

YOLANDA FORD
Mayor

VASHAUNDRA EDWARDS
Councilmember at Large Position No. 1

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



REGINALD PEARSON
Councilmember District A

JEFFREY L. BONEY
Councilmember District B

ANTHONY G. MAROULIS
Councilmember District C

FLOYD EMERY
Councilmember District D

CITY COUNCIL MEETING AGENDA

Notice is hereby given of a meeting of the City Council of Missouri City to be held on **Monday, March 4, 2019, at 7:00 p.m.** at: **City Hall, Council Chamber, 2nd Floor**, 1522 Texas Parkway, Missouri City, Texas, 77489, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE - The Pledge of Allegiance will be led by the Thurgood Marshall High School Air Force Junior Reserve Officer Training Corps.

3. PRESENTATIONS AND RECOGNITIONS

(a) Administer the oath of office to certain members of the City of Missouri City's Tax Increment Reinvestment Zone boards.

(b) Recognize the First Tee of Greater Houston at Quail Valley for its thriving youth development program.

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) Code Enforcement update.

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 City Council meetings of February 8, 2019 and February 9, 2019 and the special and regular City Council meetings of February 18, 2019.

7. PUBLIC HEARINGS AND RELATED ACTIONS

(a) **Zoning Public Hearings and Ordinances**— *There are no Zoning Public Hearings and ordinances on this agenda.*

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

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

9. **AUTHORIZATIONS** – *There are no Authorizations on this agenda.*

10. **ORDINANCES** – *There are no Ordinances on this agenda.*

11. **RESOLUTIONS**

(a) Consider a resolution authorizing the execution of an interlocal agreement between the City and Fort Bend County Municipal Utility District No. 47 (MUD No. 47) for the provision of water and wastewater services to an 8.68 acre tract to be annexed into MUD No. 47.

12. **CITY COUNCIL ANNOUNCEMENTS**

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

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

13. **CLOSED EXECUTIVE SESSION**

The City Council may go into Executive Session regarding any item posted on the Agenda as authorized by Title 5, Chapter 551 of the Texas Government Code.

14. **RECONVENE**

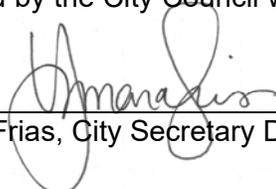
Reconvene into Regular Session and Consider Action, if any, on items discussed in Executive Session.

15. **ADJOURN**

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 March 4, 2019, agenda of items to be considered by the City Council was posted on the City Hall bulletin board on March 1, 2019, at 4:00 p.m.



Yomara Frias, City Secretary Department

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the ____ day of _____, 2019.

Signed: _____

Title: _____



**Council Agenda Item
March 4, 2019**

1. ROLL CALL

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5. STAFF REPORTS

- (a) City Manager announcements.
 - (b) Code Enforcement update.
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CITY COUNCIL SPECIAL MEETING MINUTES

The City Council of the City of Missouri City, Texas, met in special session on **Friday, February 8, 2019**, at the Quail Valley Golf Course, Azalea Room, 2880 La Quinta Drive, Missouri City, Texas 77459, at **5:00 p.m.** to consider the following:

1. CALL TO ORDER

Mayor Ford called the meeting to order at 5:08 p.m.

Those also present: Mayor Pro Tem Preston, Councilmembers Pearson, Boney, Maroulis and Emery; City Manager Snipes, City Attorney Iyamu, City Secretary Jackson, Assistant City Manager Atkinson, Director of Human Resources/Organizational Development Williams, Director of Parks and Recreation Mangum, Director of Development Services Spriggs, Director of Public Works/City Engineer Kumar, Director of Financial Services Portis, Police Chief Berezin, Fire Chief Campbell, Director of Communications Walker, Director of Technology and Innovation Cole, Director of Economic Development Esch, Chief Performance Officer Weisenberger, Budget & Financial Reporting Manager Alexander, Media Relations Specialist II Kalimkoottil, and Community Relations Coordinator Matte. Also present: Karen Kennard, Greenberg Traurig. Councilmember Edwards arrived at 5:12 p.m.

2. DISCUSSION/POSSIBLE ACTION – The purpose of this meeting is to identify, discuss and formulate City Council and staff priorities, plans, operations, policies, and future projects, including the following:

- (a) City Council strategic planning.
- (b) Receive a presentation and discuss state and federal legislative updates.
- (c) Receive a presentation and discuss the City's budget.
- (d) Receive a presentation and discuss employee benefits.
- (e) Receive a presentation and discuss public safety.

City Manager Snipes presented an overview of the budget process and workshop goals. He also requested City Council's goals for the workshop. Councilmember Pearson requested an improvement to the appearance of the 2234 corridor. Councilmember Maroulis expressed a continued focus on infrastructure, such as sidewalks, streets, fire stations, and holding property owners accountable for their properties. Councilmember Boney stated property tax, the Municipal Management District (MMD) proposals, burglar bars, and an improvement on overall infrastructure. Mayor Ford stated the HEB property was being redeveloped on Cartwright and the City may need to consider a special task force to get them through the architectural standards. She added increasing city revenue, the revenue cap, and recovering were also her top concerns. Councilmember Emery addressed retiree benefits and the office building near Lowes. Councilmember Edwards addressed the neglected properties on the 2234 corridor. Mayor Pro Tem Preston discussed leveraging public and private partnerships.

Karen Kennard, Greenberg Traurig, presented an overview of the legislative leadership, major legislative issues, and provided a legislative update. She noted the Governor declared the following five emergency

issues: school finance reform, property tax relief, school safety, disaster response, and mental health programs.

Mayor Ford asked if the legislator would address communities that have a low commercial tax base. Ms. Kennard stated the Mayor's request was noted in her argument.

City Manager Snipes asked about a carve-out for those cities whom had an agreement in place with Metro. Ms. Kennard stated she could work on that, should City Council wish to move forward with it.

Councilmember Emery asked about a carve out for public safety. Ms. Kennard stated there were several public speakers who spoke about that; however, she does not know if it made an impact.

Councilmember Boney asked about her sense with the individuals who testified on Wednesday regarding the Governor's property tax rate proposal. Ms. Kennard stated citizens testified in support of leaving the tax rate alone.

Councilmember Emery addressed mental health programs in group homes. Ms. Kennard stated she could look into that and she believed the Governor's priority with mental health programs were in relation to state affairs of mental health, such as hospitals.

Councilmember Maroulis asked if group homes could register with the City. City Attorney Iyamu stated group homes were allowed to operate without registering.

Ms. Kennard asked about the special district Municipal Management District proposal. City Council was in support of a resolution opposing the creation of a special district in the Missouri City industrial area and Texas Parkway corridor. City Manager Snipes stated the resolution would be placed on the next regular City Council meeting agenda for consideration.

Director of Financial Services Portis presented the FY 2020 budget timeline, the fund structure, staffing, all funds, general fund overview, utility enterprise funds, hotel tax revenue, capital improvement program overview, and FY2020 budget considerations.

Councilmember Maroulis stepped away at 6:23 p.m. and returned at 6:26 p.m.

Budget & Financial Reporting Manager Alexander presented an overview of the following funds: FY19 budget revenue sources, FY19 budget expenditures by function, three-year comparison of expenditures, FY19 general fund revenue budget, FY19 general fund expenditures, general fund revenue factors, historical property tax rate, tax rate comparison, jurisdictional tax rates and allocation, average values and the adopted rates, certified tax values, general fund revenue forecast, sales tax as a percent of the general fund budget, sales tax projections, franchise fees – cable, franchise fees – electric, franchise fees – gas, franchise fees – solid waste, franchise fees – telecommunications, FY 2019 utility enterprise funds revenue, and hotel tax revenue.

Mayor Ford asked if the City could utilize the Hotel Occupancy Tax (HOT) for banners or signage on utility poles. City Manager Snipes confirmed the City could. Chief Performance Officer Weisenberger stated the banners or signage could be used for finding or locating historical landmarks. City Manager Snipes stated the City would reach out to the City of Houston to determine whom they worked with and the cost implications.

Director of Financial Services Portis presented the Capital Improvement Program (CIP) CIP funding sources, and the authorized but unissued bonds. She proceeded to discuss the FY 2020 budget considerations as follows: health insurance increase, increases per the compensation study, replacement of fleet equipment,

IT Replacement, Parks & Recreation maintenance building, significant transportation infrastructure replacements, beautification maintenance, and the Texas Municipal Retirement System (TMRS).

Councilmember Edwards stepped away at 7:00 p.m. and returned at 7:03 p.m.

Councilmember Maroulis discussed the homestead exemption and tax exemptions for over 65. City Manager Snipes stated at some point, City Council would need to discuss and take action.

City Council recessed at 7:10 p.m. and reconvened at 7:20 p.m.

Director of Human Resources/Organizational Development Williams presented the benefits and compensation briefing and requested City Council's direction on the suggested sick leave accrual, vacation accrual, sick leave cap, and post 65 retiree benefits. City Council stated they would need to review the costs associated for the suggestions before direction was provided.

Chief Performance Officer Weisenberger discussed City Council's long-range goals and visions for City. She asked each City Councilmember to provide up to three of their long-term priorities in a few words. City Council noted the following long-range goals and visions: improve employee morale, jobs, public safety, technology, increase/balance revenue growth, small business development, drainage, increase revenue, infrastructure, public art, programs for youth, tax relief, green space, balance between business and residential, job growth, staff and public safety competitiveness, LED street lights, progressive, daytime population, economic development, commercial and residential development, Golf Course City Centre, destination locations, redevelopment, the Texas Parkway 2234 corridor, family destinations, next generation friendly, redevelopment, accountability (City Council and directors should be held accountable in order to increase the City's transparency), parks, and Herran Track.

City Council addressed the development and redevelopment of Texas Parkway 2234 corridor. Councilmember Pearson stated the City would need to be completely honest as there were many contributing factors towards the development and redevelopment of Texas Parkway.

The City Manager concluded by stating tomorrow's meeting would begin at 8:00 a.m.

3. ADJOURN

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

ATTEST:

Yolanda Ford, Mayor

Maria Jackson, City Secretary

YOLANDA FORD
Mayor

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CITY COUNCIL SPECIAL MEETING MINUTES

The City Council of the City of Missouri City, Texas, met in special session on **Saturday, February 9, 2019**, at the Quail Valley Golf Course, Azalea Room, 2880 La Quinta Drive, Missouri City, Texas 77459, at **8:00 a.m.** to consider the following:

1. CALL TO ORDER

Councilmember Boney moved to appoint Councilmember Maroulis as chair of the meeting. Councilmember Edwards seconded. **MOTION PASSED UNANIMOUSLY.**

Councilmember Maroulis called the meeting to order at 8:13 a.m.

Those also present: Councilmembers Edwards, Pearson, Boney, and Emery; City Manager Snipes, City Attorney Iyamu, City Secretary Jackson, Assistant City Manager Atkinson, Director of Human Resources/Organizational Development Williams, Director of Parks and Recreation Mangum, Director of Development Services Spriggs, Director of Public Works/City Engineer Kumar, Director of Financial Services Portis, Police Chief Berezin, Fire Chief Campbell, Director of Communications Walker, Director of Technology and Innovation Cole, Director of Economic Development Esch, Chief Performance Officer Weisenberger, and Budget & Financial Reporting Manager Alexander. Mayor Ford arrived at 8:25 a.m. Mayor Pro Tem Preston arrived at 8:55 a.m.

2. DISCUSSION/POSSIBLE ACTION – The purpose of this meeting is to identify, discuss and formulate City Council and staff priorities, plans, operations, policies, and future projects, including the following:

- (a) City Council strategic planning.
- (b) Receive a presentation and discuss state and federal legislative updates.
- (c) Receive a presentation and discuss the City's budget.
- (d) Receive a presentation and discuss employee benefits.
- (e) Receive a presentation and discuss public safety.

Director of Public Works/City Engineer Kumar presented an overview of the Capital Improvement Program utilities and the Municipal Utility District (MUD) strategic study.

Mayor Ford arrived at 8:25 a.m.

Councilmember Boney requested what would take place after the MUD strategic study was completed in June 2019. Director of Public Works/City Engineer Kumar stated City Staff and the consultants would present the options to City Council and request direction on how to move forward.

Police Chief Berezin presented an overview of the police department, highlights, crime and challenges.

Mayor Pro Tem Preston arrived at 8:55 a.m. City Attorney Iyamu stepped away at 9:01 a.m. and returned at 9:09 a.m.

Councilmember Boney thanked the Chief and the police department for their services and asked why he believed employees were leaving the City of Missouri City Police Department. Police Chief Berezin stated employees leave to take promotions and better lifestyle opportunities.

Fire Chief Campbell provided a briefing of the Fire Department and introduced Mario Fartida, Assistant Chief of Operations, who will be joining Missouri City on March 4th.

Mayor Ford stepped away at 9:45 a.m. and returned at 9:51 a.m. Mayor Ford stepped away at 9:53 a.m. Councilmember Edwards left the meeting at 10:00 a.m.

City Manager Snipes presented an overview of the prioritization of the 2020 budget goals. Chief Performance Officer Weisenberger shared Councilmember Boney's long-range goals and visions with City Council as follows: the freedom tree, job growth, increased balanced, revenue growth, development and redevelopment, and the development of small businesses. Councilmember Maroulis noted similarities in City Council's priorities for development and redevelopment in Missouri City.

Mayor Ford returned at 10:20 a.m. Mayor Pro Tem Preston stepped away at 10:21 a.m. and returned at 10:23 p.m.

Chief Performance Officer Weisenberger requested that City Council identify their fiscal year (FY) 2020 focus areas and short-term priorities.

Councilmember Pearson stepped away at 10:29 a.m. and returned at 10:31 a.m.

City Council identified the following focus areas for FY 2020: follow the Economic Development Plan, employee satisfaction (retention), an Economic Development Plan for the Cartwright and Texas Parkway corridors, other Hotel Occupancy Tax (HOT) uses, redevelopment strategies for growth and interest, improve partnerships such as with Fort Bend County and FBISD, address older infrastructure, improve employee morale, facilities, beautification around City Hall, small businesses, employee satisfaction, the Fire and Rescue Services Department, economic development and redevelopment, salary and benefits, the Quail Valley Golf Course, the Capital Improvement Program, the Information and Technology Department, identify key destinations, economic development, Fire Station Number 6, replacement of aging fleet, employee benefits, Police and Fire Departments inspection improvements, and business developments.

Chief Performance Officer Weisenberger and Director of Parks and Recreation Mangum assisted in grouping City Council's priorities into clusters. City Council then voted on the clusters and the following priorities emerged:

1. Economic Development
2. Infrastructure
3. Fire/PD/Fleet
4. Employee satisfaction, morale and benefits
5. Beautification
6. Partnerships

City Manager Snipes discussed the following City Councilmember requests: over 65 exemption, homestead exemption, the Mayor's membership into the United States Conference for Mayors and the African American Mayors Council (AAMA), and increased travel expenses for City Council.

Councilmember Boney addressed the homestead request and stated he did not believe it could take place without a tax increase. In addition, he stated the City would not be able to afford it if the Governor's proposed property tax rate relief to reduce the rollback rate to 2.5-percent passed during this year's legislative session. Councilmember Emery agreed.

Mayor Ford stepped away at 11:15 a.m. and returned at 11:16 a.m.

Mayor Ford requested a list of the City's memberships and their benefits to the City.

City Council then addressed the increased travel budget request from \$3,000 to \$5,000 per City Councilmember. Discussion ensued and City Council agreed to stay at \$3,000 per City Council for training and travel expenses. Mayor Ford then asked Staff to determine best practices.

City Manager Snipes stated he would be working with the directors to see how and what could be addressed for City Council's 2020 goals.

Councilmember Boney stated that regarding the increased travel expenses for City Council request, Council would need to be cognizant of the property tax relief proposal and needed to set an example of reducing the budget as department directors were also requested to reduce their budgets for FY 2019.

Councilmember Boney left the meeting at 11:35 a.m. Councilmember Pearson left the meeting at 11:49 a.m.

City Council recessed at 11:55 a.m. for lunch.

3. ADJOURN

The special City Council meeting adjourned at 12:04 p.m.

ATTEST:

Yolanda Ford, Mayor

Maria Jackson, City Secretary

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CITY COUNCIL SPECIAL MEETING MINUTES

The City Council of the City of Missouri City, Texas, met in special session on **Monday, February 18, 2019**, 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

Mayor Ford called the meeting to order at 5:43 p.m.

Those also present: Mayor Pro Tem Preston, Councilmembers Pearson, Boney, Maroulis and Emery; City Manager Snipes, City Attorney Iyamu, City Secretary Jackson, Assistant City Manager Atkinson, Director of Communications Walker, Director of Financial Services Portis, Assistant City Attorney Quintal, Media Relations Specialist III Sanders and Media Relations Specialist II Kalimkootil. Also present: Frank Hester. Councilmember Edwards arrived at 5:47 p.m.

2. DISCUSSION/POSSIBLE ACTION

- (a) Discuss and consider candidates to serve on the board of directors for Tax Increment Reinvestment Zone (TIRZ) Number 1, Number 2, and Number 3.

City Secretary Jackson provided an overview on the candidates that were interviewed at the last special City Council meeting. City Council considered and discussed the candidates for the TIRZ No. 1 board of directors.

Councilmember Emery moved to reappoint Eunice Reiter. Councilmember Pearson seconded. **MOTION PASSED.**

Ayes: Councilmembers Pearson, Boney, Maroulis and Emery
Nays: Mayor Ford, Mayor Pro Tem Preston and Councilmember Edwards

Councilmember Boney moved to appoint George Ewing. Councilmember Maroulis seconded. **MOTION PASSED.**

Ayes: Councilmembers Pearson, Boney, Maroulis and Emery
Nays: Mayor Ford, Mayor Pro Tem Preston and Councilmember Edwards

Councilmember Maroulis moved to appoint Farrah Sabouni. Mayor Pro Tem Preston seconded. **MOTION PASSED UNANIMOUSLY.**

Councilmember Emery moved to reappoint Eunice Reiter as the TIRZ No. 1 Chair. Councilmember Boney seconded. **MOTION PASSED.**

Ayes: Mayor Pro Tem Preston and Councilmembers Pearson, Boney, Maroulis and Emery
Nays: Mayor Ford and Councilmember Edwards

City Council considered and discussed the candidates for the TIRZ No. 2 board of directors.

Councilmember Emery moved to appoint Roy Gilbert. Councilmember Pearson seconded. **MOTION PASSED.**

Ayes: Councilmembers Pearson, Boney, Maroulis and Emery
Nays: Mayor Ford, Mayor Pro Tem Preston and Councilmember Edwards

Councilmember Maroulis moved to appoint Kingley Idemudia. Councilmember Edwards seconded. **MOTION PASSED UNANIMOUSLY.**

Councilmember Emery moved to reappoint Frank Hester as the TIRZ No. 2 Chair. Councilmember Maroulis seconded. **MOTION PASSED.**

Ayes: Mayor Pro Tem Preston and Councilmembers Pearson, Boney, Maroulis and Emery
Nays: Mayor Ford, Mayor Pro Tem Preston and Councilmember Edwards

City Council considered and discussed the candidates for the TIRZ No. 3 board of directors.

Mayor Pro Tem Preston moved to appoint Curtis Williams. Councilmember Maroulis seconded. **MOTION PASSED UNANIMOUSLY.**

Councilmember Emery moved to reappoint Joe Workman. Councilmember Pearson seconded. **MOTION PASSED.**

Ayes: Councilmembers Pearson, Boney, Maroulis and Emery
Nays: Mayor Ford, Mayor Pro Tem Preston and Councilmember Edwards

Councilmember Edwards moved to appoint JaPaula Kemp. Councilmember Pearson seconded. **MOTION PASSED.**

Ayes: Mayor Ford, Mayor Pro Tem Preston and Councilmembers Edwards and Pearson
Nays: Councilmembers Boney, Maroulis and Emery

Councilmember Emery moved to reappoint Joe Workman as the TIRZ No. 3 Chair. Councilmember Maroulis seconded. **MOTION PASSED.**

Ayes: Mayor Pro Tem Preston and Councilmembers Pearson, Boney, Maroulis and Emery
Nays: Mayor Ford, Mayor Pro Tem Preston and Councilmember Edwards

(b) Discuss and consider the structure of the Census Complete Count committee.

Assistant City Manager Atkinson presented a request for a manageable Census Complete Count committee with seven members.

Councilmember Edwards stepped away at 6:06 p.m. and returned at 6:09 p.m.

City Council proposed a 15-member committee and requested information be brought before City Council about committee member duties. Assistant City Manager Atkinson noted staff would bring the agenda item back as the resolution would need to be amended.

- (c) Discuss municipal court judges appointments, duties, and qualifications.

City Attorney Iyamu presented on the municipal court judges appointments, duties, and qualifications.

Mayor Pro Tem Preston moved to reappoint Debra Sinclair. Councilmember Edwards seconded. **MOTION PASSED UNANIMOUSLY.**

Mayor Pro Tem Preston moved to reappoint Robert Rosenberg. Councilmember Maroulis seconded. **MOTION PASSED UNANIMOUSLY.**

Councilmember Boney moved to reappoint Robert Richter. Councilmember Emery seconded. **MOTION PASSED.**

Ayes: Mayor Pro Tem Preston and Councilmembers Pearson, Boney, Maroulis and Emery

Nays: Mayor Ford, Mayor Pro Tem Preston and Councilmember Edwards

City Attorney Iyamu asked City Council if the municipal court judges would have contracts.

Councilmember Pearson moved for the municipal court judges to have contracts. Councilmember Edwards seconded. **MOTION PASSED UNANIMOUSLY.**

- (d) Receive the TIRZ Annual reports.

Director of Financial Services Portis presented the TIRZ Annual reports.

3. CLOSED EXECUTIVE SESSION

After proper notice was given pursuant to the Texas Open Meetings Act, the City Council went into Executive Session at 6:45 p.m.

Texas Government Code, Section 551.071 – Consultation with attorney to seek or receive legal advice regarding pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act: (i) The City of Missouri City, Texas v. Third Coast Services, LLC (Fort Bend County Cause Number 18-DCV-252938 in the 458th Judicial District of Fort Bend County, Texas); (ii) City of Missouri City, Texas v. Marilyn Pearl Weaver and 2211 Glenn Lakes Lane, Missouri City, in rem (Fort Bend County Cause Number 16-DCV-229145 in the 434th District Court of Fort Bend County); (iii) Nicholas Harper v. City of Missouri City, Mike Berezin, Greg T. Nelson, John Doe 1 (United States Southern District of Texas Cause Number 4:18-CV-01562); (iv) Luis Aida Matos v. City of Missouri City (Fort Bend County Cause Number 17-DCV-245053 in the 240th Judicial District Court of Fort Bend County, Texas).

4. RECONVENE

At 6:49 p.m., Council reconvened into open session. No action was taken.

5. ADJOURN

The special City Council meeting adjourned at 6:50 p.m.

ATTEST:

Yolanda Ford, Mayor

Maria Jackson, City Secretary

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CITY COUNCIL MEETING MINUTES

The City Council of the City of Missouri City, Texas, met in regular session on **Monday, February 18, 2019**, at the City Hall, Council Chamber, 2nd Floor, 1522 Texas Parkway, Missouri City, Texas, 77489, at **7:00 p.m.** to consider the following:

1. ROLL CALL

Mayor Ford called the meeting to order at 7:00 p.m.

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

2. The PLEDGE OF ALLEGIANCE was led by Director of Public Works/City Engineer Kumar.

3. PRESENTATIONS AND RECOGNITIONS.

Councilmember Boney recognized Brian Courtney Wilson, gospel artist and two-time Grammy Awards nominee. Councilmember Emery recognized Aarnav Gopinath, Fort Bend Independent School District Spelling Bee Championship winner.

4. PUBLIC COMMENTS

Grayling Houston, 5830 Silver Oak, stated he operated the 360 Tax Group in the City and expressed concerns regarding the image of Missouri City. He also noted issues with placement of advertisements.

5. STAFF REPORTS

City Manager Snipes provided a few brief updates. Snipes toured with a developer through Texas Parkway and noted the City's efforts to improve economic development. He reminded residents of the following: the 2019 Statewide warrant round up would begin on March 9 through March 16; and, the upcoming Citizens' Police & Fire Academy was filled and new applicants would be placed on a waiting list. Snipes asked everyone to mark their calendars for the upcoming events: Bingo Night on February 21, Dog Training Workshop on February 22, Book Talk on February 26, Coffee with a Cop on March 6 at Bakery Donuts, and Tots & Crafts on March 6. He thanked Brian Courtney Wilson and Aarnav Gopinath for their exceptional talent. He also thanked the Office of Performance Strategic Initiative, the City Secretary's Office and the Quail Valley Golf Course who hosted a two-day council work session, City Council for their attendance and department directors who presented. Snipes thanked the Parks and Recreation Department for the Dad & Daughter dance; Chief Performance Officer Weisenberger, the Communications Department, the Parks and Recreation Department, Public Works, Financial Services, and the Development Services departments who contributed towards the success of the 5th Annual Black History month celebrations.

6. CONSENT AGENDA

(a) Consider approving the minutes of the special and regular City Council meetings of February 4, 2019.

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

There were no **Zoning Public Hearings and Ordinances** or **Public Hearings and related actions**.

8. APPOINTMENTS

- (a) Consider appointing members to the board of directors for each tax increment reinvestment zone.

The City Secretary announced that City Council took action during the special City Council meeting and appointed the following: Eunice Reiter, George Ewing, and Farrah Sabouni with Eunice Reiter as Chair for the Tax Increment Reinvestment Zone (TIRZ) No. 1 board of directors; Roy Gilbert and Kingsley Idemudia with Frank Hester as Chair for the TIRZ No. 2 board of directors; and Joe Workman, Curtis Williams, and JaPaula Kemp with Joe Workman as Chair for the TIRZ No. 3 board of directors.

9. AUTHORIZATIONS

- (a) Consider authorizing the City Manager to execute a contract for Intelligent Transportation Systems equipment maintenance and repair.

Mayor Pro Tem Preston moved to authorize the execution of the contract for on-call I.T.S. equipment maintenance with Marithon Communications for the unit prices bid. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

- (b) Consider authorizing the City Manager to execute a contract for traffic systems maintenance and repair.

Mayor Pro Tem Preston moved to authorize the execution of the contract for traffic on-call maintenance and repair with Creacom, Inc. for the unit prices bid. Councilmember Edwards seconded. **MOTION PASSED UNANIMOUSLY.**

- (c) Consider authorizing the City Manager to execute a contract for pavement marking services.

Councilmember Pearson moved to authorize the execution of the contract for pavement markings services with PB & J Pavement Marking, Inc. for at the unit prices submitted. Councilmember Maroulis seconded. **MOTION PASSED UNANIMOUSLY.**

- (d) Consider authorizing the City Manager to execute a contract for ditch cleaning and excavation services.

Mayor Pro Tem Preston moved to authorize the execution of the contract for ditch cleaning and excavation services to Millis Equipment, LLC for the unit prices bid. Councilmember Pearson seconded. **MOTION PASSED UNANIMOUSLY.**

10. ORDINANCES

- (a) Consider an ordinance amending the General Budget for the fiscal year beginning October 1, 2018, and ending September 30, 2019; transferring various appropriations among accounts; appropriating supplemental revenue to various fund accounts; authorizing the appropriate city officials to take steps necessary to accomplish such transfers making certain findings; containing certain provisions relating to the subject; and consider the ordinance on the first and final reading.

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

11. RESOLUTIONS

- (a) Consider a resolution approving the submission of the 2019 grant application for a General Victim Assistance Program grant to the Criminal Justice Division of the Office of the Governor through the Houston-Galveston Area Council to fund the crime victim liaison position.

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

- (b) Consider a resolution approving the submission of the 2019 grant application for a Criminal Justice Program grant to the Criminal Justice Division of the Office of the Governor through the Houston-Galveston Area Council to fund the purchase of a mobile video surveillance trailer.

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

- (c) Consider a resolution ratifying the submission of the 2019 grant application for a Selective Traffic Enforcement Program grant to the Texas Department of Transportation to fund overtime activities by law enforcement to reduce the incidence of traffic collisions, injuries, and fatalities; and agreeing to provide matching funds.

Councilmember Maroulis moved to approve the resolution. Councilmember Pearson seconded. **MOTION PASSED UNANIMOUSLY.**

- (d) Consider a resolution opposing the creation of a new special district in Missouri City.

City Attorney Iyamu presented an overview on the creation of a new special district in the City and the resolution to oppose it based on the feedback from Council. City Manager Snipes further explained the creation of a district and the impact on the City's economic development plan. Councilmembers Boney, Pearson and Edwards do not think the creation of a new district would help the redevelopment of the Texas Parkway corridor.

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

12. CITY COUNCIL ANNOUNCEMENTS

Mayor Pro Tem Preston gave kudos to staff for a successful Black History celebration and congratulated Mayor Ford on her ceremonial services. Councilmember Edwards thanked Niagara water for their donation to the Heart-a-thon, the Communications department and staff who worked on the Black History celebration, congratulated Brian Courtney Wilson on his nomination and congratulated Mayor Ford on her ceremonial services. Councilmember Emery stated he and Councilmember Maroulis attended the Micheaux's ribbon cutting. Councilmember Pearson congratulated Mayor Ford on her ceremonial services, thanked staff for the Black History celebration, welcomed Minute Maid press and their grand opening next month, provided an updated on efforts to establish a relationship with business owners on Texas Parkway and announced his District A meeting on March 30. Councilmember Maroulis had the privilege to introduced Captain Williams at the Black History celebration, he stated Bernie's Burger Bus was coming soon, and invited everyone to support local businesses. Councilmember Boney thanked staff for the Black History celebration, the Edison Arts foundation and their gala and Bertha Eugene's email on the Missouri City's Police department work to keep the City safe. Mayor Ford thanked everyone who joined her at her inaugural ceremony.

13. ADJOURN

The regular City Council meeting adjourned at 7:49 p.m.

ATTEST:

Yolanda Ford, Mayor

Maria Jackson, City Secretary



**Council Agenda Item
March 4, 2019**

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



CITY COUNCIL AGENDA ITEM COVER MEMO

March 4, 2019

To: Mayor and City Council

Agenda Items: 11(a) Consider a resolution authorizing the execution of an interlocal agreement between the City and Fort Bend County Municipal Utility District No. 47 (MUD No. 47) for the provision of water and wastewater services to an 8.68 acre tract to be annexed into MUD No. 47.

Submitted by: Dan McGraw, Utilities Manager

SYNOPSIS

On October 16, 2018, Fort Bend County Municipal Utility District No. 47 (MUD No. 47) submitted a request to the City for consent to annex a 8.6782 acre parcel located at the southwest corner of Lake Olympia Pkwy and Vicksburg Blvd and bordered on the west and south by parcels located within MUD No. 47 (see attached vicinity map). As stated in the District's petition to consent to annex, "The general nature of the work to be done in the Property is the construction, acquisition, maintenance, and operation of a waterworks and sanitary sewer system to serve a commercial development."

STRATEGIC PLAN 2019 GOALS ADDRESSED

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

BACKGROUND

Following the model adopted for parcels recently annexed into MUD 48 in the Mustang Bayou Utility Service Area, it is recommended that the subject consent be granted only if MUD No. 47 is amenable to assigning new water and wastewater customers in the parcel to be served by City service. MUD No. 47 is amenable to this model. To implement this model, an amendment to the City's existing water and wastewater agreements with MUD No. 47 is needed and has been drafted by the City Attorney's office. This agreement is also attached to the cover memo.

BUDGET/FISCAL ANALYSIS

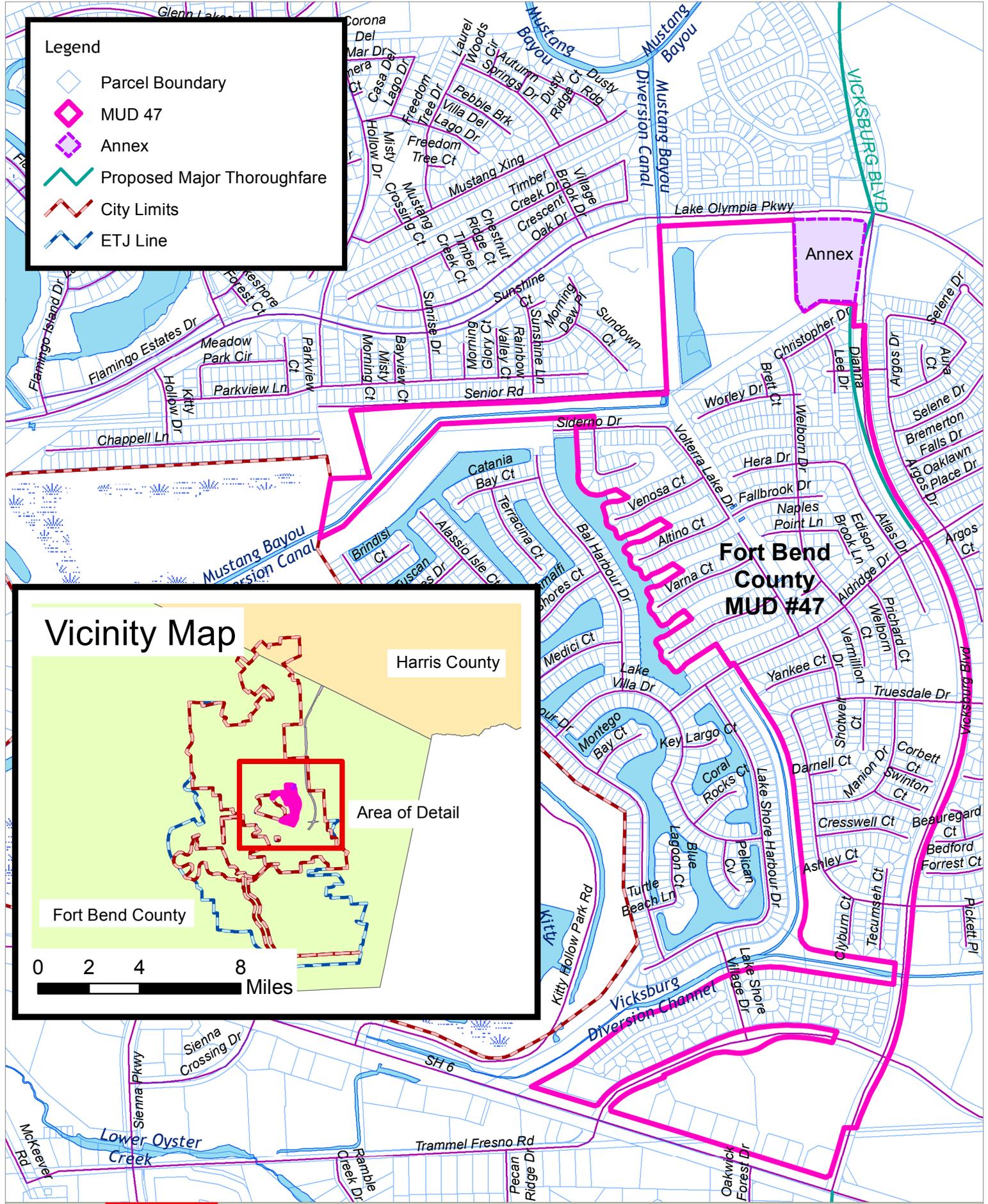
The proposed MUD No. 47 annexation and associated amended utility agreement between the City and MUD No. 47 will make development of the subject parcel feasible. Infrastructure will be constructed by the developer and water and wastewater impact fees will be paid by the developer at the time of platting. These impact fees may also be amended by the City from time-to-time to recoup capital costs associated to serve the water and wastewater infrastructure needs.

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

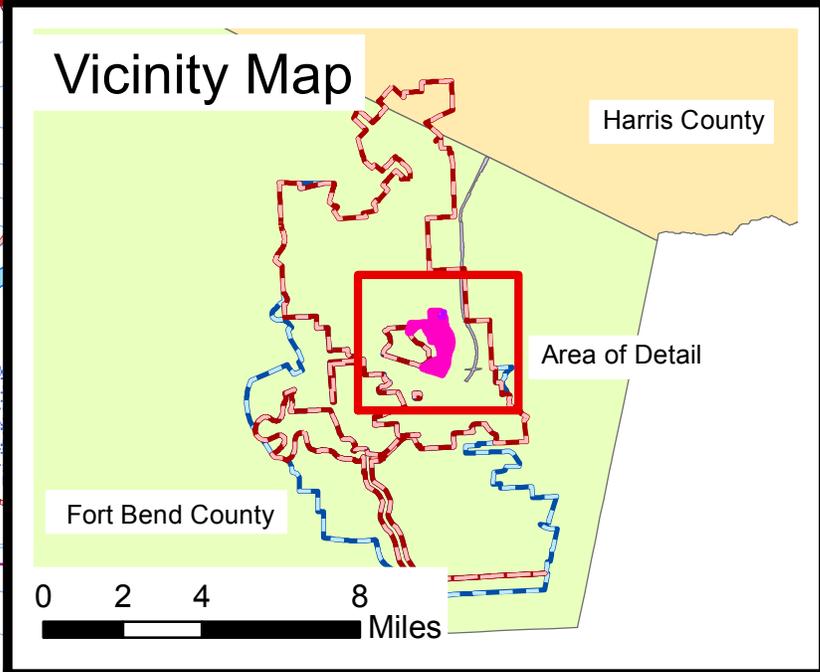
SUPPORTING MATERIALS

Legend

-  Parcel Boundary
-  MUD 47
-  Annex
-  Proposed Major Thoroughfare
-  City Limits
-  ETJ Line



Vicinity Map



Map By:
GIS Division
December 2018



Exhibit "B"
New
Service
Area

FB MUD 47
Annex

0 500 1,000 2,000 3,000 Feet
Geographic Coordinate System North American Datum 1983 (NAD83)
The information on this map is provided and maintained by various agencies, including county departments, municipal governments, state and federal agencies. No guarantee is given as to the accuracy or currency of any of the data. The map is designed to serve as a secondary representation of real property found within this jurisdiction, and is compiled from the recorded deeds, plats, and other public records, which are primary sources for this public information. Users of this map are hereby notified that these primary sources should be consulted for verification of the information presented here. The data layers do not take the place of a legal survey or other primary source documentation. The city and its vendors assume no legal responsibility for the information on this map.

RESOLUTION NO. R-19-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS, AUTHORIZING THE EXECUTION OF A UTILITY AGREEMENT BY AND BETWEEN THE CITY OF MISSOURI CITY, TEXAS, AND FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 47 FOR THE PROVISION OF WATER AND WASTEWATER SERVICES TO CERTAIN LAND TO BE ADDED TO THE DISTRICT.

* * * * *

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

Section 1. That the Mayor of the City of Missouri City, Texas, be, and is hereby authorized to execute for and on behalf of the City of Missouri City, Texas, and the City Secretary be, and is hereby, authorized to attest the Utility Agreement by and between the City of Missouri City and Fort Bend County Municipal Utility District No. 47 for the provision of water and wastewater services to certain land to be added to Fort Bend County Municipal Utility District No. 47.

Section 2. *Repeal.* All resolutions or parts of resolutions in conflict herewith are repealed to the extent of such conflict only.

PASSED, APPROVED and ADOPTED this 4th day of March, 2019.

Yolanda Ford, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Jackson, City Secretary

E. Joyce Iyamu, City Attorney

UTILITY AGREEMENT
BY AND BETWEEN THE CITY OF MISSOURI CITY
AND FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 47

THIS AGREEMENT (the "Agreement") made and entered into as of the date herein last specified, by and between the CITY OF MISSOURI CITY, TEXAS (the "City"), a municipal corporation and home-rule city located, in part, in Fort Bend County, Texas, and, in part, in Harris County, Texas, and FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 47, a municipal utility district (the "District").

WHEREAS, the District entered into a Regional Wastewater Treatment Facilities Agreement with the City effective March 1, 2010 (the "Original Wastewater Agreement") relating to the provision of wastewater treatment services from the City to customers within the District's boundaries; and

WHEREAS, the District entered into a Regional Joint Water Facilities Agreement with the City effective September 6, 2011 (the "Original Water Agreement") relating to the provision of water supply services to customers within the District's boundaries; and

WHEREAS, the City and the District (collectively the "Parties" or individually a "Party") now desire to enter into this Agreement to limit the application of the Original Wastewater Agreement and the Original Water Agreement to apply only to the land that is currently within the boundaries of the District as of the Effective Date of this Agreement and as shown in **Exhibit "A"**, attached hereto; and

WHEREAS, the Parties further desire to enter this Agreement to provide the terms according to which the City shall provide retail water and wastewater treatment services to the 8.68-acre tract to be annexed into the District on or after the Effective Date of this Agreement; and

WHEREAS, the City and the District have determined that they are authorized by the Constitution and laws of the State of Texas to enter into this Agreement and have further determined that the terms, provisions and conditions hereof are mutually fair and advantageous to each.

AGREEMENT

NOW, THEREFORE, for and in consideration of these premises and of the mutual promises, obligations, covenants and benefits herein contained, the District and the City contract and agree as follows:

**ARTICLE I
DEFINITIONS**

Unless the context requires otherwise, the following terms and phrases used in this

Agreement shall have the meanings as follows:

"Approving Bodies" shall mean the City, the Commission, the Attorney General of Texas, the Comptroller of Public Accounts of Texas, the United States Department of Justice and all other federal and state governmental authorities having regulatory jurisdiction and authority over the financing, construction or operation of the Facilities or the subject matter of this Agreement.

"Bonds" shall mean the District's bonds, notes or other evidences of indebtedness issued from time to time for the purpose of financing the costs of acquiring, constructing, purchasing, operating, repairing, improving or extending the Facilities, whether payable from ad valorem taxes, the proceeds of one or more future bond issues or otherwise, and including any bonds, notes or similar obligations issued to refund such bonds.

"City" shall mean the City of Missouri City, Texas, a municipal corporation and home-rule municipality located in Fort Bend and Harris Counties, Texas.

"City Code" means the Code of Ordinances and other ordinances and regulations adopted by the City of Missouri City, as such ordinances may be amended, changed, supplemented or repealed from time to time.

"City Manager" shall mean the City Manager of the City.

"Commission" shall mean the Texas Commission on Environmental Quality or its successor agency of the State of Texas having jurisdiction over the District.

"District" shall mean Fort Bend County Municipal Utility District No. 47.

"Engineers" shall mean the District's consulting engineers, or their replacements, successors or assignees.

"ESFC" means that amount of water or wastewater, as applicable, set by the City that constitutes an Equivalent Single Family Connection, which amount may be changed from time to time. At the time of this Agreement, an ESFC for wastewater means 315 gallons per day of water and an ESFC for water means 400 gallons per day of water. The City agrees to apply from time to time for and obtain a rerating of the wastewater plant to reflect actual flow rates in accordance with TCEQ rules and to take the TCEQ approved rating into consideration in defining an ESFC together with all other relevant engineering and operational information. However, the City must use its best efforts to obtain the lowest prudent flow factor and apply that flow factor to the plant based on the factors described in the preceding sentence.

"Facilities" shall mean and include the water distribution, sanitary sewer collection, transportation and treatment, and storm water collection, detention and drainage systems, constructed or acquired or to be constructed or acquired by the District to serve the New Service Area (as defined below), and all improvements, appurtenances, additions, extensions, enlargements or betterments thereto, together with all contract rights, permits, licenses,

properties, rights-of-way, easements, sites and other interests related thereto.

"New Service Area" shall mean the approximate 8.68-acre tract of land further described in **Exhibit "B."**

"Original Service Area" shall mean the area within the District as of the day prior to the Effective Date of this Agreement, as further described on **Exhibit "A"** attached hereto.

"Retained Facilities" shall mean and include drainage and detention facilities (if any), or portions thereof, which the City elects, in its sole discretion, not to accept ownership of in accordance with Section 3.01.

ARTICLE II DESCRIPTION, DESIGN, FINANCING AND CONSTRUCTION OF THE FACILITIES

Section 2.01. Design of the Facilities. The Facilities will be designed by the District's Engineers in phases in accordance with sound engineering principles and in compliance with the requirements of the Approving Bodies and may include improvements outside the boundaries of the District if reasonably necessary to serve the District. All plans and specifications for the Facilities shall be submitted to the City for approval prior to construction and advertising for bids. The plans and specifications shall be prepared in accordance with the applicable provisions of the City Code, as they may be amended from time to time, and the construction of the Facilities shall conform to the final plans and specifications approved by the City, but the City may not require the Facilities to be constructed pursuant to criteria more stringent than the City Code unless required by local, state or federal rule or law.

Section 2.02. Requirement to Extend Facilities. With the prior written approval of the City Engineer, the District will construct or extend the Facilities, as the District determines is economically feasible, provided however, economic feasibility shall not excuse the requirement to build the Facilities to comply with City Codes and standards. The District shall proceed with the construction of the Facilities in such a manner in order that all of the public consumers and areas within the New Service Area will eventually receive the benefits of water, sewer, and drainage services. Such extension shall be accomplished by the District in accordance with prudent and sound management principles. In the event that the District seeks to add additional property to the New Service Area, at least 30 days before the District submits to the City a petition to annex additional property into the District, the District shall seek to amend this Agreement, by the mutual written agreement of the City and the District, to include such property into the New Service Area.

Section 2.03. Water Distribution and Supply Facilities. The City shall provide the New Service Area with its ultimate requirements at buildout for water production supply, up to 34,400 gallons per day, as needed by the District, upon payment of the water impact fees, as it may be adjusted per City ordinance from time to time, which impact fees shall be due at the

time of platting. The City shall supply water to the New Service Area through water supply lines at points of connection as approved by the City Engineer (the "Water Supply Lines"). The District will pay all design and construction costs for all the Water Supply Lines required to provide City water service to the New Service Area. The District may make other points of connection to the City's water supply system as approved by the City Engineer to serve the New Service Area. The City may also make other points of connection to the District's water supply system as approved by the District Engineer to serve the New Service Area. The District will obtain any necessary off-site easements to the extent required for any Water Supply Lines to serve the New Service Area. The District acknowledges that the New Service Area is included in the City's groundwater reduction plan and subject to fees associated with the plan. The District agrees to sign such further agreements or documents as may be reasonably required by the City to document such participation in the City's groundwater reduction plan. In the event that the City cannot provide water capacity to the New Service Area, the District may, but is not obligated to, advance funds to the City to construct the needed Facilities and receive impact fee credit for such advances to the extent that the City has not already reimbursed the District for such advances.

Section 2.04. Wastewater Treatment Plant Facilities. The City and the District agree that the New Service Area is designated as part of the Mustang Bayou Service Area. The City may, in the City's sole discretion, designate a plant in another service area to serve the New Service Area. The City represents that upon payment of wastewater impact fees, as they may be adjusted per City ordinance from time to time, the City will provide wastewater treatment capacity up to 27,090 gallons per day to the New Service Area. In the event that the City cannot provide the aforementioned wastewater capacity to the New Service Area, the District may, but is not obligated to, advance funds to the City to construct the needed Facilities and receive wastewater impact fee credit for such advances to the extent that the City has not already reimbursed the District for such advances.

Section 2.05. Sanitary Sewer Lines: Wastewater Connections. The District will pay all design and construction costs for all District sanitary sewer lines and wastewater infrastructure that is required to collect wastewater from the New Service Area and cause the wastewater to flow to the Mustang Bayou Wastewater Treatment Plant (the "Wastewater Point of Discharge"). All wastewater collected from customers within the New Service Area shall be delivered through the Wastewater Point of Discharge.

The District may make other points of connection to the City's wastewater system with the prior approval of the City Engineer to serve the New Service Area. The District will obtain any necessary off-site easements to the extent required for any wastewater lines to serve the District.

Section 2.06. Letter of Assurance and Issuance of Assignments of Capacity by the District. The City agrees that, from time to time, the City shall, upon reasonable request, issue a letter of assurance to the District upon reasonable request of the District on behalf of a developer or lender that, at the time of platting, the City has water and/or wastewater treatment capacity to serve an area proposed to be annexed into the New Service Area.

Section 2.07. Advertisement/Awarding of Contracts. All construction contracts related to the Facilities shall be advertised and awarded in accordance with the statutes of the State of Texas and rules of the Commission applicable to the District.

Section 2.08. Oversizing. If the City requires portions of the Facilities to be constructed to a size larger than would be required pursuant to the City Code to serve the District, the City will pay the incremental costs to construct such excess capacity in accordance with Section 82-8 of the City Code; provided, however, that requiring the District to construct Facilities in accordance with the City's minimum design criteria will not be deemed to be oversizing. The District agrees, when applicable, to bid any such over-sized facilities with alternates so as to determine the actual incremental costs of the oversizing. The incremental cost of the oversizing shall be calculated based upon the difference in cost between the District's successful bid (awarded in accordance with state law to the most responsible person that will be most advantageous to the District and result in the best and most economical completion of the Facilities) and the alternate to oversize the Facilities included on such successful bid. For example, if the District needs an eight inch waterline but the City would like a twelve inch waterline to be installed, the District will solicit bids for an eight inch pipe and a twelve inch pipe, and the incremental costs of the oversizing will include only the difference in the costs between the two pipe sizes and will not include excavation costs. Prior to award of any contract in which over-sized facilities will be built, the District will present the City with the bids and bid tabulations, and the City and the District must agree to the incremental costs based on such bid or the District is not required to oversize the Facilities. The District reserves the right to limit reimbursement to any developer who advances funds for oversizing to the amount that would have been advanced if the oversizing costs had been shared on the basis of reserved capacity instead of incremental costs.

ARTICLE III OWNERSHIP, OPERATION AND MAINTENANCE OF FACILITIES

Section 3.01. Ownership by the City. As the acquisition and construction of each phase of the Facilities is completed and becomes operational, the District shall transfer or cause to be transferred the same to the City free and clear of all liens and encumbrances, reserving, however, a security interest therein for the purpose of securing the performance of the City under this Agreement. At such time as the principal of and interest on the District's Bonds issued to acquire and construct the Facilities, or a portion thereof, and redemption premium, if any, have been paid or provided for, the District shall execute a release of any such security interest, and the City shall own the respective Facilities, or portions thereof, free and clear of any such security interest. Notwithstanding any provision in this Agreement to the contrary, the City shall have the right but not the obligation, in the City's sole discretion, to accept title to any Facilities upon their completion. If the City does not accept title to Retained Facilities, the District, another district, or a property owners' association shall be responsible for owning, operating and maintaining such facilities. All warranties of contractors and subcontractors, including, but not limited to, a one-year maintenance bond (in the name of the City) and all other rights beneficial to the ownership and operation of the Facilities will be transferred by the District to the City when the Facilities, or any portion thereof, are conveyed to the City. The

City and the District agree that the City may allow any unused capacity within the Facilities to be used on an interim basis by another entity at usage rates consistent with those rates being charged to the District, provided that such interim usage does not interfere with the District's use of the Facilities. Further, the City and the District agree that the City shall be the sole owner of any and all reuse and reuse credit that may derive from the Facilities.

Section 3.02. Operation by the City. As construction of each phase of the Facilities is completed, representatives of the City shall inspect the same and, if the City finds that the same has been completed in accordance with the approved plans and specifications, the City will accept the same, whereupon such portion of the Facilities shall be owned, operated and maintained by the City at its sole expense as provided herein. In the event that the Facilities have not been completed in accordance with the approved plans and specifications, the City will immediately advise the District in what manner the Facilities do not comply, and the District shall immediately correct the same; whereupon the City shall again inspect the Facilities and accept the same if the defects have been corrected. During the term of this Agreement, the City will operate the Facilities and provide service to all users within the District without discrimination. The City shall at all times maintain the Facilities, or cause the same to be maintained, in good condition and working order and will operate the same, or cause the same to be operated, in an efficient and economical manner at a reasonable cost and in accordance with sound business principles in operating and maintaining the infrastructure, and the City will comply with all contractual provisions and agreements entered into by it and with all valid rules, regulations, directions or orders by any governmental administrative or judicial body promulgating the same.

Section 3.03. Rates and Meters. The City shall bill and collect fees from its customers within the New Service Area for the City's provision of services related to its water and wastewater systems and shall from time to time fix such rates and charges for such customers of the systems as the City, in its sole discretion, determines are necessary; provided that the rates and charges for services afforded by the system will be non-discriminatory as compared to other similarly situated customers. All water and wastewater revenues from the City's customers living within the New Service Area shall belong exclusively to the City. The City shall be responsible for providing and installing any necessary meters for the individual customers.

Section 3.04. Tap Fees/Connection Charges. The City will impose a charge for tap fees or connections to the water and wastewater system to serve the New Service Area at a rate to be determined from time to time by the City, provided the charge is equal to the sums charged to other similarly situated customers, and such charges shall belong exclusively to the City.

ARTICLE IV FINANCING OF FACILITIES

Section 4.01. Authority of District to Issue Bonds. The District has the authority to issue, sell and deliver Bonds from time to time for Facilities to serve the New Service Area, as deemed necessary and appropriate by the Board of Directors of the District, for the purposes, in such form and manner and as permitted or provided by federal law, the general laws of the

State of Texas.

Section 4.02. Bonds as Obligation of District. Unless and until the City shall dissolve the District and assume the properties, assets, obligations and liabilities of the District, the Bonds of the District, as to both principal and interest, shall be and remain obligations solely of the District and shall never be deemed or construed to be obligations or indebtedness of the City; the Bonds shall not contain a pledge of any revenues of the Facilities.

Section 4.03. Construction by Third Parties. From time to time, the District may enter into one or more agreements, (hereinafter, "Development Financing Agreement") with landowners or developers of property located within the New Service Area whereby such landowners or developers will undertake, on behalf of the District, to pre-finance and pre-construct, in one or more phases, all or any portion of the Facilities. Under the terms of each Development Financing Agreement, the landowners or developers will be obligated to finance and construct the Facilities in the manner which would be required by law if such work were being performed by the District. Any obligation to reimburse landowners or developers is subject to Section 3.02 of this Agreement.

ARTICLE V REMEDIES IN EVENT OF DEFAULT

Section 5.01. Default. The Parties expressly recognize and acknowledge that a breach of this Agreement by either Party may cause damage to the non-breaching party for which there will not be an adequate remedy at law. Accordingly, in addition to all the rights and remedies provided by the laws of the State of Texas, in the event of a breach hereof by either Party, the other Party shall be entitled but not limited to the equitable remedy of specific performance or a writ of mandamus to compel any necessary action by the breaching party.

ARTICLE VI MISCELLANEOUS PROVISIONS

Section 6.01. Audit Reports. The District shall provide to the City Manager on an annual basis development projections of additional water and wastewater capacity requirements for the next 18 months so that the City may plan for the provision of utilities to the District.

Section 6.02. Force Majeure. In the event a Party is rendered unable, wholly or in part, by force majeure, to carry out any of its obligations under this Agreement, it is agreed that on such Party's giving notice and full particulars of such force majeure in writing to the other Party as soon as possible after the occurrence of the cause relied upon, then the obligations of the Party giving such notice, to the extent it is affected by force majeure and to the extent that due diligence is being used to resume performance at the earliest practicable time, shall be suspended during the continuance of any inability so caused to the extent provided, but for no longer period. Such cause shall as far as possible be remedied with all reasonable dispatch.

The term "force majeure" as used herein shall include, but not be limited to, acts of God, strikes, lockouts or other industrial disturbances, acts of the public enemy or of terrorism, war,

blockades, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, droughts, tornadoes, hurricanes, arrests and restraints of governments and people, explosions, breakage or damage to machinery or pipelines and any other incapacities of any party, similar to those enumerated, and not within the control of the party claiming such inability, which by the exercise of due diligence and care such party could not have avoided.

Section 6.03. Approvals and Consents. Approvals or consents required or permitted to be given under this Agreement shall be evidenced by an ordinance, resolution or order adopted by the governing body of the appropriate party or by a certificate executed by a person, firm or entity previously authorized to give such approval or consent on behalf of the party. Approvals and consents shall be effective without regard to whether given before or after the time required for giving such approvals or consents.

Section 6.04. Address and Notice. Unless otherwise provided in this Agreement, any notice to be given under this Agreement shall be given in writing and may be given either by depositing the notice in the United States mail postpaid, registered or certified mail, with return receipt requested; or delivering the notice to an officer of such party. Notice deposited by mail in the foregoing manner shall be effective the day after the day on which it is deposited. Notice given in any other manner shall be effective only when received by the party to be notified. For the purposes of notice, the addresses of the parties shall be as follows:

If to the City, to:

**City of Missouri City, Texas
1522 Texas Parkway
Missouri City, Texas 77489
Attention: City Manager**

With a copy to the City Attorney

If to the District, to:

**Fort Bend County Municipal Utility
District No. 47
c/o Radcliffe Bobbitt Adams Polley PLLC
2929 Allen Parkway, Suite 3450
Houston, Texas 77019-7120
Attn: Mr. Jon D. Polley**

The Parties shall have the right from time to time to change their respective addresses by giving at least fifteen (15) days' written notice of such change to the other party.

Section 6.05. No Additional Waiver Implied. The failure of either party to insist upon performance of any provision of this Agreement shall not be construed as a waiver of the future performance of such provision by the other party.

Section 6.06. Reservation of Rights. All rights, powers, privileges and authority of the Parties hereto not restricted or affected by the express terms and provisions hereof are reserved by the Parties and, from time to time, may be exercised and enforced by the Parties.

Section 6.07. Parties in Interest. This Agreement shall be for the sole and exclusive benefit of the Parties hereto and shall not be construed to confer any rights upon any third parties.

Section 6.08. Merger. The Original Wastewater Agreement and the Original Water Agreement do not apply only to the New Service Area. This Agreement embodies the entire understanding between the Parties and there are no representations, warranties or agreements between the Parties covering the subject matter of this Agreement. This Agreement shall supersede and replace any and all other agreements, including, but not limited to the Original Water Agreement, as such agreement may be amended, and the Original Wastewater Agreement, as such agreement may be amended, regarding the provision of water and wastewater services to the New Service Area.

Section 6.09. Captions. The captions of each section of this Agreement are inserted solely for convenience and shall never be given effect in construing the duties, obligations or liabilities of the Parties hereto or any provisions hereof, or in ascertaining the intent of either party, with respect to the provisions hereof.

Section 6.10. Interpretations. This Agreement and the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity of this Agreement.

Section 6.11. Severability. If any provision of this Agreement or the application thereof to any person or circumstances is ever judicially declared invalid, such provision shall be deemed severed from this Agreement and the remaining portions of this Agreement shall remain in effect.

Section 6.12. Term and Effect. This Agreement shall remain in effect until the earlier to occur of (i) the dissolution of the District by the City or (ii) the expiration of thirty (30) years from the date hereof.

Section 6.13. Original Agreement Service Area. This Agreement shall not be construed to amend or modify any terms and conditions of services provided to the Original Service Area under the Original Wastewater Agreement or the Original Water Agreement.

List of Exhibits:

Exhibit A: Original Service Area
Exhibit B: New Service Area

[SIGNATURE PAGES FOLLOW]

This Agreement is executed as of the _____ day of _____, 2019.

THE CITY OF MISSOURI CITY, TEXAS

By: _____
Yolanda Ford, Mayor

ATTEST:

Maria Jackson, City Secretary

This Agreement is executed as of the _____ day of _____, 2019.

FORT BEND COUNTY MUNICIPAL UTILITY
DISTRICT NO. 47

By: _____
President, Board of Directors

ATTEST:

Secretary, Board of Directors

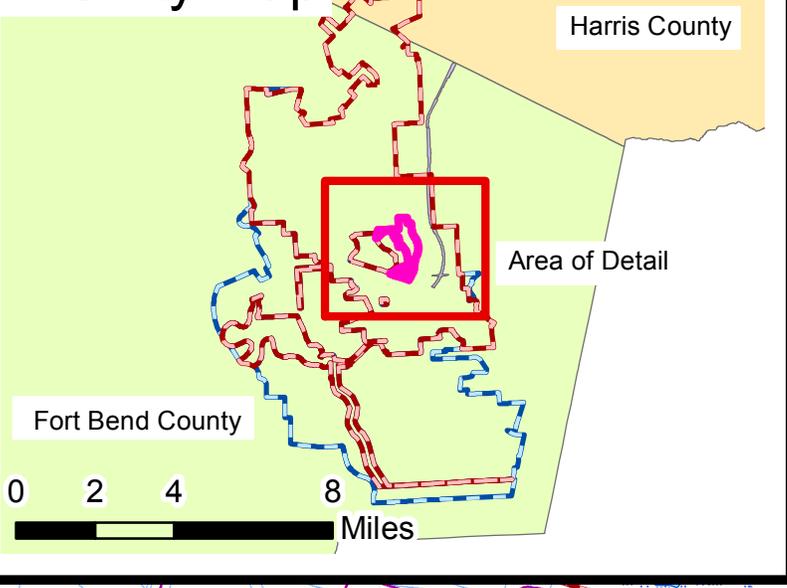
Exhibit "A"

Legend

- Parcel Boundary
- MUD 47
- Proposed Major Thoroughfare
- City Limits
- ETJ Line

Fort Bend County MUD #47

Vicinity Map



Map By: GIS Division February 2019

Ex. A - Fort Bend County MUD No. 47 Original Service Area



0 500 1,000 2,000 3,000 Feet Geographic Coordinate System North American Datum 1983 (NAD83)

The information on this map is provided and maintained by various agencies, including county departments, municipal governments, state and federal agencies. No guarantee is given as to the accuracy or currency of any of the data. The map is designed to serve as a secondary representation of real property found within this jurisdiction, and is compiled from the recorded deeds, plats, and other public records, which are primary sources for this public information. Users of this map are hereby notified that these primary sources should be consulted for verification of the information presented here. The data layers do not take the place of a legal survey or other primary source documentation. The city and its vendors assume no legal responsibility for the information on this map.



**Council Agenda Item
March 4, 2019**

12. CITY COUNCIL ANNOUNCEMENTS

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

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

13. CLOSED EXECUTIVE SESSION

The City Council may go into Executive Session regarding any item posted on the Agenda as authorized by Title 5, Chapter 551 of the Texas Government Code. Notice is hereby given that the City Council may go into Executive Session in accordance with the following provision of the Government Code:

Texas Government Code, Section 551.087 – Deliberations regarding commercial or financial information that the governmental body received from a business prospect that the governmental body seeks to locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations: commercial development prospect; multi-use development prospect; retail development prospect; residential / multifamily development prospects; entertainment, leisure and hospitality development prospects; office development prospects; flex space development prospect which includes warehouse, distribution and manufacturing prospects; and redevelopment prospect.

14. RECONVENE

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

15. ADJOURN
