ASSISTANCE. ACCESS TO THE METER SHALL NOT BE BLOCKED BY GATES, WALLS OR FENCES.
- 9. THIS PLAT LIES ENTIRELY WITHIN THE CITY LIMITS OF MISSOURI CITY, TEXAS AND THE FOLLOWING TAXING ENTITIES: FORT BEND COUNTY AND FORT BEND I.S.D.
- 10. SIDEWALKS SHALL BE CONSTRUCTED AS REQUIRED BY SECTION 82-184 OF THE CODE OF ORDINANCES OF THE CITY OF MISSOURI CITY. PRIOR TO ACCEPTANCE OF STREETS WITHIN THIS SUBDIVISION BY THE CITY OF MISSOURI CITY INTO THE ONE YEAR MAINTENANCE PERIOD, SIDEWALKS SHALL BE CONSTRUCTED BY THE DEVELOPER ALONG ALL STREETS WHERE HOMES DO NOT FRONT OR SIDE. BEFORE CERTIFICATIONS OF OCCUPANCY SHALL BE ISSUED, BUILDERS OF HOMES SHALL CONSTRUCT SIDEWALKS ALONG STREETS ON WHICH HOMES FRONT AND ALONG STREETS ON WHICH HOMES SIDE.
- 11. NO BUILDING OR OTHER PERMIT, EXCEPT PERMITS FOR CONSTRUCTION OF PUBLIC IMPROVEMENTS, WILL BE ISSUED BY THE CITY OF MISSOURI CITY, TEXAS, FOR CONSTRUCTION WITHIN THIS SUBDIVISION UNTIL SUCH TIME THAT ALL PUBLIC IMPROVEMENTS OF THE SUBDIVISION HAVE BEEN CONSTRUCTED BY THE DEVELOPER AND ACCEPTED BY THE CITY OR THE GUARANTEE OF CONSTRUCTION OF PUBLIC IMPROVEMENTS REQUIRED BY SECTION 82-206 OF THE CODE OF ORDINANCES OF THE CITY OF MISSOURI CITY, TEXAS, IS SUBMITTED TO AND APPROVED BY THE CITY.
- 12. ALL PROPERTY TO DRAIN INTO THE FORT BEND COUNTY DRAINAGE EASEMENT ONLY THROUGH AN APPROVED DRAINAGE STRUCTURE.
- 13. THE DRAINAGE SYSTEM FOR THIS SUBDIVISION IS DESIGNED IN ACCORDANCE WITH THE FORT BEND COUNTY DRAINAGE CRITERIA MANUAL WHICH ALLOWS STREET PONDING WITH INTENSE RAINFALL EVENTS.
- 14. ANY DISTANCE SHOWN ALONG A RADIUS IS THE ARC LENGTH, UNLESS OTHERWISE NOTED.
- 15. THE COORDINATES AND BEARINGS SHOWN HEREON ARE TEXAS SOUTH CENTRAL ZONE NAD 83 STATE PLANE GRID COORDINATES (NA83) AND MAY BE BROUGHT TO SURFACE BY APPLYING THE FOLLOWING COMBINED SCALE: 0.99987.
- 16. LOTS 1-2, BLOCK 1 AND LOTS 1-34, BLOCK 2 HAVE REFERENCE RODS SET ON SIDE PROPERTY LINES 100 FEET FROM RIGHT-OF WAY, UNLESS OTHERWISE NOTED.
- 17. DESIGN (3-YEAR) HYDRAULIC GRADE LINES REFLECT WATER SURFACE ELEVATIONS AT 25-YEAR W.S.E. IN RECEIVING CHANNEL AT POINTS OF OUTFALL TO CHANNEL.
- 18. BENCHMARK: MISSOURI CITY SURVEY MARKER No. PCM-003, A 4-INCH BRASS DISK SET IN CONCRETE AT THE SOUTHWEST INTERSECTION SIENNA PARKWAY AND TRAMMEL-FRESNO ROAD, 4.8' SOUTH OF A SIDEWALK AND 26 FEET NORTHWEST OF THE NORTHWEST CORNER OF AN AREA INLET. ELEVATION= 65.87', NAVD 88 (2001 ADJUSTMENT).
- 19. TEMPORARY BENCHMARK (T.B.M.): A "D" CUT ON HEADWALL 39 FEET NORTH OF LOT 17, BLOCK 1 OF LAKE SHORE HARBOUR SEC. 5. ELEVATION= 73.20', NAVD 88 (2001 ADJUSTMENT).
- 20. REQUIRED FIRE FLOWS SHALL BE PROVIDED BASED ON THE SIZE AND CONSTRUCTION OF ALL BUILDINGS AS REQUIRED BY THE INTERNATIONAL FIRE CODE AS ADOPTED BY THE CITY.
- 21. THE PLACEMENT OF FIRE HYDRANTS SHALL BE PROVIDED BASED ON THE MINIMUM DISTANCE REQUIREMENTS AS ESTABLISHED IN THE INTERNATIONAL FIRE CODE AS ADOPTED BY THE CITY (500FT. FOR RESIDENTIAL DEVELOPMENT AND 300FT. FOR COMMERCIAL DEVELOPMENT). ALL FIRE HYDRANTS SHALL BE INSTALLED ACCORDING TO THE INTERNATIONAL FIRE CODE AS ADOPTED BY THE CITY.
- 22. ALL DRAINAGE AND FLOODWAY EASEMENTS SHALL BE KEPT CLEAR OF FENCES, BUILDINGS, PLANTINGS AND OTHER OBSTRUCTIONS TO THE OPERATIONS AND MAINTENANCE OF THE DRAINAGE FACILITY AS REQUIRED BY SUBSECTION 82-168(d) OF THE CODE OR ORDINANCES OF THE CITY OF MISSOURI CITY, TEXAS.
- 23. THERE SHALL BE A REAR BUILDING LINE OF NOT LESS THAN 15 FEET. DETACHED GARAGES SHALL HAVE A REAR YARD SETBACK OF NOT LESS THAN EIGHT FEET.
- 24. THERE SHALL BE A SIDE BUILDING LINE OF NOT LESS THAN FIVE FEET EXCEPT AS PROVIDED BY THIS SUBDIVISION. THE COMBINED SIDE YARDS BETWEEN A BUILDING ON A LOT IN QUESTION AND A BUILDING ON AN ADJACENT LOT SHALL BE NOT LESS THAN TEN FEET. THERE SHALL BE A SIDE BUILDING LINE OF NOT LESS THAN THREE FEET FOR ACCESSORY BUILDINGS OR GARAGES ON INTERIOR LOTS.
- 25. GARAGES FACING A SIDE STREET MUST HAVE A SETBACK OF NOT LESS THAN 20 FEET.
- 26. DRIVEWAY LOCATION - FOR THE LOT ON THE INSIDE OF A KNUCKLE OR 90 DEGREE TURN, DRIVEWAY MUST BE PLACED ON THE LOT FRONTAGE ALONG THE INSIDE APPROACH LANE PRIOR TO THE RIGHT TURN, TO AVOID SIGHT OBSTRUCTION SAFETY HAZARDS.



VICINITY MAP  
KEY MAP 610P  
SCALE: 1" = 1200'

I, LAURA RICHARD, COUNTY CLERK IN AND FOR FORT BEND COUNTY, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORDATION IN MY OFFICE ON August 8, 2018, AT 2:42 O'CLOCK P.M., IN PLAT NUMBER 20180191 OF THE PLAT RECORDS OF FORT BEND COUNTY, TEXAS.

WITNESS MY HAND AND SEAL OF OFFICE, AT RICHMOND, TEXAS, THE DAY AND DATE LAST ABOVE WRITTEN.  
*Laura Richard*  
LAURA RICHARD,  
COUNTY CLERK  
FORT BEND COUNTY, TEXAS  
BY: *Catherine Riendeau*  
CATHERINE RIENDEAU  
DEPUTY



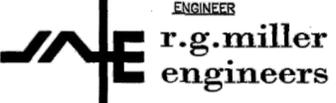
5 pgs 2018089681

FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS  
*Laura Richard*  
Laura Richard, County Clerk  
Fort Bend County Texas  
August 08, 2018 02:42:37 PM  
FEE: \$294.00 CR1 20180191

ADDRESS PLAT  
FINAL PLAT OF  
LAKE SHORE HARBOUR  
SEC. 8

BEING A SUBDIVISION CONTAINING 14.38 ACRES AND BEING A PORTION OF A CALLED 262.296 ACRE TRACT RECORDED IN THE NAME OF VICKSBURG ESTATES, LTD. IN F.B.C.C.F. NO. 1999082607, LOCATED IN THE ELIJAH ROARK LEAGUE, A-77 CITY OF MISSOURI CITY FORT BEND COUNTY, TEXAS

38 LOTS 3 BLOCKS 5 RESERVES  
DATE: JULY, 2018 SCALE: 1" = 100'  
OWNER: VICKSBURG ESTATES, LTD. A TEXAS LIMITED PARTNERSHIP  
1618 VOSS, SUITE 618 HOUSTON, TEXAS 77057  
CLINTON F. WONG 713-978-5900 (PH.) 713-978-5944 (FAX)  
ENGINEER  
CITY OF MISSOURI CITY  
1522 TEXAS PARKWAY MISSOURI CITY, TEXAS 77489  
ALLEN OWEN, MAYOR 281-403-8500 (PH.)  
SURVEYOR



16340 Park Ten Place - Suite 350 Houston, Texas 77084 (713) 461-9800 TEXAS FIRM REGISTRATION NO. F-487 JACK P. MILLER, P.E.



1760 WEST SAM HOUSTON PARKWAY NORTH, HOUSTON TEXAS 77043 PHONE 713-413-1900 FAX 713-413-1944 TEXAS FIRM REGISTRATION NO. 10047100 BRIAN E. WILSON, R.P.L.S.



# CITY OF MISSOURI CITY

## NOTICE OF PUBLIC HEARING

OF THE CITY COUNCIL OF THE CITY OF MISSOURI CITY TO CONSIDER  
PROPOSED ASSESSMENTS AGAINST LAKESHORE HARBOUR SECTION 8  
PROPERTIES LOCATED IN CITY OF MISSOURI CITY PUBIC IMPROVEMENT  
DISTRICT NO. TWO

ESTABLISHED BY CITY COUNCIL RESOLUTION NO. R-01-38

In accordance with Chapter 372, Local Government Code, the proposed assessment roll for Section 8 of Lake Shore Harbour Subdivision (located within Pubic Improvement District No. Two) has been prepared and is on file and open for public inspection in the office of the City Secretary. A public hearing on the proposed assessment will be held by the City Council as follows:

DATE & TIME: Monday, September 17, 2018, 7:00 p.m.

PLACE: City Council Chamber, City Hall located at 1522 Texas Parkway, Missouri City, Texas 77489

COST OF IMPROVEMENTS: \$1,483,582.07

GENERAL NATURE OF IMPROVEMENTS: The proposed public improvements include the construction of street paving, water lines, sanitary sewer lines, and storm sewers, as well as engineering costs.

BOUNDARIES: The boundaries are described in the plat of Lakeshore Harbour, Section 8, being a subdivision of 14.38 acres and being a portion of a called 262.296 acre tract recorded in the name of Vicksburg Estates, Ltd., in FBCCF No. 1999082607, located in the Elijah Roark League, A-77, City of Missouri City, Fort Bend County, Texas.

Written and oral objections will be considered at the hearing. All interested person are hereby notified of the described hearing and of their right to appear and be heard on the manner.

City Secretary

City of Missouri City, Texas

*For publication on August 29, 2018*





**CITY COUNCIL  
AGENDA ITEM COVER MEMO**

**September 17, 2018**

**To:** Mayor and City Council  
**Agenda Item:** 7(b)(2) Approval and adoption of the budget for the fiscal year beginning October 1, 2018, and ending September 30, 2019.

**Submitted by:** Bertha P. Alexander, Budget & Financial Reporting Manager

**SYNOPSIS**

Section 9.03 of the City Charter requires the City Council to adopt an annual budget prior to the beginning of the fiscal year. The proposed FY 2019 budget covering the period from October 1, 2018 through September 30, 2019 was filed with the City Secretary on or before September 1, 2018, as prescribed by the City's charter.

**STRATEGIC PLAN 2019 GOALS ADDRESSED**

- Maintain a financially sound City

**BACKGROUND**

The City of Missouri City's annual budget process began in early February of this year with a Strategic Planning and Budget Planning Workshop with City Council and staff. During the session, Council was presented with a work plan, various overviews and updates on current year financial commitments. The Council provided staff with their top priorities for the coming year for incorporation into the budget. Throughout the budget process, staff facilitated public input sessions to ensure that our community had an opportunity to engage in the process. This proposed budget has been discussed in various council meetings and a Public Hearings was held in order to solicit public input prior to adoption.

**BUDGET ANALYSIS**

| BUDGET COMPARISON - ALL FUNDS |                                  |                                   |                  |             |
|-------------------------------|----------------------------------|-----------------------------------|------------------|-------------|
| Description of Fund           | FY2019 Proposed Budget 12 Months | FY 2018 Adopted Budget 12 months* | \$ and % Change  |             |
| General Fund                  | \$ 51,456,355                    | \$ 48,157,672                     | 3,298,683        | 6.8%        |
| Special Revenue Funds         | \$ 6,251,240                     | \$ 5,435,508                      | 815,732          | 15.0%       |
| Debt Service                  | \$ 10,641,659                    | \$ 10,707,814                     | (66,155)         | -0.6%       |
| Capital Projects Funds        | \$ 13,074,957                    | \$ 16,846,814                     | (3,771,857)      | -22.4%      |
| Utility Funds                 | \$ 49,516,375                    | \$ 47,589,947                     | 1,926,428        | 4.0%        |
| Other Enterprise Funds        | \$ 7,716,450                     | \$ 3,676,736                      | 4,039,715        | 109.9%      |
| Equipment Replacement Funds   | \$ 697,166                       | \$ 961,556                        | (264,390)        | -27.5%      |
| <b>Total All Funds Budget</b> | <b>\$ 139,354,202</b>            | <b>\$ 133,376,047</b>             | <b>5,978,156</b> | <b>4.5%</b> |

\*The FY 2018 Adopted Budget in this comparison represents the City's amended 12-month operating budget prior to preparation and implementation of the extended 3-month which resulted in a 15-month budget (July 1, 2017 - September 30, 2018).

The FY 2019 Proposed Budget can be accessed from The City of Missouri City website at <http://www.missouricitytx.gov/>.

**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
2. General Fund Revenue and Expense Summary
3. Combined Fund Statement
4. City Manager's Budget Message

#### STAFF'S RECOMMENDATION

Staff recommends the adoption of the proposed Fiscal Year 2019 City Budget as presented by record vote.

**Director Approval:** Sandra Clarkson, Interim Director of Financial Services

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

**ORDINANCE NO. O-18-\_\_**

**AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, APPROVING AND ADOPTING THE CITY OF MISSOURI CITY, TEXAS, GENERAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019; MAKING APPROPRIATIONS FOR THE CITY FOR SUCH FISCAL YEAR AS REFLECTED IN SAID BUDGET; ADOPTING A PROJECTION FOR CAPITAL IMPROVEMENT PROGRAM SPENDING BEGINNING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2023; ADOPTING PAY STRUCTURES AND AN INCENTIVE AND CERTIFICATION PAY PLAN WITHIN SUCH BUDGET FOR NON-EXEMPT PERSONNEL, EXEMPT PERSONNEL, FIRE PERSONNEL, AND POLICE PERSONNEL; MAKING CERTAIN FINDINGS; AND CONTAINING CERTAIN PROVISIONS RELATING TO THE SUBJECT.**

\* \* \* \* \*

WHEREAS, in accordance with the Charter of the City of Missouri City, on or before September 1, 2018, the City Manager of the City of Missouri City, Texas (the "City") filed with the City Secretary a proposed Budget of the City for the fiscal year period beginning October 1, 2018, and ending September 30, 2019 ("Fiscal Year 2019"); and

WHEREAS, on or before September 1, 2018, the City Manager submitted to the City Council a proposed Budget of the City for Fiscal Year 2019 that includes a projection for Capital Improvement Program spending beginning on October 1, 2019, and ending September 30, 2023, and an accompanying message; and

WHEREAS, the City Council held, after notice, as required by law, a public hearing on such Budget on the 17th day of September, 2018, at which hearing all citizens and taxpayers of the City had the right to be present and to be heard and those who requested to be heard were heard; and

WHEREAS, the City Council has considered the proposed Budget and has made such changes therein as in the City Council's judgment were warranted by law and were in the best interest of the citizens and taxpayers of the City; and

WHEREAS, a copy of the Budget is attached hereto as Exhibit "A," and made a part hereof for all purposes and the City Council desires to adopt the same; 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. In accordance with the provisions of Chapter 102 of the Texas Local Government Code, the City Council hereby approves and adopts the Budget, Exhibit "A," attached hereto and made a part hereof, a copy of same being on file with the City Secretary. The City Secretary is hereby directed to place on said Budget and to sign an endorsement reading as follows: "The Original Budget of the City of Missouri City, Texas, for the Fiscal Year 2019", and to keep such Budget on file in her office as a public record and on the City's Internet website.

Section 3. In support of said Budget and by virtue of the adoption thereof, there are hereby appropriated out of available cash funds and out of the general and special revenues of the City which will be received in the treasury during Fiscal Year 2019 the amount set forth in said approved Budget for the various purposes stated therein.

Section 4. *Severability.* In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof, other than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED, APPROVED and ADOPTED on first and final reading this the 17th day of September, 2018.

\_\_\_\_\_  
Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

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

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



**CITY OF MISSOURI CITY  
GENERAL FUND REVENUES & EXPENSES SUMMARY**

| Object and Description                        | FY 2017<br>Actuals   | FY 2018<br>Original<br>Budget | FY 2018<br>Revised/Projected<br>Budget * | FY 2019<br>Proposed<br>Budget |
|---|----------------------|-------------------------------|--|-------------------------------|
| <b>BEGINNING FUND BALANCE</b>                 | <b>\$ 12,272,360</b> | <b>\$ 11,932,708</b>          | <b>\$ 11,932,708</b>                     | <b>\$ 6,921,158</b>           |
| <b>REVENUES</b>                               |                      |                               |  |                               |
| PROP.TAX/ASSESSMENTS                          | \$ 25,264,709        | \$ 25,914,115                 | \$ 28,483,562                            | \$ 30,531,777                 |
| SALES & OTHER TAXES                           | \$ 8,236,200         | \$ 8,416,172                  | \$ 10,365,156                            | \$ 9,045,100                  |
| FRANCHISE REVENUE                             | \$ 4,265,045         | \$ 3,990,463                  | \$ 5,115,436                             | \$ 3,903,100                  |
| LICENSES AND PERMITS                          | \$ 2,308,357         | \$ 2,532,114                  | \$ 2,671,821                             | \$ 2,363,538                  |
| FINES/FEES & FORFEIT                          | \$ 874,763           | \$ 967,150                    | \$ 1,042,289                             | \$ 883,200                    |
| CHARGES FOR SERVICES                          | \$ 389,061           | \$ 384,751                    | \$ 453,523                               | \$ 398,500                    |
| INTERGOV REV/GRANTS                           | \$ 2,597,246         | \$ 3,097,901                  | \$ 3,125,268                             | \$ 2,341,412                  |
| INVESTMENT EARNINGS                           | \$ 1,606             | \$ 250,000                    | \$ 282,454                               | \$ 200,000                    |
| OTHER SOURCES/DONATN                          | \$ 327,137           | \$ 267,322                    | \$ 1,335,857                             | \$ 362,600                    |
| TRANSFERS FROM & ADM                          | \$ 1,484,754         | \$ 1,541,718                  | \$ 2,463,060                             | \$ 1,716,397                  |
| <b>Total REVENUES</b>                         | <b>\$ 45,748,879</b> | <b>\$ 47,361,706</b>          | <b>\$ 55,338,425</b>                     | <b>\$ 51,745,624</b>          |
| <b>TOTAL AVAILABLE RESOURCES</b>              | <b>\$ 58,021,239</b> | <b>\$ 59,294,414</b>          | <b>\$ 67,271,133</b>                     | <b>\$ 58,666,782</b>          |
| <b>EXPENDITURES</b>                           |                      |                               |  |                               |
| GENERAL GOVERNMENT                            | \$ 4,244,060         | \$ 4,623,470                  | \$ 5,845,104                             | \$ 4,921,437                  |
| FINANCIAL SERVICES                            | \$ 1,740,016         | \$ 1,878,884                  | \$ 2,213,303                             | \$ 2,157,956                  |
| POLICE  | \$ 13,220,166        | \$ 13,636,763                 | \$ 16,289,177                            | \$ 13,605,533                 |
| FIRE  | \$ 8,261,843         | \$ 8,151,091                  | \$ 10,222,533                            | \$ 9,043,133                  |
| PUBLIC WORKS                                  | \$ 5,830,902         | \$ 6,983,702                  | \$ 8,719,403                             | \$ 7,314,716                  |
| PARKS & RECREATION                            | \$ 2,799,164         | \$ 3,128,486                  | \$ 4,131,305                             | \$ 3,291,136                  |
| DEVELOPMENT SERVICES                          | \$ 1,448,852         | \$ 1,471,239                  | \$ 1,724,860                             | \$ 1,441,963                  |
| INNOVATION & TECHNOLOGY                       | \$ 3,178,368         | \$ 3,528,019                  | \$ 5,788,586                             | \$ 4,571,044                  |
| NON-DEPARTMENTAL                              | \$ 5,365,160         | \$ 3,921,019                  | \$ 4,615,705                             | \$ 5,109,437                  |
| <b>OPERATING EXPENDITURES BY DEPARTMENT</b>   | <b>\$ 46,088,531</b> | <b>\$ 47,322,672</b>          | <b>\$ 59,549,975</b>                     | <b>\$ 51,456,355</b>          |
| USE OF FUND BALANCE**                         | \$ -                 | \$ 800,000                    | \$ 800,000                               | \$ -                          |
| <b>TOTAL APPROPRIATIONS</b>                   | <b>\$ 46,088,531</b> | <b>\$ 48,122,672</b>          | <b>\$ 60,349,975</b>                     | <b>\$ 51,456,355</b>          |
| <b>NET REVENUES OVER/(UNDER) EXPENDITURES</b> | <b>\$ (339,652)</b>  | <b>\$ (760,966)</b>           | <b>\$ (5,011,550)</b>                    | <b>\$ 289,269</b>             |
| <b>ENDING FUND BALANCE</b>                    | <b>\$ 11,932,708</b> | <b>\$ 11,171,743</b>          | <b>\$ 6,921,158</b>                      | <b>\$ 7,210,427</b>           |
| Actual Fund Balance Reserve %                 | 25.9%                | 23.2%                         | 11.5%                                    | 14.0%                         |
| 20% Reserve Requirement                       | \$ 9,217,706         | \$ 9,464,534                  | \$ 11,909,995                            | \$ 10,291,271                 |
| Reserve Requirement                           | 20%                  | 20%                           | 20%                                      | 20%                           |
| Amount over/(under) Reserve Requirement       | \$ 2,715,002         | \$ 1,707,208                  | \$ (4,988,837)                           | \$ (3,080,844)                |

\*In 2017, Missouri City residents voted to approve a change in the City's fiscal year from July 1 through June 30 to October 1 through September 30, effective with the fiscal year 2019 budget cycle. To implement this change, three additional months were added to the Fiscal Year 2018 budget resulting in a 15-month budget.

\*\*The use of Fund Balance is to cover expenditures associated with Hurricane Harvey. These expenditures are not a part of regular operations however, we are reflecting them against the fund balance as we expect to be reimbursed from FEMA.

**CITY OF MISSOURI CITY**  
**COMBINED FUND STATEMENT**  
**PROPOSED BUDGET FOR FY 2019**

| Object and Description                    | GENERAL FUNDS | SPECIAL REVENUE FUNDS | DEBT SERVICE FUND | CAPITAL PROJECT FUNDS | UTILITY FUNDS | OTHER ENTERPRISE FUNDS | EQUIPMENT REPLACEMENT FUNDS |  | FY 2019                | FY 2018                 | FY 2018                         | FY 2017        |
|---|---------------|-----------------------|-------------------|-----------------------|---------------|------------------------|-----------------------------|--|------------------------|-------------------------|---------------------------------|----------------|
|   |               |                       |                   |                       |               |                        |                             |  | PROPOSED BUDGET TOTALS | ESTIMATED ACTUAL TOTALS | REVISED/PROJECTED BUDGET TOTALS | ACTUAL TOTALS  |
| <b>BEGINNING FUND BALANCE</b>             | \$ 6,921,158  | \$ 18,131,062         | \$ 4,988,809      | \$ 6,152,344          | \$ 28,614,449 | \$ 511,438             | \$ (148,166)                |  | \$ 65,171,093          | \$ 68,545,037           | \$ 86,055,117                   | \$ 68,545,037  |
| <b>REVENUES</b>                           |               |                       |                   |                       |               |                        |                             |  |                        |                         |                                 |                |
| 40 - PROP.TAX/ASSESSMENTS                 | \$ 30,531,777 | \$ 2,792,200          | \$ 11,347,029     | \$ -                  | \$ -          | \$ -                   | \$ -                        |  | \$ 44,671,006          | \$ 41,757,132           | \$ 41,919,506                   | \$ 36,621,017  |
| 41 - SALES & OTHER TAXES                  | \$ 9,045,100  | \$ 200,000            | \$ -              | \$ 3,421,957          | \$ -          | \$ -                   | \$ -                        |  | \$ 12,667,057          | \$ 12,691,004           | \$ 15,241,272                   | \$ 12,020,054  |
| 42 - FRANCHISE REVENUE                    | \$ 3,903,100  | \$ 150,000            | \$ -              | \$ -                  | \$ -          | \$ 25,800              | \$ -                        |  | \$ 4,078,900           | \$ 4,278,144            | \$ 5,307,686                    | \$ 4,426,162   |
| 43 - LICENSES AND PERMITS                 | \$ 2,363,538  | \$ 13,400             | \$ -              | \$ -                  | \$ -          | \$ -                   | \$ -                        |  | \$ 2,376,938           | \$ 3,100,816            | \$ 2,688,420                    | \$ 2,321,606   |
| 44 - FINES/FEES & FORFEIT                 | \$ 883,200    | \$ 82,000             | \$ -              | \$ -                  | \$ -          | \$ -                   | \$ -                        |  | \$ 965,200             | \$ 1,177,659            | \$ 1,146,428                    | \$ 953,087     |
| 45 - CHARGES FOR SERVICES                 | \$ 398,500    | \$ -                  | \$ -              | \$ -                  | \$ 16,109,591 | \$ 7,557,677           | \$ -                        |  | \$ 24,065,768          | \$ 21,834,392           | \$ 26,334,095                   | \$ 20,227,115  |
| 46 - INTERGOVERN REVENUE                  | \$ 2,341,412  | \$ 636,183            | \$ -              | \$ -                  | \$ 200,000    | \$ 26,800              | \$ -                        |  | \$ 3,204,395           | \$ 3,426,967            | \$ 3,899,747                    | \$ 3,171,480   |
| 47 - INVESTMENT EARNINGS                  | \$ 200,000    | \$ 245,167            | \$ 140,000        | \$ 321,210            | \$ 530,528    | \$ 212                 | \$ 35,436                   |  | \$ 1,472,553           | \$ 1,635,825            | \$ 1,704,520                    | \$ 121,508     |
| 48 - OTHER SOURCES/DONATN                 | \$ 362,600    | \$ 1,501,790          | \$ -              | \$ 9,400,000          | \$ 31,559,700 | \$ 5,133               | \$ 70,000                   |  | \$ 42,899,223          | \$ 7,330,818            | \$ 19,676,855                   | \$ 18,478,004  |
| <b>TOTAL REVENUES</b>                     | \$ 50,029,227 | \$ 5,620,740          | \$ 11,487,029     | \$ 13,143,167         | \$ 48,399,819 | \$ 7,615,622           | \$ 105,436                  |  | \$ 136,401,040         | \$ 97,232,756           | \$ 117,918,528                  | \$ 98,340,034  |
| 49 - TRANSFERS FROM & ADM                 | \$ 1,716,397  | \$ 3,637,380          | \$ -              | \$ -                  | \$ 6,034,787  | \$ -                   | \$ 1,013,677                |  | \$ 12,402,241          | \$ 16,631,870           | \$ 17,732,381                   | \$ 19,988,460  |
| <b>TOTAL REVENUES &amp; TRANSFERS</b>     | \$ 51,745,624 | \$ 9,258,120          | \$ 11,487,029     | \$ 13,143,167         | \$ 54,434,606 | \$ 7,615,622           | \$ 1,119,113                |  | \$ 148,803,280         | \$ 113,864,625          | \$ 135,650,909                  | \$ 118,328,493 |
| <b>TOTAL AVAILABLE RESOURCES</b>          | \$ 58,666,782 | \$ 27,389,182         | \$ 16,475,838     | \$ 19,295,511         | \$ 83,049,055 | \$ 8,127,060           | \$ 970,946                  |  | \$ 213,974,374         | \$ 182,409,662          | \$ 221,706,026                  | \$ 186,873,530 |
| <b>EXPENDITURES</b>                       |               |                       |                   |                       |               |                        |                             |  |                        |                         |                                 |                |
| 51 - PERSONNEL COSTS                      | \$ 35,195,692 | \$ 328,102            | \$ -              | \$ -                  | \$ -          | \$ 1,144,372           | \$ -                        |  | \$ 36,668,167          | \$ 36,135,518           | \$ 39,645,515                   | \$ 31,181,000  |
| 52 - SUPPLIES & MATERIALS                 | \$ 2,318,963  | \$ 271,038            | \$ -              | \$ -                  | \$ 1,869,465  | \$ 833,306             | \$ -                        |  | \$ 5,292,772           | \$ 5,582,627            | \$ 7,999,407                    | \$ 4,530,221   |
| 53 - PROF/CONTRACT SERVIC                 | \$ 5,352,113  | \$ 607,203            | \$ -              | \$ 1,172,000          | \$ 2,675,759  | \$ 5,150,691           | \$ 274,906                  |  | \$ 15,232,671          | \$ 15,620,371           | \$ 22,298,576                   | \$ 14,494,421  |
| 54 - REPAIR & MAINTENANCE                 | \$ 881,096    | \$ -                  | \$ -              | \$ 402,957            | \$ 908,700    | \$ 112,510             | \$ -                        |  | \$ 2,305,263           | \$ 2,784,792            | \$ 4,591,585                    | \$ 2,067,821   |
| 55 - UTILITIES                            | \$ 2,278,946  | \$ 20,895             | \$ -              | \$ -                  | \$ 469,617    | \$ 197,905             | \$ -                        |  | \$ 2,967,363           | \$ 2,957,224            | \$ 4,094,068                    | \$ 3,166,887   |
| 56 - OTHER EXPENDITURES                   | \$ 1,833,019  | \$ 264,401            | \$ -              | \$ -                  | \$ 77,157     | \$ 261,666             | \$ -                        |  | \$ 2,436,243           | \$ 2,205,716            | \$ 2,836,207                    | \$ 2,795,899   |
| 57 - DEBT EXPENDITURES                    | \$ -          | \$ 2,648,066          | \$ 9,687,128      | \$ -                  | \$ 5,919,890  | \$ -                   | \$ -                        |  | \$ 18,255,084          | \$ 14,601,764           | \$ 16,384,476                   | \$ 13,630,968  |
| 58 - CAPITAL OUTLAY                       | \$ -          | \$ 1,607,273          | \$ -              | \$ 9,400,000          | \$ 31,069,000 | \$ -                   | \$ 422,260                  |  | \$ 42,498,533          | \$ 12,869,125           | \$ 20,652,684                   | \$ 11,283,183  |
| <b>TOTAL EXPENDITURES</b>                 | \$ 47,859,829 | \$ 5,746,978          | \$ 9,687,128      | \$ 10,974,957         | \$ 42,989,588 | \$ 7,700,450           | \$ 697,166                  |  | \$ 125,656,097         | \$ 92,757,137           | \$ 118,502,517                  | \$ 83,150,400  |
| 59 - TRANSFERS TO FUNDS                   | \$ 3,596,526  | \$ 504,262            | \$ 954,531        | \$ 2,100,000          | \$ 6,526,787  | \$ 16,000              | \$ -                        |  | \$ 13,698,106          | \$ 15,219,556           | \$ 15,882,101                   | \$ 19,990,189  |
| <b>TOTAL EXPENDITURES &amp; TRANSFERS</b> | \$ 51,456,355 | \$ 6,251,240          | \$ 10,641,659     | \$ 13,074,957         | \$ 49,516,375 | \$ 7,716,450           | \$ 697,166                  |  | \$ 139,354,202         | \$ 107,976,693          | \$ 134,384,619                  | \$ 103,140,589 |
| <b>ENDING FUND BALANCE</b>                | \$ 7,210,427  | \$ 21,137,942         | \$ 5,834,179      | \$ 6,220,554          | \$ 33,532,679 | \$ 410,610             | \$ 273,780                  |  | \$ 74,620,171          | \$ 74,432,970           | \$ 87,321,407                   | \$ 83,732,941  |



## City Manager

1522 Texas Parkway  
Missouri City, Texas 77489

Phone: 281-403-8500  
[www.missouricitytx.gov](http://www.missouricitytx.gov)

**TO:** Honorable Mayor Owen and City Council  
**FROM:** Anthony J. Snipes, City Manager  
**DATE:** August 30, 2018  
**REGARDING:** Proposed Fiscal Year 2019 Annual Budget and Financial Plan

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I am pleased to present for your consideration the City of Missouri City's Proposed General Fund Budget for Fiscal Year 2019. Though this year has seen many challenges to our community and our region, our organization has risen to these challenges with strength and resilience. This budget is structurally balanced, taking into account the strategic priorities and focus provided through your guidance. It is important to note that, despite a number of revenue categories being reduced, this balanced budget was accomplished with no borrowing and minimal impact to service levels to our community.

I have collaborated with our staff to find creative ways to fund our operations, in order to cushion the organization against possible revenue reductions. This includes finding savings in the current year's budget to fund this current year's three-month extended budget year. Departments have partnered with private organizations and non-profits, and, are seeking grant funding opportunities. These efforts have gone a long way to assist the organization in meeting our financial goals. However, to present a balanced and financially responsible budget, I asked departments to provide reductions ranging from 3% to 5% that would be necessary to address City Council's strategic priorities.

Based on those efforts, a total of \$2.1 million was identified and involved no reductions in workforce and with minimal impact to citizen services. Budget cuts focused upon areas such as reducing IT and Fleet Replacement costs, office supplies, training and conference attendance, and, delays in staff certifications. Through careful review of each budget line item, our organization has been able to re-appropriate resources based on Council priorities without significant impact to service delivery or to staffing levels.

## **CURRENT AFFAIRS AND ECONOMIC OUTLOOK**

### **Community Resilience**

Community reliance is defined as the ability of a community to prepare for, respond to, adapt and recover from, natural and man-made acute shocks and chronic stress with minimal disruption. Over the past year, Missouri City has shown its resilience.

This past summer, Missouri City and our surrounding communities faced an act of nature of historic proportion. August 2017, Hurricane Harvey made landfall in South Texas and began its march toward Missouri City. Saturday, August 26<sup>th</sup>, tornadoes touched down along Texas Parkway and in Sienna Plantation. By Monday, August 28<sup>th</sup>, many of our streets resembled rivers as evacuations became mandatory and as our neighbors watched the creeks rising inexorably toward their homes. Our Police officers and Fire fighters conducted over 1,300 high water

rescues. Public Works employees drove trucks into high water areas to make rescues and to transport personnel throughout the City. Employees of the Parks Department ran a shelter and donation drop-off site at the Recreation Center. Our employees from every department worked side-by-side, sleeping and eating in City facilities, so that our citizens would have every resource possible available to them. We housed over 50 State Troopers and several National Guardsmen as they maintained order in our City while our safety personnel conducted rescues.

Throughout this trying ordeal, we saw our community band together in a way that made us all proud. We saw ordinary citizens rally to support one another in their time of need. We saw our own staff work tirelessly in whatever capacities they were needed. Restaurants donated food to our Emergency Operations Center and to shelters, citizens volunteered to work at shelters, clothing, food, and supplies were donated for those in need.

It is the combination of a strong community and strong leadership, which has placed Missouri City in a position to quickly recover from such an impact to our city. Our City's leadership has been heralded and recognized for its planning, proactive measures, and response during and immediately after the storm. We partnered with Fort Bend and Harris County to quickly remove debris to allow our citizens to begin recovery. We have worked with owners of our shopping centers to repair storm damage. In the year since the hurricane, Missouri City has reviewed our plans and began to assess improvements in the event that we ever face another such occurrence.

### **Financial Impact of Hurricane Harvey**

The City has traditionally operated in a fiscally conservative manner, and as a result, we have created stability and a healthy fund balance. Still, we do face fiscal challenges in the coming year. Hurricane Harvey resulted in estimated direct costs to the City of over \$900,000. This number includes items such as labor, equipment, materials, rental equipment, and, contracts. It does not include lost revenues, such as, those associated with our revenue generating programs. Some portion of those direct costs may be reimbursed by the Federal Emergency Management Association (FEMA). It should also be noted that based on the City's Charter Commission's recommendations, Missouri City residents voted to change the fiscal year to start date from July 1 to October 1. This dictated the city for one year having a 15 month budget for fiscal year 2018. This change will impact the city's fund balance and will require in short order that the fund balance fall below the Council adopted policy.

Looking to our immediate financial future, the City's property tax revenues increased by 9.2%. This is in light of preliminary contested values for homes impacted by Hurricane Harvey and other factors totaling \$1.9 Billion for Fort Bend County. Inevitably, the protested values for the certified tax rolls was \$64.6 million for both Fort Bend and Harris Counties.

Additionally many of our businesses were impacted by the storm. Commercial entities saw closures during and immediately after the storm, in addition to, many facing physical damages. Several commercial buildings along Texas Parkway were damaged by the tornadoes that touched down in that area. For example, the Wells Fargo building on Texas Parkway has yet to re-opened

one year after the hurricane. As a result of these impacts, the City will continue to monitor commercial tax values in hopes that we are not negatively impacted.

### **Economic Outlook**

While the U.S. economy continues to modestly expand, recent challenges in the oil industry have continued to impact the local economy. We are pleased to report that, through conservative fiscal planning and management, the City of Missouri City continues to be insulated from many of the difficulties unfortunately faced by our peers and partners in the region.

As part of the budget development process, on April 05, 2018, for the third year, the City received an economic and demographic forecast presentation from Mr. Jon Hockenyos, President of TXP Economic Development Consultants. This presentation provided:

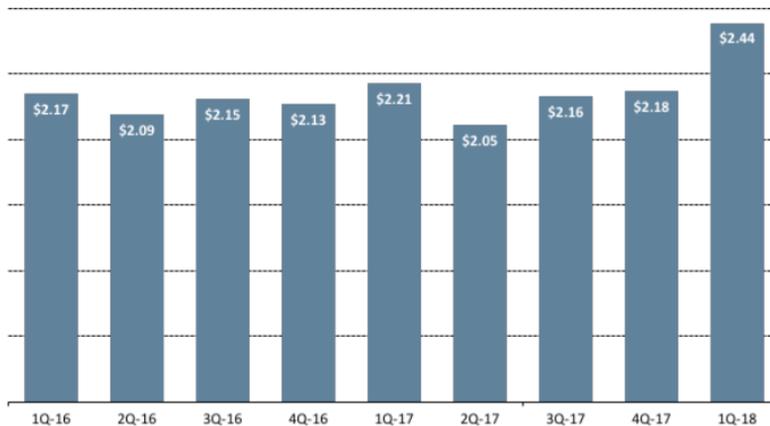
- Examination of trends in regional/national/international economy with focus on variables crucial to the Houston region;
- Review of performance and outlook for the Houston regional economy;
- Review of overall trends and key sector;
- Examination of third-party forecasts;
- Examination of current structure and trends in Missouri City with focus on sectors and occupations where residents are concentrated;
- Testing of a range of variables for predictive power;
- Creation of Missouri City forecasts using a combination of analysis, statistics, input, and judgement.

### ***Sales Tax Revenue in Missouri City***

Sales tax rebates have turned positive, likely reflecting both economic improvement, heightened confidence, and rebuilding in wake of Harvey.



**City of Missouri City**  
**Sales Tax Rebate (\$Millions) – Recent “Current Period”**



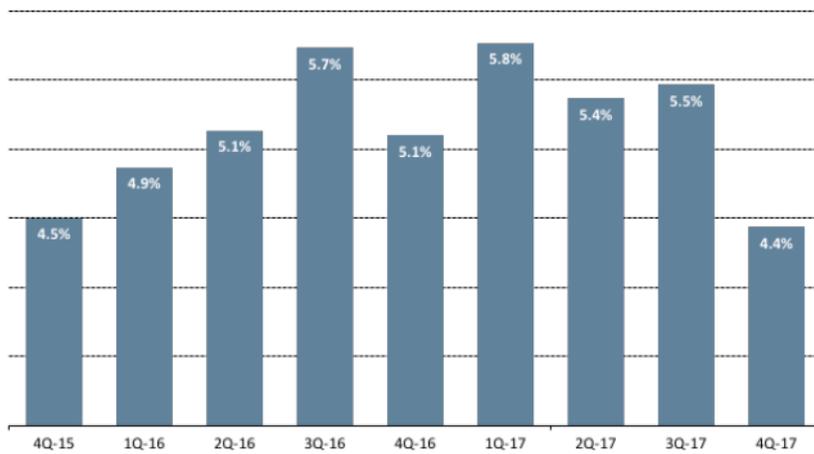
Source: Texas Comptroller, TXP

***Unemployment Rates in Missouri City - Based on Texas Workforce Commission Residents Survey***

Missouri City has seen unemployment rates return to pre-“energy crisis” levels. This is consistent with an upturn in the regional economy. Many Missouri City residents work outside of Missouri City with strong concentrations in Health Care and Professional Services. Thus, the analytical focus in this presentation was on where residents work, rather than jobs based in Missouri City.



**Missouri City  
Unemployment Rate – Based on TWC Residents Survey**

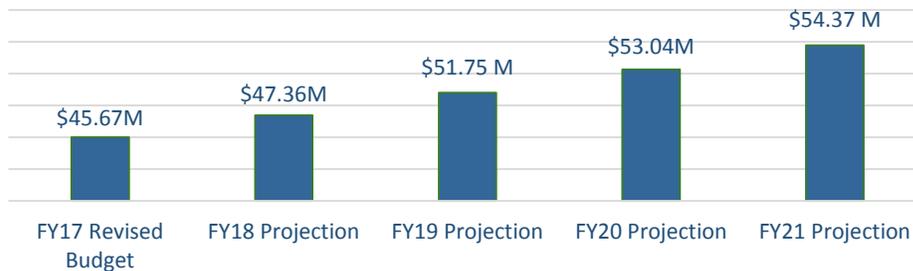


Source: Bureau of Labor Statistics (Texas Workforce Commission), TXP

***Missouri City General Fund Revenue***

General fund revenue is heavily impacted by Missouri City’s sales and property taxes. Based upon regional trends, and conservative projections of 2.5% increases, general fund revenue is anticipated to slowly rise as population growth increases in the city.

**Missouri City General Fund Revenue Projection**



## **Local and National Affairs**

Local governments continue to face instability due to state legislation that assaults municipal authority and threatens our ability to maintain service levels to provide a good quality of life to our residents. In a continuance of last year's legislative tenor, we face legislation that erodes local control, disrupts local funding mechanisms, and the authority for home-rule municipalities in regards to annexation.

Across our nation, polls show that citizens' trust in and satisfaction with government continues to decline. Missouri City has worked hard to engage our citizens and to develop communications with our residents to build trust and partnership. The results of our recent Citizen Survey show that Missouri City consistently ranks higher than the State and National averages in satisfaction levels. Nevertheless, we continue to look for ways to build and improve upon these relationships, and, to provide our citizens with the level of service and quality of life that they expect.

With these myriad pressures, I believe that it will be imperative to continue to follow the conservative fiscal planning and policies that have served our community well in years past. I have challenged all of our departments to find innovative ways to finance projects including identifying savings from the FY18 budget to finance projects in the extended budget year and in preparation of the coming fiscal year. Additionally, we continue to build public-private partnerships with local, regional, and national organizations, and, to partner with the new 501c3 Missouri City Parks Foundation.

## **Momentum**

We are experiencing a steady momentum in our organization that will continue to propel us toward greater success. As context, in considering this proposed budget, it is important to consider significant achievements throughout the past year that benefit Missouri City residents:

- Conducted the bi-annual market compensation study, in continuity of Council direction, to support the organization's competitiveness in hiring and retention;
- Oversaw a Municipal Utility District (MUD) Strategic Plan which will guide City policy and provide a uniform, thoughtful, strategy for the future;
- Developed a Five-Year Financial Plan with revenue and expenditure projections and planning;
- Completed an Economic and Redevelopment Plan with ten recommendations to enhance and focus planning efforts;
- Completed renovations and updates to the City Hall campus including painting, signage, an outdoor stage and plaza space, restroom upgrades, and landscaping;
- Completed the Fire Department Standard of Coverage review which led to Council's approval of Fire Station 6 to provide coverage needs anticipated for our growing population;
- Partnered with METRO to bring a bus connection service which will improve transportation options for our citizens.

### Doing More With Less

Historically, Missouri City employees have heard some version of the phrase, “One Missouri City employee does the work of two at any other organization.” This mentality has for years encouraged our workforce to work hard and accomplish great things. It also leads to the inevitable conclusion that Missouri City has fewer staff than comparably sized cities. Missouri City has continued to grow, as have the expectations of our citizens. At the same time, the number of general fund employees has not kept up with the pace of demand.

The chart below demonstrates Missouri City’s staffing levels in comparison to many of the surrounding municipal organizations. Staffing levels are shown in relation to the size of the city’s population by demonstrating the number of FTE’s per 1,000 residents.

| <b>Market Cities</b>                    | <b>Population</b> | <b>General Fund<br/>FTEs</b> | <b>General Fund<br/>FTE Per 1,000<br/>Pop.</b> |
|---|-------------------|------------------------------|--|
| Missouri City                           | 74,561            | 365                          | 4.9  |
| Alvin                                   | 24,236            | 129                          | 5.3  |
| Friendswood                             | 38,000            | 203                          | 5.3  |
| Sugar Land                              | 117,869           | 654                          | 5.5  |
| Houston                                 | 2,303,000         | 13,984                       | 6.1  |
| Lake Jackson                            | 27,394            | 171                          | 6.2  |
| West University Place                   | 15,516            | 102                          | 6.6  |
| Pharr                                   | 73,000            | 496                          | 6.8  |
| Rosenberg                               | 37,661            | 262                          | 7.0  |
| Nacogdoches                             | 33,614            | 245                          | 7.3  |
| Texas City                              | 48,262            | 384                          | 8.0  |
| Baytown                                 | 78,360            | 633                          | 8.1  |
| Deer Park                               | 33,782            | 278                          | 8.2  |
| Conroe                                  | 56,000            | 477                          | 8.5  |
| Port Arthur                             | 55,000            | 523                          | 9.5  |
| Galveston                               | 50,180            | 495                          | 9.9  |
| La Porte                                | 34,000            | 337                          | 9.9  |
| Humble                                  | 15,500            | 170                          | 11.0   |
| <b>Average of Responding<br/>Cities</b> |                   |                              | <b>7.4</b>                                     |

As an organization, we must begin to consider the impact of maintaining low staffing levels. There are impacts to the level of service delivery and the scope of services that our organization is capable of executing. As our citizens’ expectations rise for increased programming, wider variety of services, and faster service delivery, our staffing levels will need to adjust to meet these demands. There is a limit to how far efficiencies and technological improvements may take

us. And there is a limit to how far we can take the passion and dedication of our staff. At some point in the very near future, our organization will reach that limit. It is our responsibility to begin this consideration and to plan for that future.

## **BUDGET DEVELOPMENT AND ALIGNMENT**

### **Strategic Goals and Strategies**

The City of Missouri City engages internal and external experts and community members to provide frameworks and actionable guidelines for our decision-making. Planning processes involve major community decisions about how much and where growth will occur, the nature of future development, and whether the community can afford provision of the services and facilities to support this growth.

As referenced in Section IV, Long Term Planning, in 2014, Missouri City's Strategic Plan was developed. This plan serves as a guide to prioritize initiatives, resources, goals, and department operations. Through this plan, the Mayor and Council set forth the following goals:

1. Create a great place to live: safe, beautiful, and active;
2. Maintain a financially sound City government: effective/quality services and infrastructure;
3. Grow business investments in Missouri City: more businesses, more jobs;
4. Develop a High Performance City team: working together, producing results;
5. Have quality development through buildout: active centers, neighborhoods, housing, and mobility.

A good Strategic Plan is a living document. In keeping with best practices, the City plans to undergo a five year Strategic Plan Refresh in Fiscal Year 2019. This Refresh has been addressed in the proposed budget. The process will engage Council members in reviewing the City's goals, taking stock of strengths, weaknesses, and accomplishments, and reflecting and re-doubling our attention on existing goals. This is an opportunity to incorporate fresh ideas, and to bring together the City's ambitions Comprehensive Plan, Economic Development and Redevelopment Plan, and, Municipal Utilities District Strategic Plan, for a more unified and aligned path forward.

### **Budget Development**

The Mayor, City Council, and staff conducted a Strategic Planning and Budget Planning session on February 2<sup>nd</sup> and 3<sup>rd</sup>. During these sessions, Council was presented with a work plan and performance report, economic development overview, financial overview, a long-term CIP recap and follow up to previous presentations, updates on current year financial commitments, an overview of current year budget considerations, and operational updates. Council provided staff with insights into their top priorities for the coming year including three key areas of focus, which staff incorporated into this current budget proposal.

The three areas which Council agreed must be addressed in the coming year included:

- Animal Services;
- Quail Valley Golf Course Management Philosophy;
- Capital Improvement Projects Planning and Financing.

Throughout the year, Council has provided additional direction regarding priority areas to be addressed in the coming year's budget. These items include:

- Implementation of Market Compensation and Benefits Study recommendations;
- Funding of the organization's health insurance plan;
- Implementation of the Economic Development and Redevelopment Plan;
- Replacement of key Information Technology equipment;
- Execution of action steps from the Municipal Utilities Districts Strategic Plan;
- Replacement of aged fleet vehicles;
- Facility maintenance;
- Execution of action steps from the Tourism Strategic and Marketing Plan;
- Grounds and beautification maintenance;
- Essential actions to address Standard of Coverage and development of Fire Station 6, including design of Fire Station and purchase of apparatus, as directed by the Fire Department Standard of Coverage Study.

As part of the development process, throughout spring and summer of 2018, staff also facilitated public input sessions to ensure that our community members had an opportunity to engage in this process. This included public meetings presenting economic forecasts, presenting of budget information to the Citizen's University, and hosting a youth input session.

### **Current Progress toward Budget Priorities**

The Fiscal Year 2019 Budget was created in alignment with Council's priorities, as indicated in the February Budget Planning Session and as directed through Council actions throughout the year.

In February 2018 Council directed that several areas be addressed as priorities in the coming year. City staff began work to immediately address those areas. Progress, thus far, in those areas includes:

#### Employee Compensation and Benefits

- Completing the Council adopted compensation and benefits market study. In FY 2018, Council added a review of benefits to the study. Currently, the reviews occur bi-annually.
- Addressing any gaps in the employee's retirement funds through the Texas Municipal Retirement System (TMRS)
- Addressing any required increases in Health Insurance

### Animal Services

- Hiring of an Animal Shelter Manager to oversee daily operations and drive improvements
- Implementation of the “Shelter Manager” software to track pets brought into the shelter
- Execution of a contract with a veterinarian to serve shelter pets
- Purchase of furniture for the Animal Shelter
- Implementation of a pet registration ordinance with fee
- Installation of security cameras to provide surveillance coverage of the facility
- Creation of new policies and procedures for the Municipal Volunteer Program and Animal Services

### Quail Valley Golf Course Management Philosophy

- Conducted workflow and managerial process review of financial processes by external consultant
- Integrated Quail Valley financial records with the City’s financial software - Munis – for greater collaboration, ease-of-use, and transparency
- Reviewed with the LGC Board of Directors the funding philosophy for Capital Improvement Projects conducted at the golf course
- Filled key managerial positions in Catering/Events, The Grille, and the pro shop
- Released Request for Proposals and in process of selecting consultant to review current management structure, operations, and financials

### Capital Improvement Projects and Long Range Planning

- Presented Council with Bonding Capacities and Options for CIP Planning
- Allocated funding in FY2018 budget for a Five Year Financial Study
- Identified funding for select projects included in the Fort Bend Mobility Bond
- Adoption of the Economic Development and Redevelopment Plan
- Completing last stages of the Municipal Utilities Districts Strategic Plan
- Completion of Fire Department Standard of Coverage Study

These areas will continue to receive staff focus in Fiscal Year 2019 and have been addressed in the proposed budget.

**Conclusion**

The City is to be commended for its past conservative practices, not only in projecting revenues, but also in maintaining responsible expenditure and reserve levels. The result of these conservative fiscal practices is that our community is in a position of strength as we face projected shortfalls in some revenue categories.

We will complete our fee study in FY 2019 and adjust fees accordingly during the FY 2020 budget development. This position allows Missouri City to continue providing current core service levels with responsible and reasonable augmentations. Our goal will always remain to continue superior service to our citizens. We will continue to reflect the City Council's traditionally conservative budgeting approach to address our community's needs while ensuring the long-term financial stability of the City of Missouri City.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Anthony Snipes', written in a cursive style.

Anthony J. Snipes  
City Manager



**CITY COUNCIL  
AGENDA ITEM COVER MEMO**

**September 17, 2018**

**To:** Mayor and City Council  
**Agenda Item:** 7(b)(3) **Second and Final Public Hearing** to receive comments regarding the City's proposed tax rate of \$0.630000  
**Submitted by:** Bertha P. Alexander, Budget & Financial Reporting Manager

**SYNOPSIS**

The City's budget is funded partially with property tax revenue generated from an annually adopted tax rate applied to certified taxable property values within the city limits. Staff has recommended a near rollback rate of \$0.630000 which exceeds the effective rate of \$.581873, and therefore two public hearings are required per the Texas Local Government Code. The first public hearing was held on September 13, 2018 at 5:30 PM at City Hall, Council Chambers, 1522 Texas Parkway, Missouri City, Texas. **This is the second public hearing.**

**STRATEGIC PLAN 2019 GOALS ADDRESSED**

- Maintain a financially sound City

**BACKGROUND**

Staff is recommending the adoption of a near rollback rate of \$0.630000 per \$100 valuation as the 2018 Tax Rate for the FY 2019 budget. The recommended rate exceeds the effective rate of \$.581873, and therefore two public hearings are required per the Texas Local Government Code. It is proposed that this rate be allocated to Maintenance & Operations and Debt Service as follows:

| <b>Allocation</b>                | <b>FY 2019</b> | <b>Compare<br/>FY 2018</b> |
|----------------------------------|----------------|----------------------------|
| Maintenance & Operations (M&O) = | \$.460000      | \$.440230                  |
| Debt Service (I&S) =             | \$.170000      | \$.159770                  |
| Total Rate                       | \$.630000      | \$.600000                  |

The City of Missouri City has scheduled two public hearings for the proposed tax rate for FY18 as follows:

**First Hearing: September 13, 2018 at 5:30 PM at City Hall, Council Chambers, 1522 Texas Parkway, Missouri City, Texas.**

**Second Hearing: September 17, 2018 at 7:00 PM at City Hall, Council Chambers, 1522 Texas Parkway, Missouri City, Texas.**

Using a 100% collection factor instead of the 99% factor used in previous analysis, the total tax revenue proposed to be raised **this year** at the proposed tax rate of **\$0.630000** for each \$100 of taxable value, including tax revenue to be raised from new property added to the tax roll this year, is \$41,708,130.

**The Council Members of the City of Missouri City are scheduled to vote on the tax rate at a public meeting to be held on September 17, 2018.**

**BUDGET ANALYSIS**

For informational purposes, the proposed tax rate of \$0.63 would raise the tax bill of an average home valued at \$100,000 by \$30.00 annually or \$2.50 per month.

**STAFF'S RECOMMENDATION**

Staff recommends that City Council approve a proposal to adopt a tax rate of \$.63.

**Director Approval:**

**Sandra Clarkson, CPA**

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

**Anthony J. Snipes, City Manager**



## CITY COUNCIL AGENDA ITEM COVER MEMO

September 17, 2018

**To:** Mayor and City Council  
**Agenda Item:** 7(b)(4) Consider authorizing an amended pumpage fee based on recommendation from the Groundwater Reduction Plan (GRP) Oversight Committee  
**Submitted by:** Shashi K. Kumar, P.E., Director of Public Works/City Engineer

### SYNOPSIS

The Groundwater Reduction Plan (GRP) Oversight Committee comprised of plan participants is charged with maintaining oversight over the implementation of the GRP program as well as setting/amending pumpage rates from time-to-time, as may become necessary. At the August 21, 2018 GRP Oversight Committee meeting, the Committee recommended amendments to the pumpage fees to meet anticipated growth and expansion needs. The City Council is to consider recommendations from this committee and authorize proposed changes (increase) to the pumpage fees.

### STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live

### BACKGROUND

The Fort Bend Subsidence District (FBSD) was created by the Texas State Legislature in 1989, for the purpose of regulating withdrawal of groundwater to minimize land subsidence (sinking) and associated risks, which includes flooding impacts. Each City and municipal utility district (MUD) in east Fort Bend County is required to reduce groundwater pumpage to no more than 70% of the total water demand withdrawn from the ground. To meet this mandate by the Subsidence District, the City and MUDs have adopted and implemented a Joint Groundwater Reduction Plan (GRP). The City with partnership from 30-plus other local entities has constructed a Regional Surface Water Treatment Plant to produce treated surface water to meet this mandate. Currently, about 42% of the total water supplied to the GRP participant area is attributed to surface water supplies (well above the 30% mandate by FBSD). Water users located within the participant area contribute to the cost associated with meeting the FBSD mandate, which includes construction and operation of a Surface Water Plant and the purchase of raw surface water from the Brazos River. This cost is passed on to all water customers (residents) within the participant area by paying a GRP fee based on the actual metered water usage. The GRP Oversight Committee which is comprised of plan participants is charged with maintaining oversight over the implementation of the GRP program as well as setting/amending pumpage rates from time-to-time, as may become necessary.

The current wholesale pumpage fee charged by the City to its providers (MUD's etc.) is \$1.65 per 1,000 gallons, and is proposed to increase to \$1.72 on October 1, 2018 for fiscal year FY19. This increase was substantiated after a detailed financial analysis (pro-forma) taking into account the projected revenues, expenses, debt service obligations and operating reserves for the 5-year planning horizon. An average household within the city uses 8,000 gallons per month and currently pays a monthly GRP fee of about \$18 per month, which may include an administrative fee charged by the MUD/billing agent. The proposed increase will be in the range of \$0.57 for an average resident's water bill.

Both the current fee and increased fee are significantly lower than other pumpage (GRP) fees in the County, and much lower than the FBSD disincentive fee of \$6.50 per thousand gallons which is charged to entities not meeting the 30% reduction mandate. The increase in GRP pumpage is necessitated to support the

Phase II expansion of the Surface Water Plant from the current 10MGD capacity to 20 MGD capacity to meet projected growth/demand and to comply with the FBCD mandates. It should be noted that the GRP fee is a result of the FBSD mandate and not an additional tax levied by the City or the MUD. The GRP Committee also recommended the following amendments (increase) to the pumpage fees and the Groundwater Users Fee in the out years with the ability to re-evaluate and recommend adjustments to the fees in each fiscal year, as necessary:

**Groundwater Pumpage Fee**

- \$1.72 per 1,000 gallons in FY 2019 thru 2020
- \$1.75 per 1,000 gallons in FY 2021 thru FY2022
- \$1.76 per 1,000 gallons in FY 2023

**Groundwater User’s Fee**

- \$0.47 per 1,000 gallons in FY 2019
- \$0.48 per 1,000 gallons in FY 2020
- \$0.50 per 1,000 gallons in FY 2021
- \$0.51 per 1,000 gallons in FY 2022
- \$0.53 per 1,000 gallons in FY 2023

Per the recommendations from the City’s financial consultant and staff, this proposed rate change (increase) will enable the GRP Committee to obtain debt at a favorable rate to fund the planned plant expansion while maintain a healthy operational reserve for any unforeseen contingencies.

**BUDGET ANALYSIS**

| Funding Source | Account Number    | Project Code/Name    | FY19 Funds Budgeted | FY19 Funds Available | Amount to be Received yearly |
|----------------|-------------------|----------------------|---------------------|----------------------|------------------------------|
| RWTP Revenue   | 540-45524-01-001- | GRP Pumpage Fees     | \$-4,714,301        | \$0                  | \$-4,984,909                 |
| RWTP Revenue   | 540-45540-01-001- | Groundwater User Fee | \$-4,386,221        | \$0                  | \$-4,622,595                 |

**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. Schedule 3 – GRP Fee Analysis Summary

**STAFF’S RECOMMENDATION**

Accept recommendations of the Groundwater Reduction Plan (GRP) Oversight Committee and amend the GRP Pumpage fee to reflect the attached Schedule 3, effective October 1, 2018.

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

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

City of Missouri City  
 Groundwater Reduction Plan  
 GRP Fee Analysis

Schedule 3  
 Pumpage Fee Projection

|   | 2019             | 2020             | 2021             | 2022             | 2023             | Notes |
|---|------------------|------------------|------------------|------------------|------------------|-------|
| Total Cost of Surface Water                       | \$ 9,607,505     | \$ 9,946,497     | \$ 10,464,504    | \$ 10,864,891    | \$ 11,318,273    |       |
| Total Cost of Groundwater                         | <u>1,362,155</u> | <u>1,433,109</u> | <u>1,508,857</u> | <u>1,589,814</u> | <u>1,676,439</u> |       |
| Total System Cost                                 | \$ 10,969,660    | \$ 11,379,606    | \$ 11,973,361    | \$ 12,454,705    | \$ 12,994,712    |       |
| <br>  |                  |                  |                  |                  |                  |       |
| Total Estimated Metered Volume (Ground + Surface) | 5,008,977,310    | 5,162,926,441    | 5,324,989,717    | 5,495,672,204    | 5,675,513,792    |       |
| <br>  |                  |                  |                  |                  |                  |       |
| Surface Water Pumpage Fee                         | \$ 2.19          | \$ 2.20          | \$ 2.25          | \$ 2.27          | \$ 2.29          |       |
| Less Groundwater User's Fee                       | <u>(0.47)</u>    | <u>(0.48)</u>    | <u>(0.50)</u>    | <u>(0.51)</u>    | <u>(0.53)</u>    |       |
| Groundwater Pumpage Fee                           | \$ 1.72          | \$ 1.72          | \$ 1.75          | \$ 1.75          | \$ 1.76          |       |



## CITY COUNCIL AGENDA ITEM COVER MEMO

September 17, 2018

**To:** Mayor and City Council  
**Agenda Item:** 8(a) Consider nominations and cast votes for candidates to the Texas Municipal League Intergovernmental Risk Pool (TMLIRP) Board of Trustees.  
**Submitted by:** Maria Jackson, City Secretary

### SYNOPSIS

Consider candidate nominations and cast votes for candidates to serve the Texas Municipal League Intergovernmental Risk Pool (TMLIRP) Board of Trustees.

### BACKGROUND

The TMLIRP is the leading provider of workers' compensation, liability, and property coverage for local governments in Texas. Founded in 1974, TMLIRP is the oldest and largest pool of its type in the United States, serving over 2,800 governments and political subdivisions. TMLIRP's mission is to provide Texas municipalities and other units of local government with a stable source of risk financing and loss prevention services at the lowest cost consistent with sound business practices.

TML Region 14, San Jacinto Region/Houston Area, is one of the 15 sub-state regions to promote local interests in city government, facilitate the exchange of information among the cities in this region, and assist the TML Board of Directors in formulating policy that represents the diverse interests of the state.

The City of Missouri City is a member of the TMLIRP and entitled to vote for Board of Trustee members. The TML Intergovernmental Risk Pool Board is comprised of fifteen voting members, twelve of whom are elected by the Pool's membership to serve staggered, six-year terms.

Council may vote for one candidate for each place or a write-in candidate to the TMLIRP Board of Trustees. Ballots must be received no later than September 30, 2018. The candidates are as follows:

### PLACE 11

**Dietrich von Biedenfeld.** Alderman for the City of West Columbia (Region 14) since May 2012. Mr. Biedenfeld teaches at the Marilyn Davies College of Business at the University of Houston - Downtown and is a VA-accredited attorney. He serves as Chair of the Dispute Resolution Committee and past Chair of the Public Contract Law Committee for the American Bar Association Young Lawyer Division. He is also President of the Brazoria County Cities Association. Mr. Biedenfeld is a member of the International Association of Emergency Managers, Federal Bar Association, NIGP: The Institute for Public Procurement, and U.S. Green Building Council. He is also a member of the Columbia Historical and Brazoria County Heritage Museums.

**Randy Criswell (Incumbent).** City Manager for the City of Canyon (Region 2) since 2008. Mr. Criswell has served on the TML Risk Pool Board Trustees since 2015 and currently serves as Chair of the Underwriting and Claims Committee. He has been in public service for 28 years, with nearly 24 years as an employee of the City of Canyon. Mr. Criswell has a Bachelor of Science degree from Texas Tech University, is an active member of TCMA, having served multiple terms on the Board of Directors and Committees. He has served

as the TCMA Affiliate Representative on the TML Board of Directors, is a member of ICMA, and is a Certified Public Manager.

**Rick A. Schroder.** City Administrator for the City of Helotes (Region 7) since September 2008. Mr. Schroder also serves as the Executive Director for the Helotes Economic Development Corporation (EDC). Prior to his tenure as City Administrator, Rick was employed by the EDC as the Economic Development Specialist from 2006 to 2008. He graduated Magna Cum Laude from Trinity University in 2004 with a degree in Political Science, and he earned a Master of Public Service and Administration in 2006 from the George H.W. Bush School of Government and Public Service at Texas A&M University. During his coursework, he worked for a variety of public and private organizations, primarily focused on public service and government relations.

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#### PLACE 12

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**Bert Lumbreras.** City Manager for the City of San Marcos, Texas (Region 10). Bert Lumbreras has 37 years of experience as a City Manager or an Assistant City Manager in seven Texas communities, including Austin and Waco. He currently serves as the International City/County Management Association Mountain Plains Vice President and previously served on the Board of Directors of the Texas City Management Association from 2010-2014, including President in 2012. He has a Bachelor's Degree in Political Science, with a concentration in Public Administration, and a minor in Geography and Urban Planning from Southwest Texas State University.

**Kimberly Meisner.** Executive Director of General Operations for the City of Kerrville (Region 7), overseeing Human Resources, Municipal Court, Public Library, and Public Information. Ms. Meisner has over 21 years of public service, which includes serving the Cities of Kerrville and La Porte. She earned a Master's degree in Public Administration from U.T.-Arlington and a Bachelor's degree in Human Resource Management from Columbia Southern University. She is a member of the TCMA, International Public Management Association for Human Resources (IPMA-HR), Society for Human Resource Management (SHRM), San Antonio Human Resource Management Association, and is a former President of the Bay Area Human Resource Management Association. She is an IPMA-HR Senior Certified Professional and a SHRM Certified Professional.

**Jana Traxler.** Human Resources Director and Risk Manager for the City of Murphy, Texas (Region 13). Jana Traxler is a municipal Human Resources Executive who is committed to being a strategic partner in municipal management, an employee advocate and a change agent. She has experience working in both local and state governments as well as experience working under a state funded contract with Hewlett Packard Enterprise Services. Prior to relocating to Murphy, Texas, she held the position of the Human Resources Labor Relations Officer for Shawnee County, Kansas. She is a graduate of the Villanova University Masters in Human Resource Development program and holds the Senior Professional in Human Resources designation.

**Robert D. Wilson, Jr.** Board of Directors of the Post Oak Savannah Ground Conservation District in Milano, Texas (Region 10) for the last four years. Robert Wilson has also served on the Board of Directors for the Southwest Milam Water Supply Corporation for the past 13 years, and currently is the President. Mr. Wilson graduated from the University of Minnesota, majoring in mathematics. He was a Captain in the US Army, 1964-1968, and served in Viet Nam. He spent over 40 years in Commercial Banking, with the last 15 as Branch President of Citizens National Bank in Rockdale, Texas. Mr. Wilson has served on numerous local boards and organizations, volunteering his time to assist and improve the quality of life in Rockdale over the past 15 years. He is active in his church as a Sunday School Teacher, Deacon, and Treasurer.

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#### PLACE 13

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**Byron Black. (Incumbent).** Board Chair, Central Appraisal District of Johnson County (Region 8). He served as Mayor of Burleson from 1998-2004, previously serving as mayor pro tem and as a Councilmember. He currently serves as Chair of the Impact Fee Committee for the City of Burleson. Mr. Black is a past board

member of the Area Metro Ambulance Authority Board. He was a member of the Burleson Independent School District Board for 12 years, nine as President, and served as president of TASB. Mr. Black has served as a Board member of the TML Intergovernmental Risk Pool since 2000, serving as Vice-Chair and Chair.

**Mike Jones.** Chief Appraiser/Chief Administrator of the Fannin Central Appraisal District in Bonham, Texas (Region 13). His service in the property tax profession began in February, 2006 after serving a 20-year career in the United States Air Force. He holds a Bachelor of Science in Occupational Education from Wayland Baptist University. His professional credentials include the Registered Professional Appraiser and Registered Texas Assessor/Collector Designations, a Certified Tax Administrator from the Institute of Certified Tax Administrators and a Certified Chief Appraiser from the Texas Association of Appraisal Districts and the Texas Association of Assessing Officers.

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#### PLACE 14

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**Bert Echterling.** Mayor for the City of Robinson (Region 9) since 2015. Mr. Echterling has served as a council member for Robinson since 2006. He serves on the McLennan County Park Committee and on the Robinson Campus Improvement Committee. He is a past Board Member for the Robinson Economic Development Committee and the Robinson Chamber of Commerce. He was born and raised in Robinson, graduated from Robinson High School, and attended McLennan Community College. In 1996, he joined the family business, Echterling Builders, which he has owned since.

**David J. Harris.** City Administrator for the City of Balcones Heights (Region 7) since 2014. Mr. Harris began his local government career in 1996 at Bexar County and has served 18 years in leadership of the cities of Hill Country Village (City Administrator), Schertz (Assistant City Manager), and Alamo Heights (Interim Director). He serves as Immediate Past President and on the Board of the Texas City Management Association, Secretary of TML Region 7, President of Alamo Heights Rotary Club. Mr. Harris received his BA in American Studies from Whitworth University and a MS in Urban Administration from Trinity University. He is an ICMA Credentialed Manager and a member of TCMA and ICMA.

**David Rutledge.** Mayor of Bridge City (Region 16) since 2016, re-elected to a second term this past May, previously served as council member from 2005-2010 (term-limited), again in 2015, and is a representative on the Southeast Texas Regional Planning Commission (COG). Active in TML, he has been recognized as a Certified Municipal Official (CMO) the previous three years, is Vice President of TML Region 16, and serves on the TML Municipal Advocacy Committee and the Municipal Policy Summit. A mechanical engineer by profession from Lamar University in Beaumont, he serves on that university's Mechanical Engineering Advisory Council.

#### BUDGET/FISCAL ANALYSIS

There is no fiscal impact to the City of Missouri City in voting for the TMLIRP Board of Trustees.

#### STAFF'S RECOMMENDATION

Cast votes for candidates to the Texas Municipal League Intergovernmental Risk Pool Board of Trustees.

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



# CITY COUNCIL AGENDA ITEM COVER MEMO

September 17, 2018

**To:** Mayor and City Council  
**Agenda Item:** 9(a) Consider authorizing the execution of an agreement between the City and Fort Bend County (Sheriff's Department) for the use of Station Five as a mini sub-station for Deputy's.  
**Submitted by:** Eugene Campbell, Jr., Fire Chief

## SYNOPSIS

This agreement for the use of the current patrol officer room that is currently unoccupied, would allow the county Deputy's assigned to the Sienna Plantation beat to report directly to Station 5.

## STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live.
- Develop a high performance city team.

## BACKGROUND

The approval of the agreement would permit the Deputy's to stay within their beat as opposed to going to Richmond and arriving 45 minutes after their assigned shift time and leaving 45 minutes early. This initial gap in time is driving time and at the end of their shift is for report writing purposes that produce a timeframe of non-coverage within this beat. The agreement would allow the Deputy's the opportunity to start and end their shift at Station Five, complete their reports within their beat utilizing the patrol room, and would provide citizens a place to meet Deputy's to initiate reports.

The Missouri City Fire and Rescue Services has worked with other City of Missouri City Departments (Information Technology, Building Maintenance, and our Legal Department) along with the Fort Bend County Sheriff's Department to ensure that this agreement would allow for the citizens living within Sienna Plantation would have optimal Officer presence both day and night.

The agreement would provide an opportunity for both the Fire Department and the Sheriff's department an opportunity to protect the risks in our districts and beats. The agreement provides the opportunity for Deputy's to stay within the neighborhood and will ensure a more rapid deployment of Deputy's to assist both the City's fire services and distressed callers.

## BUDGET/FISCAL ANALYSIS

| Funding Source | Account Number | Project Code/Name | FY18 Funds Budgeted | FY18 Funds Available | Amount Requested |
|----------------|----------------|-------------------|---------------------|----------------------|------------------|
| General Fund   | N/A            | N/A               | N/A                 | N/A                  | N/A              |

**Purchasing Review:** Shannon Pleasant, CTPM - Procurement & Risk Manager

**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. Draft agreement

**STAFF'S RECOMMENDATION**

Staff recommends approval of the agreement and seeks support to implement the agreement and move forward with sending the agreement to the County Judge for approval.

**Director Approval: Eugene Campbell, Fire Chief**

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

**AGREEMENT BETWEEN THE CITY OF MISSOURI CITY AND  
FORT BEND COUNTY FOR THE USE OF MISSOURI CITY FIRE STATION NO.  
FIVE (5)**

This Agreement is entered into between the City of Missouri City (hereinafter referred to as "City"), a municipal corporation and home-rule city of the State of Texas, acting by and through its governing body, the City Council, and Fort Bend County (hereinafter referred to as "County"), acting by and through its governing body, the Commissioners Court.

In consideration of the mutual covenants in this Agreement, the participating local governments ("Parties"), authorized by appropriate actions of their governing bodies, hereby agree as follows:

**SECTION I  
PURPOSE**

The purpose of this Agreement is to foster the more efficient provision of police services by the County to the public through cooperation between the County and the City in providing a space for County peace officers to work in the City's Fire Station No. Five (5).

**SECTION II  
DUTIES & RESPONSIBILITIES OF THE CITY**

1. The City will designate an office space or area ("Area") in the City of Missouri City Fire Station No. Five (5), located at 190 Waters Lake Boulevard, Missouri City, Texas 77459 (hereinafter referred to as "Fire Station"), to be used by the Fort Bend County Sheriff's Office ("FBCSO").
2. The total number of FBCSO Deputies (hereinafter referred to as "Deputies"), that shall have access to and use the space at the Fire Station may not exceed nine (9) Deputies per day (three (3) Deputies per shift and three (3) shifts per day).
3. The City is not obligated to provide or replace furniture in the area designated for County use.
4. The City will provide or assign key(s) and an access code to each Deputy who will use the Area.

**SECTION III  
DUTIES & RESPONSIBILITIES OF THE COUNTY**

1. The County, by and through the FBCSO, may assign up to nine (9) Deputies to the Fire Station three (3) Deputies per shift and three (3) shifts per day).

2. The County by and through the FBCSO will ensure that all Deputies maintain proper certification as peace officers by the State of Texas.
3. The Deputies assigned or stationed at the Fire Station will remain County employees and will be dispatched through the County Dispatching Center.
4. The County will provide equipment, furniture, and supplies for the Deputies who are stationed at the Fire Station, including, but not limited to, computers, phones, facsimile machines (including cables for voice and data connections), chairs, desks, tables, and office supplies as needed or required by the Deputies. The equipment, furniture and supplies purchased by the County will remain County property unless they are donated to the City.
5. The County will provide all communication services, including, but not limited to, Internet, telephone, and facsimile, if necessary, for the Deputies' use.
6. The County will repair or reimburse the City for any damage to City's property caused by Deputies or County employees, officers or agents at the Fire Station.
7. The County by and through the FBCSO will provide the names and employee numbers of all Deputies who will station at the Fire Station and who will require key(s) to access the designated Area.
8. The County will promptly notify the City, within twenty-four (24) hours, after any Deputy has resigned, retired or terminated from FBCSO and return all of City's property, including the key(s) to the designated Area, that the City provided or assigned to such Deputy.
9. The County will ensure that the City's key(s) will not be duplicated, shared or disclosed to any person other than the Deputy(ies) to whom such key(s) is/are assigned. Duplication of the key(s) and disclosure of alarm code are strictly prohibited.
10. The County by and through the FBCSO will provide TLETS access to Deputies on the County's computer(s) and comply with all laws and regulations governing such access.
11. The County by and through the FBCSO will keep and maintain designated Area in a good and clean condition.
12. The County, its Deputies, employees, officers, and agents shall not disclose any confidential or privileged information, including, but not limited to, activities being undertaken by the Missouri City Fire Department, to any person.

**SECTION IV  
INSURANCE AND LIABILITY**

1. Each party shall be responsible for its own negligent actions and the actions or omissions of its employees and officers, regardless of the geographical location. Each party shall procure and maintain, at its sole and exclusive expense, insurance coverage, including comprehensive liability, personal injury, property damage, and workers compensation, with such limits of coverage and deductibles as are prudent and reasonable for the protection of itself, its personnel and its equipment. No party hereto shall have any obligation to provide or extend insurance coverage for any of the services, events resulting from services or physical equipment required to provide services, as enumerated herein, to any other party or its personnel.
2. By this paragraph, neither party waives or relinquishes any immunity from liability, limitation of liability, or defense on behalf of itself, its officers, employees, and agents provided by the Constitution and laws of the state of Texas as a result of its execution of this Agreement and the performance of the covenants contained herein.
3. The City shall not be responsible for any damage due to vandalism, burglary, collision, or any other act committed by a third party or any natural disaster or occurrence, to any property owned by the County.

**SECTION V  
NO PARTNERSHIP**

It is agreed that nothing herein contained is intended nor should be construed as creating or establishing a relationship of co-partners or partnership between the parties, or as creating or establishing the relationship by either party as agent, representative, or employee of the other party for any purpose, or in any manner, whatsoever.

**SECTION VI  
SEVERABILITY**

The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Agreement is for any reason held to be invalid or contrary to the law by a court of competent jurisdiction or contrary to any rule or regulation in the remaining portions of the Agreement, it shall not affect, impair, or invalidate this Agreement as a whole or any provision hereof not declared to be invalid or contrary to law. However, upon the occurrence of such event, either party may terminate this Agreement forthwith upon the delivery of written notice of termination to the other party.

**SECTION VII**  
**ENTIRE AGREEMENT: REQUIREMENT OF A WRITING**

It is understood and agreed that the entire Agreement of the parties is contained herein and that this Agreement supersedes all oral Agreements and negotiations between the parties relating to the subject matter hereof as well as any previous Agreement presently in effect between the parties relating to the subject matter hereof. Any alterations, amendments, deletions, or waivers of the provisions of this Agreement shall be valid only when expressed in writing and duly signed by the parties.

**SECTION VIII**  
**COMPLIANCE WITH LAWS AND REGULATIONS**

1. It is understood that the terms and conditions of this Agreement are governed by the laws of the State of Texas.
2. Both parties shall abide by all statutes, ordinances, rules, and regulations pertaining to, or regulating the respective obligations of each party herein, including those now in effect and hereafter adopted. Any violation of said statutes, ordinances, rules or regulations shall constitute a material breach of this contract, and shall entitle either party to terminate this contract immediately upon delivery of written notice to the other party.

**SECTION IX**  
**TERM**

It is expressly understood and agreed that this Agreement is and will be effective for an initial term of one (1) year from the date signed by the last party hereto and will automatically renew annually, for up to a total of five (5) additional terms, unless terminated sooner by either party. Either party may terminate, with or without cause, by giving at least thirty (30) days written notice to the other party.

**SECTION X**  
**NOTICES**

- |   |   |
|---|---|
| 1. Notice to the County shall be sent to:   | With a copy to:   |
| Fort Bend County<br>Attn: County Judge<br>301 Jackson, Suite 719<br>Richmond, Texas 77469 | Fort Bend County Sheriff's Office<br>Attn: Sheriff<br>1410 Williams Way Blvd.<br>Richmond, TX 77469 |

- |   |                 |
|---|-----------------|
| 2. Notice to the City shall be sent to: | With a copy to: |
|---|-----------------|

City of Missouri City  
Attn: City Manager  
1522 Texas Parkway  
Missouri City, Texas 77489

Missouri City Fire Department  
Attn: Fire Chief  
1522 Texas Parkway  
Missouri City, Texas 77459

**SECTION XI  
CURRENT REVENUES**

Each party understands and agrees that each party paying for the performance of governmental functions or services under this Agreement must make those payments from current revenues available to the paying party.

**SECTION XII  
BENEFICIARIES**

This Agreement is solely for the benefit of the City and the County and shall not be construed to confer any benefit on any other person except as expressly provided for herein.

**SECTION XIII  
CHOICE OF LAW AND VENUE**

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

**SECTION XIV  
ASSIGNMENT**

Neither party may assign any rights or obligations under this agreement without the prior written consent of the other party to the agreement.

[SIGNATURES ON FOLLOWING PAGE]

EXECUTED this \_\_\_ day of \_\_\_\_\_, 20\_\_.

**CITY OF MISSOURI CITY**

**FORT BEND COUNTY**

\_\_\_\_\_  
Allen Owen                      Date  
Mayor

\_\_\_\_\_  
Robert E. Hebert                      Date  
County Judge

APPROVED BY:

\_\_\_\_\_  
Eugene Campbell                      Date  
Fire Chief

\_\_\_\_\_  
Troy E. Nehls                      Date  
Sheriff

ATTEST:

\_\_\_\_\_  
Maria Jackson                      Date  
City Secretary

\_\_\_\_\_  
Dianne Wilson                      Date  
County Clerk



## CITY COUNCIL AGENDA ITEM COVER MEMO

September 17, 2018

**To:** Mayor and City Council  
**Agenda Item:** 9(b) Authorize the City Manager to execute a contract for sidewalk construction and repair services to Brooks Concrete.  
**Submitted by:** Clifford Brouhard, P.E., PTOE, Assistant Director of Public Works

### SYNOPSIS

The Streets Division is charged with the responsibility of repairing and maintaining the citywide network of sidewalks. Due to the large volume of sidewalk repairs required, term contracts for these services are desired. The estimated cost of these services are over \$50,000 and therefore require authorization by City Council.

### STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live

### BACKGROUND

Concrete sidewalk pavements over time require maintenance and repairs to eliminate cracking, separations, tripping hazards, and other related failures. Per the City's Sidewalk Maintenance Program, sidewalk pavement should be maintained to protect the general public from injury by identifying hazards and ensuring their timely correction and to protect the general public's investment into the transportation system.

Therefore, the Public Works Department initiated a bid request to accomplish the City's stated goals. The vendor awarded this contract will provide sidewalk construction and repair services on an as need basis. Sidewalks to be repaired under this contract will be based on our current work order system and sidewalks will be investigated for placement into the work order queue.

Purchasing Division advertised invitation to bid IFB #19-306 - Term Contract for Sidewalk Construction and Repairs in the Fort Bend Independent newspaper for two consecutive weeks. The bid was posted on Demandstar and ESBD bid posting websites for public download. Purchasing sent bid notices via email to vendors registered with Missouri City and the State's county HUB list. The bid was publicly opened on August 14, 2018 where two bids were received. Brooks Concrete located at 4018 Allen Genoa Rd, Pasadena, TX 77504 was the low bidder to this invitation to bid.

Brooks Concrete is the City's incumbent awarded vendor for sidewalk construction and repair services. The Staff is well acquainted with Brooks Concrete's work and has been satisfied with their overall quality and performance.

Therefore, staff recommends that Council authorize the City Manager to award Brooks Concrete the term contract for IFB #19-306 Sidewalk Construction and Repairs from the date of contract execution through September 31, 2019 with (3) three automatic (1) one-year renewals for a total contract length of (4) four years. A Standard City contract will be executed.

**BUDGET/FISCAL ANALYSIS**

| Funding Source | Account Number         | Project Code/Name | FY19 Funds Budgeted | FY19 Funds Available | Amount Requested |
|----------------|------------------------|-------------------|---------------------|----------------------|------------------|
| Metro Funds    | 401-54109-15-401-50054 | Sidewalk Repairs  | \$400,000           | \$400,000            | \$400,000*       |

\*\$400,000 in Metro funds are allocated yearly to pay for sidewalk repairs. The total over the next 4 years is approximately \$1,600,000

**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. Bid tabulation sheet

**STAFF'S RECOMMENDATION**

Authorize the City Manager to execute a contract for concrete sidewalk construction and repair to Brooks Concrete for the unit prices bid.

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

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

**IFB #19-306 Sidewalk Construction and Repair**

| Description          | Aleksander<br>Omega, LLC | Brooks<br>Concrete |
|----------------------|--------------------------|--------------------|
| Manhole Adjustments  | \$ 750.00                | \$ 100.00          |
| Wheelchair Ramp, New | \$ 2,300.00              | \$ 550.00          |
| Wheelchair Ramp, R&R | \$ 3,000.00              | \$ 750.00          |
| Bricks               | \$ 5.00                  | \$ 2.50            |
| Sidewalk New 6"      | \$ 9.50                  | \$ 5.18            |
| Sidewalk New 4"      | \$ 8.50                  | \$ 4.98            |
| Sidewalk R&R 4"      | \$ 12.00                 | \$ 5.88            |
| Sidewalk R&R 6"      | \$ 13.00                 | \$ 6.07            |
| 6" Curb              | \$ 45.00                 | \$ 6.25            |
| Tree Root Removal    | \$ 750.00                | \$ 200.00          |
| Sod                  | \$ 7.00                  | \$ 0.45            |
|                      | \$ 6,900.00              | \$ 1,631.31        |



## CITY COUNCIL AGENDA ITEM COVER MEMO

September 17, 2018

**To:** Mayor and City Council  
**Agenda Item:** 9(c) Authorize the City Manager to execute a contract for pavement construction and repair services  
**Submitted by:** Clifford Brouhard, P.E., PTOE, Assistant Director of Public Works

### SYNOPSIS

Roadway pavement repair and maintenance of City streets is a major task under the responsibility of the City's Streets Division within the Public Works Department. Large pavement repair and maintenance needs often require work that City staffing levels and equipment are not capable of undertaking. Due to the scale and nature of this work, the City desires term contracts for these services. The estimated cost of these services is over \$50,000 and therefore requires authorization by City Council.

### STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live

### BACKGROUND

Concrete pavements over time require maintenance and repairs to eliminate cracking, separations, potholes, and other related failures. Pavement should be repaired or maintained in a timely manner to protect the general public from damage to vehicles, to correct poor surface drainage, to avoid more extensive roadway damage, etc. By identifying pavement condition and ensuring their timely repair and maintenance, it will help extend the general public's investment in the transportation infrastructure.

Therefore, the Public Works Department initiated a bid request to accomplish this goal. The vendor awarded this contract will provide pavement construction and repair services on an as need basis. Pavement sections to be repaired under this contract will be investigated by City staff for extent of damage and determination of repair or maintenance needs.

Purchasing Division advertised invitation to bid IFB #19-307 - Term Contract for Pavement Construction and Repairs in the Fort Bend Independent newspaper for two consecutive weeks. The bid was posted on Demandstar and Electronic State Business Daily (ESBD), bid posting websites for public download. Purchasing sent bid notices via email to vendors registered with Missouri City and the State's county HUB list. The bid was publicly opened on August 14, 2018 where two bids were received. Brooks Concrete located at 4018 Allen Genoa Rd, Pasadena, TX 77504 was the low bidder to this invitation to bid.

Brooks Concrete is the City's incumbent awarded vendor for pavement construction and repair services. The Staff is well acquainted with Brooks Concrete's work and has been satisfied with their overall quality and performance.

Therefore, staff recommends that Council authorize the City Manager to award Brooks Concrete the term contract for IFB #19-307 Pavement Construction and Repairs from the date of contract execution through September 31, 2019 with (3) three automatic (1) one-year renewals for a total contract length of (4) four years. A Standard City contract will be executed.

**BUDGET/FISCAL ANALYSIS**

| Funding Source | Account Number         | Project Code/Name                          | FY19 Funds Budgeted | FY19 Funds Available | Amount Requested |
|----------------|------------------------|--|---------------------|----------------------|------------------|
| Metro Funds    | 401-53537-15-401-50063 | 50063/Pavement Maint. & Management Program | \$697,000           | \$697,000            | \$697,000*       |

\*\$697,000 in Metro funds are allocated yearly to pay for sidewalk repairs. The total over the next 4 years is approximately \$2,800,000

**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. Bid tabulation sheet

**STAFF'S RECOMMENDATION**

Authorize the City Manager to execute a contract for concrete pavement construction and repair to Brooks Concrete for the unit prices bid.

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

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

**IFB #19-307 Concrete Construction and Repair**

| Description          | Aleksander<br>Omega, LLC | Brooks<br>Concrete |
|----------------------|--------------------------|--------------------|
| 2" Saw Cut           | \$ 2.50                  | \$ 2.15            |
| Full depth saw cut   | \$ 7.50                  | \$ 7.32            |
| Spalled joint repair | \$ 15.00                 | \$ 3.00            |
| 6" Curb              | \$ 50.00                 | \$ 6.28            |
| 7" Concrete R&R      | \$ 15.00                 | \$ 7.82            |
| High Early 7" R&R    | \$ 17.00                 | \$ 7.98            |
| Manhole Adjustments  | \$ 1,000.00              | \$ 100.00          |
| Inlet Adjustments    | \$ 3,000.00              | \$ 100.00          |
| Wheelchair Ramp      | \$ 2,750.00              | \$ 550.00          |
| Bricks               | \$ 5.00                  | \$ 2.50            |
| 6" Driveway Repair   | \$ 13.00                 | \$ 6.19            |
| Sidewalk R&R 4"      | \$ 12.00                 | \$ 5.79            |
| Sidewalk R&R 6"      | \$ 13.00                 | \$ 6.19            |
| Sidewalk New 4"      | \$ 10.00                 | \$ 4.88            |
| Sidewalk New 6"      | \$ 11.00                 | \$ 5.18            |
| 6" Driveway New      | \$ 11.00                 | \$ 5.18            |
| Tree Root Removal    | No Bid                   | \$ 200.00          |
| Sod                  | No Bid                   | \$ 0.45            |



## CITY COUNCIL AGENDA ITEM COVER MEMO

September 17, 2018

**To:** Mayor and City Council  
**Agenda Item:** 9(d) Authorize the City Manager to execute a contract for concrete pavement lifting services to Concrete Raising Corporation.  
**Submitted by:** Clifford Brouhard, P.E., PTOE, Assistant Director of Public Works

### SYNOPSIS

The Streets Division periodically repairs on an as-needed basis concrete street pavement and concrete sidewalk using specific methods, such as leveling or trimming the surface. The City's Streets Division desires term contracts for these services. The estimated cost of these services are over the \$50,000 threshold and therefore will require authorization by the City Council.

### STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live

### BACKGROUND

Concrete street pavement sometimes requires leveling or trimming of concrete pavement to eliminate swales, birdbaths, and related failures on concrete roadways and signal pads throughout the City. Concrete sidewalk pavement, per the City's Sidewalk Maintenance Program, is maintained to protect the general public from injury by identifying hazards and ensuring their timely correction. In addition, it extends the investment in the transportation system, which includes sidewalks, driveways, and curbs in a way that protects street trees and other desirable vegetation whenever possible.

Therefore, the Public Works Department initiated this bid to accomplish the goals stated above. The awarded vendor will provide repair services on an as need basis for sidewalk pavement raising and concrete roadway pavement raising based on the attached bit price.

Purchasing Division advertised invitation to bid IFB #19-304 - Term Contract for Concrete Pavement Lifting in the Fort Bend Independent newspaper for two consecutive weeks. The bid was posted on Demandstar and Electronic State Business Daily (ESBD), bid posting websites for public download. Purchasing sent bid notices via email to vendors registered with Missouri City and the State's county HUB list. The bid was publicly opened on August 14, 2018, where one bid was received. Concrete Raising Corporation (CRC) located at 10118 Moers Rd. Houston, TX 77075 was the sole vendor to respond to this invitation to bid.

Concrete Raising Corporation is also the City's incumbent awarded vendor for these services. Staff is well acquainted and has been satisfied with the overall quality of work performed by CRC.

Therefore, staff recommends that City Council award CRC the term contract for IFP #19-304 Concrete Pavement Lifting from the date of contract execution through September 31, 2019 with (3) three automatic (1) one-year renewals for a total contract length of (4) four years. A standard City contract will be executed upon Council authorization.

**BUDGET/FISCAL ANALYSIS**

| Funding Source | Account Number         | Project Code/Name                                  | FY19 Funds Budgeted | FY19 Funds Available | Amount Requested |
|----------------|------------------------|--|---------------------|----------------------|------------------|
| Metro Funds    | 401-54109-15-401-50054 | Sidewalk Repairs                                   | \$400,000           | \$400,000            | \$400,000*       |
| Metro Funds    | 401-53537-15-401-50063 | 50063 / Pavement Maintenance. & Management Program | \$697,000           | \$697,000            | \$697,000*       |

\*\$400,000 & \$697,000 in Metro funds are allocated yearly to pay for sidewalk and pavement repairs. The average amount spent with CRC is approximately \$200,000 a year. The total over the next 4 years is approximately \$1,000,000.

**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. Bid tabulation sheet

**STAFF'S RECOMMENDATION**

Authorize the City Manager to execute a contract for concrete pavement lifting services to Concrete Raising Corporation (CRC).

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

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

**Exhibit A - Bid Sheet IFB # 19-304**

| <u>Item</u>  | <u>Description</u>  | <u>Est. Annual Qty</u> | <u>Unit</u> | <u>Unit Price</u> | <u>Ext Price</u>            |
|--|---|------------------------|-------------|-------------------|-----------------------------|
| <b><u>Section 1: Sidewalk Pavement Raising</u></b>             |   |                        |             |                   |                             |
| 1  | Lifting and Stablizing 4" Thick Concrete Sidewalk Pavement in an amount from .01" up to 5.00" | 10,000                 | Sq. Foot    | \$ 3.00           | \$ 30,000.00                |
| 2  | Lifting and Stablizing 4" Thick Concrete Sidewalk Pavement in an amount from 5.01" and up.    | 100                    | Sq. Foot    | \$ 3.10           | \$ 310.00                   |
| <b><u>Total Amount for Section 1:</u></b>                      |   |                        |             |                   | <b><u>\$ 30,310.00</u></b>  |
| <br><b><u>Section 2: Concrete Roadway Pavement Raising</u></b> |   |                        |             |                   |                             |
| 1  | Lifting and Stablizing Concrete Street Pavement in an amount from .01" up to 6.00"            | 75,000                 | Sq. Foot    | \$ 2.98           | \$ 223,500.00               |
| 2  | Lifting and Stablizing Concrete Street Pavement in an amount from 6.01" and up.               | 100                    | Sq. Foot    | \$ 3.05           | \$ 305.00                   |
| 3  | Lifting and Stablizing Concrete Traffic Signal Pad in an amount from .01" up to 6.00"         | 5                      | Each        | \$ 700.00         | \$ 3,500.00                 |
| 4  | Lifting and Stablizing Concrete Traffic Signal Pad in an amount from to 6.01" and up.         | 5                      | Each        | \$ 750.00         | \$ 3,750.00                 |
| <b><u>Total Amount for Section 2:</u></b>                      |   |                        |             |                   | <b><u>\$ 231,055.00</u></b> |
| <br><b><u>Total Contract Amount (Section 1 and 2):</u></b>     |   |                        |             |                   | <b><u>\$ 261,365.00</u></b> |



## CITY COUNCIL AGENDA ITEM COVER MEMO

September 17, 2018

**To:** Mayor and City Council  
**Agenda Item:** 9(e) Consider authorizing an amended interlocal agreement with City of Stafford for the use of the City's Animal Shelter.  
**Submitted by:** Shashi K. Kumar, P.E., Director of Public Works/City Engineer

### SYNOPSIS

The current interlocal agreement with the City of Stafford for the joint use of the City's Animal Shelter has expired and a new agreement is being presented for City Council authorization. Under the terms of the new agreement, enhanced level of care is being proposed for Stafford animals consistent with the City's recently adopted Standard Operating Procedures (SOP) along with a pro-rata share of cost increase to provide these additional services.

### STRATEGIC PLAN 2019 GOALS ADDRESSED

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

### BACKGROUND

Since 1987 the City of Stafford and Missouri City have had an agreement for the joint use of the City's Animal Shelter, at that time Stafford agreed to pay a monthly fee of \$564. This agreement was renewed in 1989 at the same rate of \$564 a month. In 1999 the agreement was renewed with an increase in the monthly cost to \$1,000.

In 2011, the City of Stafford and Missouri City executed an agreement for the redesign and construction of the new Animal Shelter, where the City of Stafford contributed \$100,000 towards the design and construction expenses of the new Shelter. The most recent joint use agreement, executed in October of 2011, has expired and with the recent increase in the level of service expected by City Council, a new agreement with a cost increase to absorb the pro-rate share of associated cost is needed. The City of Stafford is currently paying Missouri City \$1,674 monthly for the use of City's facility.

In the recent months, Council has adopted a new schedule of fees, updates to the City's Animal ordinances, has reviewed the new Standard Operating Procedures and authorized a new Animal Services Manager position. In addition, upon the expiry of 72-hr hold, City animals are currently being administered basic vaccinations and medications as part of enhanced level of care. Per the amended interlocal agreement, these services would now be extended to Stafford animals, to ensure a uniformity of care for all animals within the City's Animal Shelter. This will aid greatly in preventing the spread of transmittable diseases and improving the prospects of adoption of these animals by the respective jurisdictions.

With the new increased level of service that Missouri City will be providing, a new monthly fee of \$2,447 will be charged to City of Stafford. With this increased cost, the following services will be included:

After the 72-hour hold period, COMC will provide the following services:

- Basic and booster vaccinations will be administered (DHPP, Bordatella)

- Dewormer will be given monthly
- Heartworm prevention will be given monthly
- Diagnostic testing (heartworm testing)
- Access to contracted veterinarian services within the facility

Also, in the absence of a City of Stafford representative, the COMC Animal Services Manager will now have the ability to make decisions on the disposition of animals for the any of the following:

- critically ill
- critically injured
- high (behavioral) risk animals
- 25% of use is exceeding and shelter is at full capacity

City's staff have worked with our counterpart (s) at City of Stafford over the past 3-months in arriving at this new amended agreement, to which City of Stafford has been very cooperative. COMC Animal Services Manager will prepare a weekly report of all Stafford animals present in the facility to include the status, condition, and time in shelter to a City of Stafford representative.

**BUDGET ANALYSIS**

| Funding Source  | Account Number    | Project Code/Name     | FY19 Funds Budgeted | FY19 Funds Available | Amount to be Received yearly |
|-----------------|-------------------|-----------------------|---------------------|----------------------|------------------------------|
| General Revenue | 101-46510-15-001- | Animal Control Reimb. | \$-20,000           | \$0                  | \$-29,364                    |

**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. Amended Interlocal agreement

**STAFF'S RECOMMENDATION**

Authorize the Mayor to execute and the City Secretary to attest authorizing the amended interlocal agreement with the City of Stafford.

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

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

INTERLOCAL COOPERATION AGREEMENT BETWEEN  
THE CITY OF STAFFORD, TEXAS, AND THE CITY OF MISSOURI CITY, TEXAS, FOR  
THE JOINT USE OF THE CITY OF MISSOURI CITY ANIMAL SHELTER

This Interlocal Cooperation Agreement (hereinafter referred to as "Agreement"), is made and entered into pursuant to the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, by and between the CITY OF STAFFORD, TEXAS (hereinafter referred to as "Stafford"), acting by and through the City Council of Stafford, and the CITY OF MISSOURI CITY, TEXAS (hereinafter referred to as "Missouri City"), acting by and through the City Council of Missouri City.

RECITALS

WHEREAS, Missouri City operates an animal shelter (hereinafter referred to as the "Animal Shelter") located at 1919 Scanlin Road, Missouri City, Texas; and

WHEREAS, the Animal Shelter is solely owned by Missouri City; and

WHEREAS, since 1987, Missouri City has assisted Stafford by allowing Stafford to use the Animal Shelter for the shelter, maintenance, and disposition of animals impounded by Stafford; and

WHEREAS, Stafford has compensated Missouri City pursuant to a contract for such use; and

WHEREAS, Stafford desires that Missouri City continue to assist Stafford by allowing Stafford to use the Animal Shelter for the shelter, maintenance, and disposition of animals impounded by Stafford; and

WHEREAS, provided that the Animal Shelter has the capacity to accommodate Stafford animals, Missouri City desires to continue to assist Stafford in the shelter, maintenance, and disposition of animals impounded by Stafford; and

WHEREAS, the current cost of operating the Animal Shelter is \$213,232 as determined by calculating the total amount incurred by Missouri City attributable to the Animal Shelter; and

WHEREAS, such monthly fee includes, but is not limited to, operational costs and a facility use fee; and

WHEREAS, Stafford desires to pay Missouri City the monthly fee as calculated in Exhibit "A;" and

WHEREAS, the joint use of the Animal Shelter by Missouri City and Stafford will mutually benefit Missouri City and Stafford; and

NOW, THEREFORE, for and in consideration of the mutual covenants, agreements and benefits to the parties herein named, Stafford and Missouri City agree as follows:

ARTICLE I  
PURPOSE

1.01 The purpose of this Agreement is to provide for the joint use of the Animal Shelter by Stafford and Missouri City.

ARTICLE II  
TERM

2.01 The term of this Agreement shall be one (1) year from the date of execution by the second party to execute this Agreement and shall automatically renew each year thereafter for a one (1) year term, for a total of five (5) such terms, unless the party terminating the Agreement gives the other party written notice of its intention to terminate this Agreement at least sixty (60) days before the date of termination.

ARTICLE III  
DEFINITION

3.01 *Animal* shall mean a dog, cat, or other domestic mammal not exceeding one hundred fifty pounds (150 lbs.) in weight.

ARTICLE IV  
JOINT DUTIES

4.01 Missouri City and Stafford agree to apportion the responsibility for the daily maintenance of the Animal Shelter. Daily maintenance of the Animal Shelter shall include occasionally checking on the animals, feeding and watering the animals, cleaning the facility, and other similar or related activities, as determined and agreed to by both parties.

ARTICLE V  
STAFFORD'S RIGHTS AND DUTIES

5.01 Provided that the Animal Shelter has the capacity to accommodate Stafford animals, Stafford shall have the right to use the Animal Shelter for the shelter, maintenance, and disposition of animals impounded by Stafford. Stafford shall be responsible for providing veterinary care to Stafford animals. Stafford may use the euthanasia room at the Animal Shelter to perform any required euthanasia of a Stafford animal. The euthanasia of a Stafford animal shall be performed by the Stafford Animal Control Officer or his designee.

5.02 Stafford shall clean all Animal Shelter kennels Monday through Friday morning of each week this Agreement is in effect.

5.03 Stafford shall comply with Missouri City's standard operating procedures for the operation of the Animal Shelter.

5.04 Stafford further agrees to pay Missouri City the monthly fee as calculated in Exhibit "A" in advance for each month this Agreement is in effect for the use of the Animal Shelter for the shelter, maintenance, and disposition of animals impounded by Stafford. Stafford agrees that such fee may be readjusted by Missouri City in accordance with this Agreement.

5.05 Upon the provision of notice by Missouri City that insufficient capacity exists in the

Animal Shelter for the continuation of this Agreement, Stafford agrees to remove its animals from the Animal Shelter within sixty (60) days of such notice.

## ARTICLE VI MISSOURI CITY'S RIGHTS AND DUTIES

6.01 Provided that the Animal Shelter has the capacity to accommodate Stafford animals, Missouri City shall allow Stafford to use the Animal Shelter for the shelter, maintenance, and disposition of animals impounded by Stafford. Missouri City shall make available basic food and incidental supplies at the Animal Shelter. Missouri City shall be responsible for the disposition of all dead animal carcasses at the Animal Shelter.

6.02 Missouri City shall clean all Animal Shelter kennels Monday through Friday afternoon and Saturday and Sunday morning of each week this Agreement is in effect.

6.03 The City Manager of Missouri City or his designee shall determine whether the Animal Shelter has the capacity to accommodate Stafford animals. Missouri City shall provide Stafford sixty (60) days notice of the City Manager's or his designee's determination of insufficient capacity.

6.04 Missouri City may readjust the monthly fee on an annual basis. At least ninety (90) days before the date on which the first term of this Agreement ends, and at least ninety (90) days before the date on which each subsequent term ends, Missouri City shall provide Stafford with written notice of the monthly fee to be in effect during the term of the Agreement immediately following the term in which notice is provided.

## ARTICLE VII OWNERSHIP OF ANIMAL SHELTER

7.01 Missouri City and Stafford agree that Missouri City has maintained sole ownership of the Animal Shelter since the facility's construction. Both parties agree that during and after the term of this Agreement, Missouri City shall remain the sole owner of the Animal Shelter.

## ARTICLE VIII CURRENT REVENUE

8.01 Each party understands and agrees that each party paying for the performance of governmental functions or services under this Agreement must make those payments from current revenues available to the paying party.

## ARTICLE IX ADMINISTRATIVE PROVISION

9.01 Each party, at its sole cost and expense, and its authorized representatives shall have the right to review and audit all books, records, vouchers and documents of whatever nature related to the other party's performance under this Agreement during the period of performance of this Agreement and for five (5) years thereafter or for so long as there exists any dispute or litigation arising from this Agreement.

ARTICLE X  
LIABILITY

10.01 By this paragraph, neither party waives or relinquishes any immunity from liability, limitation of liability, or defense on behalf of itself, its officers, employees, and agents provided by the Constitution and laws of the state of Texas as a result of its execution of this Agreement and the performance of the covenants contained herein.

10.02 Each party to this Agreement agrees that it shall have no liability whatsoever for the actions or omissions of an individual employed by the other party regardless of where the individual's actions occurred. Each party is solely responsible for the actions and/or omissions of its officers and employees.

ARTICLE XI  
MISCELLANEOUS

11.01 Venue for any litigation involving this Agreement shall be in Fort Bend County, Texas.

11.02 If any one or more of the provisions contained in this Agreement shall be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

11.03 This Agreement supersedes any and all other agreements, either oral or in writing between the parties hereto with respect to the subject matter hereof, and no other agreement, statement, or promise relating to the subject matter of this Agreement which is not contained herein shall be valid or binding.

11.04 No party hereto shall make, in whole or in part, any assignment of this Agreement or any obligation hereunder without the prior written consent of the other party hereto.

ARTICLE XII  
NOTICE

12.01 All notices required or permitted hereunder shall be in writing and shall be deemed delivered on the third day following deposit in a United States Postal Service post office or receptacle with proper postage affixed (certified mail, return receipt requested) addressed to the respective other party at the address below or at such other address as the other party may have theretofore prescribed by notice to the sending party.

12.02 Notices shall be addressed as follows:

Missouri City:           City of Missouri City  
                                  1522 Texas Parkway  
                                  Missouri City, Texas 77489

                                  Attention:    City Manager

Stafford:                 City of Stafford  
                                  2610 South Main Street  
                                  Stafford, Texas 77539

Attention: Mayor

12.03 The parties may change their respective addresses and each may specify as its address any other address by providing at least fifteen (15) days written notice to the other party.

**ARTICLE XIII**  
**ENTIRE AGREEMENT**

13.01 This instrument contains the entire agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any modification concerning this instrument shall be of no force and effect unless such modification is made in writing, approved by the governing bodies and signed by all parties hereto.

IN TESTIMONY OF WHICH, this Agreement, in duplicate counterparts, each having equal force and effect of an original, has been executed on behalf of the parties hereto as follows:

- a. It has on the \_\_\_ day of \_\_\_\_\_, 2018, been executed on behalf of Stafford, Texas, and by authority of a resolution of the City Council of the City of Stafford, Texas, authorizing such execution.
- b. It has on the \_\_\_ day of \_\_\_\_\_, 2018, been executed on behalf of Missouri City, Texas, and by authority of a resolution of the City Council of the City of Missouri City, Texas, authorizing such execution.

**CITY OF STAFFORD, TEXAS**

\_\_\_\_\_  
Leonard Scarcella, Mayor

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Bonnie Baiamonte, City Secretary

**CITY OF MISSOURI CITY, TEXAS**

\_\_\_\_\_  
Allen Owen, Mayor

ATTEST:

Date

---

Maria Jackson, City Secretary

### Exhibit "A"

The following reflects the applicable estimated cost reflected in the City's proposed 2019 fiscal year (10/01/2018-09/30/2019) budget and the proposed yearly and monthly contribution from Stafford.

| Items Considered in Calculation of Stafford's Costs | City's FY 2019   | Cost per Year - Stafford | Cost per Month – Stafford | Comments  |
|---|------------------|--------------------------|---------------------------|---|
| ACO Supervisor Salary**                             | \$85,674         | \$8,567                  | \$714                     | 10% to Stafford (estimated time spent addressing/supervising ASO)   |
| Admin. Asst. Salary**                               | \$59,335         | \$5,934                  | \$494                     | 10% to Stafford (estimated time spent assisting in documenting, meeting public, answering phone/emails)   |
| Commodities   | \$12,000         | \$3,000                  | \$250                     | 25% to Stafford (allotted use of facility capacity): Commodities include day to day necessities such as food, medicines, vaccinations, heartworm testing, office supplies and janitorial supplies           |
| Contractual   | \$30,000         | \$7,500                  | \$625                     | 25% to Stafford (allotted use of facility capacity): Contracts include carcass disposal, vet. evaluations in facility, computer services, insurance, facility maintenance, telephone and garbage collection |
| <b>Total Direct Costs</b>                           | <b>\$187,009</b> | <b>\$25,001</b>          | <b>\$2,083</b>            |   |
| Overhead  | \$12,980         | \$1,031                  | \$86                      | 8% to Stafford for City management, HR/OD, city secretary, legal, financial services, and public works (based on estimated time spent addressing/preparing associated issues/documents)                     |
| Facility Use Fee*                                   | \$13,333         | \$3,333                  | \$278                     | 25% to Stafford for use of facility, bldg.: value 30 yr   |
| <b>Totals</b>                                       | <b>\$213,232</b> | <b>\$29,365</b>          | <b>\$2,447</b>            |   |

\*Facility Use Fee: Value based on insured value of \$400,000, 30-year life

**\*\*Salaries include benefits: Taxes at 7.65%, TMRS at 15.08%, Long-term disabilities @ 0.28% and insurance at \$13,348 per person.**



## CITY COUNCIL AGENDA ITEM COVER MEMO

September 17, 2018

**To:** Mayor and City Council

**Agenda Item:** 9(f) Consider authorizing the Farmers Market Partners' request to host a monthly farmers market at 2700 Lake Olympia Parkway under the Special Event's Permit Ordinance for a period expiration of November, 2019.

**Submitted by:** Otis T. Spriggs, AICP, Director, Development Services

### SYNOPSIS

Farmers Market Partners has requested permission to utilize the grounds at 2700 Lake Olympia Parkway for the purposes of a seasonal farmers market to be held 1<sup>st</sup> & 3<sup>rd</sup> Saturdays of every month, from 10:00 am until 2:00 pm. Current authorization expires November 30, 2018.

### STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live

### BACKGROUND

The applicants, Farmers Market Partners were approved for the Farmers Market to occur monthly, during the farming season until November 30, 2018 by City Council on April 16, 2018. The frequency limitation was waived under the Special Events provisions of the Zoning Ordinance, whereby Council authorization is required.

Development Services including the Health Division, Communications, Police, and Code Enforcement staff members have monitored the events over the last four (5) months. The partners have reached out to the HOA and surrounding residence in order to address outstanding inquiries and concerns from the surrounding community that resulted from the event. A parking plan with agreements was decided on and was subject to the original authorization. To date, staff is unaware of any public safety and health risk of the farmers market.

Sponsors of this special event have agreed to ensure adequate parking, based on the projected number of attendees. Access has been monitored to assure reasonable traffic flow with a minimum amount of congestion. A signage plan is also proposed within the project vicinity, including a banner flag placement at Lake Olympia Parkway at Highway 6 (on market day only) and directional signage to alleviate any traffic impacts for the 4-hour event.

An upcoming meeting will be scheduled with Farmer's Market Partners regarding a more permanent solution to the long-term proposal for the property, to address all Zoning Code issues from a land use perspective. A formal map amendment request will be processed through the public hearing process, and a recommendation from the Planning Commission will be forwarded to Council at a later date.

## BUDGET ANALYSIS

**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. Written request submitted to Development Services for Approval.
2. Power Point Presentation (Submitted by the Applicants)

## STAFF'S RECOMMENDATION

Staff recommends approval of this special event, subject to City Council action, due to waiver of the frequency clause within Section 9.10 Special Events that states that special events shall occur for two weeks, and no more frequently than every six months on the subject property, for a period ending November 30, 2019, with the proposed signage plan request.

**Director Approval:** **Otis Spriggs, Director of Development Services**

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

## Otis Spriggs

---

**From:** thomasinejohnson@gmail.com  
**Sent:** Friday, September 7, 2018 2:29 PM  
**To:** Otis Spriggs  
**Cc:** 'Jill Argento'  
**Subject:** RE: Farmers Market Partners Additional Information

September 7, 2018

Hi Otis,

Per our conversation this morning, I would like to make the following amendments to the Farmers Market Partners continual special event request that was submitted July 18, 2018.

- We would like for the continual permit to extend Farmers Market Partners Market Days to November 30, 2019.
- Be able to have an additional banner flag to be placed at the entrance at Lake Olympia Pkwy and Hwy 6 on day of the markets.
- We will not ask for a yearly rate for the food truck vendors.

If you need additional information prior to our meeting on September 17, 2018 please let me know.

Thanks,  
Thomasine Johnson

---

**From:** Otis Spriggs [mailto:otis.spriggs@missouricitytx.gov]  
**Sent:** Tuesday, July 24, 2018 5:05 PM  
**To:** thomasinejohnson@gmail.com  
**Cc:** Jill Argento  
**Subject:** RE: Farmers Market Partners Additional Information

Thank you! So noted....



**Otis T. Spriggs, AICP** | Director of Development Services

1522 Texas Parkway | Missouri City, TX 77489

t. 281.403.8661 | f. 281.403.5551

[website](#) | [map](#) | [email](#)    

~ A Safe, Scenic City rated one of America's "Best" Places to Live

~

The Mission of the City Government of Missouri City is to provide municipal services in a financially responsible and customer friendly manner, while engaging our residents. How can we better serve you? Take our [customer satisfaction survey](#).

OTS

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**From:** [thomasinejohnson@gmail.com](mailto:thomasinejohnson@gmail.com) [<mailto:thomasinejohnson@gmail.com>]

**Sent:** Tuesday, July 24, 2018 1:08 PM

**To:** Otis Spriggs <[otis.spriggs@missouricitytx.gov](mailto:otis.spriggs@missouricitytx.gov)>

**Cc:** Jill Argento <[ricottaj@hotmail.com](mailto:ricottaj@hotmail.com)>

**Subject:** Farmers Market Partners Additional Information

Hi Otis,

Per our conversation this morning, please make note of the following two additional items that we are requesting in the packet you received last week regarding the Farmers Market Partners Continual Permit Request:

- Our request is for continual permit that would not have to be renewed every year.
- Request a yearly food truck permit rate for the food truck vendors that participates with Farmers Market Partners market days on more than one occasion.

Please let me know if you need anything else from us to complete our request. We would like to make sure we adhere to the November 2018 mandate with the City of Houston. The community response has been very favorable. As always, it is a pleasure working with you and your team.

Yours truly,  
Thomasine Johnson  
832-347-3811 (cell)



**Farmers Market Partners**

Join Us On The Road To Good Health

**Missouri City Planning and  
Zoning  
Special Event  
Continual Approval  
Request**

**Presented By:**

**Jill Argento  
Thomasine Johnson  
July 18, 2018**

# Agenda

- Objective
- Farmers Market Partners Overview
- Benefits to Missouri City and Community
- Community Feedback
- Requests and Permits to continue
- Market Photos taken by Missouri City Communication Dept.



# Objective

Provide the City with details of our Farmers Market to support a permanent approval to operate:

- **Dates:** 1<sup>st</sup> & 3<sup>rd</sup> Saturday of every month
- **Location:** 2700 Lake Olympia Parkway,  
Missouri City, 77459
- **Time:** 10 am to 2 pm  
**9 am to 1 pm summer**



**Farmers Market Partners**  
Join Us On The Road To Good Health

# Farmers Market Partners (FMP) Overview

- **FMP is a Farmers Market Management Company**
  - Currently operating at 2700 Lake Olympia Parkway
  - Brainstorm of long time Missouri City residents **Jill Argento and Thomasine Johnson**
  - Partner and support local farmers, producers and specialty vendors
  - Build a stronger local food movement
  - Grow a diverse local food culture by maintaining an authentic space for all people
  - Provide a sustainable living for producers who steward the earth
  - Partner with non-profit organizations in support of their great causes
    - **Boys Scouts of America, Alzheimer's Association. Makarios, Boys Choir to name a few**
- **Vendors**
  - Local/Regional farmers and artisan food vendors
  - Non-profit organizations
  - Young Sprouts Club Lemonade Stand free of charge. Everything they earn they keep
    - **Young Sprouts Entrepreneurs are earning up to \$150.00 at lemonade stand.**
  - Rotating Food Truck Vendors (2)
    - **Great success for food truck vendors**



**Farmers Market Partners**  
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# Farmers Market Partners (FMP) Overview

- **Community focal point**
  - A place of destination for neighbors to meet and become more neighborly
    - **Neighbors enjoy meeting and chatting with neighbors and friends**
- **Educational/Entrepreneurial Program**
  - Activity based “**Young Sprouts Club**” for ages 5 – 12 years olds
  - Avenue to teach entrepreneurial skills to children
  - Educational tool to teach children to make better food choices at a young age
  - An avenue for students to perform their community serve hours
  - Partnering with The Wide School and FBISD Schools
    - **WIDE School had a great market day!**
- **Parking**
  - **FMP addressed parking issues and concerns**
  - Lake Olympia has no parking restrictions
  - Many patrons came by foot or bicycle
  - Patrons – due to our interactive map they shop and leave
  - Collaborated with MC Planning Department to address increase in traffic. Solution found
- **Website Presence**
  - [www.FarmersMarketPartners.com](http://www.FarmersMarketPartners.com)
  - **FMP had developed an app that allows the consumer to order online and pick up items at market**



**Farmers Market Partners**  
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# Benefits to Missouri City & Community

- **Incremental Missouri City Revenue**
  - Temporary food permits required for certain vendors
    - **More than a dozen food truck permits to date**
- **Employment**
  - We have generated employment for Missouri City residents via our vendors and with our management company.
- **Further enhance the profile and image of the City “The Show Me City”**
- **Become a great destination point in Fort Bend County**
- **Partnered with Missouri City Adopt a Pet Program**
- **Community Focal Point**
  - Strengthen the community spirit and safety through neighbors meeting each other at the market, hence forging a closer relationship to each other
  - Creating a sense of pride to live in our community as they will take on a sense of ownership that this is **THEIR** Missouri City Market By The Lake
  - The Lake Olympia Community is showcased as a desirable place to live



# Benefits to Missouri City & Community

- **Educational opportunity**
  - Residents meeting the farmers who grow their food and learn about more seasonal style of eating
  - Great place for neighbors to meet
  - Our Young Sprouts Club mission is to inspire children to take part in their local food system and put a focus on the future generation to make better food choices from a young age
  - Young Sprouts Club participants are given a special educational tour with farmers the day of market
  - The Young Sprouts Club showcases Missouri City as being proactive to educate our younger generation.



**Young Sprouts Club**

Encouraging Little Minds To Think Big



**Farmers Market Partners**  
Join Us On The Road To Good Health

# Benefits to Missouri City & Community

## ○ Entrepreneurial opportunity

- The Young Sprouts Club participants are the emerging Missouri City entrepreneurs
  - Sprouts are learning how to run a business. Parents have given FMP great feedback
- Young Sprouts Club participants are given a certificate of appreciation
  - Young Sprouts are featured on FMP website
- Young Sprouts Club participants are given a pot and flower seeds to start their own garden at home
- The Young Sprouts Club participants keep all the money they earn the day of market
- The Young Sprouts Club showcases Missouri City as being proactive to educate our younger generation.



**Young Sprouts Club**

Encouraging Little Minds To Think Big



**Farmers Market Partners**

Join Us On The Road To Good Health

# Community Feedback

- **Parking Concerns**

- Access Parking

- **Solutions:**

- Note preferred parking areas on the website
      - Provide parking area signs with specified language on day of market
      - Parking along Lake Olympia Pkwy where street parking is permitted
      - Parking at Palmer Elementary since the school is closed on Saturdays

- Parking at Tennis Court and Pool Area

- Solution:

- Place signage that states no guest parking in this area day of market



# Community Feedback Parking solution



Farmers Market Parking Area  
FMP has had no parking on Lake Olympia Pkwy



Farmers Market Partners  
Join Us On The Road To Good Health

## Community Feedback (nextdoor.com)

- Gena Tribble, Lake Olympia – Lakefront
  - ***“To say this is exciting news is an understatement!”***
- Vicky Pilom, Lake Olympia
  - ***“Awesome. So excited.”***
- Bethany Pegues, Palmer Plantation - Lake Olympia
  - ***“This is wonderful! Very excited!”***
- Tom Simpson, Lake Olympia
  - ***“Looking forward to it.”***
- Katheryn Prather, Palmer Plantation - Lake Olympia
  - ***“This is so awesome!”***
- Babs Arroyo, Lake Olympia – Lakefront
  - ***“Good job”***
- Kay Row, Lake Olympia – Lakefront
  - ***“We are excited about the fresh vegetables”***



**Farmers Market Partners**  
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## Community Feedback (nextdoor.com)

- Steve Tran, Lake Olympia
  - ***“I look forward to going to this every other Saturday.”***
- Deborah Douglas, Quail Valley Glenn Lakes
  - ***“This Farmers Market is a great addition to our community. We bought lots of goodies a couple of weeks ago and look forward to going again!”***
- Kyandria Edwards, Winfield lakes
  - ***“I can’t wait! I love farmers markets!”***
- Thomas Thomas, Vicksburg Village of Shiloh
  - ***“Very Good, I will be there.”***
- Denisa Forbes, Quail Valley Thunderbird
  - ***“We had a great time and bought lots of fresh veggies from Gundermann Acres and bread a couple of weeks ago. It was great running into friends and neighbors there. So, so glad that this is a continuing effort. I’ll be sure to share on FB.”***
- Terri Lauria, Quail Valley Thunderbird
  - ***“So wonderful to see a Farmers Market coming to our community!! That is so AWESOME!”***



**Farmers Market Partners**  
Join Us On The Road To Good Health

# Requests and Permits

- **Permanent Approval Request**

- Operate on the 1<sup>st</sup> and 3<sup>rd</sup> Saturday of the month at 2700 Lake Olympia Parkway, Missouri City

- **Directional Signage**

- Place directional signage within a 3 mile radius on the day the market is open
- Place parking signage in designated areas

- **Feather Banners**

- Place feather banners (2.5x11.5) on the day of the market at the corner of Hwy 6 & Lake Olympia Parkway, Lake Olympia Parkway at Lake Olympia Estate Entrance & 2700 Lake Olympia Parkway

- **Building Banner**

- Place a building banner @ 2700 Lake Olympia Parkway week of the market

**Thank-you**

***It has been a pleasure working with you.***

***Jill Argento and Thomasine Johnson***



**Farmers Market Partners**

Join Us On The Road To Good Health

## Farmers Market Partners in action ....



**Farmers Market Partners**  
Join Us On The Road To Good Health



# Farmers Market Partners in action ....



**Farmers Market Partners**  
Join Us On The Road To Good Health



## CITY COUNCIL AGENDA ITEM COVER MEMO

September 17, 2018

**To:** Mayor and City Council  
**Agenda Item:** 10(a) Consider an ordinance amending the FY 2018 Adopted Budget  
**Submitted by:** Bertha P. Alexander, MBA - Budget & Financial Reporting Manager

### SYNOPSIS

Consider an ordinance amending the budget for the fiscal year beginning July 1, 2017, and ending September 30, 2018; transferring various appropriations among accounts; amending line items from the FY18 3-month extension budget amendment; 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 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 in accordance with the attached Exhibit A for the fiscal year 2018 Adopted Budget. The details and purposes are outlined in the exhibit.

### BUDGET ANALYSIS

See Exhibit A-Budget Amendment Details

**Purchasing Review:** N/A  
**Financial/Budget Review:** Sandra Clarkson, CPA, Interim Director of Financial Services

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

### SUPPORTING MATERIALS

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

### STAFF'S RECOMMENDATION

Staff recommends approval of the FY 2018 budget amendment as presented.

**Director Approval:** Sandra Clarkson, CPA, Interim Director of Financial Services  
**Assistant City Manager/  
City Manager Approval:** Anthony J. Snipes, City Manager

**ORDINANCE NO. O-18-\_\_**

**AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING THE GENERAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2017, AND ENDING SEPTEMBER 30, 2018; 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-17-15, passed and approved on June 19, 2017, 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 July 1, 2017, and ending June 30, 2018 ("fiscal year 2018"); and

WHEREAS, by Ordinance No. O-18-17, passed and approved on June 18, 2018, the City Council amended the fiscal year 2018 budget, extending the fiscal year to September 30, 2018; 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 the fiscal year 2018, as extended, 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 17th day of September, 2018.

---

Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Maria Jackson, City Secretary

---

E. Joyce Iyamu, City Attorney

**Exhibit A-Budget Amendment Details**

| Funding Source               | Account Number    | Account Number Description     | FY 2018 Original Budget | FY 2018 Proposed Budget Amendment | FY 2018 Amended Budget | Purpose/Description  | JRN# | TYPE |
|------------------------------|-------------------|--------------------------------|-------------------------|-----------------------------------|------------------------|--|------|------|
| Court Juvenile Case Fund     | 223-59101-10-106  | Trans To 101-General Fund      | 41,456                  | (6,000)                           | 35,456                 | Reduce Budget Amendment Line Item from FY18 Extension BA. Journals 195 & 227, Lines 26 & 552   | 484  | 3    |
| General Revenues             | 101-49223-01-001  | Trans From 223-CRT Juven Fund  | (41,456)                | 9,455                             | (32,001)               |  |      |      |
| Court Technology Fund        | 222-49221-01-001  | Trans From Fund 221-COURT SEC  | (28,773)                | 28,773                            | -                      | Reverse Budget Amendment Line Items from CC approved FY18 Extension BA, Journals 195 & 227   | 485  | 3    |
| Court Building Security Fund | 221-59222-10-106  | Trans TO 222-Court Tech Fund   | 28,773                  | (28,773)                          | -                      |  |      |      |
| Surface Water Operating Fund | 540-56535-99-999  | Insurance Claim Expenses       | -                       | 1,000                             | 1,000                  | TML insurance claim paid, minus deductible, for electrical failure and fire that occurred at SWTP.   | 74   | 3    |
| Surface Water Operating Fund | 540-39200-00-000  | Budgetary FB Unreserved        | -                       | (1,000)                           | (1,000)                |  |      |      |
| General Fund                 | 101-53525-10-102  | Legal Notices Exp.             | -                       | 1,135                             | 1,135                  | Moving Legal Notice expenses from Printing & Publishing to Legal Notices Exp.  | 363  | 3    |
| CDBG                         | 240-53501-17-217  | Printing & Publishing          | 1,743                   | (1,135)                           | 608                    |  |      |      |
| MCDA                         | 260-53509-10-260  | Developer Agreement Exp        | -                       | 1,125,000                         | 1,125,000              | To Transfer Park 8Ninety Original Budget from Fund 401 Metro Fund to Fund 260 MCDA Fund to prepare payment for developer project costs, per reimbursement request.                               | 777  | 3    |
| MCDA                         | 260-49401-01-001  | Trans From Fund 401-Metro Proj | -                       | (1,125,000)                       | (1,125,000)            |  |      |      |
| MCDA                         | 260-39500-00-00   | Appropriations                 | -                       | (1,125,000)                       | (1,125,000)            |  |      |      |
| MCDA                         | 260-39400-00-000  | Estimated Revenues             | -                       | 1,125,000                         | 1,125,000              |  |      |      |
| Surface Water Operating Fund | 540-56003-54-540- | Training & Travel              | -                       | 5,000                             | 5,000                  | Increase line from Fund Balance to cover training expenses for Utilities Manager   | 886  | 3    |
| Surface Water Operating Fund | 540-39200-00-000- | Budgetary FB Unreserved        | -                       | (5,000)                           | (5,000)                |  |      |      |
| Metro Fund                   | 401-41315-01-001- | Metro Tax Rebates/Reimb        | -                       | (488,712)                         | (488,712)              | Move Funding for Metro Rebate to Sienna Planation Management District. Utilizing the revenue code for move transparency.   | 894  | 3    |
| Metro Fund                   | 401-39200-00-000  | Budgetary FB Unreserved        | -                       | 488,712                           | 488,712                |  |      |      |
| General Fund                 | 101-41302-01-001- | Sales Tax Rebate               | -                       | (450,000)                         | (450,000)              | To adjust budget for sales tax rebates to account for only rebates paid from 101. Annual and quarterly payments.   | 967  | 3    |
| General Fund                 | 101-39200-00-000  | Budgetary FB Unreserved        | -                       | 450,000                           | 450,000                |  |      |      |
| TIRZ#1                       | 261-59101-10-261- | TRANS TO 101-GENERAL FUND      | 25,991                  | 13,600                            | 39,591                 | Cover salary for Assistant City Attorney for the administration and management and management of the Tax Increment Reinvestment Zones (TIRZs), which was approved by the TIRZs Board on 6/11/18. | 1204 | 3    |
| TIRZ#2                       | 262-59101-10-262- | TRANS TO 101-GENERAL FUND      | 60,260                  | 13,600                            | 73,860                 |  |      |      |
| PID#2                        | 263-59101-10-263- | TRANS TO 101-GENERAL FUND      | -                       | 13,600                            | 13,600                 |  |      |      |
| TIRZ#3                       | 265-59101-10-265- | TRANS TO 101-GENERAL FUND      | 60,000                  | 13,600                            | 73,600                 |  |      |      |
| PID#4                        | 266-59101-10-266- | TRANS TO 101-GENERAL FUND      | -                       | 13,600                            | 13,600                 |  |      |      |
| TIRZ#1                       | 261-39200-00-000  | Budgetary FB Unreserved        | -                       | 13,600                            | 13,600                 |  |      |      |
| TIRZ#2                       | 262-39200-00-000  | Budgetary FB Unreserved        | -                       | 13,600                            | 13,600                 |  |      |      |
| PID#2                        | 263-39200-00-000  | Budgetary FB Unreserved        | -                       | 13,600                            | 13,600                 |  |      |      |
| TIRZ#3                       | 265-39200-00-000  | Budgetary FB Unreserved        | -                       | 13,600                            | 13,600                 |  |      |      |
| PID#4                        | 266-39200-00-000  | Budgetary FB Unreserved        | -                       | 13,600                            | 13,600                 |  |      |      |

**Exhibit A-Budget Amendment Details**

| Funding Source              | Account Number         | Account Number Description  | FY 2018 Original Budget | FY 2018 Proposed Budget Amendment | FY 2018 Amended Budget | Purpose/Description   | JRN# | TYPE |
|-----------------------------|------------------------|-----------------------------|-------------------------|-----------------------------------|------------------------|---|------|------|
| Utility Operating Fund      | 505-48890-01-057       | Impact Fee Revenue          | -                       | (500,000)                         | (500,000)              | New developments in Mustang Bayou Utility Service Area approved by City Council to provide permanent wastewater treatment capacity at District Plant for City's contribution. | 1627 | 3    |
| Utility Operating Fund      | 505-53570-50-057       | WW Capacity Buy-In Expenses | -                       | 500,000                           | 500,000                |   |      |      |
| Surface Water Construction  | 542-48807-01-001       | Bonds Proceeds Revenue      | (20,000,000)            | 20,000,000                        | -                      | Not selling bonds in FY18, but will occur in FY19. Adjusting accounts accordingly.  | 1635 | 3    |
| Surface Water Construction  | 542-58700-54-666-80026 | Infrastructure Improvements | 416,628                 | (20,000,000)                      | (19,583,372)           |   |      |      |
| Surface Water Construction  | 542-57050-54-542       | Bond Interest Expense       | 1,938,589               | 71,000                            | 2,009,589              | Bond Interest expense and Pay agent /Registrar/ESC exp budget adjustments to cover coverage.  | 1636 | 3    |
| Surface Water Construction  | 542-57550-54-542       | Pay Agent/Registrar/ESC Exp | -                       | 1,500                             | 1,500                  |   |      |      |
| MC Recreation & Leisure LGC | 571-51001-57-570-      | REGULAR SALARIES            | 128,490                 | 13,797                            | 142,287                | To reverse salary savings entries that were included on the 3 month FY18 budget amendment approved and entered on June 18, 2018.  |      |      |
| MC Recreation & Leisure LGC | 571-51302-57-570-      | TAXES, SOCIAL SECURITY      | 12,073                  | (4,863)                           | 7,210                  |   |      |      |
| MC Recreation & Leisure LGC | 571-51403-57-570-      | ER-GROUP HEALTH INSURANCE   | 7,467                   | 933                               | 8,400                  |   |      |      |
| MC Recreation & Leisure LGC | 571-51710-57-570-      | WORKERS COMPENSATION        | 2,580                   | (443)                             | 2,137                  |   |      |      |
| MC Recreation & Leisure LGC | 571-51001-57-571-      | REGULAR SALARIES            | 37,136                  | 21,648                            | 58,784                 | To reverse salary savings entries that were included on the 3 month FY18 budget amendment approved and entered on June 18, 2018.  |      |      |
| MC Recreation & Leisure LGC | 571-51004-57-571-      | OVERTIME                    | 7,112                   | (7,112)                           | (0)                    |   |      |      |
| MC Recreation & Leisure LGC | 571-51106-57-571-      | CONTINGENCY WORKERS         | 106,067                 | 15,667                            | 121,734                |   |      |      |
| MC Recreation & Leisure LGC | 571-51302-57-571-      | TAXES, SOCIAL SECURITY      | 12,029                  | 45                                | 12,074                 |   |      |      |
| MC Recreation & Leisure LGC | 571-51403-57-571-      | ER-GROUP HEALTH INSURANCE   | 10,366                  | 1,415                             | 11,781                 |   |      |      |
| MC Recreation & Leisure LGC | 571-51710-57-571-      | WORKERS COMPENSATION        | 2,495                   | 1,061                             | 3,556                  |   |      |      |
| MC Recreation & Leisure LGC | 571-51004-57-572-      | OVERTIME                    | 3,808                   | (3,808)                           | -                      | To reverse salary savings entries that were included on the 3 month FY18 budget amendment approved and entered on June 18, 2018.  |      |      |
| MC Recreation & Leisure LGC | 571-51106-57-572-      | CONTINGENCY WORKERS         | 26,996                  | 7,189                             | 34,185                 |   |      |      |
| MC Recreation & Leisure LGC | 571-51302-57-572-      | TAXES, SOCIAL SECURITY      | 2,614                   | (324)                             | 2,290                  |   |      |      |
| MC Recreation & Leisure LGC | 571-51403-57-572-      | ER-GROUP HEALTH INSURANCE   | 2,256                   | 265                               | 2,521                  |   |      |      |
| MC Recreation & Leisure LGC | 571-51710-57-572-      | WORKERS COMPENSATION        | 545                     | 126                               | 671                    |   |      |      |
| MC Recreation & Leisure LGC | 571-51004-57-573-      | OVERTIME                    | 555                     | (555)                             | -                      | To reverse salary savings entries that were included on the 3 month FY18 budget amendment approved and entered on June 18, 2018.  |      |      |
| MC Recreation & Leisure LGC | 571-51106-57-573-      | CONTINGENCY WORKERS         | 40,995                  | (75)                              | 40,920                 |   |      |      |
| MC Recreation & Leisure LGC | 571-51302-57-573-      | TAXES, SOCIAL SECURITY      | 3,099                   | (355)                             | 2,744                  |   |      |      |
| MC Recreation & Leisure LGC | 571-51403-57-573-      | ER-GROUP HEALTH INSURANCE   | 2,025                   | (1,506)                           | 519                    |   |      |      |
| MC Recreation & Leisure LGC | 571-51710-57-573-      | WORKERS COMPENSATION        | 643                     | 158                               | 801                    |   |      |      |

**Exhibit A-Budget Amendment Details**

| Funding Source              | Account Number    | Account Number Description | FY 2018 Original Budget | FY 2018 Proposed Budget Amendment | FY 2018 Amended Budget | Purpose/Description  | JRN# | TYPE |
|-----------------------------|-------------------|----------------------------|-------------------------|-----------------------------------|------------------------|--|------|------|
| MC Recreation & Leisure LGC | 571-51004-57-573- | OVERTIME                   | 555                     | (1,408)                           | (853)                  | To reverse salary savings entries that were included on the 3 month FY18 budget amendment approved and entered on June 18, 2018. |      |      |
| MC Recreation & Leisure LGC | 571-51106-57-573- | CONTINGENCY WORKERS        | 40,995                  | 15,363                            | 56,358                 |  |      |      |
| MC Recreation & Leisure LGC | 571-51302-57-573- | TAXES, SOCIAL SECURITY     | 3,099                   | 97                                | 3,196                  |  |      |      |
| MC Recreation & Leisure LGC | 571-51403-57-573- | ER-GROUP HEALTH INSURANCE  | 2,025                   | 889                               | 2,914                  |  |      |      |
| MC Recreation & Leisure LGC | 571-51710-57-573- | WORKERS COMPENSATION       | 643                     | 733                               | 1,376                  |  |      |      |
| MC Recreation & Leisure LGC | 571-51001-57-576- | REGULAR SALARIES           | 27,317                  | 29,625                            | 56,942                 | To reverse salary savings entries that were included on the 3 month FY18 budget amendment approved and entered on June 18, 2018. |      |      |
| MC Recreation & Leisure LGC | 571-51004-57-576- | OVERTIME                   | 5,007                   | (5,007)                           | -                      |  |      |      |
| MC Recreation & Leisure LGC | 571-51106-57-576- | CONTINGENCY WORKERS        | 183,511                 | (3,255)                           | 180,256                |  |      |      |
| MC Recreation & Leisure LGC | 571-51302-57-576- | TAXES, SOCIAL SECURITY     | 17,551                  | (1,505)                           | 16,046                 |  |      |      |
| MC Recreation & Leisure LGC | 571-51403-57-576- | ER-GROUP HEALTH INSURANCE  | 20,199                  | 5,444                             | 25,643                 |  |      |      |
| MC Recreation & Leisure LGC | 571-51710-57-576- | WORKERS COMPENSATION       | 3,530                   | 1,284                             | 4,814                  |  |      |      |
| MC Recreation & Leisure LGC | 571-51004-57-577- | OVERTIME                   | 497                     | (497)                             | -                      | To reverse salary savings entries that were included on the 3 month FY18 budget amendment approved and entered on June 18, 2018. |      |      |
| MC Recreation & Leisure LGC | 571-51106-57-577- | CONTINGENCY WORKERS        | 39,312                  | (752)                             | 38,560                 |  |      |      |
| MC Recreation & Leisure LGC | 571-51302-57-577- | TAXES, SOCIAL SECURITY     | 3,517                   | (927)                             | 2,590                  |  |      |      |
| MC Recreation & Leisure LGC | 571-51710-57-577- | WORKERS COMPENSATION       | 661                     | 116                               | 777                    |  |      |      |
| MC Recreation & Leisure LGC | 571-51001-57-578- | REGULAR SALARIES           | 31,767                  | 2,695                             | 34,462                 | To reverse salary savings entries that were included on the 3 month FY18 budget amendment approved and entered on June 18, 2018. |      |      |
| MC Recreation & Leisure LGC | 571-51004-57-578- | OVERTIME                   | 7,879                   | (7,879)                           | -                      |  |      |      |
| MC Recreation & Leisure LGC | 571-51106-57-578- | CONTINGENCY WORKERS        | 330,246                 | 19,890                            | 350,136                |  |      |      |
| MC Recreation & Leisure LGC | 571-51302-57-578- | TAXES, SOCIAL SECURITY     | 30,369                  | 385                               | 30,754                 |  |      |      |
| MC Recreation & Leisure LGC | 571-51403-57-578- | ER-GROUP HEALTH INSURANCE  | 33,641                  | 6,618                             | 40,259                 |  |      |      |
| MC Recreation & Leisure LGC | 571-51710-57-578- | WORKERS COMPENSATION       | 6,130                   | 2,974                             | 9,104                  |  |      |      |



**Council Agenda Item  
September 17, 2018**

**11. RESOLUTIONS**

- (a) Consider a resolution amending the bylaws for the Missouri City Parks Foundation.
- 

Cover memo – *Forthcoming*

**RESOLUTION NO. R-18-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING RESOLUTION NO. R-16-11, ADOPTED ON MARCH 21, 2016; AMENDING THE BYLAWS OF THE MISSOURI CITY PARKS FOUNDATION; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND MAKING OTHER PROVISIONS RELATED TO THE SUBJECT.**

\* \* \* \* \*

WHEREAS, on November 20, 2017, the City Council of the City of Missouri City, Texas adopted Order No. O-17-10, which changed the City of Missouri City's (the "City's") fiscal year from July 1 through June 30 to October 1 through September 30 pursuant to the results of the November 7, 2017 special election; and

WHEREAS, the Board of Directors of the Missouri City Parks Foundation has, in accordance with the procedures established in the Missouri City Parks Foundation's (the "Parks Foundation's") bylaws, elected to amend the Parks Foundation's bylaws in order to change the Parks Foundation's fiscal year to reflect the amended dates of the City's fiscal year; now therefore,

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

Section 1. City of Missouri City Resolution No. R-16-11, adopted on March 21, 2016, ratifying the creation of Missouri City Parks Foundation and the submission of the application for formation thereof; approving bylaws for said Foundation; providing for repeal; providing for severability; and making certain findings related thereto, is hereby amended as set forth herein.

Section 2. Exhibit B of said Resolution No. R-16-11 is hereby amended by deleting Exhibit "B" thereof, and substituting therefor, a new Exhibit "B," attached hereto and incorporated herein by reference.

Section 3. This Resolution is effective immediately upon its passage and approval.

Section 4. *Repeal.* All resolutions or parts of resolutions in conflict herewith, if any, shall be and are hereby repealed to the extent of such conflict only.

Section 5. *Severability.* That if any section, subsection, sentence, clause, or phrase of this resolution, 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 resolution, and to such end the various portions and provisions of this resolution 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 this 17<sup>th</sup> day of September, 2018.

\_\_\_\_\_  
Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

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

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

Exhibit "B"

**BYLAWS OF THE  
MISSOURI CITY PARKS FOUNDATION  
A TEXAS NON-PROFIT CORPORATION**

**ARTICLE 1. DEFINITIONS**

1.1. In this Article:

*Board* means the Board of Directors of the Corporation.

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

*City Council* means the city council of the City of Missouri City, Texas.

*Corporation* means the Missouri City Parks Foundation.

**ARTICLE 2. PURPOSE**

2.1. The Corporation is organized exclusively for charitable and educational purposes allowed by law, including supporting the City in the City's acquisition, ownership, construction, development, improvement, operation, or maintenance of land, equipment and facilities owned or controlled by the City including land, facilities, equipment and activities for recreation, entertainment, sports, the arts, and similar activities that might benefit the citizens of the City of Missouri City.

2.2. The Corporation will focus its efforts on encouraging persons, businesses, and corporations, to make contributions of funds, equipment or donations of real estate or other property of value, to the foundation.

2.3. The Corporation may not:

2.3.1. Engage in any activities that do not further its purposes as set forth in this Certificate or take any action that would be inconsistent with the requirements for a tax exemption for charitable organizations under Internal Revenue Code of 1986 and Section 501(c)(3) and Texas Tax Code Section 11.18(c) and related regulations and rulings;

2.3.2. Pay any of its net earnings for the benefit of any private individual, other than for services rendered or as provided for in these Bylaws; or

2.3.3. Devote a substantial part of its activities or income to attempting to influence legislation or the outcome of any public election.

### **ARTICLE 3. POWERS**

3.1. The Corporation has all the powers of a Texas non-profit corporation and will operate in compliance with State law, including Chapter 22 of the Texas Business Organization Code, the Corporation's Certificate of Formation, and these adopted Bylaws.

### **ARTICLE 4. OFFICES**

4.1. The Corporation's initial office will be located at City Hall, 1522 Texas Parkway, Missouri City, Texas 77489.

### **ARTICLE 5. BOARD OF DIRECTORS**

5.1. Number. The Board will have no less than five, but no more than fifteen directors.

5.2. Qualifications. To qualify to serve as a director, a person must be committed to achieving the Corporation's purpose with the financial skills, knowledge, experience or resources necessary to achieve those purposes.

5.3. Appointment, Vacancies, and Removal. The City Council appoints the persons to serve as directors on the Board, will fill vacancies on the Board, and may remove a director at any time.

5.4. Terms. Directors serve two-year terms that begin on July 1 and end on June 30. Directors continue to serve until their successors are appointed. To provide for staggered terms, the City Council may appoint a specified number of the initial directors to serve one-year terms.

5.5. Compensation and Expenses. Directors will not receive a salary or other fixed compensation for their service, but may be reimbursed for expenses incurred under written policies approved by the Board.

5.6. Meetings. Meetings will be held as requested by the President or a majority of the Board or at regular intervals as determined by the Board.

5.7. Quorum. A majority of the appointed directors are a quorum for the transaction of corporate business. The directors may, by resolution, approve procedures to allow directors who cannot attend a meeting to participate in the meeting by telephone or video conference and vote on matters that come before the board.

5.8. Executive Committee. The board of directors by resolution may elect three or more other directors to serve on an executive committee which will include the President that has and may exercise the authority of the board of directors to the extent specified in the resolution. The designation of the executive committee and the delegation of authority to the committee does not operate to relieve the board of directors, or an individual director, of any responsibility imposed on the board or director by law.

5.9. Conflict of Interest. No director of the Board shall have an interest in any contract or transaction involving the Corporation in violation of any policy adopted by the City Council of the City of Missouri City or any charter provision of the City of Missouri City applicable to City officers and employees, Chapter 171 of the Texas Local Government Code, or any provision of any other law that establishes standards of conduct or governs interests in contracts by directors of nonprofit corporations.

## **ARTICLE 6. OFFICERS**

6.1. Officers. The City Council will appoint a director to serve as president of the corporation, who serves at the pleasure of the City Council and may be removed at any time. The Board will elect directors to serve as vice-president, secretary, and treasurer, who serve at the pleasure of the board and may be removed at any time.

6.2. Term. Officers serve one-year terms, or until their successors are appointed.

6.3. President. The president presides at all Board meetings, supervises the business of the Corporation, and performs other duties assigned by the Board. The president executes contracts and other documents evidencing actions approved by the Board. Not less than once a year, the president will give a report to the City Council on the Corporation's activities and financial condition. The president may appoint directors to standing or temporary committees to assist or make recommendations to the Board.

6.4. Vice-President. The vice-president performs the duties of the president in the president's absence and performs other duties as assigned by the president or the Board.

6.5. Secretary. The secretary notifies the directors of Board meetings, records votes and minutes of the Board's meetings, is the custodian of the Corporation's records, and performs other duties as assigned by the president or the Board.

6.6. Treasurer. The treasurer keeps accurate accounts of the Corporations' expenditures and revenues, insures the Board's financial policies are followed, makes regular financial reports to the Board, provides for an independent audit of the Corporation's accounts as requested by the Board, and performs other duties as assigned by the president or the Board.

6.7. Compensation. Directors will not receive a salary or other fixed compensation for their service, but may be reimbursed for out-of-pocket expenses arising from their duties under policies approved by the Board.

## **ARTICLE 7. FINANCE**

7.1. Fiscal Year. The Corporation's fiscal year is October 1st to September 30th.

7.2. Annual Budget. The Board will adopt an annual budget which specifies revenues and major expenditures by type and amount.

7.3. Checks, Drafts, or Orders for Payment. All checks, drafts, or orders for the payment of corporate funds may be signed manually or electronically, as approved by the corporate officers specified in a resolution adopted by the Board, or in the absence of a resolution, by at least two officers.

7.4. Deposits. All corporate funds will be deposited in a bank or other depositories selected by the Board.

## **ARTICLE 8. MISCELLANEOUS**

8.1. Dissolution. Upon the Corporation's dissolution, its assets will be distributed to the City.

8.2. Amendment to Certificate of Formation or Bylaws. An amendment to the Corporation's Certificate of Formation or these Bylaws is not effective until approved by the Board and the City Council.

8.3. Controlling Law and Conflicts. These Bylaws are subject to the Texas Business Organization Code, including Chapter 22, governing nonprofit corporations. If there is a conflict between these Bylaws and the mandatory provisions of the Texas Business Organization Code, the latter controls.

8.4. Bylaws Effective Date. These Bylaws are effective on the date approved by the initial Board of Directors. Any amendments to the Bylaws are effective on the latest date of the dates approved by the Board and the City Council. The initial Bylaws were adopted by the initial Board of Directors on March 21, 2016.

Exhibit "B"

**BYLAWS OF THE  
MISSOURI CITY PARKS FOUNDATION  
A TEXAS NON-PROFIT CORPORATION**

• • • •

**ARTICLE 7. FINANCE**

7.1. Fiscal Year. The Corporation's fiscal year is ~~July~~October 1st to ~~June~~September 30th.

• • • •

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**Council Agenda Item  
September 17, 2018**

**12. CITY COUNCIL ANNOUNCEMENTS**

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

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

**13. CLOSED EXECUTIVE SESSION**

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