

YOLANDA FORD
Mayor

VASHAUNDRA EDWARDS
Councilmember at Large Position No. 1

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



CHERYL STERLING
Councilmember District A

JEFFREY L. BONEY
Councilmember District B

ANTHONY G. MAROULIS
Councilmember District C

FLOYD EMERY
Councilmember District D

CITY COUNCIL MEETING AGENDA

Notice is hereby given of a meeting of the City Council of Missouri City to be held on **Monday, December 16, 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

3. PRESENTATIONS AND RECOGNITIONS

4. PUBLIC COMMENTS

An opportunity for the public to address City Council on agenda items or concerns not on the agenda-- those wishing to speak must complete the orange comment card, present the comment card to the City Secretary prior to the beginning of the meeting, and observe a three-minute time limit.

5. STAFF REPORTS

- (a) City Manager announcements.

6. CONSENT AGENDA

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

- (a) Consider approving the minutes of the special City Council meeting of November 26, 2019, the special and regular City Council meetings of December 2, 2019, and the special City Council meeting of December 5, 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**

- (1) Public hearing to receive comments on the Program Year 2018 – 2019 Comprehensive Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant program.

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

9. AUTHORIZATIONS

- (a) Consider accepting a deed for parkland from Herrin Ranch Development II Inc.

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

11. **RESOLUTIONS**

- (a) Consider a resolution authorizing the mayor to execute and the city secretary to attest an economic development agreement between the City and Grand Parkway Commercial T&Q, LLC, pertaining to certain improvements to an approximately 6.13-acre tract of land located in the City of Missouri City, Texas.
- (b) Consider a resolution committing City funding to the Cangelosi drainage and detention project.
- (c) Consider a resolution granting general authority to the city manager and his designees to execute certain agreements and approve certain change orders for City of Missouri City purchases.

12. **CITY COUNCIL ANNOUNCEMENTS**

Hear announcements concerning items of community interest from the Mayor, Councilmembers, and City staff, for which no formal action will be discussed or taken.

13. **CLOSED EXECUTIVE SESSION**

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

14. **RECONVENE**

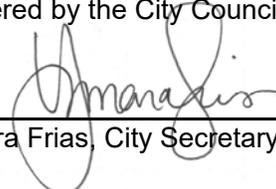
Reconvene into Regular Session and Consider Action, if any, on items discussed in Executive Session.

15. **ADJOURN**

In compliance with the Americans with Disabilities Act, the City of Missouri City will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact Maria Jackson, City Secretary, at 281.403.8686.

CERTIFICATION

I certify that a copy of the December 16, 2019, agenda of items to be considered by the City Council was posted on the City Hall bulletin board on December 12, 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
December 16, 2019**

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CITY COUNCIL SPECIAL MEETING MINUTES

The City Council of the City of Missouri City, Texas, met in special session on **Tuesday, November 26, 2019**, at the City Hall, Council Chamber, 1522 Texas Parkway, Missouri City, Texas, 77489, at **7:00 p.m.** to consider the following:

1. CALL TO ORDER

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

Those also present: Mayor Pro Tem Preston, and Councilmembers Edwards, Sterling, Boney, Maroulis, and Emery; City Manager Snipes, City Attorney Iyamu, City Secretary Jackson, Assistant City Manager Martel, Director of Financial Services Portis, Fire Chief Campbell, Director of Communications Walker, Media Relations Specialist III Kalimkoottil, Media Relations Specialist II Sanders, and MCTV Senior Producer/Manager McBean Jr.

2. DISCUSSION/POSSIBLE ACTION

(a) Consider and discuss City communication policies.

Mayor Ford requested an overview of the Staff Communication with Council Policy as she received several comments that city employees could not speak to City Council. City Manager Snipes provided an overview and stated the policy does not prohibit employees from speaking to City Council, attached hereto as, Exhibit "A."

Councilmember Boney referenced Section 3.08 (c) of the City's Charter, as follows.

Sec. 3.08. - Prohibitions.

C. Interference with administration. Except for the purpose of inquiries and investigations under section 3.17, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager; and neither the mayor nor a councilmember may give orders publicly or privately to any such officer or employee.

City Attorney Iyamu stated the City's Charter provides that City Staff communicate to City Council through the City Manager; and, that City Council communicate to City Staff through the City Manager.

Mayor Ford stated she wanted to clear up any misunderstandings from City Staff's perspective, as she believes they were fearful to speak to City Council. She stated she believed the policy could be cleared up to state that if conversations concern administrative or operational matters, those need to be directed to the Department Directors or the City Manager. City Manager Snipes stated that he believes in leadership on all levels and listed examples of various City employees interacting with City Council.

Councilmember Edwards questioned the culture and morale of City employees. City Manager Snipes referenced the report provided to City Council previously regarding employee morale and listed several employee appreciation events and programs.

Mayor Ford stated she wanted to confirm that no disciplinary action would take place for conversing with City Council. Councilmember Boney again referenced Section 3.08 (c) of the City's Charter. City Manager Snipes again outlined the policy and stated it does not prohibit employees from speaking to City Council.

- (b) Consider and discuss the policy for time off for appointed staff.

Mayor Ford stated that previous to her taking the seat of Mayor, appointed officials received approval from the previous Mayor for scheduled time off. City Manager Snipes clarified that he provided notification to the full Council noting whom would be acting city manager in his place. Mayor Ford stated that the City Attorney and City Secretary used to request time off, then the process was directed to the committee for review, and now all notifications were sent to City Council. The City Attorney stated she presented her time off requests to City Council during closed executive session. The City Secretary stated she requested a vacation time off request to the Mayor once; however, that request was never responded to or approved by Mayor Ford.

Mayor Ford believes a formal process should be in place for time off requests; and, recommended that time be submitted to HR for her approval within two weeks of the request. Councilmember Emery stated that the Mayor requested that the Ordinances, Resolutions, Elections and Council Governance Review Committee research this request and provide recommendations to City Council. He stated several meetings took place and, at the request of the Committee, the Legal Division provided recommendations based on input from other cities handling of approval of time off requests from Appointed Staff. The draft Administrative Policy and Procedure for Appointed Officials is attached hereto as Exhibit "B." Councilmember Emery stated that the committee already reviewed this request and requested that Council consider the proposed recommendations. Councilmember Edwards stated she provided recommendations; however, were not received well by Councilmember Emery. She added that the committee did provide an option for the Mayor to have two weeks to respond or have the Council to address, should she not respond within the two-week timeframe. She stated she agreed that there should be a "checks and balances" system because there was a time when all three direct reports were out at the same time and she believes it was problematic. She added she understands there were alternates, but there should be "checks and balances" that would allow someone to be held accountable and not just approve time because someone wants to be out of the office. Councilmember Emery stated he did not receive feedback from the other committee members regarding the recommendations provided to them.

City Manager Snipes stated that the City's charter states that he provide notice to City Council when he would be out of the office with a notation of whom would be the acting city manager. Mayor Ford added that the concern was not that appointed officials could not take time off but about accountability. She stated that City Councilmembers were accountable to the citizens of Missouri City and she believed that sending an email to City Council stating when they would be out the office does not suffice and there should also be a level of accountability. City Manager Snipes stated the other appointed officials validate and ensure proper "checks and balances" were in place when approving timesheets. Mayor Ford stated it was not ok with her to be notified by email of time off requests when City Council was accountable to the citizens of Missouri City for use of taxpayers' dollars. She again recommended that time be submitted to HR for her approval within two weeks of the request. City Manager Snipes went over the current timesheet approval process for the appointed officials. Councilmember Sterling asked if City Council could be alerted through the City's system of time off requests. City Manager Snipes stated he would need to check with HR.

Mayor Pro Tem Preston moved that time be submitted to HR for the Mayor's approval; and, if requests were not approved within two weeks, requests were to be brought before City Council. Councilmember Edwards seconded. **MOTION FAILED.**

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

Councilmember Sterling stated she believed there needed to be some processes and procedures in place. City Manager Snipes stated the proposed policy from the committee stated that Council would receive an email alert and objections could be made, at that time.

Councilmember Sterling moved to develop processes and procedures via the HR department. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

Councilmember Boney asked if the policies and procedures would be brought back before City Council for approval. Councilmember Sterling stated yes. Councilmember Maroulis asked if the processes would be presented before City Council or the committee. Councilmember Sterling stated the Council. Mayor Ford requested that this be done by the end of year. City Attorney Iyamu asked if the current process was still in effect, in the interim. Mayor Ford stated yes. Councilmember Boney stated the policies and procedures should include all out of the office notifications, including professional meetings.

(c) Consider and discuss City financial audits.

Mayor Ford stated Council received a letter from MUD 48 that stated the City might have financial issues, attached hereto as Exhibit "C." She also noted other financial concerns since she became Mayor, such as checks that were issued under the name of former Mayor Allen Owen, the utility funds in reference to account numbers that were changed, the budget amendment that caused the shortage, and now the MUD 48 letter. She stated that City financial issues were once again being presented before City Council and asked that this be sent back to the committee for review. City Manager Snipes explained that the MUD 48 letter addressed concerns from 2018, when Mayor Ford was not in office, the City of Missouri City had a 15-month fiscal year, the Finance Department had up to five vacancies, and City Staff members informed MUDs that Staff would have to issue true-ups until after the City's Comprehensive Annual Financial Report (CAFR) and budget were completed. He added that in 2019, City Staff members held various meetings with the MUDs; and, true-ups and audits have occurred. City Manager Snipes also stated that McConnell & Jones audited MUD 48, which City Council and MUD 48 were in receipt of. Mayor Ford stated Council did receive the audit; however, she believed they were general. She requested that this be sent to the Financial Committee for further review with an accounting audit professional and bring back a recommendation to City Council. She added that she spoke with the auditors and they stated they prepared the report based on what was presented to them by City Staff. Director of Financial Services Portis noted that City Staff members provided them with the entire general ledger, which was all the accounting information from the system. And, they move forward and choose information from the general ledger they wish to obtain further information from.

Discussion ensued and Mayor Pro Tem Preston requested an independent person to look into this and provide a professional recommendation to City Council. Councilmember Boney stated there was currently an independent audit firm looking into the City's finances. Director of Financial Services Portis stated McConnell & Jones moved forward just as Mayor Pro Tem Preston requested from 2012 to 2018. Mayor Pro Tem Preston clarified that every financial concern brought before City Council this year, or maybe before, needed to be evaluated by an independent professional in this realm and provide a professional recommendation to City Council. Director of Financial Services Portis stated the City's current auditor received the McConnell & Jones report and information regarding the checks. Mayor Pro Tem Preston stated that City Council should be able to provide them with all their financial concerns. Director of Financial Services Portis answered that as a part of the annual audit, Council was to receive a letter asking for their concerns.

Mayor Pro Tem Preston requested a report from a secondary auditor and provide another recommendation. Mayor Ford stated she would recommend that this be submitted to the Finance Committee for further discussion. Councilmember Maroulis stated that he would prefer that it go through City Council. Mayor Ford stated Mayor Pro Tem Preston would get with at least two outside auditors for an opinion and provide Council with recommendations.

- (d) Consider and discuss City newsletters.

Mayor Ford recommended one electronic newsletter going out bi-weekly so that there was not various electronic newsletters going out.

Councilmember Edwards stepped away at 8:43 p.m. and returned at 8:46 p.m.

Director of Communications Walker provided an overview of various digital newsletters. Councilmember Sterling asked if combining the electronic newsletters would be cumbersome. Director of Communications Walker stated it would not be a burden to combine the City Manager's Reports and Council Connections digital reports. Councilmember Boney stated he did not want to start a process with City Council directing Staff, as that was why the City Manager was in place.

Councilmember Edwards moved to have one electronic newsletter that goes out bi-weekly that unifies the City message and branding. Councilmember Sterling. **MOTION PASSED UNANIMOUSLY.**

- (e) Consider and discuss appointed staff spending limits.

Mayor Ford asked for appointed staff spending limits. Director of Financial Services Portis provided an overview of the requisition workflow.

Councilmember Edwards stepped away at 8:57 p.m. and returned at 8:57 p.m.

Mayor Ford then discussed the consultant contract's list she previously requested and believed Council should be made aware of contracts going out if they were more than \$20,000 to \$25,000. City Manager Snipes stated City Council approves the budget so that City Staff members could move forward, as approved by City Council, to tend to departmental business matters. He asked if it was the will of the Council to have the contract's list from \$25,000 to \$49,999 come before City Council.

Councilmember Maroulis stepped away at 9:10 p.m. and returned at 9:12 p.m.

Mayor Ford asked City Council how they wish to move forward, after hearing her concerns. Councilmember Emery stated the City hired a City Manager to address the financial day-to-day business matters of the City. Councilmember Boney stated Missouri City had a Council/City Manager form of government and this allows City Council to focus on the directional governance of the City, as opposed to the day-to-day operations. Councilmember Edwards stated she believed if the amount were lowered, it would increase transparency and Council could have more of an input of what was going on. Councilmember Maroulis asked if public safety could remain at its current cap, in the event there was an urgent matter, in an effort to avoid slowing down the process. City Manager Snipes discouraged separating departments.

Councilmember Emery moved to leave the appointed officials spending limits at \$50,000. Councilmember Maroulis seconded. **MOTION FAILED.**

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

Councilmember Sterling moved to have Council made aware of contracts between \$25,000 to \$49,999 for direct reports, before the issuance of those contracts; and, that City Staff revised the resolution currently in place for spending limits for Council consideration. Councilmember Edwards. **MOTION PASSED.**

Ayes: Mayor Ford, Mayor Pro Tem Preston, and Councilmembers Edwards and Sterling

Nays: Councilmembers Boney, Maroulis, and Emery

Councilmember Emery stepped away at 9:28 p.m.

(f) Consider and discuss agenda deadlines.

Mayor Ford stated that she was aware from a neighboring City that they receive their preliminary agenda three months ahead of time and changes were made if the City Manager made a request to the Mayor to add or change items.

Councilmember Emery returned at 9:30 p.m.

Mayor Ford requested if the City could provide City Council with the preliminary agenda two weeks ahead of time. City Manager Snipes stated he believed risks might be involved as some may view the preliminary agenda as the final agenda. Mayor Ford stated she understands the preliminary version of the agenda was not the final version; however, she understands the City of Sugar Land and Fort Bend County were able to finalize their agendas and packets much sooner. Further, she requested additional time so that Council could do their due diligence. City Manager Snipes confirmed that he would move forward with the will of the City Council; and, that he would reach out to the City of Sugar Land to determine how their agenda was populated. He added the City of Missouri City does have a 30-60-90 agenda item planning calendar. Mayor Ford again stated she was requesting two weeks. City Manager Snipes requested time to pull the team together to address this request and come back to City Council with a recommendation.

Mayor Ford asked how City Staff would feel if they were given a few days to review information, because that was how City Council feels each time. Mayor Ford then requested clarification of the 72-hour posting. City Attorney Iyamu stated the agenda needed to be posted at least 72-hours before a scheduled meeting. Further, if background material was available, it would be posted with the agenda or made available to City Council on a later date. Mayor Ford asked if the agenda was posted much earlier, what would one do with an additional agenda item provided after posting. City Attorney Iyamu stated the City's practice has been to create an addendum to the agenda, as long as it was posted before 72-hours of the scheduled meeting. City Manager Snipes added that he believed the City should not restrict itself with the agendas as several unexpected agenda items do come up.

Mayor Ford stated two weeks out would be preferred in an effort to assist City Council with researching the millions of dollars they were being asked to make decisions on. Further, this would then afford City Council with the opportunity to meet with City Staff members and ask questions. The Mayor confirmed she was requesting the preliminary agenda packet two weeks before a scheduled meeting. Councilmember Edwards agreed that two weeks was preferred in an effort to better assist her with researching and then voting on matters of the City. Mayor Ford asked if City Staff members would return to City Council with a recommendation. City Manager Snipes stated yes.

(g) Consider and discuss Council voting system technology.

Councilmember Boney requested to have a voting system or technology in place that would allow City Council to have their vote on the record, increase transparency, and allow the community the opportunity to view exactly how City Council voted on matters. Councilmember Sterling and Mayor Ford both agreed. City Manager Snipes stated Director of Communications Walker and MCTV Senior Producer/Manager McBean Jr. have been working on the technology aspect of this request and would bring back recommendations to City Council. Mayor Ford asked that recommendations also include legal changes or concerns, such as push button versus City Council raising hands to vote on agenda items. City Manager Snipes stated upcoming agenda items include an update on the Council renovations and voting system technology.

3. ADJOURN

The special City Council meeting adjourned at 9:50 p.m.

Minutes PASSED AND APPROVED this the _____ day of _____ 2019.

Maria Jackson, City Secretary



ADMINISTRATIVE PROCEDURE

Staff Communication With Council		Procedure # #03 - 2016
EFFECTIVE: May 16, 2016		
PREPARED BY: Dr. Edward Williams & CMO Leadership Team		
ORIGINAL DATE PREPARED: March 10, 2016	REVISED:	
Manager's Approval:  Anthony J. Snipes, City Manager		

INTRODUCTION:

In a Council-Manager form of government, the City Council serves as the Board of Directors for the City, while the City Manager serves as the Chief Executive Officer of the City. One of the main responsibilities of the City Council is to provide strategic direction to the City Manager for implementation through the various departments, divisions, and units of the City.

The Council sets the mission and vision for the City. Similarly, they adopt policies which provide direction to the City Manager and staff. In his role of City CEO, the City Manager is responsible for the day to day operations, activities, and outcomes of the City, including the compliance to and overall implementation of Council's policies and actions essential to achieving the approved and established strategic vision of the City.

The City Manager serves as the primary liaison and contact point for communication between the Mayor, City Council, and City Staff, with the exception of the City Secretary and City Attorney who are hired directly by the City Council. It is therefore imperative that the City Manager is aware of requests

from, and informational needs of Council members, to ensure that staff provides complete, accurate, and timely responses and information.

Furthermore, the City Manager may also determine whether or not a request requires broader policy discussion; if such requests warrant the dissemination of information to the entire Council; or, if other departments should be involved in the delivery of information or service delivery requests.

Therefore, to continue our progress towards achieving and maintaining a High Performance Organization, and with the above in mind, it is critical that policies, processes, procedures, and the organizational culture are aligned in a consistent and cohesive fashion, to ensure the accurate, timely and appropriate flow of information throughout the organization.

PURPOSE:

Establish a clear and concise set of expectations and protocols for staff interaction with City Council.

ADMINISTRATIVE PROCEDURE:

- Missouri City staff shall direct all Council requests for assistance, with the exception of requests to the City Attorney and City Secretary or requests for simple existing information, to the City Manager, who will review and make the appropriate determination on a response.

The City Manager may assign a request to an appropriate staff person(s) who will complete said request in a timely and professional manner as appropriate.

The City Manager will ensure a prompt and professional response. Requests for follow-up or directions may be necessary, whereby the City Manager will also respond appropriately.

- Requests by City Council for simple existing information from staff members that may not require a significant amount of time (i.e. less than 30 minutes) to answer may be directed to the appropriate department director.
- If a Councilmember contacts a staff member with a question or questions on a pending agenda item(s), the staff member may answer simple questions. The staff member is also required to inform his/her supervisor and the City Manager of the requested information or inquiry to allow the City Manager to determine if such information should be provided to all Council members prior to the meeting.

Exhibit "A"

- If a Councilmember contacts a staff member with a request to conduct research on a topic or to initiate a new task, effort or initiative, and informs staff that said new task, initiative or effort will require a significant amount of time (i.e. 30 minutes or more) to research or complete, said staff will acknowledge the request and forward the same to his or her supervisor and copy the City Manager for direction and/or appropriate handling or response. Staff will also suggest to a Councilmember that he/she enter his/her request in the existing work order tracking system, or the staff member will enter the request into the existing work order tracking system at councilrequest@missouricitytx.gov on a councilmember's behalf.
- Unless an effort is a part of an ongoing, or existing directed effort, staff members should refrain and avoid discussions on management and policy issues with any Councilmember.
- Staff members with a grievance, concern or complaint about personnel matters, departmental operations or other aspects and issues associated with the City, shall follow existing policies and procedures. Staff members shall not contact Councilmembers directly on any such matters.
- The City Manager may develop additional specific guidance and direction on the degree of latitude for Council requests to Assistant City Managers as well as the Chief of Police and Fire Chief.

Examples of non-routine requests which staff should report include , but are not limited to:

- A request that may interfere with the performance of the normal duties of a City employee;
- A request for action that deviates from policy, code, ordinance, law, or the strategic plan;
- A request that creates a new commitment of resources or diverts previously designated resources (people, money, or equipment);
- A request that will have either an immediate or delayed effect on another City Department or another governmental entity;
- A request to have fees waived or reduced for permits or licenses or for the use of City facilities or resources;
- A request that will require City Council action;

Exhibit "A"

- A request for a personnel action to include, hiring, termination, transfer, promotion, or disciplinary action for any employee or employment candidate, except for those employees who report directly to a Council member;
- A request for information or service that is not considered a routine activity by the staff person of whom the request is made.

Failure to comply with the above procedures may result in disciplinary action, as outlined in the Personnel Policy Manual, including and up to termination of employment.

Administrative Policy and Procedure for Appointed Officials

I. GENERAL.

Except to the extent specifically superseded by an enforceable contract, city charter provision or city ordinance, the following personal policies and procedure apply to the City Manager, City Secretary, and City Attorney (Appointed Official(s)):

1. Notwithstanding any provision in these Administrative Rules or state law, the City of Missouri City Personnel Policy, as amended, applies to Appointed Officials.
2. Appointed Officials are entitled to participate in all employee benefit plans, practices and programs maintained by the City of Missouri City (the City), and are entitled to accrue and be paid for vacation leave and sick leave (leave) on the same basis as other city employees, in addition to any other negotiated benefit or leave awarded to an Appointed Official.
3. Appointed ^{Officials} shall maintain a record of their daily attendance in the City's ESS System. The record must include the type of leave taken and the amount of hours charged to the appointed official's leave account. The City Manager must approve the City Secretary's and the City Attorney's time entry for administrative purposes only. **Either the City Secretary or City Attorney** must approve the City Manager's time entry for administrative purposes only.
4. Offsite meetings and appointments relating to the City business are not absences, but must be maintained in the appointed official's city issued Outlook calendar.
5. **On a semi annual basis ESS reporting will be provided to each appointed official for status of leave taken.**

II. LEAVE REQUEST

(Option A) YES

All leave may be taken at such times and in such increments as an Appointed Official chooses. The Appointed Official must notify the Mayor and Council of any absences and the designated individual to act in the Appointed Official's absence.

(Option B) NO

1. The Appointed Official may indicate, in the ESS System, 8 hours for each day the Appointed Official worked, despite working less or more than 8 hours. In the event the Appointed Official works **less than 36 hours** in a calendar week, the Appointed Official shall document the actual hours worked and charge the appropriate leave hours to their account.
2. For **8 consecutive work hours and up to 24 consecutive work hours off or any sick leave off**, the Appointed Official must notify the Mayor and Council by email of their absence and the designated individual to act in the Appointed Official's absence. An

email received from a member of the Appointed Official's staff is sufficient to comply with this rule.

3. Except for sick leave requests or leave requests in accordance with the Family Medical Leave Act, for 4 or more consecutive work days off, no later than three weeks from the date of the request, but as soon as possible, the Appointed Official must send the mayor an email requesting the time off. The Mayor shall approve or deny the request within 14 days of the date the email was sent.
 - a. The Mayor must indicate approval by replying to the email, stating approved. The Appointed Official must immediately notify the Mayor and Council of the planned absence and the designated individual to act in the Appointed Official's absence.
 - b. If the Mayor fails to approve or deny the request within the allotted time, the request is deemed approved, and the Appointed Official must immediately notify the Mayor and Council of the planned absence and the designated individual to act in the Appointed Official's absence.
 - c. If the Mayor denies the request, the Mayor must state the reasons, and the Appointed Official may submit a new request to the full council to be discussed at a meeting in compliance with the Texas Open Meetings Act.
4. Leave request qualifying under the Family Medical Leave Act, must comply with federal and state law.
5. For leave due to illnesses or emergencies, which prevent an Appointed Official from complying with these provisions, when reasonable practicable, the Appointed Official must notify the Mayor and Council and a member of their staff of the leave and update the team of their pending return. Upon the Appointed Official's return to work, and at the request of one or more Councilmembers, the Appointed Official may brief the Council of their absences at a meeting in compliance with the Texas Open Meetings Act.

Mustang Bayou Regional WWTP

November 14, 2019

VIA ELECTRONIC MAIL

City of Missouri City
1522 Texas Parkway
Missouri City, Texas 77489

Attn: Mayor Yolanda Ford (yolanda.ford@missouricitytx.gov)
Council Member Vashaundra Edwards (vashaundra.edwards@missouricitytx.gov)
Council Member Chris Preston (chris.preston@missouricitytx.gov)
Council Member Reginald Pearson (reginald.pearson@missouricitytx.gov)
Council Member Jeffrey L. Boney (jeffrey.boney@missouricitytx.gov)
Council Member Anthony Maroulis (anthony.maroulis@missouricitytx.gov)
Council Member Floyd Emery (floyd.emery@missouricitytx.gov)

Re: Operations of Mustang Bayou Wastewater Treatment Plant ("MB Plant")

Dear Mayor Ford and Council Members:

As you may be aware, Fort Bend County Municipal Utility District No. 48 ("District") participated in the construction and operation of the MB Plant, which is currently being operated by the City of Missouri City ("City") pursuant to a contract with Quail Valley Utility District ("QV"). The District has multiple concerns related to future operations of the MB Plant.

I. MB Plant Rehabilitation Project

The MB Plant was designed and constructed to handle .95 million gallons per day ("MGD") and is currently receiving approximately .65 MGD. Based on discussions with representatives from the Department of Public Works, we understand that the City is purchasing a 1.0 MGD package plant from the City of Pearland and rehabilitating the existing MB Plant, with the goal of combining the two plants and providing a total capacity of 1.60 MGD by this upcoming summer ("Project"). The City has informed us that, pursuant to that certain Regional Wastewater Treatment Facilities Agreement dated March 1, 2010, we are responsible for a pro rata share of the rehabilitation costs. Without accepting or acknowledging the same until we have a chance to review and confirm all the proposed rehabilitation costs the District's share of these costs has been estimated to be approximately \$1,012,000.

II. Replacement of QV as MB Plant Operator

If we are to make a big capital spend to rehabilitate the MB Plant, we want to confirm that it will be well-maintained going forward. We have ongoing concerns related to QV's level of operations, maintenance, and service and think their poor maintenance of the MB Plant over the past nine years is the reason this level of rehabilitation is needed in the first place. Because we are contributing a significant amount of taxpayer funds to the Project and our residents are being serviced by the MB Plant, we need a say in how the MB Plant is maintained and operated, and the operator must have accountability to the District. QV is not accountable to the District or operating the MB Plant anywhere near its peak capability, which has resulted in reduced available capacity and potentially cost the District a loss in revenue and increased operating costs beyond just those associated with the Project. A change in operators is needed to ensure accountability and efficient and effective operation of the MB Plant going forward, and we hereby formally request that the City send out a request for proposals for a replacement operator as soon as possible and

work with the District to make a joint decision on the replacement. We also hereby request a copy of the City's operating agreement with QV.

As you are likely aware, the District is not the only municipal utility district ("MUD") for which the City operates a wastewater treatment plant through QV. Steepbank/Flatbank Wastewater Treatment Plant ("SBFB Plant") participants—Fort Bend County Municipal Utility District No. 42, Fort Bend County Municipal Utility District No. 46, Fort Bend County Municipal Utility District No. 115, Fort Bend County Municipal Utility District No. 129, Fort Bend County Municipal Utility District No. 149, First Colony Municipal Utility District No. 9, and Sienna Plantation Municipal Utility District No. 1 (collectively, "SBFB Participants")—have recently voiced similar concerns about QV as the operator of the SBFB Plant. They collectively sent the City a letter in January 2019 expressing their dissatisfaction with the operator and formally requesting a replacement of the same.

III. The District Taking Over its Retail Operations

In the City's recent Water and Wastewater Utility Service Providers/MUD Feasibility Analysis ("Feasibility Study"), which was finalized in September 2019, the City describes a number of ways in which it can work with the various MUDs in its corporate limits and extraterritorial jurisdiction to provide the most efficient, effective, and financially prudent long- and short-term utility service to MUD residents. The Feasibility Study provided that the best course of action for the City and the MUDs is to conduct voluntary negotiations on a case-by-case basis to create a specific working relationship and/or timeline between each individual MUD and the City. Option 5 in the Feasibility Study provides one such type of working relationship available to the MUDs—the implementation of a City-wide "wholesale" treatment/supply facilities utility in which each MUD would retain their retail customer facilities and customer relationships, and the City would provide wholesale utility service to each MUD's retained retail utility service. The District would like to take the City up on its offer to begin these individualized negotiations with a formal request to take over all of its retail operations at the MB Plant.

IV. City Financial Operations

The District has also had ongoing issues with the City's Finance Department in relation to the MB Plant. The City has provided numerous delayed and incorrect invoices for the District's pro rata share of costs related to the MB Plant, and on numerous occasions over the past 2 ½ years, the District's auditor, bookkeeper, and Board President have had to engage with the City's Finance Department to correct/clear up discrepancies with these invoices. In fact, in 2018, the District's Board President was able to confirm a discrepancy in the amount of \$62,000 related to its share of MB Plant operating costs. The City had to pay this amount back to the District, along with costs to cover the time the District's auditor spent on the matter. Ultimately, regardless of the shape the relationship between the District and the City takes with respect to wastewater treatment services going forward, this financial accountability issue must be addressed.

The District appreciates your consideration of and prompt attention to these matters. If you have any questions or would like to further discuss these matters, please do not hesitate to reach out to the District's attorney, Richard L. Muller, Jr., at (281) 500-6050.

Sincerely,

**FORT BEND COUNTY MUNICIPAL
UTILITY DISTRICT NO. 48**



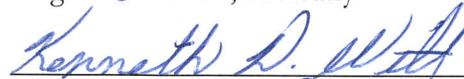
Donna Giblin, President



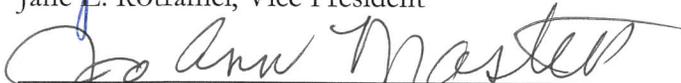
Megan Robertson, Secretary



Jane E. Rotramel, Vice President



Kenneth Wiltz, Assistant Secretary



Jo Ann Masters, Assistant Vice President

Cc: via electronic mail:

Shashi K. Kumar (shashi.kumar@missouricitytx.gov)

Dan McGraw (Daniel.McGraw@missouricitytx.gov)

YOLANDA FORD
Mayor

VASHAUNDRA EDWARDS
Councilmember at Large Position No. 1

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



CHERYL STERLING
Councilmember District A
JEFFREY L. BONEY
Councilmember District B
ANTHONY G. MAROULIS
Councilmember District C
FLOYD EMERY
Councilmember District D

CITY COUNCIL SPECIAL MEETING MINUTES

The City Council of the City of Missouri City, Texas, met in special session on **Monday, December 2, 2019**, at the City Hall, Council Chamber, 1522 Texas Parkway, Missouri City, Texas, 77489, at **6:00 p.m.** to consider the following:

1. CALL TO ORDER

Mayor Ford called the meeting to order at 6:00 p.m.

Those also present: Mayor Pro Tem Preston, and Councilmembers Edwards, Sterling, Boney, Maroulis, and Emery; City Manager Snipes, City Attorney Iyamu, City Secretary Jackson, Assistant City Manager Atkinson, Assistant City Manager Martel, Director of Human Resources Russell, Director of Communications Walker, Director of Financial Services Portis, First Assistant City Attorney Way, Media Specialist III Sanders, and Media Specialist III Kalimkoottil. Also present: Elizabeth Brock of CenterPoint Energy.

City Attorney Iyamu requested to address agenda item 3 at this time.

3. CLOSED EXECUTIVE SESSION

After proper notice was given pursuant to the Texas Open Meetings Act, the City Council went into Executive Session at 6:01 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) Mitchell Carter v. City of Missouri City, et al. (Fort Bend County Cause No. 19-DCV-265905 in the 458th District Court of Fort Bend County, Texas and Cause No. 19-DCV-265895 in the 268th District Court of Fort Bend County, Texas (ii) Ivy Kenneth Joy L. Miraflor and Josefina P. Serrano v. the City of Missouri City, Texas, and Yolanda Ford, in her official capacity as Mayor of the City of Missouri City, Texas (Harris County Cause Number 201975796 in the 234th District Court of Harris County); (iii) emergency services district infringement on City territory and services; and (iv) Geneane Merritt (Equal Employment Opportunity Commission); (v) City public improvement district legal requirements.

4. RECONVENE

At 6:50 p.m., Council reconvened into open session. No action was taken.

2. DISCUSSION/POSSIBLE ACTION

(a) Receive an update on CenterPoint Energy's Texas Public Utility Commission rate case.

Elizabeth Brock, Director of External Engagement, presented an update on CenterPoint Energy's Texas Public Utility Commission rate case. Brock asked for City Council's support by having them sign a letter voicing concerns to the commission about evaluating the market analysis and delaying voting until December 13.

Councilmember Maroulis moved to sign a letter regarding the CenterPoint Energy's Texas Public Utility Commission rate case. Councilmember Sterling seconded. **MOTION PASSED UNANIMOUSLY.**

5. ADJOURN

The special City Council meeting adjourned at 7:02 p.m.

Minutes PASSED AND APPROVED this the _____ day of _____ 2019.

Maria Jackson, City Secretary

YOLANDA FORD
Mayor

VASHAUNDRA EDWARDS
Councilmember at Large Position No. 1

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



CHERYL STERLING
Councilmember District A
JEFFREY L. BONEY
Councilmember District B
ANTHONY G. MAROULIS
Councilmember District C
FLOYD EMERY
Councilmember District D

CITY COUNCIL MEETING MINUTES

The City Council of the City of Missouri City, Texas, met in regular session on **Monday, December 2, 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 7:02 p.m.

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

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

There were no **PRESENTATIONS AND RECOGNITIONS**.

4. PUBLIC COMMENTS

Fred Grates, 3902 East Creek Club, voiced deep disappointment with the November 26 City Council meeting.

Jerry Wyatt, 4018 S. Sandy Court, discussed the November 26 special City Council meeting and offered suggestions and advice.

5. STAFF REPORTS

City Manager Snipes invited residents to the Annual Snowfest Festival, Fun Run, and Parade on December 6 and 7. He informed residents that if they did not get their trash collected by WCA to leave their trash out for pickup on Tuesday, December 3. Snipes congratulated City staff for successfully getting through the 2019 hurricane season by being Missouri City Ready.

6. CONSENT AGENDA

- (a) Consider approving the minutes of the special and regular City Council meetings of November 18, 2019.

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

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

8. APPOINTMENTS

- (a) Consider appointing a member to the board of directors of the Fort Bend Subsidence District Board for a two-year term beginning on February 1, 2020 and ending on January 31, 2022.

Councilmember Boney moved to appoint William Wallace to the board of directors of the Fort Bend Subsidence District Board. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

There were no **AUTHORIZATIONS** or **ORDINANCES**.

11. RESOLUTIONS

- (a) Consider a resolution casting a vote for the election of a member of the board of directors of the Harris County Appraisal District for a two-year term commencing on January 1, 2020; and other provisions related thereto.

Councilmember Boney moved to approve the resolution casting a vote for Mike Sullivan for the board of directors of the Harris County Appraisal District for a two-year term commencing on January 1, 2020. Councilmember Sterling seconded. **MOTION PASSED UNANIMOUSLY.**

- (b) Consider a resolution casting votes for the election of members of the board of directors of the Fort Bend Central Appraisal District for the two-year term commencing on January 1, 2020; and other provisions related thereto.

Councilmember Maroulis moved to adopt the resolution and distribute 21 votes per candidate for the board of directors of the Fort Bend Central Appraisal District. Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

- (c) Consider a resolution amending the Comprehensive Financial Policy for the City of Missouri City, Texas by revising the Fund Balance Policy; providing an effective date; providing for a repeal; and providing for severability.

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

- (d) Consider a resolution approving the submission of a grant application for the Community Outdoor Outreach Program to the Texas Parks and Wildlife Department to fund outdoor recreation and education programs; and containing other provisions related thereto.

Mayor Pro Tem Preston moved to adopt the resolution. Councilmember Edwards seconded. **MOTION PASSED UNANIMOUSLY.**

- (e) Consider a resolution selecting a representative and an alternate to the Houston-Galveston Area Council 2020 Transportation Policy Council.

Councilmember Boney moved to adopt the resolution naming Shashi Kumar as the primary voting member and Clifford Brouhard as the alternate to the Houston-Galveston Area Council 2020 Transportation Policy Council. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

- (f) Consider a resolution selecting a representative and an alternate to the Houston-Galveston Area Council 2020 Technical Advisory Committee.

Councilmember Emery moved to adopt the resolution naming Clifford Brouhard as the primary voting member and Shashi Kumar as the alternate to the Houston-Galveston Area Council 2020 Technical Advisory Committee. Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

12. CITY COUNCIL ANNOUNCEMENTS

Councilmember Emery hoped everyone enjoyed their thanksgiving dinners. Councilmember Boney was looking forward to citizens coming to the upcoming Snowfest festivities. Boney thanked his peers at the National League of Cities (NLC) as he was selected as the Region 11 representative for NLC for the National Black Caucus of Local Elected Officials.

13. ADJOURN

The regular City Council meeting adjourned at 7:28 p.m.

Minutes PASSED AND APPROVED this the _____ day of _____ 2019.

Maria Jackson, City Secretary

YOLANDA FORD
Mayor

VASHAUNDRA EDWARDS
Councilmember at Large Position No. 1

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



CHERYL STERLING
Councilmember District A
JEFFREY L. BONEY
Councilmember District B
ANTHONY G. MAROULIS
Councilmember District C
FLOYD EMERY
Councilmember District D

CITY COUNCIL SPECIAL MEETING MINUTES

The City Council of the City of Missouri City, Texas, met in special session on **Thursday, December 5, 2019**, at the City Hall, Council Chamber, 1522 Texas Parkway, Missouri City, Texas, 77489, at **6:00 p.m.** to consider the following:

1. CALL TO ORDER

Mayor Ford called the meeting to order at 6:00 p.m.

Those also present: Mayor Pro Tem Preston, and Councilmembers Edwards, Sterling, and Boney; City Attorney Iyamu, City Secretary Jackson, and Director of Communications Walker. Absent: Councilmember Maroulis and Councilmember Emery. City Manager Snipes arrived at 6:04 p.m.

2. DISCUSSION/POSSIBLE ACTION

- (a) Interview, discuss, and consider candidates to serve on various city boards, committees, and commissions.

City Council interviewed Valore Lott, Reggie Abraham, Denice Pringle, Raj Joseph, and Charles Lewis, Jr. for various city boards, committees, and commissions.

City Manager Snipes requested to be excused from the special City Council meeting at 6:33 p.m. City Council approved his request.

Councilmember Boney moved to reappoint Vickie McBride to Position 1 and Cherie Jones to Position 5 and appoint Karen Overton to Position 3 on the Tax Increment Reinvestment Zone Number 1 Board of Directors; reappoint Gloria Lucas to Position 1, Frank Hester to Position 3, and Buford Jurica to Position 5 on the Tax Increment Reinvestment Zone Number 2 Board of Directors; and, reappoint Robert Hodge to Position 1, David Reitz to Position 3, Joyce Raynor to Position 5, and Sharon Jurica to Position 9 on the Tax Increment Reinvestment Zone Number 3 Board of Directors. Councilmember Sterling seconded. **MOTION PASSED.**

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmembers Sterling and Boney

Nays: Councilmember Edwards

Councilmember Boney moved to appoint Eunice Reiter as Chair to the Tax Increment Reinvestment Zone Number 1 Board of Directors, Frank Hester as Chair to the Tax Increment Reinvestment Zone Number 2 Board of Directors, and Joe Workman as Chair to the Tax Increment Reinvestment Zone Number 3 Board of Directors. **MOTION PASSED UNANIMOUSLY.**

Councilmember Sterling moved to appoint Reggie Abraham to Position 2 on the Tax Increment Reinvestment Zone Number 3 Board of Directors. Mayor Pro Tem Preston. **MOTION PASSED.**

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmembers Edwards Sterling
Nays: Councilmember Boney

Councilmember Boney moved to appoint Denice Pringle to Position 5 on the Zoning Board of Adjustments and Appeals Board of Directors. Mayor Pro Tem Preston seconded. **MOTION PASSED UNANIMOUSLY.**

Councilmember Boney moved to appoint Candace McCray as an alternate to the Zoning Board of Adjustments and Appeals Board of Directors. Mayor Pro Tem Preston seconded. **MOTION PASSED.**

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmembers Sterling and Boney
Nays: Councilmember Edwards

Councilmember Edwards moved to appoint Raj Joseph to Position 3 on the Parks Board. Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

3. ADJOURN

The special City Council meeting adjourned at 7:33 p.m.

Minutes PASSED AND APPROVED this the _____ day of _____ 2019.

Maria Jackson, City Secretary



**Council Agenda Item
December 16, 2019**

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

December 16, 2019

To: Mayor and City Council
Agenda Item: 7(b)(1) Community Development Block Grant accomplishments for PY 2018.
Submitted by: Otis T. Spriggs, AICP, Director of Development Services, Development Services

SYNOPSIS

Public Hearing Presentation of the Program Year 2018 Comprehensive Annual Performance and Evaluation Report (CAPER).

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live

BACKGROUND

Pursuant to Federal guidelines and the City's Citizen Participation Plan, the City has published notice of this presentation to the City Council related to the usage of the \$272,007.00 allocated to the City by the U.S. Department of Housing and Urban Development through the Community Development Block Grant Program. Fifteen percent of the allocation was used for Public Services; Twenty percent was used for Administration. The balance was used for other qualifying projects.

The City expended funding, as follows:

	<u>Expended</u>
Child Advocates	\$10,200.00
Fort Bend Seniors Meals on Wheels	\$10,200.00
Edison Arts, Inc.	\$9,590.17
Scholarships	\$9,975.00
Code Enforcement	\$47,000.00
Housing Rehabilitation	\$147,188.87 **PY16 \$94,039.61
Administration	\$54,401.40. **Includes Fair Housing Plan

In addition, the PY 16 Housing Rehabilitation project was completed during PY 18 and expended \$94,039.61, in which 11 properties were completed. PY 17. The Public Service projects were originally funded at \$35,001, the budget was revised to \$31,000.95 and the remaining balance of \$4,000.05 was allocated to the Housing Rehabilitation project.

A copy of the draft City of Missouri City's Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER) for PY 2018 was made available for review by citizens, public agencies and other interested parties. The final version and all public comments received during the 15-day public comment period will be submitted to HUD.

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. PowerPoint Presentation of Program Year 2018 Accomplishments
2. Draft Comprehensive Annual Performance and Evaluation Report (CAPER).

STAFF'S RECOMMENDATION

Staff recommends that Council hold the public hearing and authorize submission of the 2018 CAPER to the U.S. Department of Housing & Urban Development.

Director Approval: **Otis Spriggs, AICP, Development Services**

**Assistant City Manager/
City Manager Approval:** **Glen Martel, Assistant City Manager**

COMMUNITY DEVELOPMENT BLOCK GRANT

Presentation on the accomplishments for Program
Year 2018

Chalisa G. Dixon

Community Development Coordinator



Program Year 2018 Funding

- ❖ The accomplishment for CDBG Program Year 2018 has been published in the Comprehensive Annual Performance and Evaluation Report (CAPER).
- ❖ In Program Year 2018 (City Fiscal Year 2019), the City received \$272,007 in CDBG funding from the US Department of Housing and Urban Development.



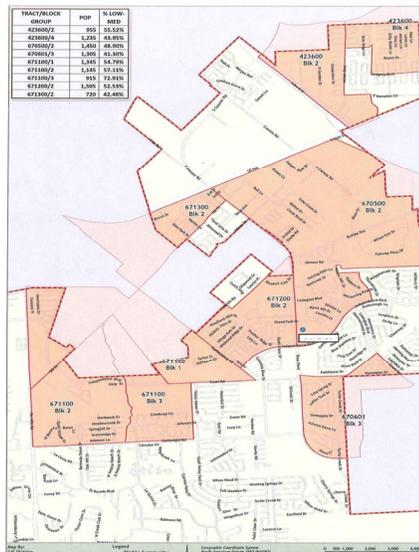


Community
Development
Block
Grant



Target Area 2018

- Court Road
- Fifth Street
- Fondren Park
- Hunter's Glen
- Lexington/Murphy Rd.
- Quail Green



Meals on Wheels

- ❖ Fort Bend Seniors was granted and expended \$10,200.00.
- ❖ 38 adults were delivered 2,965 meals
- ❖ Meal service is provided 7 days each week



Abused Child Services

- ❖ Child Advocates of Fort Bend County was granted and expended \$10,200.00.
- ❖ 226 children suspected to be victims of abuse or neglect received 1,202 hours of counseling.



Educational Scholarships

- ❖ Educational Scholarships in the amount of \$9,975 granted and expended.
- ❖ 7 post secondary educational scholarships were awarded
- ❖ All 7 students successfully completed a year of higher education

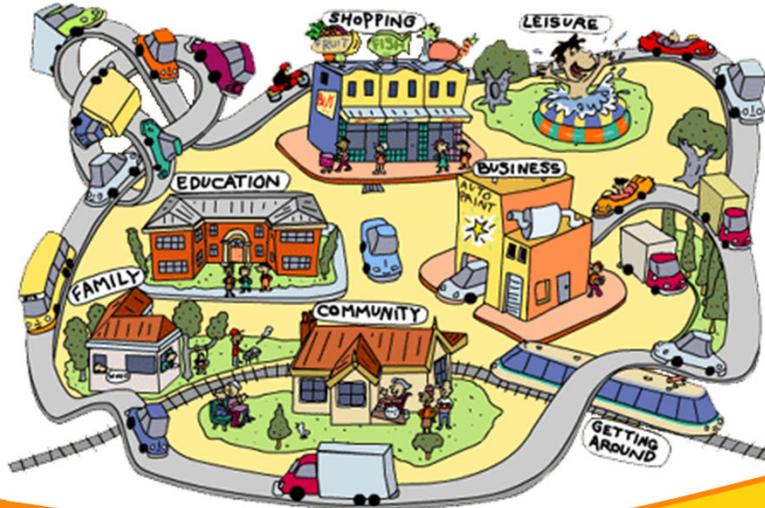


Low and Moderate Income Assistance

Subrecipient	Total	<30%	31-50%	51-80%	>80%
Child Advocates	159	78 49.05%	29 18.23%	26 16.35%	0 0.0%
Meals on Wheels	25	25 100.0%	0 0.00%	0 0.00%	0 0.00%
Scholarships	4	1 25%	1 25%	2 50%	0 0%
Totals	188	104 55.31%	30 15.95%	28 14.89%	0 00.0%



CITY SERVICES



Code Enforcement

- ❖ Total of \$47,000 was expended
- ❖ Code Enforcement conducted 2,089 inspections; in which 2,415 violations were observed, corrected 534 violations, filed 112 violations with municipal court to assist in housing condition standards and the preservation of the Target Area neighborhoods.



Owner-Occupied Housing Rehabilitation

- ❖ During the PY 2018, the City completed eleven (11) Housing Rehab projects by the program contractors' Fort Bend Habitat for Humanity, Inc. and Santex Construction, Inc.
- ❖ Throughout PY 18, \$147,188.87 has been expended from PY 2016 and PY 2017.
- ❖ For PY 16, \$129,577.21 was budgeted, to date, \$29,158.82 has been expended from roll over PY 2015 projects. For PY 17, no Funds have been expended. Two properties from prior years funding (PY14) will receive additional work from the PY 17 funding account.
- ❖ The Housing Rehab Program opened its waiting list and we have accepted have 9 applications. The Application process is now closed and the City is not accepting additional applications, but will be adding individuals to a wait list.



Administration

- ❖ The CDBG program administration was expended in the amount of \$54,401.40.
- ❖ The City completed the Analysis of the Impediments to Fair Housing Plan with BBC Research Consulting in the amount of \$20,000 with Administrative funds. A draft version is available on the City's website.
- ❖ Housing Study Plan approved in the amount of \$30,000.



Program Improvements



Program Improvements

- ❖ Submission & HUD approval of 2019 Annual Action Plan
- ❖ Submission & HUD approval of 2019 – 2023 Consolidated Plan
- ❖ Implementation of new programs:
 - *First Time Homebuyers Program*
 - *Residential Paint Program*
- ❖ Updates to Housing Rehabilitation & Scholarship applications
- ❖ City's Building Inspectors utilized
- ❖ Housing rehab program software reauthorized
- ❖ Permitting process revised with the Energov System
- ❖ Continual Customer Services



Questions



NOTE: Public hearing to receive comments on the Program Year 2018 Comprehensive Annual Performance and Evaluation Report (CAPER) will be received in Agenda Item 7(b)1.





PY 2018
CONSOLIDATED ANNUAL PERFORMANCE
EVALUATION REPORT

**The U. S. Department of
Housing and Urban Development's
Community Development Block Grant Program (CDBG)**

**5th Program Year of the
2013-2018 Consolidated Plan**

City of Missouri City, Texas
DUNS 083582882
Grantee #: B-18-MC-48-0040

Yolanda Ford, Mayor

Vashaundra Edwards, At Large Pos. 1
Chris Preston, At Large Pos. 2
Cheryl Sterling, District A

Jeffrey Boney, District B
Anthony Maroulis, District C
Floyd Emery, District D

Anthony J. Snipes, City Manager

December, 2019

EXECUTIVE SUMMARY

The Federal entitlement Community Development Block Grant (CDBG) programs funded under the City of Missouri City PY 2017-2018 Action Plan are implemented by the Development Services Department. The PY 2017-2018 Comprehensive Annual Performance and Evaluation Report (CAPER) for City of Missouri City, Texas (the City) primarily describes the accomplishments and progress the City has made in carrying out its strategic plan and its action plan through the implementation of the specific programs. The City undertook activities within its jurisdiction to provide decent housing, a suitable living environment, and to expand economic opportunities, principally for persons of low- and moderate-income. City of Missouri City's entitlement for PY 2017 under the CDBG Program was 266,015, plus prior year's carry-over funds of \$316,518.58 for PY 2016. Attached is a summary of the use of funds and accomplishments by categories.

CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

Meals were delivered to thirty-eight (38) qualified seniors were provided 7 days each week allowing them to continue to live independently. The number of children suspected to be victims of abuse/neglect received counseling were two-hundred twenty-six (226). Scholarships were given to seven (7) students to further their post high school education. Code Enforcement conducted investigations of three thousand and six (3,806) housing condition standards to assist the preservation of the Target Area neighborhoods. One Code Enforcement Officer was assigned to specifically address issues in the CDBG target areas; the City's assigned Code Enforcement officer conducted inspections and follow up inspections which observed 2,913 violations, corrected 780 violations, filed 142 violations with municipal court in said Target Area neighborhoods.

Housing rehabilitation services were commenced for a total of five (5) properties with initial inspections and environmental assessments. The Buffalo Run Park project was completed in FY 17 with final inspection signed off by the City's construction representative and inspector on January 3, 2018. Work was deemed in compliance with local and federal ordinances regarding the CDBG program. The accomplishments were presented during a City Council meeting on December 17, 2018. A copy of the presentation is Attachment 4.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Adult Basic Education	Non-Housing Community Development	CDBG: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	160	21	13.13%	160	0	0.00%

Code Enforcement	Non-Housing Community Development	CDBG: \$	Housing Code Enforcement/Foreclosed Property Care	Household Housing Unit	2000	3429	171.45%	2000	2333	116.65%
Housing Rehabilitation	Affordable Housing	CDBG: \$	Homeowner Housing Rehabilitated	Household Housing Unit	35	5	14.29%	35	8	11.43%
Meals on Wheels	Non-Homeless Special Needs Non-Housing Community Development	CDBG: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	40	46	115.00%	40	25	62.50%
Parks Improvements	Non-Housing Community Development	CDBG: \$72400	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	3000	2900	96.67%	3000	1450	48.33%
Pediatric Health Care	Non-Housing Community Development	CDBG: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	500	0	0.00%			
Post Secondary Scholarships	Non-Housing Community Development	CDBG: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	5	10	200.00%	5	5	100.00%
Services to Neglected or Abused Children	Non-Housing Community Development	CDBG: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	300	286	95.33%	300	184	61.33%
Sidewalk Improvements	Non-Housing Community Development	CDBG: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	3000	0	0.00%			

Storm Drainage and Flood Prevention	Non-Housing Community Development		Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	250	0	0.00%			
Street Improvements	Non-Housing Community Development		Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	800	0	0.00%			

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction’s use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

Code Enforcement continued it’s monitoring of conditions in the Target Area neighborhoods and conducted over 3000 inspections to assure the maintenance of premises within the neighborhoods to protect the property values and quality of life of the residents. Progress was exceeded towards meeting goals and objectives. During PY 18 owner occupied residences rehabilitation were undertaken to resolve code violations, accessibility issues and energy efficiency. These repairs, provided to low and moderate income residents preserved the homes and allowed the residents to continue to reside there without having to bear the costs of the rehabilitation. An outstanding two hundred and twenty six children (226) suspected of abuse or neglect received counseling to assist them in recovery from the trauma. The non-abusing family members also received counseling to assist them in the recovery process. Thirty-eight (38) qualified seniors were served by Meals on Wheels that provided them with home delivered meals 7 days per week. A total of 2,965 meals were provided. In Administration, all reports were timely filed and the application form for the Owner-occupied Housing Rehabilitation Program were revised; the application review process was revised with new check lists to assure compliance with federal regulations; the scholarship program was reviewed and the application and policy were made consistent.

Under PY 18, eleven (11) housing rehab projects were completed, from the PY 16 funding through Fort Bend Habitat for Humanity contractor; in addition to three (3) PY17 homes that have been completed. In addition 4 homes in PY 17 have been inspected and awaiting commencement of rehabilitation services pending contract signatures. A number of properties from the from PY16 received additional funding through the PY 17 account. There were programmatic procedures that needed to be addressed before the Housing Rehabilitation project could be completed.

In medium priority activities, seven (7) low and moderate income students were given scholarships for post-secondary; the PY 17 Fifth Street

project was placed on hold due to weather related damages. The project focus has now been redirected to address the safety and lighting concerns. This project is expected to be completed during PY19.

DRAFT

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted).
91.520(a)

	CDBG
White	63
Black or African American	134
Asian	5
American Indian or American Native	0
Native Hawaiian or Other Pacific Islander	0
Total	202
Hispanic	42
Not Hispanic	160

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

The City served a number of persons with disabilities who benefited from PY 2016 CDBG activities. Four (4) disabled individuals in Child Advocate program and two (2) disabled individuals in Housing Rehabilitation.

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Available	Made	Amount Expended During Program Year
CDBG	CDBG	\$266,015		
HOME	HOME			
HOPWA	HOPWA			
ESG	ESG			
Other	Other			

Table 3 - Resources Made Available

Narrative

The Program Year funding from the U.S. Department of Housing and Urban Development through CDBG was \$266,015.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
Court Road	19		
Fifth St.	19		
Fondren	19		
Hunter's Glen	45		
Lexington/Murphy Road	19		
Quail Green	19		

Table 4 – Identify the geographic distribution and location of investments

Narrative

The Code Enforcement efforts funded with \$44,424 of CDBG funding was provided throughout the Target Area.

Assessment Impediments Fair Housing (AI)

Housing Fair Study

The other projects and expenditures were to low and moderate income individuals or limited clientele individuals and were not area projects.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

The City of Missouri City appreciates partnering with agencies that offer additional public and private resources that address community needs. During PY18 the City coordinated with Fort Bend Habitat for Humanity, Volunteers of America, First United Methodist Church to make area residents aware of funding and/or volunteer services available to repair on going damages caused by Hurricane Harvey.

The City cooperated with a faith-based organization to provide quick response to simple household repairs. The repairs were done at no cost to the homeowners.

The CDBG Program also received donations from Walmart and the American Red Cross to provide smoke detector, carbon monoxide detectors and fire extinguishers for the Housing Rehabilitation recipients at no cost to the program.

The Building Inspections Department waived building permit fees for the Owner-Occupied Housing Rehabilitation Program. Waiving the permit fees is especially helpful for the costly construction projects. Additionally, the Legal Department, City Clerk's Office, City Administration, Planning Staff, Public Works and various other departments provided unlimited resources to make all of the CDBG funded programs a success.

There are no matching requirements to be satisfied with the CDBG funds or those that CDBG has been used to leverage. The sub recipients of the Missouri City CDBG funds have used the funds to leverage other monies and have provided significant leverage to the program from non-federal sources. The public service agencies provide at least \$1 of direct-cost match for every dollar of CDBG funds expended. This match comes from operating expenditures, direct services to clients such as meals and delivery costs for Meals on Wheels; and counseling and other services to abused and neglected children and their non-offending guardians.

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	0	0
Number of Non-Homeless households to be provided affordable housing units	10	4
Number of Special-Needs households to be provided affordable housing units	0	2
Total	10	6

Table 5 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	0	0
Number of households supported through The Production of New Units	0	0
Number of households supported through Rehab of Existing Units	10	8
Number of households supported through Acquisition of Existing Units	0	0
Total	10	4

Table 6 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

Due to the limited funded of the CDBG award, the City establishes its goal of providing assistance to 10 homeowners in maintaining their residences. During the Program Year, the City was able to began initial inspections and environmental assessments of four (4) properties; in addition to moving forward with 4 emergency foundation repairs. Each homeowner and household was low or moderate income. The repairs allowed the homeowners to continue to occupy their residences without the excessive expense of making the repairs to the homes.

Discuss how these outcomes will impact future annual action plans.

The demand for the Owner-occupied housing rehabilitation program is greater than the funding. As each year's annual action plan is developed, the community need will be reviewed and funding will be provided. The amount of funding is balanced against the other community needs that are found to exist in the low and moderate income neighborhoods within the City.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	89	0
Low-income	46	0
Moderate-income	19	0
Total	154	0

Table 7 – Number of Households Served

Narrative Information

In addition to being low- to moderate-income, 6 of the persons or households assisted included a disabled person and 2 households included elderly persons.

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

During PY 2017, the City did not fund homeless assistance programs. Fort Bend Women's Center provides shelter and transitional housing to victims of domestic violence and their children. Using Continuum of Care and other federal and private funds, Fort Bend Women's Center provided assistance to a number of Missouri City residents.

Fort Bend Family Promise provides emergency shelter to homeless families throughout Fort Bend County.

Fort Bend Women's Center assists homeless victims of domestic violence in navigating the legal system, receiving adult education, accessing employment at a livable wage and transitioning to permanent housing. The Missouri City CDBG program previously funded shelter and supportive services for shelter residents as well as utilities and child care for those in the After Care tenant-based rental assistance program.

Addressing the emergency shelter and transitional housing needs of homeless persons

Fort Bend Family Promise provides emergency shelter to homeless families throughout Fort Bend County. The families in the program have short-term needs and are moved into permanent housing and independent living within 90 days.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

By bringing housing up to City code through rehabilitation, the City is able to help ensure that the owners are not forced out of their homes due to dangerous living conditions. The City's cooperation with a faith-based organization that provides minor home repairs to those who cannot afford the repairs helps prevent the low-income persons and families from becoming homeless. Meals on Wheels provides home-

delivered meals and human contact on a daily basis for the frail elderly allowing them to remain in their homes for a much longer period of time. Most of the program participants would not be able to afford assisted living or nursing home care and would have to move in with relatives or other individuals. Though not funded with Missouri City CDBG funds in PY 2017, Fort Bend Women's Center continues to provide assistance to victims of domestic violence for moving from an unsafe situation to safe housing. Often the women are assisted in moving directly to independent safe housing without having to move to a shelter or become homeless. Though East Fort Bend Human Needs Ministry did not request CDBG funding in PY 2017, it continues to provide food and other assistance to help residents with expenses that often take from housing costs. This releases money for the families and individuals to pay their rent or mortgage and utilities. The City did not provide CDBG funds to assist Fort Bend Women's Center or East Fort Bend Human Needs Ministry in PY 2017 but supports their efforts in preventing homelessness and is available to provide technical assistance when requested. In PY 17, continuing a long-standing partnership, the City joined Fort Bend County and AccessHealth to host the free annual health fair and backpack giveaway benefitting area families. Participants received school immunizations, haircuts and backpacks filled with classroom supplies.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

Fort Bend Family Promise, which has not requested CDBG funding, operates a program in Missouri City to provide shelter for homeless families. Their program provides them with a place to stay together as a family and provides them with a day-time address. The children are allowed to continue in school. The day-time address allows the parents to more effectively seek and obtain employment. Counselling and other assistance is provided to the families. The families are transitioned to permanent housing and independent living within 90 days. In PY 17, The City provided a proclamation to the organization for the services provided in the city.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

The City of Missouri City does not have a Public Housing Authority, public housing developments or Section 8 Housing Choice Vouchers. A small portion of Missouri City lies within Harris County and Harris County does have a Section 8 Housing Choice Voucher program whose clients are able to access housing in Missouri City. Fort Bend County is working with HUD to become a Section 8 Housing Choice Voucher provider.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

The City of Missouri City does not have a Public Housing Authority.

Actions taken to provide assistance to troubled PHAs

The City of Missouri City does not have a Public Housing Authority.

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

The City of Missouri City fostered and maintained affordable housing through its owner occupied housing rehabilitation program. The City contracted with Fort Bend Habitat for Humanity for the project and 4 house received rehabilitation, including accessibility retrofits and energy efficiency improvements.

The code enforcement activities in CDBG Target Areas in older neighborhoods with older affordable housing helps to maintain the properties and the values while making the neighborhoods attractive for buyers.

In addition to providing housing rehabilitation services to low- to moderate-income homeowners, the City's Comprehensive Plan addresses the need for affordable housing and the Development Services Department, to the extent possible, is encouraging the development of affordable housing in the City and its Extraterritorial Jurisdiction (ETJ). The City reviews all applications for low-income housing tax credit developments and all HUD-funded projects such as Section 202, Section 811, Continuum of Care and grants a certification of consistency with the Consolidated Plan when the projects fall within the broad scope of providing affordable housing and affirmatively furthering fair housing.

Age-restricted multi-family projects on FM 1092 (2), Sinena Ranch Road, S Sam Houston Pkwy, Cypress Point and Trammel-Fresno Road near State Highway 6 are at full occupancy. A multi-family development in Sienna Plantation development at the east end of Sienna Springs Road near the Fort Bend Parkway and Sienna Parkway was completed in PY 2016. A multi-family project is nearing completion in the Sienna Planation development near the intersection of Sienna Springs Road and Sienna Parkway. Two additional age restricted multi-family projects are now proposed to be constructed along Texas Parkway, just south of the intersection of Cartwright Road. These two developments are expected to provide a maximum of 240, age restricted, dwelling units to the area.

The current housing stock in Missouri City remains over 90% single-family residential dwelling units. However, the rise in nonresidential development places the city in a more competitive position to entice companies and industries to re-locate to Missouri City. This new growth expands the demand for a more varied housing product. The new businesses that will be locating in Missouri City will have employees that require more choices for permanent housing. This need for more affordable housing has been presented to the City. In working on the City's 2018 comprehensive plan, the Development Services Department has included the need for more higher density housing to be provided for the next 10 to 20 years.

In PY 2016, the City applied for CDBG-DR funding with the Texas General Land Office (GLO) through Fort

Bend and Harris Counties for available to CDBG-DR funding to infrastructure (non-housing) projects; the City was awarded \$954,306 to assist in the recovery process.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

Fort Bend Habitat for Humanity: Fort Bend Habitat for Humanity provides housing rehabilitation, accessibility retrofits and energy efficiency improvements to owner-occupied homes of low- to moderate-income residents of Missouri City. During PY 2017 Fort Bend Habitat for Humanity was the contractor for the Housing Rehabilitation program. The rehabilitation work made a positive impact in the neighborhoods and assisted in sustaining overall neighborhood values. The program provides improvements that allow the disabled to remain in their homes longer with ADA accessible retrofits and provides savings in energy costs through the energy efficiency improvements.

Child Advocates: The Fort Bend Children's Advocacy Center (Child Advocates) was able to provide services to children who are alleged to have been sexually abused, seriously physically abused or witnesses to violent crimes. These services included forensic interview where children were given the opportunity share about their abuse with trained interviewers; therapy sessions where children could process their abuse experiences; case staffing with partner agencies and services to provide assistance to families where the abuse has resulted in a criminal investigation or prosecution. The Missouri City CDBG funding provided 159 children and their non-offending family members 1,316 service units.

Meals on Wheels: Fort Bend Seniors Meals on Wheels, with funds provided from the Missouri City CDBG, was able to continue providing meals to 25 shut-in, low-income elderly, 65+ years or age, who otherwise would have had empty plates. Meals on Wheels provided 5,116 meals. The average cost per meal was ranged between \$3.30 - \$3.40, and were provided 7 days a week. Trained volunteers or paid delivery drivers checked on the clients daily and reported any changes in health, cognition or living conditions. These daily visits also provided much needed human interaction for the clients.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

The City has been actively involved, through both education and testing, in addressing the issue of lead based paint in federally assisted units built prior to 1978. The City's goal in this area, as set out in the Consolidated Plan, was to: Minimize the risk of lead-based paint hazards in residential units being funded with CDBG funds. During Program Year 2017, the City of Missouri City continued to carry out a number of strategies to reduce; and, if necessary, mitigate the risk of lead based paint. The City requires contractors to comply with lead based paint requirements through the HCD specifications manual. The City's housing rehabilitation projects were obligated to provide evidence that certain conditions have been met. Lead mitigation work was performed in accordance Title 24 Chapter 35 of the Code of Federal Regulations and requirements for carrying out this activity are made part of all agreements. FY 2017, there were 0 Risk

Assessments conducted.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

Scholarships: The City provided 4 scholarships to college students who were unable to continue their post-secondary education without financial assistance. While the program is open to students of any accredited post-secondary program, including vocational schools, all 4 PY 2017 scholarship recipients are attending 2 or 4-year universities. The benefit of the program is to ensure that these low- to moderate-income students, all of whom are minorities, are able to continue their education as a bridge out of generational poverty.

- Families are impacted as job prospects improve.
- Children are impacted as we can enable greater success in college, helping deserving students who want to graduate with their degree and give back to society
- Missouri City has citizens who are able to generate a better income, thus providing a positive return on investment both financially and socially.

Section 3: One of the City's subrecipient employs Section 3 individuals. Another subrecipient utilizes a Section 3 contractor. In each case, persons in poverty are employed and are lifted from the level of poverty in which they were previously found.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

The City reviewed its policies and procedures and revised the policies and supporting checklists related to project approval. The Owner-occupied Housing Rehabilitation application and policies and procedures and supporting documentation and checklists were completely revised. The educational scholarship policy and application were revised to be consistent. Section 3 and Labor Standards provisions in contract forms were included to assure consistency with federal law. The Section 3 and Labor Standards revisions and the supporting checklists will provide better guidance and assurance of compliance with the regulations that govern each area of the CDBG process.

A revised invitation to bidders was prepared to include provisions required for Section 3 compliance and to clearly include the Davis-Bacon requirements. This new invitation to bid has been utilized for the Housing Rehabilitation program and it will be utilized in the future Improvement projects.

Staff attended HUD-sponsored workshops and webinars on Fair Housing, Labor Standards, Section 3, and IDIS. The scope and activities of the Community Development Advisory Committee were expanded to provide greater community involvement in the process.

The City budget for FY 2017 included funding for a full-time community Development Coordinator position. The employee will be the primary administrator of the CDBG program with oversight and assistance from the Development Services Director.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

In PY 2017, the City of Missouri City does not have a Public Housing Authority, public housing developments or Section 8 Housing Choice Vouchers. Harris County, in which a small portion of Missouri City sits, does have Section 8 Housing Choice Voucher programs and their Section 8 clients are able to access housing in Missouri City. Fort Bend County is working with HUD to become a Section 8 HCV provider, but at this time they have not received such a designation or funding.

Though not funded with Missouri City CDBG funds in PY 2017, Fort Bend Women's Center continues to provide assistance to victims of domestic violence for moving from an unsafe situation to safe housing. Often the women are assisted in moving directly to independent safe housing without having to move to a shelter or become homeless. Though East Fort Bend Human Needs Ministry did not request CDBG funding in PY 2017, it continues to provide food and other assistance to help residents with expenses that often take from housing costs. This releases money for the families and individuals to pay their rent or mortgage and utilities. The City did not provide CDBG funds to assist Fort Bend Women's Center or East Fort Bend Human Needs Ministry in PY 2017 but supports their efforts in preventing homelessness and is available to provide technical assistance when requested. The City also maintains communication with Fort Bend Family Promise, providing homeless shelter for families.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

Fair Housing Impediments Study Summary

Harris County and the cities of Galveston, Missouri City, and Pasadena receive block grants for community development and housing activities from the United States Department of Housing and Urban Development (HUD). As a condition of receiving these funds, the County and cities must certify that they will "Affirmatively Further Fair Housing" choice—or AFFH. The AFFH requirement originates from the Fair Housing Act of 1968, which requires that HUD administer programs and activities relating to housing and urban development in a manner that affirmatively furthers the policies of the Act. In order to meet HUD's compliance, the City is required to conduct an Analysis of Impediments to Fair Housing Choice, or AI.

In an effort to solicit increased community participation and involvement in identifying barriers to fair housing choice and priorities for affirmatively furthering fair housing, Harris County and the cities of

Galveston, Missouri City, and Pasadena through our hired consultant, BBC Research & Consulting, conducted a regional collaborative study and held a number public meetings engaging area residents and stakeholders' perspectives on housing issues in the region. In early July, 2018 the draft study was completed by the consultants, and made available for public review on the City of Missouri City Website.

As a result of the in-depth study, a number of recognized actions are proposed to assist the City in assuring that *Impediments to Fair Housing Choice* are addressed. Some areas of recommendation include outreach and education, training, partnership opportunities for collaboration on financial literacy and funding resources, reduction of barriers of affordable housing, promotion of anti-NIMBY plan/policies, streamlining and review of development regulations to evaluate any potential barriers, housing diversity, ensure consistency of state and local codes regarding regulation of all housing types, community and group homes, accessibility and universal design opportunities over the next 5-7 years.

DRAFT

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

The City of Missouri City conducts monthly desk monitoring and annual on-site monitoring. The City's monitoring strategy is designed to assist staff in fulfilling its regulatory obligation in monitoring subrecipients, including City departments, as well as assist subrecipients in best serving their consumers. The primary purpose for this monitoring strategy is to ensure proper program performance, financial performance and regulatory compliance in accordance with HUD Regulations. The secondary purpose is to ensure that the funded agencies are providing the best and most cost effective services possible and that they are positioned to access additional funding from non-HUD sources.

The monitoring process is an on-going one of planning, implementation, communication and follow-up. Under normal circumstances, on-site monitoring is conducted annually. However, if the activity or program is considered to have a high-risk of non-compliance, a more frequent monitoring schedule is developed. High risk programs include housing rehabilitation, programs undertaken by any subrecipient for the first time, and programs undertaken by an agency or department with a history of staff turnovers, reporting problems, or monitoring findings. Additionally, during PY 2017, all subrecipients were required to submit reimbursement requests monthly.

The procedure for conducting the monitoring consisted of the following:

- Prior to the actual awarding of contracts, staff held one-on-one discussions with each subrecipient. At that time the monitoring procedures, reporting procedures and expectations were discussed and reporting forms provided in hard-copy and electronic formats.
- On a monthly basis, a desk review was conducted for each reimbursement request packet that included a review of the invoice and back-up documentation; review of the client list for completeness, address verification and income verification; a review of Board of Director's minutes; and a review of any staff changes. All inaccuracies, discrepancies and concerns were brought to the agency's attention and rectified prior to submission for reimbursement.
- Prior to the approval of any payments, staff reviews all reimbursement requests and back-up documentation for accuracy, eligibility of activities/clientele and proper supporting information. Any errors or deficiencies are reported to the subrecipient and the documentation corrected and resubmitted. Once the reimbursement requests are complete and accurate, staff sends the packet to the City's Director of Development Services for approval and payment processing.
- On an annual basis, each subrecipient was notified of a date, time, and place for a monitoring visit also the information to be viewed and discussed.
- At each monitoring visit, a conference was held with a Board Member or Executive Director and staff persons working with or salaried through the activity being funded.

- The actual monitoring visits were conducted by completing the monitoring interview form and viewing documentation, if applicable. Monitors visited several houses rehabilitated using HUD-funds.
- Monitoring visits concluded with monitors advising the subrecipients of any deficiencies.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

On December 7, 2018, the City published notice of the comment period of the CAPER in the Fort Bend Herald in English and Spanish, posted the notice of comment period on the official bulletin board at the entrance to City Hall, posted the notice of the comment period on the City's website and the public Library, posted the draft CAPER on the City's website, maintained a copy of the draft CAPER in the Development Services offices for public review and provided a copy of the draft CAPER to the Missouri City Library for public review. A copy of the publisher's affidavits and the published notices are attached as Attachment 3.

At the December 17, 2018, City Council meeting, the accomplishments of PY2017 were reviewed with City Council during a staff report. A copy of the presentation is Attachment 4.

No public comments were received.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

There have been no changes in the City's program objectives.

In PY 2017, the City employ a full-time employee to oversee the CDBG program and oversee all grants that the City applies for. Additionally, the City will seek to provide greater publicity of its application process to encourage other entities to apply for public service assistance. The City has adopted a Section 3 program that it will employ to encourage the hiring of low and moderate residents for work within the City.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

There have been no changes in the City's program objectives.

In PY 2017, the City employ a full-time employee to oversee the CDBG program and oversee all grants that the City applies for. Additionally, the City will seek to provide greater publicity of its application process to encourage other entities to apply for public service assistance. The City has adopted a Section 3 program that it will employ to encourage the hiring of low and moderate residents for work within the City.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

Attachment

PUBLIC NOTICES

8-18

City of Missouri City

PUBLISHER'S AFFIDAVIT PY 16-17 CAPER

THE STATE OF TEXAS §
COUNTY OF FORT BEND §

Before me, the undersigned authority, on this day personally appeared Lee Hartman who being by me duly sworn, deposes and says that he is the Publisher of *Fort Bend Herald* 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 1959.
5. it is generally circulated within Fort Bend County.

(CLIPPING) (S)
on Back

Publisher further deposes and says that the attached notice was published in said newspaper on the following date(s) to wit:

8-18

_____, A.D. 2017

LH

Lee Hartman
Publisher

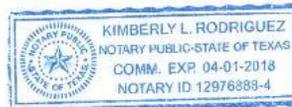
SUBSCRIBED AND SWORN BEFORE ME by Lee Hartman, who

- a) is personally known to me, or
 b) provided the following evidence to establish his/her identity, _____

on this the 21 day of August, A.D. 2017 to certify which witness my hand and seal of office.

Kimberly L. Rodriguez

Notary Public, State of Texas



Notice of Public Hearing
HUD Community Development Block Grant
Program
Amendments to the PY 2017-2018
Comprehensive Annual Performance and
Evaluation Report (CAPER)

The City of Missouri City will hold a public hearing to give all Missouri City residents an opportunity to voice opinions on the City's PY 2017-2018 Comprehensive Annual Performance and Evaluation Report (CAPER).

All attendees are invited to speak on the subject of the CAPER at the public hearing on:

Monday, December 17, 2018
7:00 PM
City of Missouri City
City Hall Council Chamber
1522 Texas Parkway
Missouri City, Texas

A presentation of the CAPER will be conducted at the City of Missouri City Council Meeting on December 17, 2018 at 7:00pm at the address above. Residents may also send comments on or before December 28, 2018 to the City of Missouri City's Development Services Department at 1522 Texas Parkway, Missouri City, TX 77489 (Attention: Egima Brown). Residents may fax their comments to the City at (281) 208-5551.

CDBG Program Background

The national objective of the CDBG program is to develop viable urban communities by providing decent housing, a suitable living environment and expanding economic opportunities principally for low and moderate-income persons. At least 80% of CDBG funds must be used for activities that benefit low and moderate-income persons. CDBG goals include:

1. Improving the urban environment in low and moderate income areas;
2. Eliminating blighting influences and the deterioration of property, neighborhoods and public facilities in low and moderate-income areas; and
3. Ensuring decent, safe, sanitary housing for low and moderate-income residents.

Eligible activities include, but are not limited to the following: public facility construction and improvements; handicap accessibility; operational funding for non-profit agencies servicing primarily low income persons; rehabilitation of owner-occupied housing; housing development assistance, enforcement of City codes; clearance and demolition; infrastructure improvements; and, business development and job creation activities.

Note: In compliance with the Americans With Disabilities Act, this facility is wheelchair accessible and accessible parking spaces are available. Requests for special accommodations or interpretive services must be made at least 48 hours prior to this meeting. Please contact the Planning Department at 281-403-8541 or by FAX 281-208-5551.

8-21

City of Missouri City

PUBLISHER'S AFFIDAVIT *PY 16-17 CAPER*

Spanish

THE STATE OF TEXAS §
COUNTY OF FORT BEND §

Before me, the undersigned authority, on this day personally appeared Lee Hartman who being by me duly sworn, deposes and says that he is the Publisher of *Fort Bend Herald* 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 1959.
5. it is generally circulated within Fort Bend County.

(CLIPPING) (S)
on Back

Publisher further deposes and says that the attached notice was published in said newspaper on the following date(s) to wit:

8-21

_____, A.D. 2017



Lee Hartman
Publisher

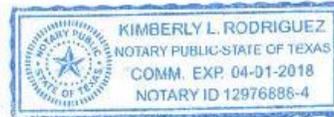
SUBSCRIBED AND SWORN BEFORE ME by Lee Hartman, who

a) is personally known to me, or

b) provided the following evidence to establish his/her identity, _____

on this the 22 day of August, A.D. 2017
to certify which witness my hand and seal of office.


Notary Public, State of Texas



Aviso de Audiencia Pública
Programa de Donativos en Bloque para el
Desarrollo Comunitario de HUD
Modificaciones en PY 2017-2018 el Rendimiento
Integral Anual y el Informe de Evaluación
(CAPER)

La ciudad de Missouri celebrará la audiencia pública para dar a todos los residentes de la ciudad de Missouri una oportunidad de comentar sobre la ciudad PY 2017-2018 el Rendimiento Integral Anual y el Informe de Evaluación (CAPER).

Están todos invitados a hablar sobre el tema del CAPER en la audiencia pública:

Lunes, 17 de Diciembre, 2018
7:00 PM
Ciudad de Missouri
Cámara de Consejo del Ayuntamiento
1522 Texas Parkway
Missouri City, Texas

Una presentación del CAPER se realizará en la Reunión Consejo de Ciudad de Missouri el 17 de Diciembre 2018 a las 7:00 pm en la dirección anteriormente mencionada. Los residentes también pueden enviar comentarios a la fecha de 28 de Diciembre, 2018 o antes, al Departamento de Servicios de Desarrollo de la Ciudad de Missouri el Departamento está en 1522 Texas Parkway, Missouri City, TX 77489 (Atención: Egima Brown). Los residentes pueden enviar sus comentarios por fax al (281) 208-5551.

Historia del Programa CDBG

El objetivo nacional del programa CDBG es desarrollar comunidades urbanas viables proporcionando vivienda, un entorno de vida adecuado y ampliar las oportunidades económicas, principalmente para personas de ingresos bajas y moderadas. Por lo menos el 80 % del fondo CDBG ha de usarse para las actividades que benefician a las personas del ingreso moderado. Los objetivos de CDBG incluyen:

1. Mejorar el entorno urbano en áreas de ingresos bajos y moderados;
2. Eliminación de influencias infortunadas y el deterioro de inmuebles, barrios y equipamientos públicos en las áreas de ingresos bajas y moderadas; y
3. Asegurar la vivienda decente, segura y sanitaria para los residentes de ingresos bajos y moderados.

Actividades elegibles incluyen, pero no se limitan a lo siguiente: la construcción de instalaciones públicas y mejoras; la accesibilidad para discapacitados; operaciones de financiación para las agencias sin fines de lucro de servicios a principalmente personas de bajos ingresos; la rehabilitación de viviendas ocupadas por sus propietarios; asistencia para el desarrollo de vivienda, aplicación de códigos de la Ciudad; la remoción y la demolición; las mejoras en la infraestructura; y las actividades desarrollo y el trabajo de creación.

Nota: En cumplimiento de la ley Estadounidense con las Discapacidades, esta instalación es accesible por las sillas de ruedas y dispone de aparcamiento accesible. Solicitudes de servicios especiales o servicios de interpretación deben hacerse al menos 48 horas antes de esta reunión. Por favor, póngase en contacto con el Departamento de Planeación al 281-403-8541 o por FAX 281-208-5551.

PY 2017 POWERPOINT PRESENTATION

COMMUNITY DEVELOPMENT BLOCK GRANT

**Presentation on the accomplishments for Program
Year 2017**

Chalisa G. Dixon

Community Development Coordinator



Program Year 2017 Funding

- ❖ The accomplishment for CDBG Program Year 2017 has been published in the Comprehensive Annual Performance and Evaluation Report (CAPER).
- ❖ In Program Year 2017 (City Fiscal Year 2017), the City received \$266,015 in CDBG funding from the US Department of Housing and Urban Development.





Community
Development
Block
Grant

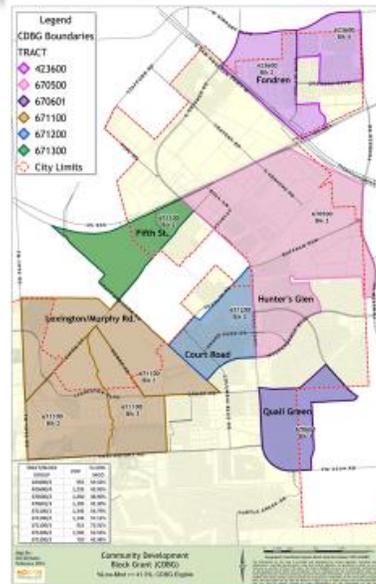


Target Area 2017

- Court Road
- Fifth Street
- Fondren Park
- Hunter's Glen
- Lexington/Murphy Rd.
- Quail Green



- ❖ The Census Tract and Block Groups by the US Census Bureau.
- ❖ Census Tract/Block Groups including 43600/2, 423600/4, 670500/2, 670601/3, 671100/1, 671100/2, 671100/3, 671200/2, and 671300/2.



PUBLIC SERVICES



Meals on Wheels

- ❖ Fort Bend Seniors was granted and expended \$11,666.95.
- ❖ 25 adults were delivered 3,514 meals
- ❖ Meal service is provided 7 days each week



Abused Child Services

- ❖ Child Advocates of Fort Bend County was granted and expended \$11,667.
- ❖ 159 children suspected to be victims of abuse or neglect received 1,316 hours of counseling.



Educational Scholarships

- ❖ Educational Scholarships in the amount of \$7,667 granted and expended.
- ❖ 4 post secondary educational scholarships were awarded
- ❖ All four students successfully completed a year of higher education

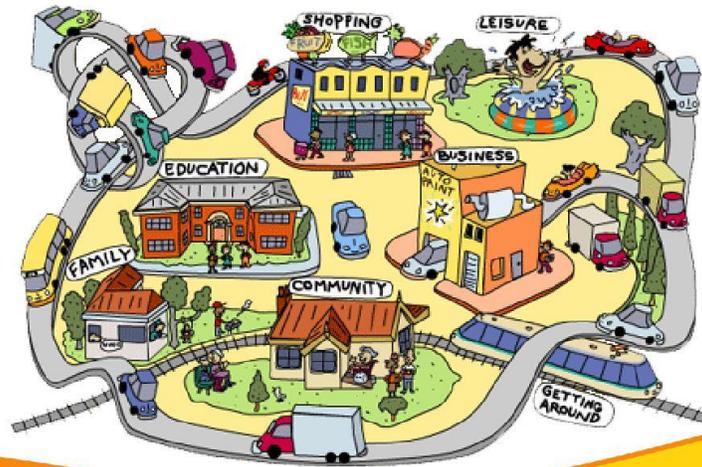


Low and Moderate Income Assistance

Subrecipient	Total	<30%	31-50%	51-80%	>80%
Child Advocates	159	78 49.05%	29 18.23%	26 16.35%	0 0.0%
Meals on Wheels	25	25 100.0%	0 0.00%	0 0.00%	0 0.00%
Scholarships	4	1 25%	1 25%	2 50%	0 0%
Totals	188	104 55.31%	30 15.95%	28 14.89%	0 00.0%



CITY SERVICES



Code Enforcement

- ❖ Total of \$ 44,424 was expended
- ❖ Code Enforcement conducted 2,089 inspections; in which 2,415 violations were observed, corrected 534 violations, filed 112 violations with municipal court to assist in housing condition standards and the preservation of the Target Area neighborhoods.



Owner-Occupied Housing Rehabilitation

- ❖ During the PY 2017, the City completed Nine (9) Housing Rehab projects from the PY 15 funding through the Fort Bend Habitat for Humanity Contractor. To date, \$87,493.49 has been expended for PY 2015.
- ❖ For PY 16, \$129,577.21 was budgeted, to date, \$29,158.82 has been expended from roll over PY 2015 projects.
- ❖ For PY 17, no Funds have been expended. Two properties from prior years funding (PY14) will receive additional work from the PY 17 funding account. The Housing Rehab Program opened its waiting list and we have accepted have 25 applications. The Application process is now closed and the City is not accepting additional applications, but will be adding individual to a wait list.



Administration

- ❖ The CDBG program administration was expended in the amount of \$53,178.
- ❖ The City completed the Analysis of Impediments to Fair Housing Plan with BBC Research Consulting in the amount of \$20,000 with Administrative funds. A draft version is available on the City's website.
- ❖ Housing Study Plan approved in the amount of \$30,000 was approved the City has not solicited bids to date.



Program Improvements



Program Improvements

- ❖ Housing rehab program software reauthorized
- ❖ City's Building Inspectors utilized
- ❖ Permitting process revised with the Energov System
- ❖ Scholarship application and forms revised
- ❖ Code Enforcement Policy drafted
- ❖ CDAC Election of Officers
- ❖ Continual Customer Services



Questions



NOTE: Public hearing to receive comments on the Program Year 2016 Comprehensive Annual Performance and Evaluation Report (CAPER) will be received in Agenda Item 7(b)3.



DRAFT

FINANCIAL SUMMARY ü PR26



Office of Community Planning and Development
 U.S. Department of Housing and Urban Development
 Integrated Disbursement and Information System
 PR26 - CDBG Financial Summary Report
 Program Year 2017
 MISSOURI CITY , TX

DATE: 11-29-18
 TIME: 17:22
 PAGE: 1

PART I: SUMMARY OF CDBG RESOURCES

01 UNEXPENDED CDBG FUNDS AT END OF PREVIOUS PROGRAM YEAR	0.00
02 ENTITLEMENT GRANT	266,015.00
03 SURPLUS URBAN RENEWAL	0.00
04 SECTION 108 GUARANTEED LOAN FUNDS	0.00
05 CURRENT YEAR PROGRAM INCOME	0.00
05a CURRENT YEAR SECTION 108 PROGRAM INCOME (FOR SI TYPE)	0.00
06 FUNDS RETURNED TO THE LINE-OF-CREDIT	0.00
06a FUNDS RETURNED TO THE LOCAL CDBG ACCOUNT	0.00
07 ADJUSTMENT TO COMPUTE TOTAL AVAILABLE	0.00
08 TOTAL AVAILABLE (SUM, LINES 01-07)	266,015.00

PART II: SUMMARY OF CDBG EXPENDITURES

09 DISBURSEMENTS OTHER THAN SECTION 108 REPAYMENTS AND PLANNING/ADMINISTRATION	238,641.47
10 ADJUSTMENT TO COMPUTE TOTAL AMOUNT SUBJECT TO LOW/MOD BENEFIT	0.00
11 AMOUNT SUBJECT TO LOW/MOD BENEFIT (LINE 09 + LINE 10)	238,641.47
12 DISBURSED IN IDIS FOR PLANNING/ADMINISTRATION	46,640.19
13 DISBURSED IN IDIS FOR SECTION 108 REPAYMENTS	0.00
14 ADJUSTMENT TO COMPUTE TOTAL EXPENDITURES	0.00
15 TOTAL EXPENDITURES (SUM, LINES 11-14)	285,281.66
16 UNEXPENDED BALANCE (LINE 08 - LINE 15)	(19,266.66)

PART III: LOWMOD BENEFIT THIS REPORTING PERIOD

17 EXPENDED FOR LOW/MOD HOUSING IN SPECIAL AREAS	0.00
18 EXPENDED FOR LOW/MOD MULTI-UNIT HOUSING	0.00
19 DISBURSED FOR OTHER LOW/MOD ACTIVITIES	238,641.47
20 ADJUSTMENT TO COMPUTE TOTAL LOW/MOD CREDIT	0.00
21 TOTAL LOW/MOD CREDIT (SUM, LINES 17-20)	238,641.47
22 PERCENT LOW/MOD CREDIT (LINE 21/LINE 11)	100.00%

LOW/MOD BENEFIT FOR MULTI-YEAR CERTIFICATIONS

23 PROGRAM YEARS(PY) COVERED IN CERTIFICATION	PY: PY: PY:
24 CUMULATIVE NET EXPENDITURES SUBJECT TO LOW/MOD BENEFIT CALCULATION	0.00
25 CUMULATIVE EXPENDITURES BENEFITING LOW/MOD PERSONS	0.00
26 PERCENT BENEFIT TO LOW/MOD PERSONS (LINE 25/LINE 24)	0.00%

PART IV: PUBLIC SERVICE (PS) CAP CALCULATIONS

27 DISBURSED IN IDIS FOR PUBLIC SERVICES	27,806.37
28 PS UNLIQUIDATED OBLIGATIONS AT END OF CURRENT PROGRAM YEAR	0.00
29 PS UNLIQUIDATED OBLIGATIONS AT END OF PREVIOUS PROGRAM YEAR	0.00
30 ADJUSTMENT TO COMPUTE TOTAL PS OBLIGATIONS	0.00
31 TOTAL PS OBLIGATIONS (LINE 27 + LINE 28 - LINE 29 + LINE 30)	27,806.37
32 ENTITLEMENT GRANT	266,015.00
33 PRIOR YEAR PROGRAM INCOME	0.00
34 ADJUSTMENT TO COMPUTE TOTAL SUBJECT TO PS CAP	0.00
35 TOTAL SUBJECT TO PS CAP (SUM, LINES 32-34)	266,015.00
36 PERCENT FUNDS OBLIGATED FOR PS ACTIVITIES (LINE 31/LINE 35)	10.45%

PART V: PLANNING AND ADMINISTRATION (PA) CAP

37 DISBURSED IN IDIS FOR PLANNING/ADMINISTRATION	46,640.19
38 PA UNLIQUIDATED OBLIGATIONS AT END OF CURRENT PROGRAM YEAR	0.00
39 PA UNLIQUIDATED OBLIGATIONS AT END OF PREVIOUS PROGRAM YEAR	0.00
40 ADJUSTMENT TO COMPUTE TOTAL PA OBLIGATIONS	0.00
41 TOTAL PA OBLIGATIONS (LINE 37 + LINE 38 - LINE 39 +LINE 40)	46,640.19
42 ENTITLEMENT GRANT	266,015.00
43 CURRENT YEAR PROGRAM INCOME	0.00
44 ADJUSTMENT TO COMPUTE TOTAL SUBJECT TO PA CAP	0.00
45 TOTAL SUBJECT TO PA CAP (SUM, LINES 42-44)	266,015.00
46 PERCENT FUNDS OBLIGATED FOR PA ACTIVITIES (LINE 41/LINE 45)	17.53%



LINE 17 DETAIL: ACTIVITIES TO CONSIDER IN DETERMINING THE AMOUNT TO ENTER ON LINE 17

Report returned no data.

LINE 18 DETAIL: ACTIVITIES TO CONSIDER IN DETERMINING THE AMOUNT TO ENTER ON LINE 18

Report returned no data.

LINE 19 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 19

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount
2016	1	206	6133142	Buffalo Run Park Trail Improvements	03F	LMA	\$71,436.68
					03F	Matrix Code	\$71,436.68
2017	3	214	6158926	Fort Bend Seniors Meals on Wheels	05A	LMC	\$4,095.57
2017	3	214	6176491	Fort Bend Seniors Meals on Wheels	05A	LMC	\$1,269.80
					05A	Matrix Code	\$5,365.37
2017	5	215	6133147	Post-Secondary Educational Scholarships	05H	LMC	\$7,502.80
2017	5	215	6176491	Post-Secondary Educational Scholarships	05H	LMC	\$164.20
					05H	Matrix Code	\$7,667.00
2017	7	207	6158926	Fair Housing	05J	LMA	\$2,850.00
					05J	Matrix Code	\$2,850.00
2016	4	201	6080038	Child Advocates	05N	LMC	\$257.00
2017	4	213	6133147	Child Advocates	05N	LMC	\$9,322.73
2017	4	213	6158926	Child Advocates	05N	LMC	\$848.02
2017	4	213	6176491	Child Advocates	05N	LMC	\$1,496.25
					05N	Matrix Code	\$11,924.00
2015	3	194	6133140	Housing Rehabilitation	14A	LMH	\$62,328.17
2016	2	204	6133143	Housing Rehabilitation	14A	LMH	\$29,081.36
					14A	Matrix Code	\$91,409.53
2015	3	195	6133141	Housing Rehabilitation Admin	14H	LMH	\$3,564.89
					14H	Matrix Code	\$3,564.89
2017	6	212	6133146	Code Enforcement	15	LMA	\$33,177.92
2017	6	212	6158926	Code Enforcement	15	LMA	\$3,721.64
2017	6	212	6176491	Code Enforcement	15	LMA	\$7,217.60
2017	6	212	6204362	Code Enforcement	15	LMA	\$306.84
					15	Matrix Code	\$44,424.00
Total							\$238,641.47

LINE 27 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 27

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount
2017	3	214	6158926	Fort Bend Seniors Meals on Wheels	05A	LMC	\$4,095.57
2017	3	214	6176491	Fort Bend Seniors Meals on Wheels	05A	LMC	\$1,269.80
					05A	Matrix Code	\$5,365.37
2017	5	215	6133147	Post-Secondary Educational Scholarships	05H	LMC	\$7,502.80
2017	5	215	6176491	Post-Secondary Educational Scholarships	05H	LMC	\$164.20
					05H	Matrix Code	\$7,667.00
2017	7	207	6158926	Fair Housing	05J	LMA	\$2,850.00
					05J	Matrix Code	\$2,850.00
2016	4	201	6080038	Child Advocates	05N	LMC	\$257.00
2017	4	213	6133147	Child Advocates	05N	LMC	\$9,322.73
2017	4	213	6158926	Child Advocates	05N	LMC	\$848.02
2017	4	213	6176491	Child Advocates	05N	LMC	\$1,496.25
					05N	Matrix Code	\$11,924.00
Total							\$27,806.37



LINE 37 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 37

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount
2016	8	198	6080038	Administration	21A		\$23.06
2017	1	209	6133216	Program Administration	21A		\$29,467.13
					21A	Matrix Code	\$29,490.19
2017	7	216	6133147	Assesemnt Impediments Fair Housing (AI)	21D		\$13,117.25
2017	7	216	6158926	Assesemnt Impediments Fair Housing (AI)	21D		\$4,032.75
					21D	Matrix Code	\$17,150.00
Total							\$46,640.19

**City of Missouri City, Texas
Financial Summary Adjustments – PY2016**

Program Income Summary for PY 2016:

The City of Missouri City, Texas received \$00.00 in Program Income during the 2016 Program Year.

Adjustment Summary for Line 10

Line 10: Adjustment for Calculating Low/Mod Benefit
 Add: \$280.06 (PY 2016 non-Admin payables)
 Deduct: \$141,024.53 (PY 2015 non-Admin payables)
 \$(140,744.47)

Adjustment Summary for Parks 2015-2016

Current Year Payables not included in IDIS calculation of PR26 (paid in PY 2016 with no prior year flag):

<u>Voucher #</u>	<u>Date</u>	<u>Amount</u>
		\$0.00
<u>Total</u>		\$0.00

Prior Year Payables included in IDIS calculation of PR26 but should not be used (paid in PY 2016 with no prior year flag):

<u>Voucher #</u>	<u>Date</u>	<u>Amount</u>
6053517	06/22/2017	\$6,000.00
6057084	06/30/2017	\$39,000.00
6053517	06/22/2017	\$64,000.00
<u>Total</u>		\$109,000.00

Adjustment Summary for Housing Rehab 2015-2016

Current Year Payables not included in IDIS calculation of PR26 (paid in PY 2016 with no prior year flag):

<u>Voucher #</u>	<u>Date</u>	<u>Amount</u>
		\$0.00
<u>Total</u>		\$0.00

Prior Year Payables included in IDIS calculation of PR26 but should not be used (paid in PY 2016 with no prior year flag):

<u>Voucher #</u>	<u>Date</u>	<u>Amount</u>
6022243	3/27/2017	\$685.00
6057084	06/30/2017	\$19,463.00
6022244	03/17/2017	\$382.43
6045841	05/30/2017	\$700.00
6053511	06/22/2017	\$350.00
6057084	06/30/2017	\$20.00
<u>Total</u>		\$21,600.43

Adjustment Summary for Code Enforcement 2015-2016

Current Year Payables not included in IDIS calculation of PR26 (paid in PY 2016 with no prior year flag):

Voucher #	Date	Amount
Total		\$0.00

Prior Year Payables included in IDIS calculation of PR26 but should not be used (paid in PY 2016 with no prior year flag):

Voucher #	Date	Amount
5963696	9/14/2016	\$654.94
5986927	11/28/2016	\$350.13
Total		\$1,005.07

Adjustment Summary for Public Services 2015-2016

Line 31: Total PS Obligations:*

Add: \$ 257.00 (PY 2016 PS payables)

Deduct: \$ 3,273.21 (PY 2015 PS payables)

Net adj: (\$3,016.21)

* Line 30 adjustment = \$0.00; Adjustment managed in Lines 28-29 to prevent IDIS from double counting

Line 27 + Line 28 – Line 29 = total PS Expenditures for computing cap of 15.00%

Current Year Payables not included in IDIS calculation of PR26 (paid in PY 2016 with no prior year flag):

Voucher #	Date	Amount
6080038	9/18/2016	\$257.00
Total		\$257.00

Prior Year Payables included in IDIS calculation of PR26 but should not be used (paid in PY 2016 with no prior year flag):

Voucher #	Date	Amount
5963700	9/14/2015	\$2,717.21
5963708	09/14/2016	\$556.00
Total		\$3,273.21

Total Non-Admin \$134,878.71

Adjustment Summary for Administration 2015-2016

Line 41: Total Administration Obligations:*

Add: \$23.06
Deduct: \$6145.82
Net adj: \$(6122.76)

* Line 40 adjustment = \$0.00; Adjustment managed in Lines 38-39 to prevent IDIS from double counting

Line 37 + Line 38 – Line 39 = total Admin Expenditures for computing cap of 20% Current Year Payables not included in IDIS calculation of PR26 (paid in PY 2016 with no prior year flag):

Voucher #	Date	Amount
6080038	9/18/2017	\$23.06
<u>Total</u>		<u>\$23.06</u>

Prior Year Payables included in IDIS calculation of PR26 but should not be used (paid in PY 2016 with no prior year flag):

Voucher #	Date	Amount
5963691	09/14/2016	\$3,028.77
5977670	10/26/2016	\$2,963.02
6045841	05/30/2017	\$154.03
<u>Total</u>		<u>\$6,145.82</u>



**Council Agenda Item
December 16, 2019**

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



CITY COUNCIL AGENDA ITEM COVER MEMO

December 16, 2019

To: Mayor and City Council
Agenda Item: 9(a) Consider approving a deed transferring dedicated and gifted parkland to the City of Missouri City, Texas, from Herrin Ranch Development II Inc., on behalf of the Riverstone "Phase II" Subdivision.
Submitted by: Jason S. Mangum, Director of Parks and Recreation

SYNOPSIS

The attached deed is submitted by Herrin Ranch Development II Inc., in part, as a gift of parkland to the City of Missouri City, Texas and, in part, as a dedication in conformance with the provisions of Chapter 82, Subdivisions, of the City Code of the City of Missouri, Texas to satisfy the dedication of parkland in conjunction with the subdivision of land in Fort Bend County for the Riverstone Phase II Development.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live

BACKGROUND

On June 2, 2008, Riverstone Subdivision, a master planned subdivision in the ETJ of the City Missouri City, Texas, Fort Bend County, submitted a parkland proposal for what is known as Riverstone Phase II. Under the provisions of Chapter 82, Subdivisions, of the City Code of the City of Missouri, Texas ("Missouri City Subdivision Ordinance"), this subdivision, was required to dedicate 26 acres of parkland. The developer chose to offer both public and private parkland to meet this requirement. The developer offered a total of 212.4 acres of parkland. 131.6 acres would be private parkland and 80.8 acres would be public parkland. The proposed public parkland was outside of the Riverstone Phase II Subdivision; thus, the transfer of the land would happen after a series of final plat approvals. (Attachment A.) On June 2, 2008, the City Council of Missouri City accepted the proposal. (Attachment B.)

The subdivision of properties within Riverstone Phase II is complete; Herrin Ranch Development II Inc., the owner of the parkland property, offers the attached deed, in part as a gift, and, in part, to satisfy the public parkland due under Missouri City Subdivision Ordinance for Riverstone Phase II. In total, Herrin Ranch gifts and dedicates 117.34 net acres of parkland to the City of Missouri City, Texas. The parkland offered differs from the 2008 proposal. The 2008 Riverstone parkland plan did not include boundary descriptions; however, maps were provided. See Attachment A. In addition to the nearly 40 additional acres of land offered today, a visual comparison of the two offers reveals a slight difference in exception in land offered in 2008. Therefore, City Council is asked to accept the dedicated and gifted parkland for the Riverstone Phase II Development, as expressed in the attached deed.

BUDGET ANALYSIS

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

SUPPORTING MATERIALS

1. Deed.
2. Map depiction of the land transferred in the deed.
3. Attachment A - 2008 parkland proposal.
4. Attachment B - 2008 city council minutes, reflecting the acceptance of the proposed parkland.

STAFF'S RECOMMENDATION

Staff recommends approval of the gifted and dedicated parkland.

Director Approval: Jason Mangum

Assistant City Manager Approval: Glen Martel

SPECIAL WARRANTY DEED

Date: December 6, 2019

Grantor: Herrin Ranch Development II Inc, a Texas corporation

Grantor's Mailing Address: 5005 Riverway, Suite 500, Houston, Texas 77056

Grantee: CITY OF MISSOURI CITY, a Texas home-rule municipality.

Grantee's Mailing Address: 1522 Texas Parkway
Missouri City, Fort Bend County, Texas 77489

Consideration: This conveyance is made by Grantor, in part, as a gift of parkland to the City of Missouri City, Texas and, in part, as a dedication in conformance with the provisions of Chapter 82, Subdivisions, of the City Code of the City of Missouri, Texas to satisfy the dedication of parkland in conjunction with the subdivision of land in Fort Bend County, Texas, specifically for (i) Kensington at Riverstone, a subdivision of 24.0636 acres out of the William Little Survey, A54 owned By Sugar Land Ranch Development II Corp and Frost Ranch Development, L.P.; (ii) Shadow Glen at Riverstone Section Three Phase One, a subdivision of 10.2700 acres out of the William Little Survey, A-54 owned by Grantor; (iii) Sweetbriar at Riverstone Section Three, a subdivision of 19.6923 acres out of the William Little Survey, A-54 owned by Grantor; (iv) Senova at Riverstone Section Three Phase One, a subdivision of 12.3380 acres out of the William Little Survey, A-54 owned by Sugar Land Ranch Development II Corp; (v) Shadow Glen at Riverstone Section Two, a subdivision of 11.0932 acres out of the William Little Survey, A-54 owned by Grantor; (vi) Senova at Riverstone Section Three Phase Two, a subdivision of 10.3102 acres out of William Little Survey, A-54 owned by Sugar Land Ranch Development II Corp; (vii) The Orchard at Riverstone Section Three, a subdivision of 11.1822 acres out of William Little Survey, A-54 owned by Grantor; (viii) Millwood at Riverstone Section One, a subdivision of 18.9386 acres out of William Little Survey, A-54 owned by Grantor; (ix) Kensington at Riverstone Section Two, a Subdivision of 11.2235 acres out of William Little Survey, A-54 owned by Frost Ranch Development, L.P; (x) Shadow Glen at Riverstone Section Three Phase Two, a subdivision of 8.5306 acres out of the William Little Survey, A-54 owned by Grantor; (xi) Senova at Riverstone Section Two, a subdivision of 11.7356 acres out of William Little Survey, A-54 owned by Sugar Land Ranch Development II Corp; (xii) Sweetbriar at Riverstone, a subdivision of 17.6003 acres out of the William Little Survey, A-54 owned by Grantor; (xiii) Sweetbriar at Riverstone Section Two, a subdivision of 13.3534 acres out of the William Little Survey, A-54 owned by Grantor, (xiv)The Orchard at Riverstone Section Two, a subdivision of 19.1656 acres out of William Little Survey, A-54 owned by Grantor; (xv) The Orchard at Riverstone Section One, a subdivision of 19.1656 acres out of William Little Survey, A-54 owned by Grantor; (xvi) Sweetbriar at Riverstone Section Four, a subdivision of .7284 acres out of the William Little Survey, A-54 owned by Grantor; (xvii) Nandina at Riverstone, a

subdivision of 17.113 acres out of the William Little Survey, A-54 owned by Frost Ranch Development, L.P.; (xviii) The Enclave at Riverstone Section Two, a subdivision of 6.6445 acres out of the William Little Survey, A-54 owned by Frost Ranch Enclave, L.P.; (xix) Hartford Landing at Riverstone Section Two, a subdivision of 26.7996 acres out of the William Little Survey, A-54 owned by Sugar Land Ranch Development II Corp; (xx) Lost Creek at Riverstone Section One, a subdivision of 19.2800 acres out of the William Little Survey, A-54 owned by Grantor; (xxi) Lost Creek at Riverstone Section Two, a subdivision of 13.6833 acres out of the William Little Survey, A-54 owned by Grantor; (xxii) Lost Creek at Riverstone Section Three, a subdivision of 10.9828 acres out of the William Little Survey, A-54 owned by Grantor; (xxiii) Brookside at Riverstone, a subdivision of 29.8014 acres out of the William Little Survey, A-54 owned by Sugar Land Ranch Development II Corp; (xxiv) Meridian Park at Riverstone, a subdivision of 24.9892 acres out of the William Little Survey, A-54 owned by Sugar Land Ranch Development II Corp; (xxv) Crescent View Estates at Riverstone, a subdivision of 17.8734 acres out of the William Little Survey, A-54 owned by Sugar Land Ranch Development II Corp; (xxvi) Senova at Riverstone, a subdivision of 20.7248 acres out of William Little Survey, A-54 owned by Sugar Land Ranch Development II Corp; and (xxvii) Hartford Landing at Riverstone, a subdivision of 22.3663 acres out of the William Little Survey, A-54 owned by Sugar Land Ranch Development II Corp.

Property (including any improvements): The real property is described in metes and bounds in Exhibit "A," attached hereto and incorporated herein for all purposes.

Taxes: Grantor agrees to pay the taxes due for 2019 and prior years.

Reservations from Conveyance: None.

Exceptions to Conveyance and Warranty: This conveyance is made and accepted expressly subject to any and all restrictions, covenants, conditions, agreements, conveyed or reserved mineral and royalty interests, and other matters if any, relating to the Property and of public record, and to all zoning laws, regulations and ordinances of municipal and/or governmental authorities, if any, but only to the extent they are still in effect relating to the Property (collectively, the "Permitted Exceptions").

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, GRANTS, GIVES, DONATES, DEDICATES, AND CONVEYS to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, TO HAVE AND TO HOLD the Property to Grantee and Grantee's successors and assigns forever; and, subject to the Permitted Exceptions, Grantor does hereby bind itself, its successors and assigns, to warrant and forever defend, all and singular, the Property unto Grantee and its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part hereof, by, through or under Grantor, but not otherwise.

When the context requires, singular nouns and pronouns include the plural.

[EXECUTION BY GRANTOR TO FOLLOW]

EXECUTION BY GRANTOR

Grantor has executed this Deed on this 6th day of December 2019.

GRANTOR

HERRIN RANCH DEVELOPMENT II INC,
A TEXAS CORPORATION

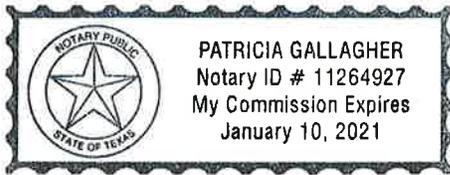
By: 
NAME: F. W. Reichert III
TITLE: Vice President

STATE OF TEXAS

§
§
§

COUNTY OF FORT BEND

This instrument was acknowledged before me this 6th day of December 2019, by F. W. Reichert III, Vice President of Herrin Ranch Development II Inc, a Texas corporation.



By: 
Notary Public, State of Texas

ACCEPTANCE BY GRANTEE

ACCEPTED this _____ day of _____ 2019.

GRANTEE

CITY OF MISSOURI CITY,
a Texas home-rule municipality

By: _____
Yolanda Ford
Mayor

ATTEST:

By: _____
Maria Jackson
City Secretary

After recording, return to:
CITY OF MISSOURI CITY, TEXAS
ATTN: LEGAL DIVISION
1522 TEXAS PARKWAY
MISSOURI CITY, TX 77489

EXHIBIT A

Page 1 of 13 Pages

County: Fort Bend
Project: Riverstone
C.I. No.: 1046-19R (Sketch Prepared)
Job No.: 2005-099-076

METES AND BOUNDS DESCRIPTION
117.47 GROSS ACRES
SAVE & EXCEPT 0.13 ACRES
117.34 NET ACRES

Being a 79.16 acre tract of land (Tract A), a 1.25 acre tract of land (Tract B), a 10.96 acre tract of land (Tract C), and a 26.10 acre tract of land (Tract D), located in the William Little Survey, Abstract No. 54 in Fort Bend County, Texas; said 79.16 acre tract being all of a called 20.92 acre tract of land recorded in Clerk's File Number 2012084598 of the Official Public Records of Fort Bend County (O.P.R.F.B.C.), all of a called 10.94 acre tract of land recorded in Clerk's File Number 2011130864 of the O.P.R.F.B.C., all of a called 9.06 acre tract of land recorded in Clerk's File Number 2011074305 of the O.P.R.F.B.C., all of a called 11.94 acre tract of land recorded in Clerk's File Number 2010074360 of the O.P.R.F.B.C., a portion of a called 20.2246 acre tract of land recorded in Clerk's File Number 2004093172 of the O.P.R.F.B.C., all of the remainder of a called 5.78 acre tract of land recorded in Clerk's File Numbers 2006114071 and 2007008955 of the O.P.R.F.B.C., all of the remainder of a called 1.81 acre tract of land recorded in Clerk's File Number 2006114071 and 2007008955 of the O.P.R.F.B.C., all of a called 0.06 acre tract of land and all of a called 0.07 acre tract of land recorded in Clerk's File Number 2008110831 of the O.P.R.F.B.C., and a portion of a called 990.46 acre tract of land recorded in Clerk's File Number 2006160048 of the O.P.R.F.B.C.; said 1.25 acre tract being a portion of said 20.2246 acre tract; said 10.96 acre tract being a portion of a called 13.7091 acre tract of land recorded in Clerk's File Numbers 2004093172 and 2007008955 of the O.P.R.F.B.C.; and said 26.10 acre tract of land being all of the remainder of a called 6.45 acre tract of land recorded in Clerk's File Numbers 2006114071 and 2007008955 of the O.P.R.F.B.C. and all of a called 19.67 acre tract of land recorded in Clerk's File Number 2009093206 of the O.P.R.F.B.C.; said tracts being more particularly described by metes and bounds as follows (all bearings are based on the Texas Coordinate System, South Central Zone, NAD 1983):

TRACT "A": 79.16 GROSS ACRES

Beginning at a 5/8-inch iron rod with cap stamped "COSTELLO INC" found at the southeast corner of said 20.92 acre tract and the most southerly southwest corner of a called 46.5365 acre tract of land ("Tract B") recorded in Clerk's File Number 2009044422 of the O.P.R.F.B.C., and being on the northerly line of a called 185.926 acre tract of land recorded in Clerk's File Number 9537917 of the O.P.R.F.B.C.;

1. Thence, with the southerly line of said 20.92 acre tract, the southerly line of said 20.2246 acre tract and the northerly line of said 185.926 acre tract, South 87 degrees 00 minutes 17 seconds West, a distance of 1363.86 feet to a 1/2-inch iron rod found for the northwest corner of said 185.926 acre tract and an easterly corner of aforesaid 990.46 acre tract;

Thence, with the common line of said 20.2246 acre tract and said 990.46 acre tract, the following three (3) courses:

2. South 86 degrees 22 minutes 54 seconds West, a distance of 556.98 feet to a 1-inch iron pipe found;
3. North 02 degrees 47 minutes 51 seconds West, a distance of 575.46 feet to a 1-inch iron pipe found;
4. South 87 degrees 10 minutes 51 seconds West, a distance of 471.83 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set at the southeast corner of a called 0.78 acre tract of land recorded in Clerk's File Number 2008110831 of the O.P.R.F.B.C.;

Thence, with the easterly line of said 0.78 acre tract, the following twelve (12) courses:

5. North 00 degrees 33 minutes 23 seconds West, a distance of 21.25 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
6. North 13 degrees 48 minutes 36 seconds West, a distance of 112.39 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
7. North 19 degrees 34 minutes 50 seconds West, a distance of 34.56 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
8. North 27 degrees 39 minutes 28 seconds West, a distance of 36.52 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
9. North 32 degrees 04 minutes 05 seconds West, a distance of 32.80 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
10. North 41 degrees 00 minutes 55 seconds West, a distance of 92.61 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
11. North 40 degrees 28 minutes 47 seconds West, a distance of 35.17 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;

12. North 35 degrees 27 minutes 57 seconds West, a distance of 30.32 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
13. North 28 degrees 10 minutes 18 seconds West, a distance of 62.21 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
14. North 36 degrees 12 minutes 55 seconds West, a distance of 27.66 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
15. North 85 degrees 27 minutes 28 seconds West, a distance of 27.24 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
16. North 74 degrees 40 minutes 11 seconds West, a distance of 24.95 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set on the westerly line of aforesaid 20.2246 acre tract and the easterly Right-of-Way (R.O.W.) line of Thompson Ferry Road (60-foot wide) as recorded in Volume K, Page 274 of the Commissioners Court Minutes of Fort Bend County;

Thence, with said R.O.W. line, the following three (3) courses:

17. North 05 degrees 01 minutes 02 seconds East, a distance of 770.45 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
18. 266.66 feet along the arc of a curve to the right, said curve having a central angle of 21 degrees 53 minutes 21 seconds, a radius of 698.00 feet and a chord that bears North 15 degrees 57 minutes 42 seconds East, a distance of 265.04 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
19. North 26 degrees 54 minutes 23 seconds East, a distance of 505.27 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found at the most northerly corner of said 5.78 acre tract and being on the southerly line of aforesaid 46.5365 acre tract;

Thence, with the northerly line of said 5.78 acre tract and said southerly line of the 46.5365 acre tract, the following three (3) courses:

20. South 56 degrees 39 minutes 10 seconds East, a distance of 105.51 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
21. South 53 degrees 53 minutes 50 seconds East, a distance of 41.95 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
22. South 01 degrees 24 minutes 17 seconds West, at a distance of 16.94 feet passing the common north corner of said 5.78 acre tract and aforesaid 11.94 acre tract, in all, a total distance of 62.47 feet;

Thence, with the common line of said 46.5365 acre tract and said 11.94 acre tract, the following thirteen (13) courses:

23. South 27 degrees 53 minutes 56 seconds West, a distance of 63.03 feet;
24. South 54 degrees 22 minutes 30 seconds East, a distance of 192.03 feet to feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
25. North 35 degrees 37 minutes 30 seconds East, a distance of 66.20 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
26. North 43 degrees 18 minutes 39 seconds East, a distance of 30.29 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
27. South 82 degrees 33 minutes 57 seconds East, a distance of 22.39 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
28. 152.97 feet along the arc of a curve to the left, said curve having a central angle of 85 degrees 55 minutes 27 seconds, a radius of 102.00 feet and a chord that bears North 81 degrees 50 minutes 05 seconds East, a distance of 139.03 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
29. North 38 degrees 52 minutes 21 seconds East, a distance of 100.13 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
30. North 90 degrees 00 minutes 00 seconds East, a distance of 67.38 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
31. South 15 degrees 37 minutes 35 seconds East, a distance of 118.00 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
32. South 08 degrees 31 minutes 41 seconds East, a distance of 189.19 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
33. 61.32 feet along the arc of a curve to the left, said curve having a central angle of 34 degrees 47 minutes 06 seconds, a radius of 101.00 feet and a chord that bears South 25 degrees 55 minutes 14 seconds East, a distance of 60.38 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
34. South 43 degrees 18 minutes 47 seconds East, a distance of 143.05 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;

35. South 43 degrees 38 minutes 38 seconds East, at a distance of 97.60 feet passing the common corner of aforesaid 11.94 acre tract and aforesaid 9.06 acre tract, in all, a total distance of 135.65 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;

Thence, with the common line of said 9.06 acre tract and aforesaid 46.5365 acre tract, the following three (3) courses:

36. South 46 degrees 21 minutes 01 seconds East, a distance of 148.84 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
37. South 42 degrees 48 minutes 42 seconds East, a distance of 190.92 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
38. South 43 degrees 49 minutes 05 seconds East, at a distance of 55.96 feet passing the common corner of said 9.06 acre tract and aforesaid 10.94 acre tract, in all, a total distance of 187.18 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;

Thence, with the common line of said 10.94 acre tract and said 46.5365 acre tract, the following three (3) courses:

39. South 45 degrees 14 minutes 19 seconds East, a distance of 146.08 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
40. South 44 degrees 47 minutes 43 seconds East, a distance of 110.82 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
41. South 46 degrees 00 minutes 51 seconds East, at a distance of 119.19 feet passing the common corner of said 10.94 acre tract and aforesaid 20.92 acre tract, in all, a total distance of 132.63 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;

Thence, with the common line of said 20.92 acre tract and said 46.5365 acre tract, the following eleven (11) courses:

42. South 41 degrees 51 minutes 47 seconds East, a distance of 135.94 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
43. South 40 degrees 03 minutes 47 seconds East, a distance of 154.14 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
44. South 44 degrees 06 minutes 19 seconds East, a distance of 112.29 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;

45. South 39 degrees 04 minutes 55 seconds East, a distance of 198.61 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
46. South 42 degrees 13 minutes 54 seconds East, a distance of 165.59 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
47. South 37 degrees 06 minutes 11 seconds East, a distance of 89.45 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
48. South 35 degrees 28 minutes 37 seconds East, a distance of 112.96 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
49. South 42 degrees 23 minutes 45 seconds East, a distance of 76.41 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
50. South 32 degrees 15 minutes 17 seconds East, a distance of 107.85 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
51. South 31 degrees 45 minutes 35 seconds East, a distance of 79.62 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
52. South 31 degrees 11 minutes 20 seconds East, a distance of 49.38 feet to the **Point of Beginning** and containing 79.16 acres of land.

SAVE AN EXCEPT TRACT: 0.07 ACRES

Being all of a called a 0.07 acre tract of land located in the William Little Survey, A-54, in Fort Bend County, Texas and recorded in Clerk's File Number 2008110831 of the Official Records of Fort Bend County, (O.R.F.B.C.), Texas; said 0.07 acre tract being more particularly described by metes and bounds as follows:

Beginning at the northeast corner of said 0.07 acre tract, same being on the common line of aforesaid 1.81 acre tract and aforesaid 990.46 acre tract;

Thence, with the south line of said 0.07 acre tract of land, the following seven (7) courses and distances:

1. South 12 degrees 44 minutes 01 seconds East, a distance of 32.10 feet;
2. North 89 degrees 00 minutes 27 seconds West, a distance of 66.42 feet;

3. North 80 degrees 56 minutes 45 seconds West, a distance of 33.75 feet;
4. North 17 degrees 59 minutes 16 seconds West, a distance of 14.38 feet;
5. North 73 degrees 38 minutes 36 seconds West, a distance of 3.22 feet;
6. South 75 degrees 23 minutes 02 seconds West, a distance of 12.38 feet;
7. North 51 degrees 07 minutes 12 seconds West, a distance of 12.93 feet to the west corner of said 0.07 acre tract, same being on the common line of said 1.81 acre tract and said 990.46 acre tract;
8. Thence, with the common line of said 0.07 acre tract and said 990.46 acre tract, North 87 degrees 31 minutes 43 seconds East, a distance of 122.35 feet to the **Point of Beginning** and containing 0.07 acres of land.

SAVE AN EXCEPT TRACT: 0.06 ACRES

Being all of a called a 0.06 acre tract of land located in the William Little Survey, A-54, in Fort Bend County, Texas and recorded in Clerk's File Number 2008110831 of the Official Records of Fort Bend County, (O.R.F.B.C.), Texas; said 0.06 acre tract being more particularly described by metes and bounds as follows:

Beginning at the southeast corner of said 0.06 acre tract, same being on the common line of aforesaid 5.78 acre tract and aforesaid 990.46 acre;

1. Thence, with the common line of said 0.06 acre tract and said 990.46 acre tract, South 87 degrees 08 minutes 06 seconds West, a distance of 123.90 feet to the west corner of said 0.06 acre tract;

Thence, with the north line of said 0.06 acre tract of land, the following seven (7) courses and distances:

2. North 33 degrees 14 minutes 38 seconds East, a distance of 45.56 feet;
3. South 61 degrees 58 minutes 41 seconds East, a distance of 21.92 feet;
4. North 88 degrees 15 minutes 54 seconds East, a distance of 2.93 feet;
5. North 80 degrees 07 minutes 51 seconds East, a distance of 8.78 feet;
6. North 88 degrees 15 minutes 54 seconds East, a distance of 7.90 feet;

7. South 86 degrees 17 minutes 32 seconds East, a distance of 20.98 feet;
8. South 60 degrees 28 minutes 19 seconds East, a distance of 44.82 feet to the **Point of Beginning** and containing 0.06 acres of land.

GROSS ACRES: 79.16
SAVE AND EXCEPT: 0.07 ACRES
SAVE AND EXCEPT: 0.06 ACRES
NET ACRES: 79.03

TRACT B: 1.25 ACRES

Beginning at a 5/8-inch iron rod with cap stamped "COSTELLO INC" found at the southwest corner of aforesaid 20.2246 acre tract and an interior corner of aforesaid 990.46 acre tract, and being on the easterly R.O.W. line of aforesaid Thompson Ferry Road;

1. Thence, with said R.O.W. line, North 05 degrees 01 minutes 02 seconds East, a distance of 374.55 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set at the most westerly corner of aforesaid 0.78 acre tract;

Thence, with the southwesterly line of said 0.78 acre tract, the following ten (10) courses:

2. South 63 degrees 58 minutes 12 seconds East, a distance of 12.11 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
3. South 55 degrees 29 minutes 26 seconds East, a distance of 19.70 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
4. South 27 degrees 04 minutes 39 seconds East, a distance of 34.34 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
5. South 36 degrees 11 minutes 34 seconds East, a distance of 50.16 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
6. South 40 degrees 01 minutes 26 seconds East, a distance of 62.84 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
7. South 37 degrees 31 minutes 37 seconds East, a distance of 55.42 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
8. South 32 degrees 46 minutes 52 seconds East, a distance of 54.70 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;

9. South 15 degrees 59 minutes 50 seconds East, a distance of 56.35 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
10. South 12 degrees 16 minutes 42 seconds East, a distance of 57.75 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
11. South 06 degrees 12 minutes 38 seconds East, a distance of 25.28 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set at the southwest corner of said 0.78 acre tract, being on the common line of said 20.2246 acre tract and said 990.46 acre tract;
12. Thence, with said common line, South 87 degrees 10 minutes 51 seconds West, a distance of 239.75 feet to the **Point of Beginning** and containing 1.25 acres of land.

TRACT C: 10.96 ACRES

Beginning at a 2-inch iron pipe found at the southwest corner of aforesaid 13.7091 acre tract and an interior corner of aforesaid 990.46 acre tract;

1. Thence, with the common line of said 13.7091 acre tract and said 990.46 acre tract, North 02 degrees 59 minutes 13 seconds West, at a distance of 344.69 feet passing the common corner of said 990.46 acre tract and a called 18.884 acre tract of land recorded in Volume 1020, Page 506 of the Fort Bend County Deed Records (F.B.C.D.R.), in all, a total distance of 808.98 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found at the northwest corner of said 13.7091 acre tract and the southwest corner of a called 1.350 acre tract of land recorded in Volume 1020, Page 506 of the F.B.C.D.R.;
2. Thence, with the common line of said 13.7091 acre tract and said 1.350 acre tract, North 86 degrees 29 minutes 01 seconds East, a distance of 929.17 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found at the northeast corner of said 13.7091 acre tract and the southeast corner of said 1.350 acre tract and being on the westerly R.O.W. line of aforesaid Thompson Ferry Road;
3. Thence, with said R.O.W. line, South 26 degrees 54 minutes 23 seconds West, a distance of 354.45 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
4. Thence, continuing with said R.O.W. line, 122.10 feet along the arc of a curve to the left, said curve having a central angle of 09 degrees 13 minutes 44 seconds, a radius of 758.00 feet and a chord that bears South 22 degrees 17 minutes 30 seconds West, a distance of 121.96 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;

5. Thence, across said 13.7091 acre tract, South 87 degrees 08 minutes 06 seconds West, a distance of 342.12 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
6. Thence, continuing across said 13.7091 acre tract, South 02 degrees 51 minutes 54 seconds East, a distance of 401.48 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set on the common line of said 13.7091 acre tract and aforesaid 990.46 acre tract;
7. Thence, with said common line, South 87 degrees 08 minutes 06 seconds West, a distance of 357.43 feet to the **Point of Beginning** and containing 10.96 acres of land.

TRACT D: 26.10 ACRES

Beginning at a 1/2-inch iron pipe found at the southwest corner of aforesaid 6.45 acre tract, the southeast corner of a called 6.184 acre tract of land recorded in Volume 723, Page 272 of the F.B.C.D.R., the northeast corner of aforesaid 18.884 acre tract and the northwest corner of aforesaid 1.350 acre tract;

1. Thence, with the westerly line of said 6.45 acre tract, the easterly line of said 6.184 acre tract and a westerly line of aforesaid 19.67 acre tract, North 02 degrees 53 minutes 06 seconds West, a distance of 703.19 feet to a 1/2-inch iron rod found at the northeast corner of said 6.184 acre tract and an interior corner of said 19.67 acre tract;
2. Thence, with the southerly line of said 19.67 acre tract, the northerly line of said 6.184 acre tract, and the northerly line of aforesaid 18.884 acre tract, South 66 degrees 55 minutes 39 seconds West, a distance of 947.11 feet to a 2-inch iron pipe found at the southwest corner of said 19.67 acre tract and the most easterly corner of a called 3.18425 acre tract of land recorded in Volume 1132, Page 560 of the F.B.C.D.R.;
3. Thence, with the westerly line of said 19.67 acre tract, the easterly line of said 3.18425 acre tract, the easterly line of a called 3.18425 acre tract recorded in Volume 1132, Page 612 of the F.B.C.D.R., the easterly line of a called 3.18425 acre tract of land recorded in Volume 1132, Page 601 of the F.B.C.D.R., and the easterly line of a called 3.18425 acre tract of land recorded in Clerk's File Number 8862619 of the O.P.R.F.B.C., North 23 degrees 11 minutes 31 seconds West, a distance of 675.51 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found at the northwest corner of said 19.67 acre tract, being on the southerly line of aforesaid 46.5365 acre tract;

Thence, with the common line of said 19.67 acre tract and said 43.5365 acre tract, the following ten (10) courses:

4. North 23 degrees 22 minutes 44 seconds West, a distance of 419.46 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
5. North 65 degrees 25 minutes 01 seconds East, a distance of 750.83 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
6. South 50 degrees 35 minutes 42 seconds East, a distance of 162.96 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
7. South 03 degrees 14 minutes 50 seconds East, a distance of 537.50 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
8. 40.14 feet along the arc of a curve to the left, said curve having a central angle of 19 degrees 49 minutes 31 seconds, a radius of 116.00 feet and a chord that bears South 13 degrees 09 minutes 36 seconds East, a distance of 39.94 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
9. South 23 degrees 04 minutes 21 seconds East, a distance of 79.93 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
10. 198.97 feet along the arc of a curve to the left, said curve having a central angle of 85 degrees 04 minutes 28 seconds, a radius of 134.00 feet and a chord that bears South 65 degrees 36 minutes 35 seconds East, a distance of 181.19 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
11. North 71 degrees 51 minutes 11 seconds East, a distance of 260.32 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
12. South 18 degrees 08 minutes 49 seconds East, a distance of 91.96 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
13. South 03 degrees 44 minutes 45 seconds East, a distance of 361.91 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found at a common corner of said 19.67 acre tract and aforesaid 6.45 acre tract;

Thence, with the common line of said 46.5365 acre tract and said 6.45 acre tract, the following nine (9) courses:

14. South 76 degrees 15 minutes 05 seconds East, a distance of 134.18 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;

15. South 72 degrees 30 minutes 04 seconds East, a distance of 106.46 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
16. South 74 degrees 12 minutes 20 seconds East, a distance of 123.15 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
17. South 70 degrees 43 minutes 55 seconds East, a distance of 184.43 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
18. South 73 degrees 53 minutes 05 seconds East, a distance of 153.69 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
19. South 77 degrees 10 minutes 04 seconds East, a distance of 99.73 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
20. South 67 degrees 16 minutes 37 seconds East, a distance of 125.74 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
21. South 67 degrees 13 minutes 01 seconds East, a distance of 82.04 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
22. South 61 degrees 56 minutes 30 seconds East, a distance of 19.42 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
23. Thence, with the southerly line of said 46.5365 acre tract, South 16 degrees 20 minutes 06 seconds West, a distance of 19.77 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
24. Thence, continuing with said southerly line, South 18 degrees 17 minutes 07 seconds West, a distance of 67.76 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found on the common line of said 6.45 acre tract and aforesaid 1.350 acre tract;
25. Thence, with said common line, South 86 degrees 29 minutes 01 seconds West, a distance of 958.11 feet to the **Point of Beginning** and containing 26.10 acres of land.

Mark D. Armstrong
04/11/19



Costello
Engineering and Surveying
2107 CityWest Blvd., 3rd Floor
Houston, Texas 77042
(713) 783-7788 (713) 783-3580, Fax
TBP&E FIRM REG. No. 280
TBP&S FIRM REG. No. 100486

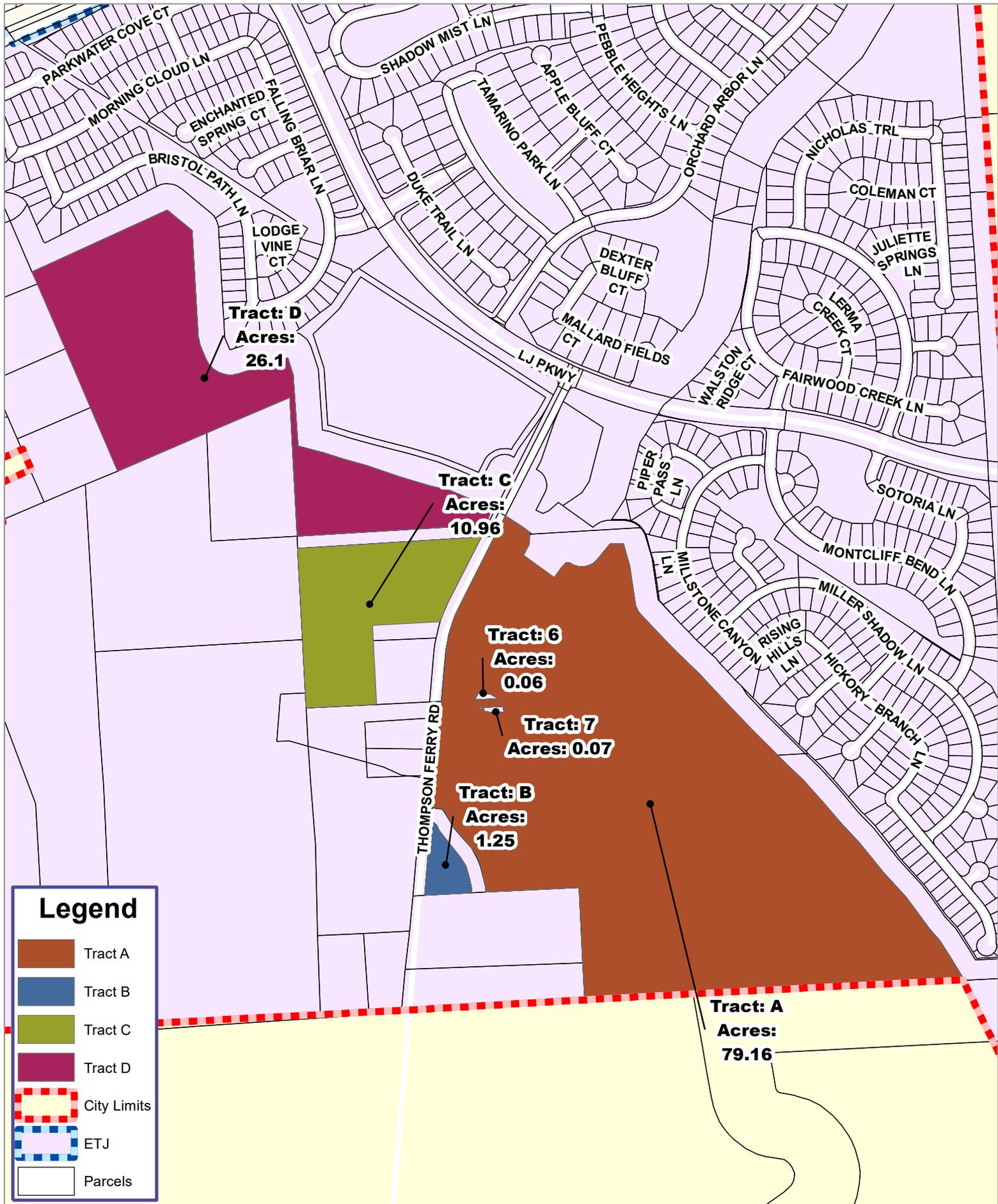
**RIVERSTONE
TRACTS TO MISSOURI CITY
117.34 ACRES**

DRAWN BY: LJD DWG. NO.: 104619R.DGN DATE: 04-09-2019
CHECKED BY: MA JOB NO.: 2005-099-076 SCALE: 1"= 500'

P.O.B. - POINT OF BEGINNING

TRACT A	79.03 AC (NET)
TRACT B	1.25 AC
TRACT C	10.96 AC
TRACT D	26.10 AC
TOTAL	117.34 AC

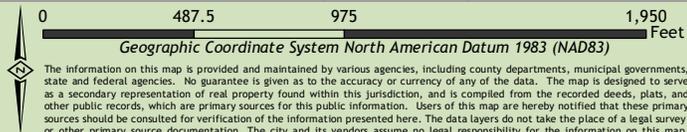




Map By:
GIS Division
December 2019



Herrin Ranch Development Parkland Dedication



**Council Agenda Item Cover Memo
June 2, 2008**



To: Mayor and City Council
Agenda Item: 6(b) Riverstone Subdivision Parkland Dedication
Submitted by: Kelly Snook, ASLA
Parks and Recreation Director

SYNOPSIS

Riverstone is a subdivision in the process of platting 1,122 lots and having another 1,478 lots planned for future platting. The subdivision is located on the west side of Highway 6, from Riverstone Drive, south to the future Sienna Springs Drive. Attached is the Developers Parkland Dedication proposal which states that they will be providing both private parkland and public parkland to meet their obligation through 50% private parkland dedication within the subdivision and are proposing to meet the remaining 50% of the requirement through the dedication of parkland.

With 2,600 units proposed in the subdivision the total parkland requirement would be 26 acres of which 13 acres can be provided as private parkland and 13 acres must be dedicated for public use or pay the parkland dedication fee.

The Developer is proposing a total of 212.4 acres of total parkland, 131.6 acres of which is private parkland and 80.8 acres is proposed public parkland. Of the 131.6 acres of private parkland, 37.05 acres are unencumbered, well exceeding the requirement of 13 acres.

With 2,600 dwelling units proposed and 50% of the requirement satisfied with private parkland, the Developer has exceeded the total public parkland dedication. Riverstone Subdivision is located in Park Zones 8 and 11.

Riverstone plans to deed approximately 17 acres by the end of 2008, with the remainder to be dedicated by 2011, pending platting of residences. A final schedule will be submitted as available.

In previous dedications, Riverstone also developed private parklands, donated 1 acre of public park (known as the First Colony Trailhead) and paid a parkland dedication fee of \$28,116.67.

The Parks Board meeting to consider the proposal was held on Thursday, May 1, 2008. Parks Board did not approve the proposal by a vote of 6 to 1. Parks Board requested that the proposal include 11 acres of public parkland dedication and \$240,000.00 in cash, which would be equal to the fee for 200 lots.

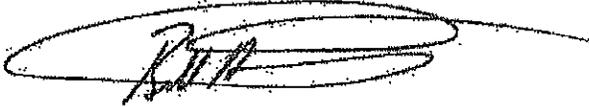
The Planning and Zoning Commission voted unanimously to accept the proposal as presented by the representatives of the Riverstone subdivision.

FISCAL ANALYSIS

Increase of 80 acres of public parkland to Missouri City Parks System.

STAFF'S RECOMMENDATION

PARD staff recommends the acceptance of the 80 acres of public parkland dedication as submitted by Kerry Gilbert and Associates on behalf of the Riverstone Subdivision.



Bill Atkinson
Assistant City Manager

April 28, 2008

Ms. Kelly Snook, Parks and Recreation Director
City of Missouri City
1522 Texas Parkway
Missouri City, Texas 77459

2008 Liberty & Associates, L.P.
1522 Texas Parkway
Missouri City, Texas 77459
Tel: 281.281.1100
Fax: 281.281.1101

RE: Parkland Dedication Plan Proposal for Riverstone (Missouri City ETJ)

Dear Ms. Snook,

As required by the City of Missouri City Subdivision Ordinance, this letter serves as an outline for our proposed parkland dedication. Our plan is based on the specific requirements in Section 82-174 "Dedication of land for neighborhood parks; reservation of land for public uses". In 2003, City Council approved a parks plan for Riverstone, which at that time the development consisted of ±387 acres of land and proposed 653 single family dwelling units. Since that time, ±895 acres have been added to the Riverstone master plan. Due to the additional property and therefore an increase in proposed single-family dwellings units, we are coming back to the City to update our parks plan.

Ultimately, Riverstone proposes to develop approximately 2,600 single family dwelling units within Missouri City's ETJ boundary, which requires a parkland dedication of 26.0 acres as required by Section 82-174(b)(1) of the Subdivision Ordinance. We propose to fulfill the parkland dedication by providing 50% private parkland (minimum of 13 acres) and 50% dedication of property (minimum of 13 acres) to the City of Missouri City.

The private parkland will comprise 50% of the credit (an excess of the 13 acres) and will include several recreation centers, amenity lakes, a Dog Park, detention areas, ball fields, private neighborhood parks and open space parks. All areas mentioned as part of the parkland credit are accessible to all Riverstone residents.

The public park dedication will comprise of 50% of the credit and includes approximately 80 acres of property located at the southern portion of Riverstone Development. At this time, we propose to convey approximately 17 acres to the City of Missouri City before the end of the year and the rest of the property will be conveyed by the end of 2011.

We believe that this plan will adequately satisfy the City's parkland requirement for the entire Riverstone development within Missouri City's ETJ. We appreciate your consideration of this request.

Sincerely,



Christy B. Smith
Planner

Attachment

cc: Orminda Green, Planning Department Director
Trey Reichart, Development Manager, Riverstone Development Co.



August 13, 2008

7. CONSENT AGENDA

- (a) Consideration of the approval of a revised conceptual plan for Riverstone Phase II.

Background information is attached as follows:

1. Staff Report
2. Application
3. Site Plan

MEMORANDUM

MEETING DATE: August 13, 2008
TO: Planning and Zoning Commission
FROM: Ornita Green, MPA, Director of Planning
Scott Elmer, P.E., Director of Public Works
REVIEW
PREPARED BY: Travis Huff – Planner I
SUBJECT: Riverstone Phase II- Revised Conceptual Plan

Per Missouri City Zoning Districts, the land use designation for the subject site is as follows: N/A subject site is located in the ETJ of Missouri City.

A. The following comments represent significant procedural and/or substantive deficiencies in the application:

1. Provide drainage flow arrows along University, within Brookside, the middle school and elementary school to indicate flow patterns for those areas.
2. Sugar Land – Missouri City ETJ line shall be adjusted as part of the concept plan approval.
3. A Riverstone Traffic Impact Analysis shall be updated or conducted to include the entire subject area including the Sienna Springs-LJ Parkway Bridge over the Sienna Levee and Flatbank Creek Diversion Channel, and Thompson Ferry Road Improvements. Without Sienna Springs, LJ Pkwy is the only access for the area south of University and west of Steep Bank Creek, raising fire code issues.

B. The following comments represent minor procedural and/or substantive deficiencies in the application:

1. The scale of the conceptual plan must be 1" = 200' in accordance with Section 82-32(b)(8).
2. The vicinity map must show sufficient detail to a distance of not less than one-half mile in accordance with Section 82-32(b)(9). Only show phase II highlighted in the vicinity map.
3. Conceptual plan boundaries should be indicated by heavy lines in accordance with Section 82-32(b)(10). Please show only phase II boundaries with heavy lines.

AGENDA ITEM NO. ___

4. The area adjacent to the conceptual plan boundaries shall be identified by subdivision name or by the recorded owner of unsubdivided parcels in accordance with Section 82-32(b)(11).
5. Typical lot sizes shall also be provided in accordance with Section 82-32(b)(12).

C. The following observations/suggestions are provided:

1. Please be advised that all conditions placed on this application as a result of the Commission's approval must be met at least one (1) week prior to submittal of a plat application.

RECOMMENDATION: The Planning and Zoning Commission should grant approval of this **Conceptual Plan** conditioned on completion/provision of the above.

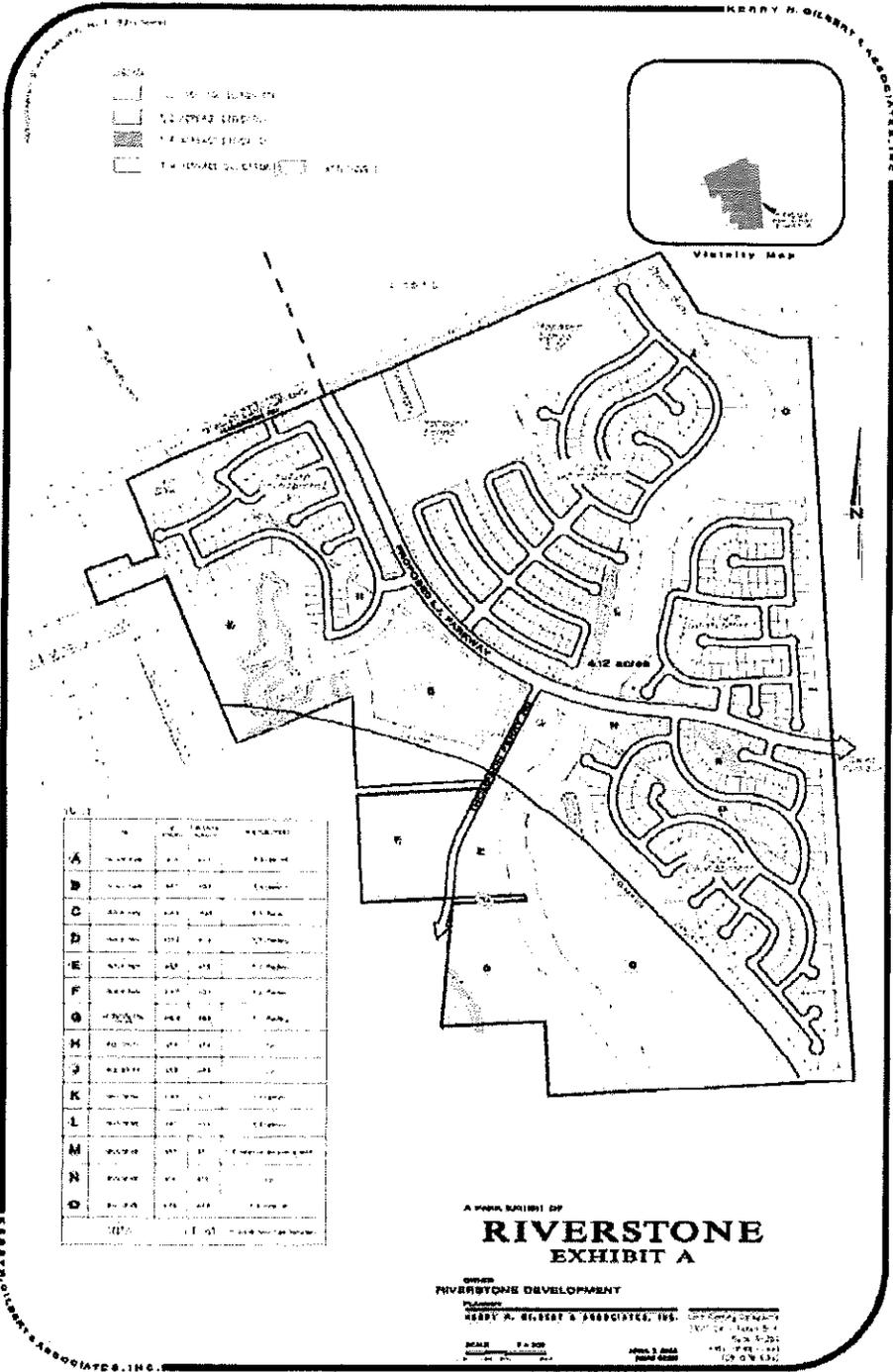
OG/se:

APPLICATION FOR PLAT APPROVAL

Check One: CONCEPTUAL PLAN PRELIMINARY PLAT
 REVISED CONCEPTUAL PLAN REVISED PRELIMINARY

DATE:

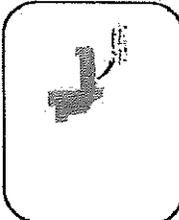
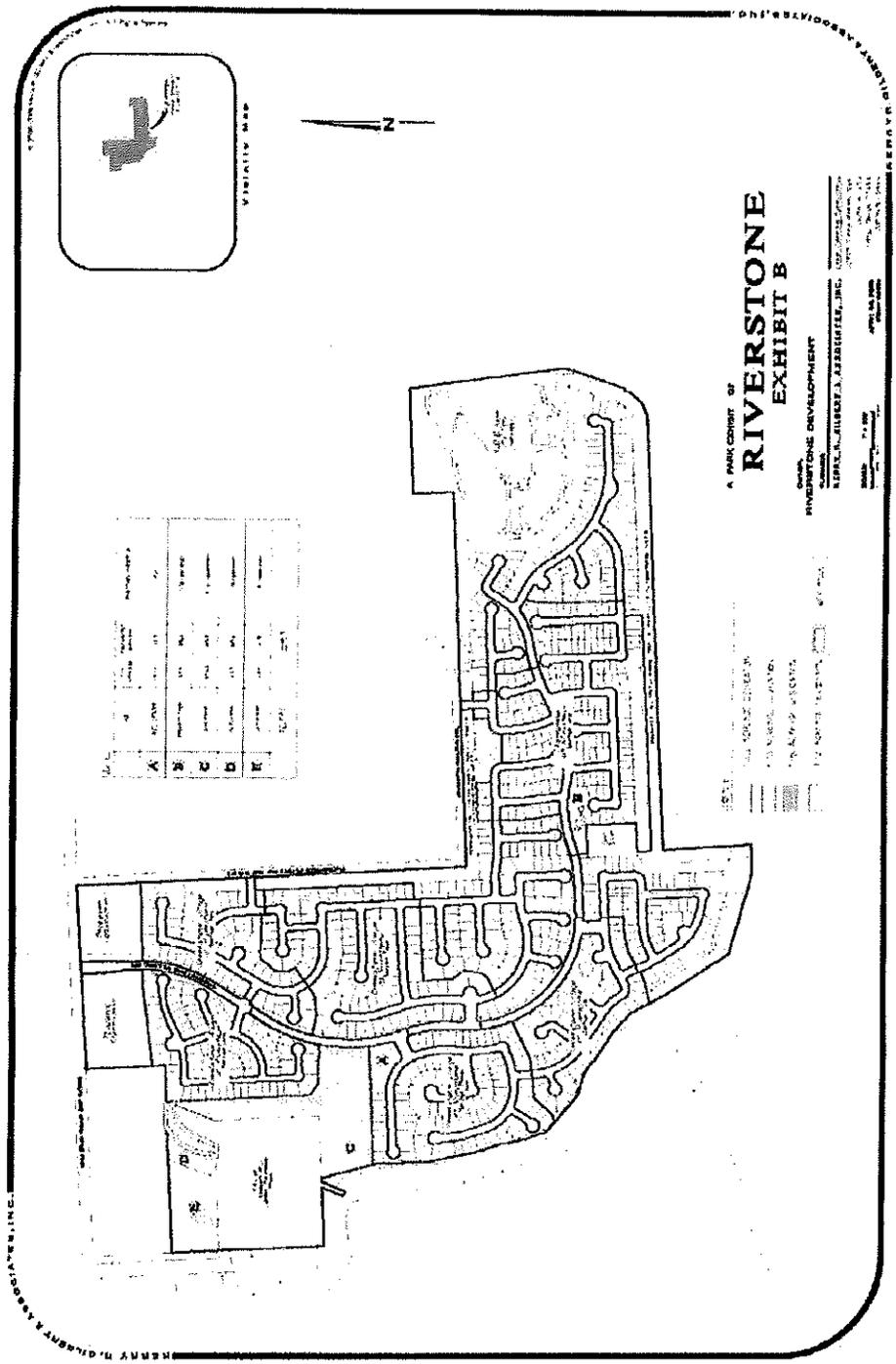
1. Name of subdivision:	Riverstone PH II Concept Plan Revised		
2. Name of conceptual plan that encompasses this plat (if applicable):	Riverstone		
3. Type of plat (Circle one or more):	Apartment	Commercial	Industrial
	Single Family Residential	Special Use Permit	Townhouse
	Other (Explain): <u>Planned Development</u>		
4. Landowner's name (If company or corporation, list chief officer):	Riverstone Development Co.		
Mailing Address:	4855 Riverstone Blvd, Missouri City, TX 77459		
Phone No.:	(281) 403-8700	Fax No.:	(281) 403-8777
Email:			
5. Applicant's name (Engineer, Planner, Architect, Etc.):	Kerry R. Gilbert & Assoc. Attn: Christy Smith		
Mailing Address:	25301 Cinco Ranch Blvd, #A-250, Katy, Texas 77494		
Phone No.:	(281) 579-8340	Fax No.:	(281) 579-8212
Email:	landplan@krga.com		
6. Is plat located inside the City limits? (Circle One):	YES	NO	
7. Is plat located inside the City's ETJ? (Circle One):	YES	NO	
8. Total acreage:	940.3 AC.		
9. Estimated # of sections:	14 25	Blocks:	N/A
		Reserves:	N/A
10. Estimated # of residential lots/dwelling units:	521		
11. Total acreage divided into residential lots/units:	191.8		
12. Total acreage dedicated to public use:	142.3		
13. Total acreage reserved for use of residential property owners:	445.3		
14. Total acreage divided into reserves:	TO BE DETERMINED		
15. Total acreage of areas not divided into residential lots/dwelling units:			
16. Residential density:	521	334.1	= 1.5
	# Lots/Units	(*) Acreage divided into lots/units + acreage reserved for property owners	
17. Residential lot dimensions:	VARIES Typical: 55' x 130' Average: 8925 sq ft Smallest: 6,325 sq ft		
18. Lot area:	Non cul-de-sac: 6,325 sq ft - 11,200 sq ft Cul-de-sac: VARIES		
19. Front width (At property line):	Non cul-de-sac: 55' - 90' Cul-de-sac: VARIES		
20. Front width (At building line):	Non cul-de-sac: 55' - 90' Cul-de-sac: VARIES		
21. Depth:	Non cul-de-sac: 115' - 130' Cul-de-sac: VARIES		
22. Number of lots less than 105' deep:	Non cul-de-sac: N/A Cul-de-sac: VARIES		
23. Percentage of lots with approximate typical dimensions & average lot area:	TO BE DETERMINED		
24. Block Length:	Average: 1,500' Longest: 2,200' Shortest: 800'		
25. Type of Streets (Circle One):	Public Private Combination Public/Private		
26. Type of Water System (Circle One):	Public Individual Water Wells Other (attach explanation)		
27. Type of Sanitary System (Circle One):	Public Individual Septic Tanks Other (attach explanation)		
28. Municipal Utility District:	FORT BEND COUNTY MUD #129 & #149		



- LEGEND
- [Symbol] 12' SIDEWALK
 - [Symbol] 12' ASPHALT DRIVEWAY
 - [Symbol] 12' ASPHALT DRIVEWAY
 - [Symbol] 12' ASPHALT DRIVEWAY



LOT	AREA	PERMITS	REMARKS
A	12,000	12,000	12,000
B	12,000	12,000	12,000
C	12,000	12,000	12,000
D	12,000	12,000	12,000
E	12,000	12,000	12,000
F	12,000	12,000	12,000
G	12,000	12,000	12,000
H	12,000	12,000	12,000
I	12,000	12,000	12,000
J	12,000	12,000	12,000
K	12,000	12,000	12,000
L	12,000	12,000	12,000
M	12,000	12,000	12,000
N	12,000	12,000	12,000
O	12,000	12,000	12,000



VICINITY MAP



SECTION	AREA (AC)	RESIDENTIAL UNITS	REMARKS
A	1.2	12	Single family
B	1.5	15	Single family
C	1.8	18	Single family
D	2.1	21	Single family
E	2.4	24	Single family

A PART OF
RIVERSTONE
 EXHIBIT B

OWNER:
 RIVERSTONE DEVELOPMENT
 10000 RIVERSTONE DRIVE
 ALPHARETTA, GEORGIA 30201
 DATE: 7/1/00
 SCALE: AS SHOWN

- 1. 12' SIDE DRIVE
- 2. 12' SIDE DRIVE
- 3. 12' SIDE DRIVE
- 4. 12' SIDE DRIVE

HENRY HUNTER ASSOCIATES, INC.

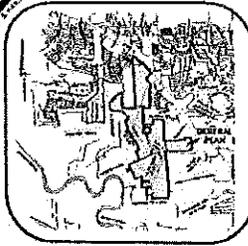
Table for Exhibit A					
Reserve	Use	Full Acreage	Equivalent Acreage	Credit in Fraction	Current / Future
A	Private Park	+1.0	+0.01	1/9 Wetland	Future
B	Private Park	+2.7	+0.3	1/9 Wetland	Future
C	Public Park	+41.5	+13.8	1/3 Floodway	Future
D	Public Park	+22.0	+7.3	1/3 Floodway	Future
E	Public Park	+5.6	+1.8	1/3 Floodway	Future
F	Public Park	+11.7	+3.9	1/3 Floodway	Future
G	Detention/ Ball Fields	+19.8	+6.5	1/3 Detention	Future
H	Rec. Center	+1.4	+1.4	Full Credit	Future
J	Rec. Center	+2.6	+2.6	Full Credit	Future
K	Open Space	+19.6	+2.2	1/9 Wetland	Future
L	Open Space	+4.1	+0.5	1/9 Wetland	Future
M	Open Space	+5.1	+1.7	1/3 Detention and Pipeline Easement	Future
N	Open Space	+1.6	+1.6	Full Credit	Future
O	Open Space	+11.6	+3.9	1/3 Detention	Future
Total:		+150.3	+47.6		Future

Table for Exhibit B					
Reserve	Use	Full Acreage	Equivalent Acreage	Credit in Fraction	Current / Future
A	Rec Center	+1.5	+1.5	Full Credit	Current
B	Private Park	+1.8	+0.2	1/9 Wetland	Current
C	Dog Park	+12.5	+4.2	1/3 Detention	Current
D	Detention	+3.7	+0.4	1/9 Wetland	Current
E	Detention	+5.4	+1.8	1/3 Detention	Current
Total:		+24.9	+8.1		

Table for Exhibit C					
Reserve	Use	Full Acreage	Equivalent Acreage	Credit in Fraction	Current / Future
A	Lake	+6.3	+1.05	1/6 Lake	Current
B	Private Park	+0.8	+0.2	1/3 Pipeline Easement	Current
C	Lake	+2.2	+0.36	1/6 Lake	Current
D	Lake	+9.6	+1.6	1/6 Lake	Current
E	Lake	+6.4	+1.06	1/6 Lake	Current
F	Lake	+2.9	+0.48	1/6 Lake	Future
G	Private Park	+0.5	+0.5	Full Credit	Current
H	Open Space	+4.4	+1.5	1/3 Utility Easement	Future
J	Open Space	+4.1	+1.4	1/3 Utility Easement	Future
Total:		+37.2	+8.15		

Total of Exhibits: +212.4 +63.8

Riverstone Development, Parkland Analysis



VICINITY MAP
N.T.S.



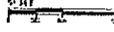
RIVERSTONE PH-II

± 940.3 ACRES of LAND

OWNED BY THE
W.M. STAFFORD SURVEY, A-89
W.M. LITTLE SURVEY, A-84
FOOT BRIDGE DRIVE, TEXAS
ENGINEER/SURVEYOR:
COSTELLO, INC.
2525 RICHMOND AVE., 8400 NORTH
HOUSTON, TEXAS 77042
713.765.7200
Attn: Mr. Chad Hubbard, P.E.

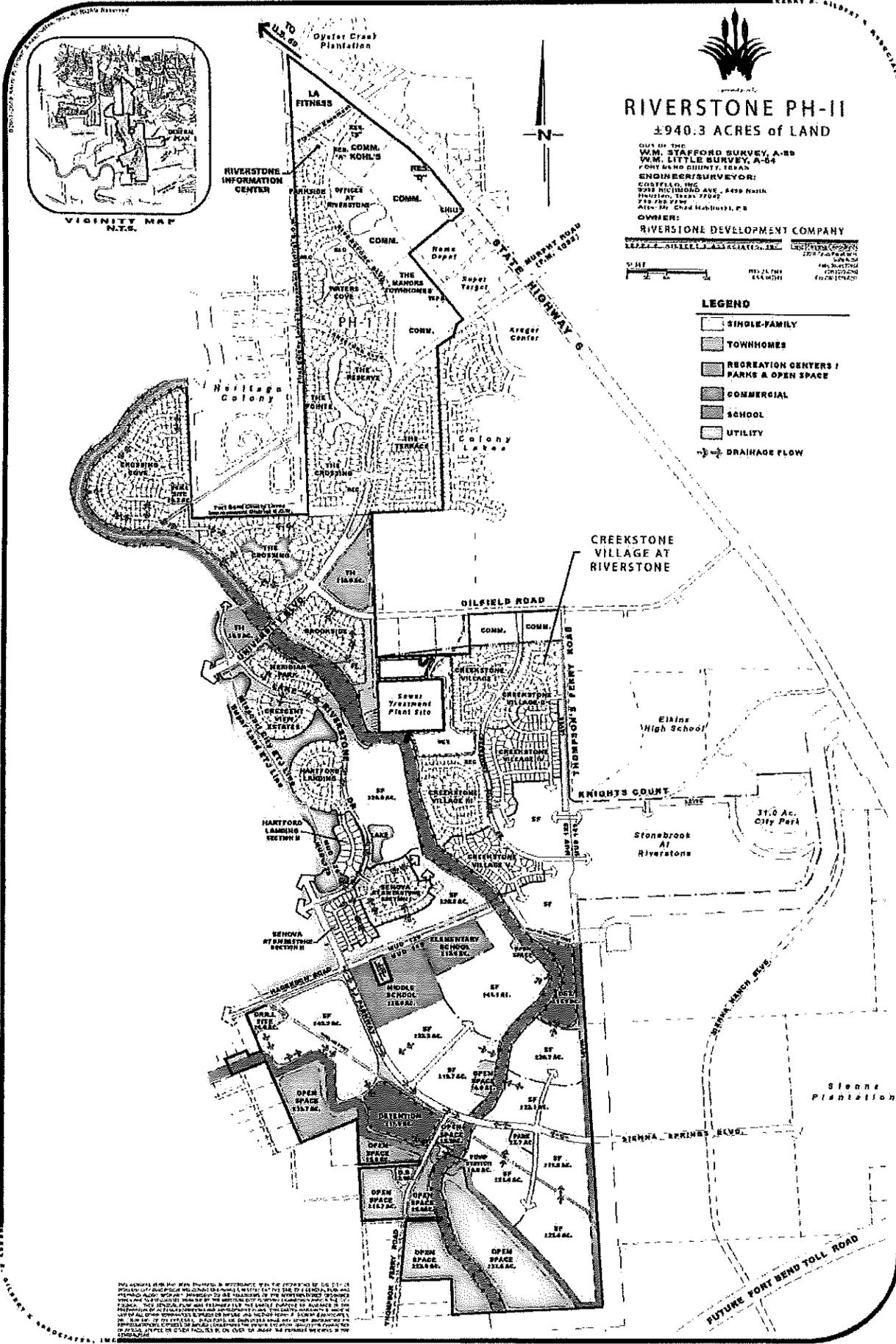
OWNER:
RIVERSTONE DEVELOPMENT COMPANY

1992-1993
1994-1995
1996-1997
1998-1999
2000-2001
2002-2003
2004-2005
2006-2007
2008-2009
2010-2011
2012-2013
2014-2015
2016-2017
2018-2019
2020-2021
2022-2023
2024-2025



LEGEND

- SINGLE-FAMILY
- TOWNHOMES
- RECREATION CENTERS / PARKS & OPEN SPACE
- COMMERCIAL
- SCHOOL
- UTILITY
- DRAINAGE FLOW



THIS PLAN IS A PRELIMINARY PLAN AND IS SUBJECT TO THE APPROVAL OF THE CITY OF HOUSTON AND THE STATE OF TEXAS. THE CITY OF HOUSTON HAS REVIEWED THIS PLAN AND HAS DETERMINED THAT IT IS IN CONFORMANCE WITH THE CITY OF HOUSTON ORDINANCES AND THE STATE OF TEXAS. THE STATE OF TEXAS HAS REVIEWED THIS PLAN AND HAS DETERMINED THAT IT IS IN CONFORMANCE WITH THE STATE OF TEXAS. THE CITY OF HOUSTON AND THE STATE OF TEXAS HAVE REVIEWED THIS PLAN AND HAVE DETERMINED THAT IT IS IN CONFORMANCE WITH THEIR RESPECTIVE LAWS AND ORDINANCES. THE CITY OF HOUSTON AND THE STATE OF TEXAS HAVE REVIEWED THIS PLAN AND HAVE DETERMINED THAT IT IS IN CONFORMANCE WITH THEIR RESPECTIVE LAWS AND ORDINANCES. THE CITY OF HOUSTON AND THE STATE OF TEXAS HAVE REVIEWED THIS PLAN AND HAVE DETERMINED THAT IT IS IN CONFORMANCE WITH THEIR RESPECTIVE LAWS AND ORDINANCES.

ATTACHMENT B

Allen Owen, Mayor
Eunice Reiter, Mayor Pro Tem
Jony Wyatt, Councilmember
Buddy Jimerson, Councilmember
Cynthia Gary, Councilmember



Barbara Gibson, Councilmember
Brett Kolaja, Councilmember
Frank Simpson, City Manager
Caroline Kelley, City Attorney
Patrice Fogarty, City Secretary

CITY COUNCIL MEETING MINUTES

City Council of the City of Missouri City, Texas, met in regular session Monday, June 2, 2008, at the City Hall Council Chambers, Second Floor, 1522 Texas Parkway, Missouri City, Texas, at 7:00 p.m. to consider the following:

1. ROLL CALL

Mayor Owen called the meeting to order at 7:08 p.m.

Those also present: Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gibson and Kolaja; City Manager Simpson, City Attorney Kelley and City Secretary Fogarty. Absent: Councilmember Gary.

2. PLEDGE OF ALLEGIANCE

Missouri City Police Department Honor Guard posted the colors and led the *Pledge of Allegiance*.

3. PRESENTATIONS AND RECOGNITIONS

Pat Dacy, Quail Valley Proud HOA Vice President, presented a check to the City in honor of the Freedom Tree; Don Smith provided an update on the Juneteenth Committee's activities; and the Mayor recognized Scott Elmer for being named one of APWA's Top Ten Public Works Leaders of the Year.

4. CONSENT AGENDA

- (a) Consider approving the minutes of the special and regular City Council Meetings of May 19, 2008.
- (b) Consider awarding contract for grounds maintenance services.
- (c) Authorize the purchase of asphalt road materials and laydown services and using the cooperative purchasing agreement with Fort Bend County.

Mayor Owen requested to remove agenda item 4(b), and deliberate separately on this item.

Mayor Pro Tem Reiter moved to approve Consent Agenda items 4 (a) and 4 (c) pursuant to recommendations by staff. Councilmember Wyatt seconded. **MOTION PASSED.**

Ayes:	Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gibson and Kolaja
Noes:	None
Absent:	Councilmember Gary

Agenda item 4 (c) is to authorize the purchase of asphalt road materials and laydown services from Durwood Greene Construction for an estimated amount of \$35,438.00 for streets and \$6,420.00 for parks; and from American Material for an estimated amount of \$72,870.00 for streets and \$9,305.00 for parks. The total estimated expenditures for this request are \$124,039.00.

Regarding agenda item 4(b), Mayor Owen recommended Staff look into awarding the contract to the next best bid, JSB & Associates, LLC, stating the City should allow local Missouri City business owners the opportunity

to work for the City. Councilmember Wyatt agreed and noted that by awarding the contract to JSB & Associates, LLC, they would be under the recommended budget by approximately \$40,000.00.

For agenda item 4 (b), Councilmember Wyatt moved to award the contract for grounds maintenance services to JSB & Associates, LLC. Councilmember Jimerson seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt,
Jimerson, Gibson and Kolaja
Noes: None
Absent: Councilmember Gary

5. APPOINTMENTS

There were no Council appointments on this agenda.

6. AUTHORIZATIONS BY COUNCIL

- (a) Consider hearing presentation of pilot program for LED street lighting and authorize staff to enter into agreements to implement program.

Director of Public Works/City Engineer Elmer presented a pilot study the City currently has with CenterPoint to begin the use of LED street lighting in residential neighborhoods throughout the City. He noted the benefits of using LED lighting would include: the ability to be retrofitted to existing poles, 5-year warranty, reliable and long lasting, low maintenance, low energy use, long term financial returns, and no mercury. He is seeking authorization from Council to enter into negotiations with CenterPoint Energy to conduct a pilot study for the Fondren Park and Fonmeadow subdivisions.

Mayor Pro Tem Reiter moved to authorize Staff to proceed with CenterPoint Energy to conduct a pilot study for the use of LED street lighting. Councilmember Kolaja seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt,
Jimerson, Gibson and Koleja
Noes: None
Absent: Councilmember Gary

(b) Consider approving Riverstone Parkland dedication.

Director of Parks and Recreation Snook presented a plan referred to the Developers Parkland Dedication on behalf of Riverstone subdivision and noted they would provide both private and public parkland to meet their obligation of 80% private parkland dedication within the subdivision and are proposing to meet the remaining 50 percent of the requirement through the dedication of parkland. Director of Parks and Recreation Snook noted the developer is proposing a total of 212.4 acres of total parkland, 131.6 acres of which is private parkland, and 80.8 acres is proposed public parkland. Of the 131.6 acres of private parkland, 37.05 acres are unencumbered, well exceeding the requirement of 13 acres.

Councilmember Kolaja moved to accept the 80 acres of public parkland dedication on behalf of the Riverstone subdivision. Councilmember Gibson seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt,
Jimerson, Gibson and Kolaja
Noes: None
Absent: Councilmember Gary

- (c) Consider authorizing vote to consent to declaration of amended and restated covenants, conditions and restrictions for Quail Valley.

City Manager Simpson noted Staff is requesting Council to consider voting to consent to the declaration of amended and restated covenants, conditions and restrictions for Quail Valley. The Quail Valley subdivision, in recent years, has been slowly eroding due to the vagueness of the community's deed restrictions. A new set of deed restrictions will replace the existing covenants and spell out specific terms for residents to be more aggressive in the maintenance of their properties. The new covenants would also give the homeowners' association board the authority to raise association dues each year if needed.

Councilmember Jimerson moved to approve to the declaration of the amended and restated covenants, conditions and restrictions for Quail Valley. Councilmember Gibson seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gibson and Kolaja
Noes: None
Absent: Councilmember Gary

7. PUBLIC COMMENTS

Mayor Owen noted the following comments to any and all citizens who wish to address Council during public comments. "Citizens who wish to address the City Council about items on the agenda which are scheduled for Council action will have five minutes to express their positions. State Law prohibits the Mayor and the members of the Council from commenting on any statement or engaging in dialogue without an appropriate agenda item being posted in accordance with the Texas Open Meetings Law. Comments should be directed to the entire Council, not individual members. Engaging in verbal attacks or comments intended to insult, abuse, malign, or slander any individual shall be cause for termination of speaking privileges and expulsion from Council Chambers."

Noel Pinnock, 2903 Robinson Rd., Missouri City, TX, congratulated Quail Valley Proud for presenting the City with a \$25,000.00 check; commended the Mayor and Council on their re-elections and noted he ran a clean campaign; and requested City Council to explore an alternative to the chemicals used in the spraying of mosquitoes.

Tony Sherman, 2803 Cartwright Rd., Missouri City, TX, President of the Council of Elders, presented an update on the "Behavioral Stimulus Program" developed to get involved in the lives of troubled youth. He also noted the Council of Elders would host their First Annual Fundraiser on Tuesday, June 17, 2008, at the new "Jazz it up Cafe" located at the intersection of Cartwright & Dulles Ave., from 7:00 p.m. to 10:00 p.m.

Mark Sanders, 3442 Marion Circle, Missouri City, TX, referenced the on-going negotiations between Hillwood Residential, the developers of Sienna Plantation South, and Fort Bend ISD in regards to the next High School planned for Fort Bend County being constructed in Sienna Plantation.

Bobby Marshall, 12703 Alderwood Dr., Missouri City, TX, spoke as President of Colony Crossing HOA and thanked the Mayor, Mayor Pro Tem Reiter, and Councilmember Gibson for joining the residents of Colony Crossing for the groundbreaking of their new Community Center.

8. PUBLIC HEARINGS

There were no Public Hearings on this agenda.

9. PUBLIC HEARINGS AND CONSIDERATION OF ZONING ORDINANCES

- (a) Public hearing to receive comments for or against a request by **Dr. Hammeed Quraishi** to amend Planned Development District #23 granted by Ordinance No. O-00-38, to allow for the use of a MRI Imaging Center; providing a penalty; providing for severability; and to consider the ordinance on the first of two readings. The subject site is located south of the intersection of State Highway 6 and Oilfield Rd., north of Rocky Creek Shopping Center, east of Colony Lakes residential subdivision at 7110 Highway 6, Missouri City, Texas, 77458.

The public hearing opened at 8:02 p.m. Mayor Pro Tem Reiter requested the Planning and Zoning minutes to be included in all future City Council packets. Planner Huff presented. He added this request is being made by the applicant to amend Ordinance O-00-38 pertaining to PD 23 to allow for an MRI Imaging Center. Mayor Owen added an MRI Imaging Center is needed in Missouri City.

The applicant, Dr. Hammeed Quraishi noted he would like to establish an MRI Center in the Lake Olympia shopping plaza. The hours of operation would be Monday thru Saturday from 8:00 a.m. to approximately 9:00 p.m. With no further comments, the public hearing closed at 8:07 p.m.

Councilmember Kolaja moved to approve the request by Dr. Hammeed Quraishi to amend Planned Development District #23 granted by Ordinance No. O-00-38, to allow for the use of a MRI Imaging Center on the first of two readings. Councilmember Jimerson seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gibson and Kolaja
Noes: None
Absent: Councilmember Gary

- (b) Public hearing to receive comments for or against a request by Adam Hudson on behalf of Global New Millennium Partners to rezone a 1.052 acre tract of land from LC-3, Retail District to PD, Planned Development District to allow for deviations to the City's Zoning Ordinance for the development of a combination shell convenience store/Burger King restaurant, and a gas station; providing a penalty; providing a severability; and to consider the ordinance on the first of two readings. The subject site is located on the northwest corner of Murphy Rd. (FM 1092) and Lexington Blvd., north of CVS Pharmacy, at 1250 Murphy Rd. (FM 1092), Missouri City, Texas, 77459.

The public hearing opened at 8:08 p.m. Planner Huff noted the applicants are requesting deviations to the City's architectural standards and signage requirements; specifically, to allow for red channel letters in addition to a multi-colored logo to be used as wall signage in the integrated business development; to allow for the installation of a 24" color band around the sides of the fuel pump canopy; to allow for the installation of a LED price board sign instead of a reader panel sign to advertise gas prices; to allow for a 31.6" red and yellow color band to be installed above the entry doors of the gas station; and to allow for a non-pitched canopy (flat roof) over the fuel service center. Staff recommended not to allow for the LED price board sign and the non-pitched canopy, however, the Planning and Zoning Commission has recommended all deviations be approved.

The applicant, Adam Hudson, spoke. He noted one added benefit is the conserving of energy through LED signs instead of the reader panel sign to advertise gas prices. Mayor Pro Tem Reiter questioned if the City is still prohibiting vibrant colors and pitched roofs in regards to automobile fuel sales. City Attorney Kelley indicated the applicant may establish a color band around the side of canopy with a 24" height limit, and the City is still opposed to the use of vibrant colors.

Mayor Pro Tem Reiter noted that the City of Missouri City has established architectural controls, which include pitched roofs. Mayor Owen requested further information about the other deviations from the applicant. Planner Huff noted the other requested deviations from the applicant. Mr. Hudson requested red channel letters in addition to the multi-colored logo for the Burger King portion of the site in order to remain consistent with the Burger King brand.

Mayor Owen questioned the amount of monument signs at this location. The applicant responded and noted there would be two separately mounted monument signs on Murphy Road, one with the Shell logo and pricing component, and the other with a seven-foot circular Burger King logo sign. Moreover, a separate eight-foot circular Burger King logo would be located on Lexington Blvd. The Mayor responded and indicated the

applicant would only be permitted to have two monument signs, not three. In this case, the applicant noted the Shell monument sign would be off Murphy Road, and the Burger King logo would off Lexington Blvd. City Manager Simpson indicated the applicant could chose to have one monument sign with both businesses, but he would not be allowed to have three separate monument signs.

Planner Huff then addressed the applicant's request for a deviation to allow for the installation of a 29" color band along the gas station canopy and the installation of LED red lights on the color band. Mayor Owen noted 29" exceeds the allowable 24" for businesses that sell automobile fuel and the installation of color band around the sides of canopies located above fuel pumps. The applicant also indicated the fascia would be a moulded "Lazy S", and, under it, is where the red color band would be located to illuminate the yellow lights.

City Manager Simpson questioned if the LED lighting would meet the City's Lighting Code. Planner Huff added he was not aware of the lighting from the illuminating color band. The applicant added the lighting would be in the color band and the fascia would not be lit. Councilmember Wyatt added the City would allow the color band but would not allow the lights. City Manager Simpson indicated the ordinance does not incorporate the installation of lights on the color band. Mayor Owen added LED lighting would suffice. Mayor Pro Tem Reiter noted the red channel letters coupled with the Burger King logo would be allowable.

Planner Huff further addressed the applicants request to install a 31.5" wide red and yellow color bar above the windows and doors of the convenience store. He noted, currently, the City does not allow for red or yellow letters. With no further comments, the public hearing closed at 8:48 p.m.

Councilmember Wyatt moved to allow for the red channel letters, a 24" color band around the sides of the fuel pump canopy, the installation of a LED price board sign instead of a reader panel sign to advertise gas prices, a 31.5" red and yellow color band to be installed above the entry doors of the gas station, and for a pitched canopy over the fuel service center on the first of two readings. Councilmember Kolaja seconded.
MOTION PASSED.

Ayes:	Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gibson and Kolaja
Noes:	None
Absent:	Councilmember Gary

- (c) Public hearing to receive comments for or against a request by Pastor Rudolph White on behalf of Christian Bible Baptist Church to amend a Specific Use Permit (SUP), granted by Ordinance O-42-40 to allow for multi-purpose educational and religious activities, which include a Christian Bible Academy and to other church related services; providing a penalty; providing for severability; and to consider the ordinance on the first of two readings. The subject site is composed of two tracts, including an area located on the south side of Texas Parkway between Cartwright Road and Turtle Creek Drive northwest of North Roane park and across from the Quail Green South residential subdivision. The other tract consists of the former KinderCare site located at 1314 Turtle Creek Drive.

The public hearing opened at 8:49 p.m. Planner Thomas noted the SUP was granted for the Christian Bible Baptist Church site in August 2002 in order to allow for the construction of a new church facility and for the Church's youth outreach center in the former KinderCare building.

At the time of the original SUP ordinance, the church intended to maintain its Christian Academy and Summer Camp at its existing church site in Houston. However, the Church now seeks to relocate both academic services and temporarily hold church services and meetings at the KinderCare site. The church still has long-term plans to develop their new 32,047 square-foot sanctuary facility; however, Phase I development, planned to commence later this year, will only include the construction of a new 198 per car parking lot. This parking area will be used to support the Turtle Creek Drive site until the new sanctuary is completed.

Planner Thomas added there is currently no timeline for the construction of the parking lot but noted they would comply with City Codes. Councilmember Wyatt questioned if the applicant has obtained a Certificate of Occupancy for the church. Planner Thomas noted they do not have a Certificate of Occupancy for church services at the Turtle Creek Drive tract.

The applicant, Pastor Rudolph White, approached Council and addressed their concerns. Councilmember Wyatt noted this request for the construction of a church does not comply with the City's current zoning standards, and there is no Certificate of Occupancy for the church. The applicant indicated they do have a Certificate of Occupancy for the day care, but not the church. Mayor Owen questioned if the Certificate of Occupancy issued would be for 125 adults or 125 children. Planner Thomas indicated the church is licensed by the state for 125 children for both the academy and summer camp. Mayor Owen questioned if the church has been inspected by the City's Fire Department. The applicant then stated the church has not been inspected for any City safety or ordinance issues.

Planner Thomas noted the applicant's deviations to the ordinance. They are requesting the use of LED lighting in their monument signage and the use of a temporary storage unit on the site. Mayor Owen asked the applicant for his projected timeline for commencing a permanent facility. The applicant indicated their plan for construction has been delayed due to MUD #26 and their procedures. Planner Thomas noted that the applicant has completed the preliminary plat process and has received a letter of commitment from MUD #26. Director of Public Works/City Engineer Elmer spoke of the status of MUD #26 and indicated there have been various proposals addressed to the City with MUD concerns, but MUD #26 has not issued a formal letter due to its requirement of MUD Board Action.

Again, Mayor Owen asked the applicant for this projected construction timetable for a permanent facility due to the fact that the City will enforce a time limit for the use of a temporary building and parking. The applicant stated it would take a year to complete the construction of the church after he receives all the necessary permits needed to start construction. Councilmember Wyatt advised the applicant to work with his engineers in order to facilitate the construction process. He also added he would expect to complete the construction of the parking lot within six months.

Ninfa Ramos, 2911 Cherry Springs Drive, spoke about the current traffic problems at Turtle Creek Drive and Texas Parkway and questioned what traffic problems would transpire with the emergence of a new church and day care center.

Carol West, 2918 Cherry Spring Drive, spoke about the increase in traffic and future problems the church will create at Turtle Creek Drive and Texas Parkway.

Director of Public Works/City Engineer Elmer added FM 2234 is a Texas Department of Transportation roadway that was originally scheduled to be widened between Cartwright to the Toll Road. TxDOT has since delayed that project due to funding issues. The area engineer has informed him that this project would be a priority for them. He also added Turtle Creek Drive is vested through a capital improvements program project that is currently scheduled to be removed and replaced between FM 2234 and Mission Valley. The City will be going out for bid within the next two months on that project with approximately a year of construction time.

Discussion ensued.

Ms. West questioned if after the church is built, would Turtle Creek Drive continue to be the primary ingress and egress for the church/Christian academy. Mayor Owen answered no. Director of Public Works/City Engineer Elmer noted that if this request were to be approved by Council, traffic would increase by 20 percent, and the City Ordinance would require a traffic impact analysis. He also added a traffic impact analysis would be needed for access to FM 2234. Mayor Owen verified traffic would not be permitted to enter through the Turtle Creek Drive to the parking lot, which would eliminate traffic from Turtle Creek Drive. Director of Public Works/City Engineer Elmer confirmed.

Mary Spolyar, 1831 Mustang Springs, spoke about her concerns with traffic and drainage along Turtle Creek Drive.

Director of Public Works/City Engineer Elmer noted the improvements at Turtle Creek Drive would improve drainage in the area because the City is currently upsizing some of the storm/sewer pipes and is planning to raise the bottom height of the bridge at Mustang Bayou in order for more water to go under the bridge and prevent flooding.

With no further comments, the public hearing closed at 9:42 p.m.

Councilmember Wyatt moved to adopt the request by Pastor Rudolph White on behalf of Christian Bible Baptist Church on the first of two readings to include the completion of the parking lot within 6 months from approval of the second and final reading. Councilmember Koleja seconded. **MOTION PASSED.**

Ayes:	Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gibson and Koleja
Noes:	None
Absent:	Councilmember Gary

- (d) Public hearing to receive comments for or against a request by Patrick Wimberley on behalf of FM 1092 Limited Partnership to rezone approximately 8.9488 acres of land from SD, Suburban District to LC-3, Retail District; providing a penalty; providing for severability; and to consider the ordinance on the first of two readings. The subject site is located southwest of the intersection of Murphy Rd. (FM 1092) and 5th Street, north of El Vaquero Mexican Restaurant, southwest of the Valero service station, and east of Lakeshore at Brightwater residential subdivision.

The public hearing opened at 9:50 p.m. Planner Huff presented. The applicant intends to rezone the 8.9488 acres of land to LC-3, Retail Commercial, but has no proposed development plans. The applicant also owns 8.8982 acres of adjacent land which is already zoned LC-3, Retail Commercial.

Michael Khushf, 4006 Brightwood Ct., questioned why the area is being rezoned from to an LC-3 if the owners knowingly purchased it as an SD.

The applicant, Patrick Wimberley, spoke on behalf of FM 1092 Limited Partnership to rezone approximately 8.9488 acres of land from SD, Suburban District to LC-3, Retail District.

Councilmember Gibson noted that if the owners agreed to keep a 20-foot line of trees, the residents would have an affective barrier from the noise and traffic. The applicant noted he could not speak on behalf of the owners and agree to a 20-foot easement.

Planner Huff noted one of the requirements for an LC-3 is to be adjacent to a residential development. Since they are not technically adjacent to a residential development, landscape screening would be the only screening that would be required.

Mayor Pro Tem Reiter noted an LC-3 would not be an appropriate use for this property because it abuts the residential subdivision without a significant buffer.

The applicant added an LC-3 is the projected future use for this property. They currently own 11 acres of land adjacent to the proposed property, and it is zoned as an LC-3. The owners would prefer to keep both properties zoned as LC-3 in order to keep it uniform.

Mr. Khushf spoke and noted that at some point, the proposed property would be rezoned; but he would prefer to know what would be built before City Council decides to rezone it.

Councilmember Jimerson noted that would not be permissible. Mayor Pro Tem Reiter spoke in support of residents. She suggested the owners could defer to a less intense zoning, such as an LC-2, or leave the current buffer as is. Councilmember Jimerson added the City needs the commercial development on FM 1092 and spoke in support of rezoning the property to an LC-3.

Councilmember Reiter moved to deny the request by Patrick Wimberley on behalf of FM 1092 Limited Partnership to rezone approximately 8.9488 acres of land from SD, Suburban District to LC-3, Retail District. Councilmember Gibson seconded. **MOTION FAILED.**

Ayes: Mayor Pro Tem Reiter and Councilmember Gibson
Noes: Mayor Owen, Councilmembers Wyatt, Jimerson and Kolaja
Absent: Councilmember Gary

Councilmember Wyatt voted against Mayor Pro Tem Reiter's initial motion because denial is inappropriate based on zoning standards and surrounding uses. He also added to zone the property to LC-2 would be equivalent to "down-zoning." Councilmember Jimerson agreed.

Mayor Owen suggested the applicant speak to the current owners about the possibility of leaving a buffer zone. Councilmember Jimerson recommended a minimum of 20-foot buffer zone. The applicant noted he would speak to the property owners.

With no further comments, the public hearing closed at 10:14 p.m.

Councilmember Wyatt moved to approve the request by Patrick Wimberley on behalf of FM 1092 Limited Partnership to rezone approximately 8.9488 acres of land from SD, Suburban District to LC-3, Retail District. Councilmember Gibson seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Councilmembers Wyatt, Jimerson and Kolaja
Noes: Mayor Pro Tem Reiter and Councilmember Gibson
Absent: Councilmember Gary

- (e) Public hearing to receive comments for or against a request by T-Mobile West Corporation for a Specific Use Permit to allow for the construction of a 140-foot tall monopole tower on a sixty-four (64) square-foot tract of land and an equipment facility on a 400-square-foot tract of land, both out of a 1.1057 acre tract of land located in an I, Industrial District; providing a penalty; providing for severability; and to consider the ordinance on the first of two readings. The subject site is located north of the TXI facility, west of the Cangelosi Company, and south of Safety Kleen, in and adjacent to lease space "F" of the Pike Road Industrial Park at 14019 South Gessner Rd.

The public hearing opened at 10:21 p.m. Planner Thomas noted an amendment to the ordinance from T-Mobile to internally mount the antennas instead of having them mounted to the tower. With no further comments, the public hearing closed at 10:21 p.m.

Mayor Pro Tem Reiter moved to approve the ordinance by T-Mobile West Corporation for a Specific Use Permit to allow for the construction of a 140-foot tall monopole tower on a sixty-four (64) square-foot tract of land and an equipment facility on a 400-square-foot tract of land, both out of a 1.1057 acre tract of land located in an I, Industrial District on the first of two readings with the exception that the antennas be internally mounted. Councilmember Jimerson seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gibson and Kolaja
Noes: None
Absent: Councilmember Gary

- (f) Public hearing to receive comments for or against a request by *T-Mobile West Corporation* for a Specific Use Permit to allow for the construction of a 80-foot tall monopole tower and equipment facility on a 0.036 acre tract of land located in an I, Industrial District; providing a penalty; providing for severability; and to consider the ordinance on the first of two readings. The subject site is located north of the Intersection of N. Garden of Beltway 8, and north of the Tabernaculo de Vida Church at 11806 N. Garden.

The public hearing opened at 10:24 p.m. Planner Thomas presented.

Bruce Colborne, 19 Foster Court, Sugar Land, TX, requested that the 80-foot tower be relocated from his property line because he is currently in the process of developing that tract of land.

Councilmember Jimerson recommended Mr. Colborne request the antennas be internally mounted. Mayor Owen suggested Mr. Colborne offer to sell a portion of the back of this property to T-Mobile for the installation of the tower.

Discussion ensued. With no further comments, the public hearing closed at 10:43 p.m.

Mayor Pro Tem Reiter moved to approve the request by *T-Mobile West Corporation* for a Specific Use Permit to allow for the construction of a 80-foot tall monopole tower and equipment facility on a 0.036 acre tract of land located in an I, Industrial District on the first of two readings. Councilmember Gibson seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt,
Jimerson, Gibson and Koleja
Noes: None
Absent: Councilmember Gary

10. CONSIDERATION OF ORDINANCES

- (a) An ordinance of the City Council of the City of Missouri City, Texas, approving a Municipal Setting Designation for Lakeview Business Park; and to consider an ordinance on the second and final reading.

Mayor Pro Tem Reiter moved to approve a Municipal Setting Designation for Lakeview Business Park on the second and final reading. Councilmember Gibson seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt,
Jimerson, Gibson and Koleja
Noes: None
Absent: Councilmember Gary

- (b) An ordinance of the City Council of the City of Missouri City, Texas, amending the Code of Ordinances of the City of Missouri City, Texas, by amending Chapter 74; providing rules and regulations for Parks Board membership and terms of members; providing an effective date; repealing all ordinances or parts of ordinances in conflict herewith; providing for severability; and to consider an ordinance on the second and final reading.

Councilmember Wyatt spoke against reducing the current 11 board members to 9 because more residents would be given the opportunity to serve the City.

Councilmember Kolaja moved to amend the Code of Ordinances of the City of Missouri City, Texas, by amending Chapter 74; providing rules and regulations for Parks Board membership and terms of members to nine from the current 11 Board members on the second and final reading. Councilmember Jimerson seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers
Jimerson, Gibson and Kolaja
Noes: Councilmembers Wyatt
Absent: Councilmember Gary

11. CONSIDERATION OF RESOLUTIONS

There were no Resolutions on this agenda.

12. RECEIVING OF REPORTS

Councilmember Kolaja recognized Ms. Crystle Stewart for being named Miss USA 2008. Economic Development Coordinator Graf presented his monthly report.

13. CLOSED EXECUTIVE SESSION

At 10:56 p.m., Council convened in closed executive session pursuant to chapter 551 of the Texas Government Code, for one or more of the following reasons: (1) consultation with legal counsel to seek or receive legal advice or consultation regarding pending or contemplated litigation; (2) discussion about the value or transfer of real property and other real estate matters; (3) deliberation regarding economic development negotiations.

14. RECONVENE INTO OPEN SESSION

No action taken.

15. ADJOURN

The meeting adjourned at 11:05 p.m.


Patrice Fogarty, City Secretary



**Council Agenda Item
December 16, 2019**

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



CITY COUNCIL AGENDA ITEM COVER MEMO

December 16, 2019

To: Mayor and City Council

Agenda Items: 11(a) Consider a resolution authorizing the Mayor to execute and the City Secretary to attest an economic development agreement between the City and Grand Parkway Commercial T&Q, LLC, pertaining to certain improvements to an approximately 6.13-acre tract of land.

Submitted by: Joseph Esch, Economic Development

SYNOPSIS

Consideration and action authorizing the Mayor to execute an agreement for the redevelopment of Grand Park Center.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live
- Maintain a financially sound City
- Grow business investments in Missouri City
- Have quality development through buildout

BACKGROUND

In pursuit of the City's long held goal of supporting redevelopment and new development of areas along Texas Parkway and Cartwright Rd the city has been working with the owners of Grand Park Center on the potential of updates to the property as well as possible expansion. The owner is considering an upgrade to the façade of the property as well as updates to landscaping and parking lot. The current estimated cost of the improvements is between \$800,000 and \$1,000,000.

The property owner and city have been discussing the potential of incentives from the city in support of this effort. Following on to those discussions with the city the next step in the process is to enter into a Letter of Intent to articulate the project and related roles of the parties.

Consistent with the conversations to date, a Letter of Intent has been provided for consideration and action by the council. If approved, the next step will be to draft formal agreements for consideration by the city council and the board of TIRZ #1.

The project is consistent with the project plan and plan of finance for TIRZ #1. The agreement contemplates the funds for the project would come from TIRZ #1.

BUDGET/FISCAL ANALYSIS

Funding Source	Account Number	Project Code/Name	FY 2020 Funds Budgeted	FY 2020 Funds Available	Amount Requested
TIRZ #1	261-59401-10-261-	Trans to Fund 401-METRO Tax			\$400,000*

*As stated in Section 5.02 of the agreement, developer advances are to be reimbursed after the expenses have been reviewed by an independent certified public accountant. It is anticipated that this will occur in a future fiscal year.

Purchasing Review: N/A
Financial/Budget Review: Bertha P. Alexander, Budget & Financial Reporting Analyst

SUPPORTING MATERIALS

1. Resolution
2. Agreement

STAFF'S RECOMMENDATION

Staff recommends approval of agreement.

Director Approval: Joseph Esch, Economic Development

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

RESOLUTION NO. R-19-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MISSOURI CITY, TEXAS, AND GRAND PARKWAY COMMERCIAL T&Q, LLC, PERTAINING TO CERTAIN IMPROVEMENTS TO AN APPROXIMATELY 6.13-ACRE TRACT OF LAND LOCATED IN THE CITY OF MISSOURI CITY, TEXAS.

* * * * *

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 Economic Development Agreement between the City of Missouri City, Texas, and Grand Parkway Commercial T&Q, LLC, pertaining to certain improvements to an approximately 6.13-acre tract of land located in the City of Missouri City, Texas. A copy of such economic development agreement is attached hereto and made a part hereof for all purposes, as Exhibit "A."

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

PASSED, APPROVED and ADOPTED this 16th day of December, 2019.

Yolanda Ford, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Jackson, City Secretary

E. Joyce Iyamu, City Attorney

	Exhibit A	
Summary description of the improvements of estimate costs		
Store fronts and façade		\$ 740,000
Structural		
Mechanical and HVAC		\$ 10,000
Roofing		\$ 175,000
Signage		\$ 15,000
Parking Lot and Lighting		\$ 10,000
Soft costs (Architectural, legal ...)		\$ 45,000
		\$995,000

**DEVELOPMENT AGREEMENT
FOR THE GRAND PARK CENTER
REDEVELOPMENT PROJECT**

This Development Agreement (the “Agreement”) is made this the ____ day of _____, 2019, by and among **Reinvestment Zone Number One, City of Missouri City**, a tax increment reinvestment zone created by the City of Missouri City, Texas, pursuant to Chapter 311, Texas Tax Code, (the “Zone”), the **Missouri City Development Authority**, a Texas non-profit local government corporation formed by and on behalf of the City of Missouri City, Texas (the “Authority”), and **Grand Parkway Commercial T&Q, LLC**, a Texas limited liability company (the “Developer”).

RECITALS

Whereas, pursuant to Chapter 311 of the Texas Tax Code, the City Council of the City of Missouri City by ordinance created the Zone in the City of Missouri City; and

Whereas, the Board of Directors of the Zone (the “Zone Board”) adopted a Project and Financing Plan (as defined below in Section 1.01) which provides that the Zone will undertake to make certain acquisitions and improvements in the Zone, and such Project and Financing Plan, as amended, was approved by the City Council of the City of Missouri City by Ordinance No. O-10-17 on May 3, 2010; and

Whereas, the Texas Tax Code provides that the Zone may enter into agreements as the Zone Board considers necessary or convenient to implement the Project and Financing Plan and achieve its purposes; and

Whereas, the City of Missouri City and the Zone have contracted with the Authority, a nonprofit Texas local government corporation pursuant to the provisions of Chapter 431, Subchapter D, Texas Transportation Code, to carry out

the purposes of the Zone, including administration, supervision, construction, financing and other duties, and committed the revenues of the Zone to the Authority for such purposes, all as more particularly set forth in the Agreement between the City of Missouri City, the Zone and the Authority, dated as of January 16, 2001 (the “Tri-Party Agreement”); and

Whereas, the Developer is the owner of certain property within the Zone, and wishes to finance and construct certain Zone projects; and

Whereas, the Authority and the Zone have determined that each can best carry out their functions pursuant to the Tri-Party Agreement and the Project and Financing Plan by contracting with the Developer to provide for the efficient and effective implementation of certain aspects of the Project and Financing Plan, and the Authority and the Developer desire to enter into this Agreement to enable the development and financing of certain projects in connection with the Developer’s development of property within the Zone and the reimbursement of the Developer as provided herein; now, therefore,

AGREEMENT

For and in consideration of the mutual promises, covenants, obligations, and benefits of this Agreement, the Zone, the Authority and the Developer contract and agree as follows:

ARTICLE 1 GENERAL TERMS

1.01 Definitions. The terms “Agreement,” “Authority,” “Developer,” “Zone,” “Tri-Party Agreement” and “Zone Board” have the meanings set forth in the preamble hereof, and the following capitalized terms shall have the meanings provided below, unless otherwise defined or the context clearly requires otherwise. For

purposes of this Agreement the words “shall” and “will” are mandatory and the word “may” is permissive.

Act shall mean the Increment Financing Act, Chapter 311, Texas Tax Code, as the same may be amended.

Agreed Upon Procedures shall mean the report prepared and submitted by a certified public accountant certifying the amount due to the Developer pursuant to this Agreement.

Authority Bonds shall mean any bond, note or other obligation issued or incurred in one or more series pursuant to Article 5 hereof, secured by Tax Increment or funds deposited in the TIRZ Revenue Fund, including refunding bonds.

County shall mean Fort Bend County, Texas.

Developer Advances shall mean any funds advanced by Developer pursuant to Section 5.01, and shall include any interest accrued and payable thereon.

Net Tax Increment shall mean the annual collections of the Tax Increment, less any amounts reasonably required or anticipated to be required for the administration and operation of the Zone, including a reasonable operating reserve.

Parties or *Party* shall mean the Authority, the Zone and the Developer as parties to this Agreement.

Project shall mean the development within the Zone described in Exhibit A attached hereto.

Project and Financing Plan shall mean the Second Amended Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number One, City of Missouri City, as approved by City Council.

Tax Increment shall mean funds deposited in the TIRZ Revenue Fund by the City pursuant to the Tri-Party Agreement, composed of funds received pursuant to that certain Interlocal Agreement or similar agreement between the City, the County and the Zone.

TIRZ Revenue Fund shall mean the special fund established by the Authority and funded with Tax Increment payments made by the City pursuant to the Tri-Party Agreement (which payments are attributable to incremental ad valorem real property taxes paid on properties in the Zone).

Taxing Unit shall mean individually and collectively the City and the County.

Zone Board shall mean the Board of Directors of the Zone.

1.02 Singular and plural; gender. Words used herein in the singular shall also include the plural of such words, where the context so permits, and vice versa. The definitions of words in the singular shall also apply to the plural of such words where the context so permits and vice versa. Any gender reference shall include the opposite gender and the neutral.

ARTICLE 2 REPRESENTATIONS

2.01 Representations of Authority. The Authority hereby represents as follows:
(A) It is duly authorized, created and existing in good standing under the laws of the State of Texas and is duly qualified and authorized to carry on

the governmental functions and operations as contemplated by this Agreement.

(B) It has the power, authority and legal right to enter into and perform this Agreement and the execution, delivery and performance hereof (i) have been duly authorized, (ii) will not, to the best of its knowledge, violate any applicable judgment, order, law or regulation and (iii) do not constitute a default under, or result in, the creation of any lien, charge, encumbrance or security interest upon any assets of the Authority under any agreement or instrument to which the Authority is a party or by which the Authority or its assets may be bound or affected.

(C) This Agreement has been duly authorized, executed and delivered by the Authority and constitutes a legal, valid and binding obligation of the Authority, enforceable in accordance with its terms.

(D) The execution, delivery and performance of this Agreement by the Authority do not require the consent or approval of any person which has not been obtained.

2.02 Representations of the Developer. The Developer hereby represents as follows:

(A) The Developer is duly authorized, created and existing under the laws of the State of Texas, is qualified to do business in the State of Texas and is duly qualified to do business wherever necessary to carry on the operations contemplated by this Agreement.

(B) The Developer has the power, authority and legal right to enter into and perform its obligations as set forth in this Agreement and the execution, delivery and performance hereof (i) have been duly authorized, (ii) will not,

to the best of its knowledge, violate any judgment, order, law or regulation applicable to the Developer or any provision of any of Developer's agreements or governing documents and (iii) do not constitute a default under, or result in, the creation of any lien, charge, encumbrance or security interest upon any assets of the Developer under any agreement or instrument to which the Developer is a party or by which the Developer or its assets may be bound or affected.

(C) This Agreement has been duly authorized, executed and delivered by the Developer and constitutes a legal, valid and binding obligation of the Developer, enforceable in accordance with its terms.

(D) The execution, delivery and performance of this Agreement by the Developer do not require the consent or approval of any person which has not been obtained.

2.03. Representations of the Zone. The Zone hereby represents as follows:

(A) The Zone is duly authorized, created and existing under the laws of the State of Texas and is duly qualified and authorized to carry out the governmental functions and operations as contemplated by this Agreement.

(B) The Zone has the power, authority and legal right to enter into and perform this Agreement and the execution, delivery and performance hereof (i) have been duly authorized, (ii) will not, to the best of its knowledge, violate any applicable judgment, order, law or regulation and (iii) do not constitute a default under, or result in, the creation of any lien, charge, encumbrance or security interest upon any assets of the Zone under any agreement or instrument to which the Zone is a party or by which the Zone or its assets may be bound or affected.

(C) This Agreement has been duly authorized, executed and delivered by the Zone and constitutes a legal, valid and binding obligation of the Zone, enforceable in accordance with its terms.

(D) The execution, delivery and performance of this Agreement by the Zone do not require the consent or approval of any person which has not been obtained.

ARTICLE 3 THE PROJECT

3.01 The Project. The Project will enhance the proposed implementation of development within the Zone and is authorized in the Project and Financing Plan.

3.02 Project description. The Project, as generally described in the Project and Financing Plan and as more fully and particularly described in Exhibit A, consists of acquisition, development, construction, demolition, alteration, remodeling, and repair of certain parking facilities and façade improvements for the Grand Park Center development located on Texas Parkway. The Project shall include all engineering, legal and other consultant fees and expenses related to such Project.

3.03 Additional Projects. This Agreement does not apply to any projects not specifically defined herein unless this Agreement is amended to provide for the design and construction of such additional projects.

ARTICLE 4 DUTIES AND RESPONSIBILITIES OF THE DEVELOPER

4.01 Construction manager. The Developer agrees to construct the Project and to provide and furnish, or cause to be provided and furnished, all materials and services as and when required in connection with the construction of the Project.

The Developer will obtain all necessary permits and approvals from the City and all other governmental officials and agencies having jurisdiction, provide supervision of all phases of construction of the Project, provide regular reports of such construction to the Authority and the Zone, provide additional reports upon request, and cause the construction to be performed in accordance with the Project and Financing Plan.

4.02 Construction and implementation of the Project. The Developer shall be responsible for the inspection and supervision of the construction and implementation of the Project.

(A) The Developer shall commence construction of the Project within sixty (60) days of the date of this Agreement. Completion of the Project, as set forth in Exhibit A, must occur no later than twelve (12) months from the date of this Agreement. If the Developer has not commenced construction of the Project within sixty (60) days of the date of this Agreement, this Agreement shall be automatically terminated and be of no further force and effect, wherein neither party shall have any liabilities or obligations whatsoever to the other party.

(B) Upon completion of a contract for the construction of the Project, the Developer shall provide the Authority with a final summary of all costs associated with such contract and show that all amounts owing to contractors and subcontractors have been paid in full, supported and evidenced by customary affidavits executed by such contractors. Following completion of a construction contract, the Developer will call for inspection of the applicable Project by the City and upon approval thereof as being in compliance with City standards and other applicable standards relating thereto.

(C) Abandonment of Project. If, after twelve (12) months from the effective date of this Agreement, the City Manager reasonably determines that the

Developer has abandoned the Project, this Agreement shall terminate. The City Manager may reasonably determine that the Project is abandoned for the purposes of this Agreement after twelve (12) months from the effective date of this Agreement if, after commencement of construction, no measurable work toward completion is documented to the City Manager by the Developer for 60 days or longer.

4.03 Employment of undocumented workers. Developer certifies that Developer, or a branch, division, or department of Developer, does not and will not knowingly employ an undocumented worker in relation to the Project. Developer agrees that if, after receiving a public subsidy, Developer, or a branch, division, or department of Developer, is convicted of a violation under 8 U.S.C. Section 1324a(f), Developer shall repay the amount of the reimbursement paid under section 5.02 with interest, at the rate set forth in section 5.01(B) not later than the 120th day after the date the Zone or the Authority notifies Developer of the violation.

The Zone or the Authority may bring a civil action to recover any amounts owed to the Zone or the Authority under this chapter. The Zone or the Authority, as applicable, shall recover court costs and reasonable attorneys fees incurred in an action brought under this section.

ARTICLE 5

PROJECT FINANCING AND FUNDING

5.01 The Developer Advances.

(A) In connection with the construction of the Project, the Developer agrees to provide sufficient funds as such become due for all costs thereof, constituting “project costs” as defined in the Act, including costs of design, engineering, materials, labor, construction and inspection fees arising in

connection with the Project; all payments arising under any contract entered into pursuant to this Agreement; and all related legal fees. .

(B) Interest on each Developer Advance shall accrue at a rate equal to the prime commercial lending rate of Chase Manhattan Bank, National Association, or any successor to its commercial banking activities, plus one-half of one percent per annum, for a period not to exceed one year, whether such costs, fees, or expenses are paid or incurred before or after the effective date of this Agreement. Interest shall be calculated on the basis of a year of 360 days and the actual days elapsed (including the first day but excluding the last day occurring in the period for which such interest is payable, unless such calculation would result in an usurious rate, in which case interest shall be calculated on the per annum basis of a year of 365 or 366 days, as applicable, and the actual days elapsed (including the first day but excluding the last day. Interest on Developer Advances shall not begin to accrue until 180 days after the date the Agreed Upon Procedures is completed and accepted by the Authority by Resolution of its Board.

5.02 Repayment of Developer Advances.

(A) In consideration of the development and construction of the Project, the Authority shall begin repaying the Developer Advances and shall continue such repayment until repaid in full, on the earliest date that funds are available from the Net Tax Increment, subject to the limitations set forth in subsection (B).

(B) The Zone shall reimburse the Developer for Developer Advances, plus accrued interest, from Tax Increment accumulated in the TIRZ Revenue Fund and available in accordance with the priorities described in Section 5.03, below.

(C) At such time as Developer notifies the Authority in writing that 1) that the Project is completed; 2) makes a request for repayment of Developer Advances; and, 3) provides the Authority with the customary affidavits required in Section 4.02 (B) above, the Authority shall hire a certified public accountant to calculate the amount due the Developer and prepare and submit the Agreed Upon Procedures report to the Authority. The Developer shall pay all costs associated with the Authority's engagement of the certified public accountant for the purpose of preparing the Agreed Upon Procedures. Such report shall be approved by the Authority at the earliest practicable time, but not later than 180 days after submission of the report to the Authority.

(D) It is the intent of the parties that the Developer Advances shall be paid to Developer on a dollar for dollar basis, for Project Costs incurred and paid by Developer and verified by a certified public accountant up to a maximum amount of Four Hundred Thousand and NO/100 DOLLARS (\$400,000.00). Notwithstanding anything contained herein, the total maximum amount of Developer Advances payable to Developer pursuant to this Agreement shall be Four Hundred Thousand and NO/100 DOLLARS (\$400,000.00) including interest thereon.

5.03 Priorities. Amounts deposited in the TIRZ Revenue Fund shall be applied in the following order of priority (i) amounts pledged or required for the payment of outstanding Authority Bonds, including Authority Bonds in the process of issuance and refunding Authority Bonds; (ii) administrative costs of the Zone or the Authority; (iii) payments to other developers pursuant to agreements between such developers, the Zone, and the Authority entered into before the effective date of this Agreement; and (iv) payments to the Developer pursuant to Section 5.02, above.

ARTICLE 6

DEFAULT

6.01 Default.

(A) If the Zone or the Authority does not perform its obligations hereunder in substantial compliance with this Agreement the Developer may seek specific performance of this Agreement only.

(B) If the Developer fails to commence or complete the Project according to the timelines provided in Section 4.02 (A) in accordance with the terms of this Agreement, including the failure to fund Developer Advances, the Zone and/or the Authority may terminate this Agreement and shall be relieved of any obligation to reimburse the Developer.

(C) The Party alleging default shall provide written notice to the other Party of such default, and the defaulting Party shall have sixty (60) days to remedy the default prior to the declaration of any default hereunder.

ARTICLE 7

GENERAL

7.01 Inspections, audits. The Developer shall keep such operating records with respect to the Project and other activities contemplated by this Agreement and all costs associated therewith as may be required by the Authority, the Zone or by State or federal law or regulation. The Developer shall allow the Authority access to, and the Authority shall have a right at all reasonable times to audit, all documents and records in the Developer's possession, custody or control relating to the Project that the Authority deems necessary to assist the Authority in determining the Developer's compliance with this Agreement.

7.02 Developer operations and employees. All personnel supplied or used by the Developer in performance of this Agreement shall be deemed contractors or subcontractors of the Developer and will not be considered employees, agents,

contractors or subcontractors of the Zone, the Authority, or the City for any purpose whatsoever. The Developer shall be solely responsible for the compensation of all such contractors and subcontractors.

7.03 Personal liability of public officials, legal relations. To the extent permitted by State law, no director, officer, employee or agent of the Zone or the Authority shall be personally responsible for any liability arising under or growing out of this Agreement.

7.04 Notices. Any notice sent under this Agreement shall be 1) written and mailed; 2) sent by electronic transmission confirmed by mailing written confirmation at substantially the same time as such electronic transmission; or 3) personally delivered to an officer of the receiving party at the following addresses:

Missouri City Development Authority

1522 Texas Parkway
Missouri City, Texas 77489
Attn: President

Reinvestment Zone Number One, City of Missouri City

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

Grand Parkway Commercial T&Q, LLC

9999 Bellaire Blvd., Suite 909
Houston, Texas 77036
Attn: Danny Nguyen

City of Missouri City, Texas

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

Each Party may change its address by written notice in accordance with this section. Any communication addressed and mailed in accordance with this section shall be deemed to be given when so mailed, any notice so sent by electronic transmission shall be deemed to be given when receipt of such transmission is

acknowledged, and any communication so delivered in person shall be deemed to be given when received for or by the Authority, the Zone or the Developer, as the case may be.

7.05 Amendments and waivers. Any provision of this Agreement may be amended or waived if such amendment or waiver is in writing and is signed by the Zone, the Authority and the Developer. No course of dealing on the part of the Parties, nor any failure or delay by one or more of the Parties, with respect to exercising any right, power or privilege under this Agreement shall operate as a waiver thereof, except as otherwise provided in this section.

7.06 Invalidity. In the event that any of the provisions contained in this Agreement shall be held unenforceable in any respect, such unenforceability shall not affect any other provision of this Agreement.

7.07 Successors and assigns. All covenants and agreements contained in this Agreement by or on behalf of a Party shall bind its successors and assigns and shall inure to the benefit of the other Parties, their successors and assigns. The Parties may assign their rights and obligations under this Agreement or any interest herein only with the prior written consent of the other Parties and any assignment without such prior written consent, including an assignment by operation of law, is void and of no effect. This section shall not be construed to prevent the Developer from selling all or a portion of the property within the Zone in the normal course of business; provided that any such purchaser or assignee must specifically assume all of the obligations of the Developer hereunder. If such assignment of the obligations by the Developer hereunder is effective, the Developer shall be deemed released from such obligations. If any assignment of the obligations by the Developer hereunder is deemed ineffective or invalid, the Developer shall remain liable hereunder.

7.08 Exhibits; titles of article, sections and subsections. The exhibits attached to this Agreement are incorporated herein and shall be considered a part of this Agreement for the purposes stated herein, except that in the event of any conflict between any of the provisions of such exhibits and the provisions of this Agreement, the provisions of this Agreement shall prevail. All titles or headings are only for the convenience of the parties and shall not be construed to have any effect or meaning as to the Agreement between the Parties hereto. Any reference herein to a section of subsection shall be considered a reference to such section or subsection of this Agreement unless otherwise stated. Any reference herein to an exhibit shall be considered a reference to the applicable exhibit attached hereto unless otherwise stated.

7.09 Construction. This Agreement is a contract made under and shall be construed in accordance with and governed by the laws of the United States of America and the State of Texas, except conflict of laws provisions, as such laws are now in effect. Venue for any action or suit related to this Agreement shall be in Fort Bend County, Texas.

7.10 Entire Agreement. This written Agreement represents the final agreement among the Parties and may not be contradicted by evidence of prior, contemporaneous or subsequent oral agreements of the Parties. There are no unwritten oral agreements between the Parties.

7.11 Term. This Agreement shall be in force and effect from the date of execution hereof for a term expiring on the earlier of 1) the date that the Developer Advances have been repaid in full; 2) January 1st of the year following the expiration of the Zone; or 3) as otherwise terminated as provided for in this Agreement.

7.12 Time of the essence. Time is of the essence with respect to the obligations of the Parties to this Agreement.

7.13 Approval by the Parties. Whenever this Agreement requires or permits approval or consent to be hereafter given by any of the Parties, the Parties agree that such approval or consent shall not be unreasonably conditioned, withheld or delayed.

7.14 Counterparts. This Agreement may be executed in multiple counterparts, each of which when so executed and delivered shall be deemed an original but such counterparts together shall constitute but one and the same instrument.

7.15 Further assurances. Each Party hereby agrees that it will take all actions and execute all documents necessary to fully carry out the purposes and intent of this Agreement.

7.16 Effect of the Tri-Party Agreement. The obligations of the Parties hereunder are specifically conditioned upon the approval, execution and effectiveness of the Tri-Party Agreement.

7.17 Force Majeure. If any party is rendered unable, wholly or in part, by force majeure to carry out any of its obligations under this Agreement, then the obligations of such party, to the extent affected by such force majeure and to the extent that due diligence is being used to resume performance at the earliest practicable time, are suspended during the continuance of the force majeure. The term "force majeure," means: (i) strikes and picketing (except to the extent involving a labor issue at the site caused by the party seeking force majeure); (ii) sabotage; (iii) acts of God; (iv) fire or other unavoidable casualties; (v) excessive rain or snow, ice, sleet, frost, cold (or hot) temperatures, windstorm or tornado, earthquake or flood delays due to inclement weather which exceed the number of delay days in the schedule for such excessive rain or snow, ice, sleet, frost, cold (or hot) temperatures, windstorm and/or tornado, earthquake or flood, resulting in the reduction or loss of productivity on critical path activities; (vi) explosion; (vii)

war, invasion, civil commotion, embargo, terrorist attacks, riots or public insurrection, condemnation; (viii) regional, local, or national labor disputes; and (ix) national or regional shortages and/or unavailability of materials.

[EXECTUION PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be duly executed in multiple originals, effective the date first set forth above.

REINVESTMENT ZONE NUMBER ONE, CITY OF MISSOURI CITY

Eunice Reiter, Chairperson

Attest:

Tonya Eugene, Secretary

MISSOURI CITY DEVELOPMENT AUTHORITY

Yolanda Ford, President

Attest:

Anthony Maroulis, Secretary

CITY OF MISSOURI CITY, TEXAS

Yolanda Ford, Mayor

Attest:

Maria Jackson, City Secretary

Grand Parkway Commercial T&Q, LLC,
a Texas limited liability corporation

By: _____
Danny Nguyen
Vice President

Date: _____

APPROVED AS TO FORM:

By: _____

EXHIBIT A

The Grand Park Center Redevelopment Project



CITY COUNCIL AGENDA ITEM COVER MEMO

December 16, 2019

To: Mayor and City Council
Agenda Item: 11(b) Consider a resolution committing City funding to the Cangelosi drainage and detention project
Submitted by: Shashi K. Kumar, P.E. – Director of Public Works and City Engineer

SYNOPSIS

A resolution to utilize allocated Drainage CO Bonds to fund and supplement the Texas General Land Office, CDBG-DR infrastructure award of \$954,306 towards the Cangelosi Detention improvement project, estimated to cost a total of \$1,557,500.00, which includes design and project administration related services.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Quality development through buildout.
- Create a great place to live

BACKGROUND

The City received notification from the Texas General Land Office (GLO) via a letter dated October 10, 2018 (attached) notifying the award of Community Development Block Grant – Disaster Recovery (CDBG-DR) funds for Hurricane Harvey in the amount of \$954,306. These funds are provided by the U.S. Department of Housing and Urban Development (HUD) for recovery from Hurricane Harvey and is being disbursed thru the GLO. The Method of Distribution (MOD) of these funds to cities and counties locally was determined by the Houston Galveston Area Council (H-GAC) by taking into account damages sustained in each jurisdiction.

City staff has notified the GLO of its intent to use these funds on infrastructure type project(s). However, in order to be eligible to receive these funds, the City is required to submit an application identifying the project (s) and how the proposed project (s) will contribute to long-term recovery, community resilience and benefit to the community it will serve. In addition, the GLO criteria mandates that at least 70% of the allocated funds benefit Low to Moderate Income (LMI) areas. Applicants will be asked to provide local procurement policies and procedures along with the application. An open house was held on January 17, 2019 for citizens to provide written or oral comments regarding the Cangelosi Detention Improvement Project as Community outreach and public hearing process are also part of the application package, which was submitted to the GLO.

City staff has identified the Cangelosi Detention Improvement project located within an LMI as a candidate project for the City. See attached vicinity map for project details. This project is currently identified within the City's 5-year CIP and is estimated to cost approximately \$1.6 Million (Design and Construction) to implement. The broad scope of work includes channel widening and raising the embankment of the existing channel and detention facility. This project when implemented will alleviate flooding in the contributing watershed in addition to accommodating new developmental projects. At the December 17, 2018 meeting, the City Council authorized staff recommendation to utilize the allocated GLO funds towards the Cangelosi Detention project and to submit an application to the GLO upon the completion of the public outreach process.

Upon approval of the City's application and executing a contract with the GLO, funds will be made available to the City based on a reimbursement (drawdown) basis. At that point, any allocated bond funds to the

Cangelosi project can be re-allocated to other potential CIP projects based on Council's direction. The GLO is requiring this resolution from City Council to support the City's application to substantiate that funds have already been committed to the Cangelsoi project.

BUDGET ANALYSIS

Funding Source	Account Number	Project / Account Name	FY20 Funds Budgeted	FY20 Funds Available	Amount Requested
General Bonds	403-48802-01-001	10038 / Cangelosi Detention	\$1,600,000	\$1,600,000	\$1,600,000

Purchasing Review: N/A

Financial/Budget Review: Bertha P. Alexander, Budget & Financial Reporting Manager

SUPPORTING MATERIALS

1. Proposed Resolution in support of CDBG-DR application
2. Award Notification Letter from the GLO
3. Cangelosi Ditch Improvements Vicinity Map

STAFF'S RECOMMENDATION

Staff recommends approval of the resolution authorizing the City expenditures of \$1,557,500 from the Capital Improvement Program towards the Cangelosi Detention Improvement Project, and as may be required to seek reimbursement of Community Development Block Grant-Disaster Recovery funds from the Texas General Land Office.

Director Approval:

Shashi K. Kumar, P.E.

Assistant City Manager Approval:

Glen A. Martel, ACM

RESOLUTION NO. R-19-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS, CONFIRMING ITS INTENTION TO AUTHORIZE CITY EXPENDITURES FOR CERTAIN FLOOD CONTROL AND INFRASTRUCTURE PROJECTS TO OBTAIN REIMBURSEMENT FROM COMMUNITY DEVELOPMENT BLOCK GRANT—DISASTER RECOVERY FUNDS ADMINISTERED BY THE TEXAS GENERAL LAND OFFICE.

* * * * *

WHEREAS, in 2018, the Texas General Land Office (“GLO”), dedicated to assisting Texas cities in the recovery process following Hurricane Harvey in 2017 by providing certain dedicated federal funding through the U.S. Department of Housing and Urban Development Community Development Block Grant-Disaster Recovery (“CDBG-DR”) program, made available to the City of Missouri City (“City”) approximately \$954,306 for local infrastructure expenditures; and

WHEREAS, pursuant to Resolution No. R-19-06, adopted on January 22, 2019, the City Council of the City of Missouri City authorized the submission to the GLO of an application for such grant funding through the CDBG-DR program; and

WHEREAS, the City has determined that expending funds on widening the channel and raising the embankment of an existing channel and detention facility (“Flood Control and Infrastructure Projects”) may alleviate certain flooding in the Cangelosi watershed; and

WHEREAS, the City Council of the City of Missouri City (“City Council”) finds that the expenditure of CDBG-DR funds on the Flood Control and Infrastructure Projects is in the best interest of the residents of the City and has included the Flood Control and Infrastructure Projects in the City’s five year Capital Improvement Program; and

WHEREAS, the Flood Control and Infrastructure Projects have been estimated to cost a total of \$1,557,500; and

WHEREAS, the City Council intends to authorize City expenditures of approximately \$1,557,500 to complete the Flood Control and Infrastructure Projects; to seek reimbursement for the CDBG-DR portion of the project in the amount of \$954,306 from the GLO; and to commit the remaining amount of \$603,194 to the Flood Control and Infrastructure Projects; now therefore,

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

Section 1. The facts and recitals set forth in the preamble of this Resolution are hereby found to be true and correct and are in all things incorporated herein and made a part hereof.

Section 2. The City Council of the City of Missouri City hereby confirms its intention to authorize City expenditures of approximately \$1,557,500 to complete improvements to an existing channel and detention facility for the Cangelosi watershed pursuant to the five-year plan for the City of Missouri City's Capital Improvement Program; to seek reimbursement for the Community Development Block Grant-Disaster Recovery portion of the project in the amount of \$954,306 from the Texas General Land Office; and to commit the remaining amount of \$603,194 to the completion of such projects.

PASSED, APPROVED and ADOPTED this 16th day of December, 2019.

Yolanda Ford
Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Jackson
City Secretary

E. Joyce Iyamu
City Attorney

October 10, 2018

The Honorable Allen Owen
Mayor of Missouri City
1522 Texas Parkway
Missouri City, TX 77489

Re: Hurricane Harvey Disaster Recovery Fund Applications

Dear Mayor Owen:

Congratulations. Your community has been awarded Community Development Block Grant – Disaster Recovery (CDBG-DR) funds for Hurricane Harvey under the method of distribution created by your regional council of governments, as follows:

- Local Infrastructure - \$954,306.00

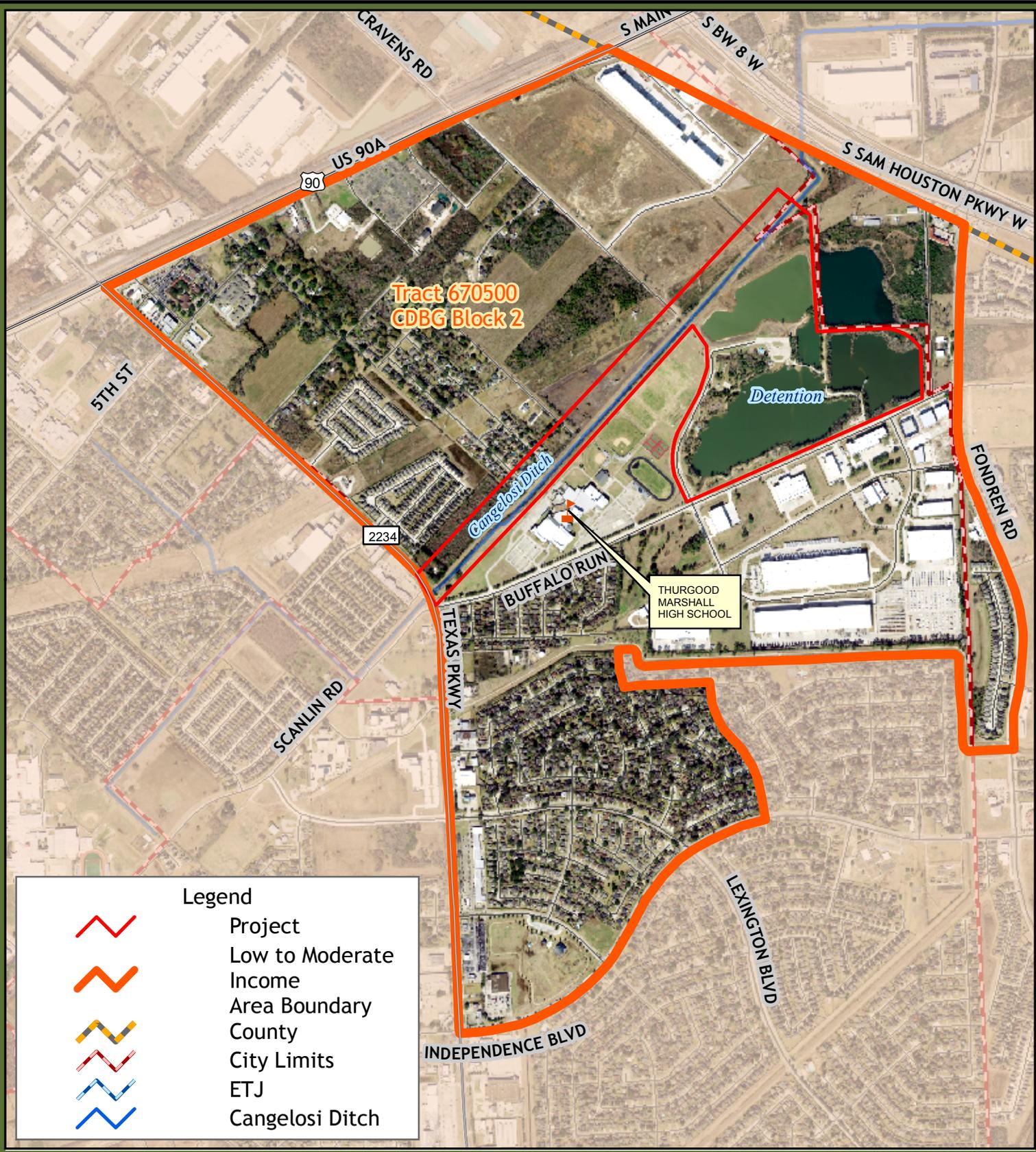
The Texas General Land Office (GLO) is dedicated to assisting your community in the recovery process and would like to know whether you intend to apply for these CDBG-DR funds. Please notify the GLO of your community's decision to utilize these funds by November 30, 2018, using the email below.

The deadline for receipt of applications is January 31, 2019. If you or your staff have questions, please call or write our Deputy Director of Operations, Chelsea Buchholtz, at 512.475.5042 or Chelsea.Buchholtz.glo@recovery.texas.gov.

The GLO is dedicated to your success and grateful for your partnership in helping to rebuild an even stronger Texas. We look forward to working with you.

Sincerely,

GEORGE P. BUSH
Commissioner, Texas General Land Office



Legend

-  Project
-  Low to Moderate Income Area Boundary
-  County
-  City Limits
-  ETJ
-  Cangelosi Ditch

Map By:
GIS Division
November 27, 2018

Cangelosi Ditch Widening Project



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 county and its vendors assume no legal responsibility for the information on this map.



**CITY COUNCIL
AGENDA ITEM COVER MEMO**

December 16, 2019

To: Mayor and City Council
Agenda Item: 11(c) Consider a resolution granting general authority to the City Manager and his designees to execute certain agreements and approve certain change orders for City of Missouri City purchases.
Submitted by: Allena J. Portis, Director of Financial Services

SYNOPSIS

Local Government Code promulgates rules for local government procurement. Although the code includes thresholds for requiring competitive solicitations, the level of approval by a governing body is determined at the local level. Currently the City Manager is authorized to approve purchases below \$50,000. In 2014, the policy requiring City Council authorization was changed, as recommended by A.O. Phillips and Associates, from \$25,000 to \$50,000 commensurate with the 2011 change in Texas Local Government Code Section 252.048. At a special council meeting on November 26, 2019, an agenda item was discussed regarding the appointed officials spending limits and notification of purchases within the City Manager’s spending authorization. This agenda item is in response to that discussion.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Maintain a financially sound City
- Develop a high performing City team

BACKGROUND

The City Manager is responsible for authorizing purchases between \$25,000 and \$50,000, which includes all departments and funds. After reviewing purchase orders within the City Manager’s limit of authority, it was determined that the primary department with purchases within this level of authorization is Public Works including Utilities, with Innovation & Technology following. Public Works and Innovation & Technology Departments account for 31% and 25% of FY2019 value respectively.

Departmental Overview	Amount	Percentage
Public Works/Utilities	\$593,744	31%
Police	\$27,563	1%
Parks & Recreation	\$182,890	10%
Non-Departmental	\$28,854	2%
Information Technology	\$470,834	25%
General Government	\$305,750	16%
Fire	\$91,361	5%
Financial Services	\$68,535	4%
Development Services	\$57,048	3%
Capital Projects	\$75,061	4%
	\$1,901,641	100%

In FY 2019, there were 54 purchase orders between \$25,000 and \$50,000. The total value of these purchases was \$1,901,641. For FY 2018, there were 52 purchase orders totaling \$1,903,247.

Benchmark Cities

A survey was conducted of 26 benchmark cities to determine the threshold that requires City Council approval. The result of the survey is presented in the below table.

City Council Authorization Required	# of Cities	City
\$500	1	City of Stafford
\$10,000	1	City of West University Place
\$15,000	1	City of Galveston
\$50,000	22	All Others
\$100,000	1	City of College Station

Of the cities surveyed, 85% have a \$50,000 threshold for City Council approval. The City’s that deviate from the norm have characteristics that differ significantly from the City of Missouri City. For example, the City with the largest threshold for Council approval, City of College Station, has a budget of approximately \$394 million, while the City with the lowest threshold, City of Stafford has a budget of approximately \$38 million with a strong mayor form of government. For comparison, the City of Missouri City’s budget for FY2020, including all funds, is approximately \$155 million.

SUPPORTING MATERIALS

- 1. Resolution

STAFF’S RECOMMENDATION

Staff recommends against adopting this resolution to ensure efficiency.

Director Approval: Allena J. Portis, Director of Financial Services

City Manager Approval: Anthony J. Snipes, City Manager

RESOLUTION NO. R-19-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS, GRANTING GENERAL AUTHORITY TO THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE CERTAIN AGREEMENTS AND APPROVE CERTAIN CHANGE ORDERS FOR CITY PURCHASES; AND PROVIDING FOR REPEAL.

* * * * *

WHEREAS, Chapter 252 of the Texas Local Government Code provides rules and regulations relating to competitive bidding and competitive sealed proposals for certain purchases; and

WHEREAS, Section 252.048 of the Texas Local Government Code (“Section 252.048”) provides that the governing body of a municipality may approve change orders if changes in plans or specifications are necessary after performance of a contract has begun or if it is necessary to decrease or increase the quantity of work to be performed or of materials, equipment, or supplies to be furnished; and

WHEREAS, such changes may not increase the total contract price unless additional money is appropriated for that purpose from available funds or is provided for by the authorization of the issuance of time warrants; and

WHEREAS, pursuant to Section 252.048, the governing body of a municipality may grant general authority to an administrative official of the municipality to approve change orders involving a decrease or an increase of \$50,000 or less, provided that such change orders do not increase the original contract price by more than 25 percent nor decrease the original contract price by more than 25 percent without the consent of the contractor; and

WHEREAS, pursuant to Resolution No. R-14-22, adopted on July 7, 2014, the City Council of the City of Missouri City, Texas (“City Council”), granted such general authority to the City Manager or his designee to approve change orders pursuant to Chapter 252 of the Texas Local Government Code; and

WHEREAS, the City Council desires to repeal such general authority granted to the City Manager or his designee; and

WHEREAS, the City Council desires to grant general authority to the City Manager or his designee to execute agreements that require an expenditure by the City of Missouri City (“City”) of \$25,000 or less, and to grant general authority to the City Manager or his designee to execute agreements that require an expenditure by the City of more than \$25,000 and less than \$50,000 upon written notice to the City Council; and

WHEREAS, the City Council desires to grant general authority to the City Manager or his designee to approve certain change orders involving an increase or

decrease of less than \$25,000, and to grant general authority to the City Manager or his designee to approve certain change orders involving an increase or decrease of more than \$25,000 and not exceeding \$50,000 upon written notice to the City Council; now therefore,

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

Section 1. That the facts and recitations set forth in the preamble of this resolution are hereby true and correct.

Section 2. That, to the extent authorized by law, the City Council of the City of Missouri City, Texas ("City Council"), hereby grants general authority to the City Manager or his designee to execute agreements that require an expenditure of \$25,000 or less from one or more municipal funds.

Section 3. That, to the extent authorized by law, the City Council hereby grants general authority to the City Manager or his designee to execute agreements that require an expenditure of more than \$25,000 and less than \$50,000 from one or more municipal funds after providing written notice to the City Council.

Section 4. That, to the extent authorized by law, the City Council hereby grants general authority to the City Manager or his designee to approve a change order to a contract awarded pursuant to Chapter 252 of the Texas Local Government Code resulting in a decrease or an increase of \$25,000 or less, provided that (1) additional money for increased costs is appropriated from available funds or is provided for by the authorization of the issuance of time warrants and (2) the original contract price is not increased by more than 25 percent or the original contract price is not decreased by more than 25 percent without the consent of the contractor.

Section 5. That, to the extent authorized by law, the City Council hereby grants general authority to the City Manager or his designee to approve a change order to a contract awarded pursuant to Chapter 252 of the Texas Local Government Code resulting in a decrease or an increase of more than \$25,000 and not exceeding \$50,000, provided that (1) additional money for increased costs is appropriated from available funds or is provided for by the authorization of the issuance of time warrants; (2) the original contract price is not increased by more than 25 percent or the original contract price is not decreased by more than 25 percent without the consent of the contractor; and (3) written notice is provided to the City Council before such change order is approved.

Section 6. That Resolution No. R-14-22 adopted on July 7, 2014, and any other resolution or part thereof in conflict herewith, is hereby repealed.

PASSED, APPROVED and RESOLVED this 16th day of December, 2019.

Yolanda Ford, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Jackson, City Secretary

E. Joyce Iyamu, City Attorney



**Council Agenda Item
December 16, 2019**

12. CITY COUNCIL ANNOUNCEMENTS

Hear announcements concerning items of community interest from the Mayor, Councilmembers, and City staff, for which no formal action will be discussed or taken.

13. CLOSED EXECUTIVE SESSION

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

14. RECONVENE

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

15. ADJOURN
