

**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, April 20, 2020, at 7:00 p.m.** at: **City Hall, Council Chamber, 2<sup>nd</sup> Floor**, 1522 Texas Parkway, Missouri City, Texas, 77489, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

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### NOTICE REGARDING PUBLIC PARTICIPATION

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

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

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

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

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

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

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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

## 6. CONSENT AGENDA

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

- (a) Consider approving the minutes of the special and regular City Council meetings of April 6, 2020, and the special City Council meeting of April 13, 2020.
- (b) Consider an ordinance for a specific use permit authorizing a place of assembly use within an approximate 2,488 square foot lease space in the Missouri City Central shopping center (Omid Center); providing limitations, restrictions, and conditions on such specific use; amending the zoning district map of the City of Missouri City; providing a penalty; containing other provisions relating to the subject; and consider the ordinance on the second and final reading. The subject site is located within a lease space at 2416 Texas Parkway.
- (c) Consider an ordinance for a request to amend PD Planned Development District No. 96 (Ordinance O-15-54), revise the site plan and amend the regulations and restrictions providing for an amendment to the Comprehensive Plan; providing a penalty; and consider the ordinance on the second and final reading. The subject site is located north and south of Lake Olympia Parkway, north of Dry Creek Village, east of Parks Edge and west of the Fort Bend Parkway.
- (d) Consider an ordinance for a request to amend PD Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; providing for an amendment to the Comprehensive Plan; providing a penalty; and consider the ordinance on the second and final reading. The subject site is located north of Excel Urgent Care, south of a Murphy Express gas station and Cube Smart self-storage, east of Quail Valley Thunderbird and a Public Storage, and west of Colony Lakes residential subdivision.
- (e) Consider an ordinance amending Chapter 38, Fire Protection and Prevention, of the Missouri City Code; authorizing the Fire and Rescue Services Department to enforce laws and establish a fire prevention and community risk reduction division; providing for repeal; providing a penalty; and consider the ordinance on the second and final reading.
- (f) Consider authorizing the negotiation and execution of a contract for the provision of fleet leasing services.

## 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**
  - (1) Public hearing to receive comments for or against the disannexation of a 34.16-acre tract of land located north of the Sienna Steep Bank Village residential subdivision, south of McKeever Road, east of Sienna Parkway, and west of Westpoint Estates residential subdivision. The proposed area of disannexation is currently being used as a temporary construction yard and is designated for suburban commercial uses on the Future Land Use Map of the Comprehensive Plan.

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

9. **AUTHORIZATIONS**

- (a) Consider authorizing the execution of a contract for the watershed master plan update.
- (b) Consider authorizing the execution of a term contract for landscape bed maintenance services.
- (c) Consider authorizing the execution of a term contract for branding services.

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

11. **RESOLUTIONS** – *There are no Resolutions on this agenda.*

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**

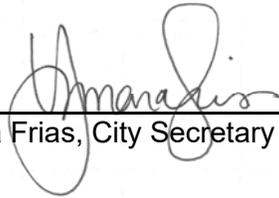
*Reconvene into Regular Session and Consider Action, if any, on items discussed in Executive Session.*

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 April 20, 2020, agenda of items to be considered by City Council was posted in a place convenient to the public in compliance with Chapter 551 of the Texas Government Code on April 16, 2020, at 4:00 p.m.

  
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Yomara Frias, City Secretary Department



**Council Agenda Item  
April 20, 2020**

**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**

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Councilmember District C

**FLOYD EMERY**  
Councilmember District D

## **CITY COUNCIL SPECIAL MEETING MINUTES**

The City Council of the City of Missouri City, Texas, met in special session on **Monday, April 6, 2020**, at the City Hall, Council Chamber, 1522 Texas Parkway, Missouri City, Texas, 77489, at **5:30 p.m.** to consider the following.

*Due to the COVID 19 Disaster and the Center for Disease Control's recommendation regarding social distancing measures, the Mayor, City Council, City Staff members, and members of the public were not physically present during this meeting. The meeting was made possible through the cloud-based video conferencing platform Zoom.*

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

Mayor Ford called the meeting to order at 5:39 p.m.

Those also present: Mayor Pro Tem Preston, Councilmembers Edwards, Sterling, Maroulis, and Emery; Interim City Manager Atkinson, City Attorney Iyamu, City Secretary Jackson, Assistant City Manager Martel, Director of Financial Services Portis, Director of Public Works Kumar, Director of Human Resources and Organizational Development Russell, Director of Information Technology Cole, Director of Communications Walker, Assistant City Attorney Santangelo, Assistant City Engineer Davis, Fleet Superintendent Tubbs, Assistant Director of Public Works Brouhard, Media Specialist II Sanders, and MCTV Producer Penalba.

Also present: Andres Salazar, Walter P. Moore Engineers; Hector Olmos, Freese Nichols; and, Jeff Koerner, Kamil Kosciak, Trenton Adams, and Josh Simmons, Enterprise. Absent: Councilmember Boney.

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

- (a) Discuss the proposed ordinance amending the city personnel policy by establishing a notification process for employment claims against City Council's appointed officials and establishing a time limit for reporting potential paycheck errors for city employees.

Assistant City Attorney Santangelo presented a draft ordinance with suggested amendments to the personnel policy. He discussed the following amendments: Chapter 4: Discrimination and Harassment, Chapter 5: Compensation and Benefits, and Chapter 13: Grievances.

Councilmember Edwards asked what prompted the amendment for reporting potential paycheck errors for city employees. Director of Human Resources and Organizational Development Russell addressed an issue from a previous employee who had certification pay that was not noted until years later. Councilmember Sterling asked if there was an error in the paycheck, did the employee have up to one year to notify the City. Director Russell stated with the amendment the employee would have up to one year to contact the City with an error. He noted there was currently no limit. Sterling believes one year was too long and asked if staff had any training harassment and discrimination. City Attorney Iyamu noted staff had received training from the EEOC. Councilmember Emery asked what directed Russell to set one year as a limit. Director Russell stated the proposed one year was based on his research with other benchmark cities. Councilmember Emery asked if they could consider six-month notification instead. Councilmember Edwards agreed with

both Councilmembers Sterling and Emery and requested to see benchmark results and background information before solidifying information. Director Russell stated he would send the information to Council. Councilmember Maroulis asked what they had as far as language in the agreement when a person was terminated. Santangelo does not believe the current policy differentiates between current and former employees, but does note they have the duty to monitor their paycheck. Mayor Ford asked if there was state law that gives a set time to report such issues. She would like to make sure the law was not violated.

Councilmember Emery stated items pertaining to discrimination, harassment, and grievances should be discussed in closed executive session. Santangelo stated the law mandates reporting duties, not the manner they were addressed. He noted the personnel matter discussed in closed session would be applicable. Mayor Ford addressed amendments 1 and 2, and asked about the desire for City Council to be notified immediately in case there was the need to call a meeting within 72 hours. Santangelo stated it was drafted that way to avoid any violation of the Open Meeting Act. He noted immediate notification could be a potential violation in order to receive the violation. Ford believes, at least, the Mayor should be notified so that she could call an emergency meeting if needed. Santangelo noted that if that was desired, they could take direction on who can be informed. Mayor Ford stated the Mayor should be notified. Councilmember Sterling also believes the Mayor should be notified. Mayor Ford asked staff to come back with corrected language and information on payroll information. City Attorney Iyamu asked if they would like the item presented at a special meeting before consideration. Mayor Ford confirmed.

(b) Presentation on the Watershed masterplan update.

Director of Public Works/City Engineer Kumar presented an overview. Andres Salazar with Walter P. Moore Engineers and Hector Olmos with Freese Nichols presented on the Watershed masterplan updated. Kumar also spoke on the request for qualification (RFQ), selection, funding, schedule, and next steps and questions. Councilmember Emery stated at one time there was concerns with the gates at Richmond to determine where they were at and asked about getting water gauges. Director Kumar noted flood warning comes out of the Richmond gate and City of Sugar Land was in the process of installing a new one. Kumar noted there was a project in place to install new gages and would be funded by the GLO. Councilmember Emery asked if there would be nine gauges and if they were within Missouri City limits, not ETJ. Kumar stated that was correct. Councilmember Sterling asked if they were collaborating with other counties and agencies in order to not duplicate efforts. Kumar state that was correct and that they had started reaching out to those agencies. Councilmember Edwards asked Kumar to reiterate how the company was doing business with Missouri City and Fort Bend County. Olmos provided a scope of the project within Fort Bend County.

(c) Presentation on the Enterprise fleet management program.

Director of Public Works/City Engineer Kumar presented an overview on the City's fleet division and proposal from Enterprise. Jeff Koerner, Senior Account Executive with Enterprise, presented on their fleet management program and the open ended lease. He noted Missouri City was looking for a solution to better manage its aging fleet, in which 14-percent of the non-emergency fleet was over 10 years old. Older vehicles have higher fuel costs, maintenance costs, and tend to be unreliable. It would take almost 11 years to cycle out the entire fleet at current acquisition rates. Koerner stated that with the Enterprise Fleet Management proposal, it would save the City resources and budget dollars through a managed vehicle program. With the utilization of an open-end lease as a funding mechanism, it would allow the City to acquire additional vehicles while avoiding a large capital budget outlay. It would also replace aged vehicles with newer models to increase fuel efficiency and reduce maintenance expense. Maintenance and repairs would be outsourced to local businesses to further stimulate economic growth and the integration of more fuel efficient vehicles would reduce carbon footprint. This would establish a proactive replacement plan that maximizes potential equity at time of resale, reduces operational expenses, and increases safety. An open-end lease means there would be no early termination, mileage, or abnormal wear and tear penalties. Leases were written to a residual balance to preserve cash flow. The City receives flexibility of ownership, as well as net equity from

sale at time of disposal. By partnering with Enterprise Fleet Management, it was estimated that Missouri City would reduce fuel costs. Missouri City would also significantly reduce their maintenance costs from \$114.58 on average to \$37.28 per unit. Leveraging an open-end lease maximizes cash flow and recognizes equity from vehicles sold creating an internal replacement fund. Furthermore, Missouri City would leverage Enterprise Fleet Management's ability to sell vehicles at an average of 109% above Black Book value. Light duty trucks would be able to operate on a 12-month rotation at an estimated average annual positive gain of \$228.70. By shifting from reactively replacing inoperable vehicles to planning vehicle purchases, Missouri City would be able to replace all of its vehicles over the course of 4 years.

Mayor Ford noted she understands this to be a pilot program, but if they would move forward in a permanent way, would they be provided with an analysis on how much would be saved every year and if there would be a downside of the program. Director Kumar discussed the 2020 menu pricing. Koerner noted an account manager would be assigned to Missouri City, who would meet with them quarterly to have a client review with numbers in respect to the market, equity and fleet recommendation. The second meeting would be a Fleet Analysis meeting, in order to look at the City's fleet and provide a proactive look at the market. Councilmember Emery asked about the number of cities that were using this program and if they have been contacted about their experience. Director Kumar stated he has reached out to other cities and some rely on this program, as they do not have a fleet shop. Director of Financial Services Ports and Fleet Superintendent Tubbs have also reached out to various cities. Tubbs stated he looked over all the different cities that Enterprise Fleet Management has worked with. He noted that although the majority do not have a fleet division or had a quite old equipment, the cities spoke in favor of the pilot program. Councilmember Sterling asked about the term of the program. Tubbs stated it was a 12-month program. Sterling asked if after 12 months, would they provide a presentation on the progress. Tubbs confirmed. Councilmember Maroulis asked about the cap on mileage and the penalty. Kumar stated that because there was an open-ended lease there was no penalty, there was a residual penalty if mileage projected was exceeded. Koerner noted there would be an account manager closely monitoring this.

Councilmember Edwards moved to recess the special City Council meeting at 7:04 p.m. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards, Councilmember Sterling, Councilmember Maroulis and Councilmember Emery  
Nays: None

At 9:20 p.m., City Council reconvened the special City Council meeting.

- (d) Discuss and consider deferring the hiring of a permanent city manager.

Councilmember Emery spoke on delaying the search and hiring of a city manager for a year or when Missouri City was no longer under an executive order. Councilmember Maroulis noted there was on a hiring freeze at his job and would like to postpone the hiring of a city manager. Councilmember Emery believes if they begin the search, they would not find quality candidates who would be willing to travel; and, again recommended deferring the search for one year or when Missouri City was not under an executive order. Councilmember Maroulis noted they could not lose sight of administration staff needing support.

Councilmember Sterling requested to move forward, accept candidate applications and adjust as needed. Mayor Ford agreed with Sterling and was not too keen on search firm. Ford mentioned working in house and get someone in the position as soon as possible. Councilmember Edwards agrees with starting the in house process.

Councilmember Edwards moved to direct the Human Resources Department to move forward with the search of the city manager and post the job description on board, social media, professional organizations, and any other available City outlets. In addition, direct the Human Resources Department to obtain resumes of qualified candidates and provide Council with a spreadsheet of those candidates and their information for the first meeting in May, so that Council could interview candidates by the second meeting in May.

City Attorney Iyamu asked if the item had already been voted on before. City Secretary Jackson read the motion taken at the March 16, 2020 special City Council meeting where Council unanimously approved to hire an executive search firm for the city manager's position through a request for proposal and interview process. Iyamu noted the 90-day rule would kick in and they would have to have a majority vote to suspend the rule under the City code. Councilmember Maroulis stated the correct protocol was for Councilmember Emery to make his motion and vote for this item. Mayor Ford stated they would need to vote to suspend the external search. Iyamu clarified they could defer the search and seek an external consultant. Mayor Ford would like to post the position and get resumes, but noted they would still need a search firm even if they did some work in house. Ford asked Russell for the scope of services. Director Russell scope of services would depend on the one firm selected. Councilmember Sterling noted the client determines the scope of services. She recommended moving forward with a firm, which does not preclude them from accepting applications now. Councilmember Maroulis called for a point of order and vote for item 2d.

Councilmember Emery moved to defer the hiring of a permanent city manager. Councilmember Maroulis seconded. **MOTION FAILED.**

Ayes: Councilmember Maroulis and Councilmember Emery

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

- (e) Consider directing staff to post the city manager position for internal and external candidates on multiple platforms, including job boards, search engines, and social media.

Mayor Ford requested to move forward and get someone permanently hired in the position. Ford asked if they could include Edwards's motion to move forward with interviews. Councilmember Emery stated it was his understanding they would move forward and entertain getting candidates from external sources, but would give those over to consultants for them to vet. Mayor Ford stated that was correct.

Councilmember Sterling noted they had decided during the last meeting to send applications to the Human Resources Department in the meantime. Director Russell stated the Human Resources Department would collect applications until it was decided on how to move forward with the search firms. Councilmember Edwards noted that was correct but due to the changes brought forth by the Coronavirus pandemic, they must move forward with City business.

Councilmember Sterling asked if there was a timeline that had been added to this process and if they were moving forward with search firm. Mayor Ford stated they decided to move forward with a search firm. Ford asked if they were able to cherry pick the services they need from the search firms. City Attorney Iyamu stated they could.

Mayor Ford stated if they would like to have the Human Resources Department post the job on several outlets, screen those candidates, and pass them on to the executive search firm could be done; however, they needed a motion. Iyamu clarified that because the item on the agenda does not mention interviews the motion could not include such language; and, to include interviews, they would have to place it on another agenda. Iyamu noted they could attach a timeline for the posted position.

Mayor Ford stated the intent for the agenda item was for Director Russell to start collecting items, create a spreadsheet, and provide to City Council at the next meeting. Ford asked if the applicants could be presented in executive session. City Secretary Jackson noted they would look into having an executive session for the group Mayor Ford requested. Mayor Ford requested adding a timeline for Director Russell to bring back resumes and discuss in closed executive session to see whom they would move forward with screening.

Councilmember Edwards asked if Director Russell had reservations regarding their request. Russell stated he had no reservations other than coming together on a job description so that staff has a census on what they want. Councilmember Sterling suggested coding the applicants with numbers. Mayor Ford stated with the job posting they had, she does not want to get too specific. As they start reviewing, they could start screening and choosing on who would be a good fit. Councilmembers Sterling and Edwards agreed with Mayor Ford.

Councilmember Maroulis asked if they were to use job boards already subscribed to. Councilmember Emery agrees with the approach, screening of candidates and then sending them to the search firm. Emery asked that the Human Resources Department not be overloaded to the point they cannot do their job. Mayor Ford asked if the Communications Department assist with posting of the position. Director of Communications Walker stated they could assist with posting and the brochure.

Mayor Ford noted Interim City Manager Atkinson asked to stay out of the middle of this; and, she asked City Council to direct questions and/or concerns to her or Director Russell. Councilmember Edwards asked Director Russell would consider applicants that had already submitted their resumes. Russell noted those applicants were in the database.

Councilmember Edwards moved to directing staff to post the city manager position for internal and external candidates on multiple platforms, including job boards, search engines, and social media, and City Council to be provided with a spreadsheet of candidates at the next City Council meeting. Councilmember Sterling seconded. **MOTION PASSED UNANIMOUSLY.**

- Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards, Councilmember Sterling, Councilmember Maroulis and Councilmember Emery
- Nays: None

Councilmember Emery asked when the matrix must be submitted to the Purchasing Division. City Secretary Jackson stated it should be submitted by no later than 2 p.m. on April 15, 2020. Councilmember Sterling asked if the Purchasing Division would have a process in place for the selection of the search firms. City Attorney Iyamu confirmed.

### 3. **ADJOURN**

The special City Council meeting adjourned at 10:12 p.m.

Minutes PASSED AND APPROVED this the 20th day of April 2020.

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Maria Jackson, City Secretary

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## CITY COUNCIL MEETING MINUTES

The City Council of the City of Missouri City, Texas, met in regular session on **Monday, April 6, 2020**, at the City Hall, Council Chamber, 2<sup>nd</sup> Floor, 1522 Texas Parkway, Missouri City, Texas, 77489, at **7:00 p.m.** to consider the following:

*Due to the COVID 19 Disaster and the Center for Disease Control's recommendation regarding social distancing measures, the Mayor, City Council, City Staff members, and members of the public were not physically present during this meeting. The meeting was made possible through the cloud-based video conferencing platform Zoom.*

### 1. ROLL CALL

Mayor Ford called the meeting to order at 7:05 p.m.

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

2. The **PLEDGE OF ALLEGIANCE** was led by Planning Manager Thomas Gomez.

### 3. PRESENTATIONS AND RECOGNITIONS

Mayor Ford proclaimed April as "National Fair Housing Month" in the City of Missouri City.

There were no **PUBLIC COMMENTS**.

### 5. STAFF REPORTS

Interim City Manager Atkinson presented an update on City's response to the Coronavirus Disease 2019 (COVID-19).

### 6. CONSENT AGENDA

- (a) Consider approving the minutes of the special and regular City Council meetings of March 16, 2020, and the special City Council meeting of March 30, 2020.
- (b) Consider an ordinance disannexing a 5.36-acre tract of land located north of the Sienna Sports Complex, south of the Sienna Village of Bees Creek residential subdivision, east of the Brazos River, and west of the Brazos Canal Access Road; and consider the ordinance on the second and final reading.

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

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards,  
Councilmember Sterling, Councilmember Maroulis and Councilmember  
Emery  
Nays: None

## 7. PUBLIC HEARINGS AND RELATED ACTIONS

### (a) Zoning Public Hearings and Ordinances

- (1) Public hearing to receive comments for or against a request for a specific use permit authorizing a place of assembly use within an approximate 2,488 square foot lease space in the Missouri City Central shopping center (Omid Center); providing limitations, restrictions, and conditions on such specific use; amending the zoning district map of the City of Missouri City; providing a penalty; containing other provisions relating to the subject; and consider the related ordinance on the first of two readings. The subject site is located within a lease space at 2416 Texas Parkway.

Planning Manager Thomas Gomez stated the specific use permit allowed for the location of a place of assembly in an approximate 2,488 square foot lease space in the Missouri City Central shopping center (Omid Center); and, to the extent, such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan. Khan Ghufuran, IQRA Foundation, submitted a commercial change of occupancy application in October 2019 to locate a mosque in a lease space at 2416 Texas Parkway. At the time, it was thought that a church had previously occupied the space and that the proposed use was nonconforming. The application was approved and a certificate of occupancy was issued on or around December 5, 2019. The certificate of occupancy maintained the lease space as building code occupancy Group B providing for a maximum occupant load of 49 persons. Gomez added that on December 9, 2019, Mr. Ghufuran requested that the building code occupancy Group B be changed to Group A, Assembly, to allow for an increase in persons permitted in the space. Mr. Ghufuran provided that the lease space would be used for afternoon prayers and anticipated a congregation of approximately 100 persons. When this request was made, it was discovered that the zoning district for the shopping center requires a SUP, Specific Use Permit for the location of places of assembly including religious activities. Mr. Ghufuran and his development team, Purser Architectural, met with City Staff and discussed these issues and have subsequently made this application for approval of a SUP to allow for the location of a places of assembly in the subject lease space. Gomez stated staff recommended approval and the Planning and Zoning Commission also forward a positive recommendation for an SUP allowing for a place of assembly for a period not to exceed five years.

Mayor Ford asked if there another place of assembly in the shopping center. Gomez stated there was at least one other place of assembly. Ford asked what the occupancies rates were for the other sections. Gomez stated they would provide it to Council before the second reading. Councilmember Edwards asked if the applicant consulted with leasing management before they signed the leasing contract. Gomez stated the applicant was told the use was already permitted in the space, when they signed the lease. Councilmember Emery asked if that was an accurate statement. Gomez stated she was not sure as staff was given different perspectives. Councilmember Maroulis asked if the property owner required doing striping in the parking lot and other enhancements. Gomez noted the zoning ordinance for parking requires it to be striped and may be addressed by code enforcement. Mayor Ford asked if this would restrict any business going into the movie theater to sell alcohol. Gomez noted that was correct.

Mayor Pro Tem Preston moved to open the public hearing at 7:36 p.m. Councilmember Sterling seconded.  
**MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards,  
Councilmember Sterling, Councilmember Maroulis and Councilmember  
Emery  
Nays: None

With no public comments, Mayor Pro Tem Preston moved to close the public hearing at 7:37 p.m. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards, Councilmember Sterling, Councilmember Maroulis and Councilmember Emery

Nays: None

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

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards, Councilmember Sterling, Councilmember Maroulis and Councilmember Emery

Nays: None

- (2) Public hearing to receive comments for or against a request to amend PD, Planned Development District No. 96 (Ordinance O-15-54), revise the site plan and amend the regulations and restrictions providing for an amendment to the Comprehensive Plan; providing a penalty; and consider the related ordinance on the first of two readings. The subject site is located north and south of Lake Olympia Parkway, north of Dry Creek Village, east of Parks Edge and west of the Fort Bend Parkway.

Planning Manager Thomas Gomez stated the ordinance was to amend PD, Planned Development District No. 96 (Ordinance O-15-54), to revise the site plan and to amend the regulations and restrictions; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan. Gomez noted PD No. 96 was approved in November 2014 to allow for the development of a mixed-use project. The proposed development was to include a mix of single family residential, multifamily, office and other commercial and civic uses. All development within the PD was proposed to be in accordance with a site plan, general development plan and residential builder guidelines. The development was proposed to be completed in two phases. Phase 1 consisted of a minimum of 15,000 square feet of retail/commercial uses and up to 350 multifamily dwelling units; and, Phase 2 was to begin upon the completion of all Phase 1 multifamily dwelling units and the certification that a minimum of 75-percent of the commercial square footage was occupied. Gomez stated the developer for the property has been working with the City as well as other entities including the Fort Bend Toll Road Authority on the coordination and timing for public improvements, infrastructure and access to the development. Fire Station No. 6, a proposed 16,000 square foot building, was planned to be constructed within PD No. 96, on a property donated by the developer. The applicant proposed to amend the regulations and restrictions contained in PD No. 96; to modify and refine the mix of uses permitted; to modify the development schedule; to provide for major and minor modifications; and, to amend the site plan as development of the area becomes more certain. Gomez noted staff recommended approval and the Planning and Zoning Commission forward a positive recommendation.

Councilmember Emery asked if the height that borders the residential area would be maintained at two stories. Gomez stated that the maximum would be two stories or 35 feet. Emery asked if the 1.35 acres for the fire station and auxiliary activity was sufficient. Joel R Scott of Terramark Ventures noted the acreage was 1.53 acres. Fire Chief Campbell noted the acreage was in line with the architectural design and enough area.

Councilmember Maroulis moved to open the public hearing at 8:08 p.m. Councilmember Sterling seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards, Councilmember Sterling, Councilmember Maroulis and Councilmember Emery

Nays: None

Mayor Ford noted she was concerned with senior living apartments being in the center, while the other uses allow for outside entertainment. Joe Webb with AIA Webb Architects stated the area was isolated and tempered with the park space, which would provide a buffer to loud noises. Ford believes senior apartments would be more feasible if moved closer to the fire station. Scott noted the senior apartments were not assisted nor retirement living apartments. The apartments were for those 55 plus and have a developer interested in the site, which was why it was designed that way. Ford asked if there was a restriction tied to tax credit or if it was the desire of the development; and, if so, may it change at any point. Scott noted it was not a tax credit project, but luxury apartments with many amenities. Ford asked the age limit was tied legally. City Attorney Iyamu noted that on page five of the ordinance the assisted living residential was included as MU1 and MU2a, and MU2b sub districts. Iyamu asked clarification if the intent was to include assisted living residential in the sub districts or if was to include MM2, multi-family residences. Scott stated it was to be given the opportunity to include it if they have someone who desires to do so. Gomez clarified the desire was to maintain assisted living in mix use portion. Councilmember Emery asked about the breakdown between multifamily to condominium. Webb noted there was no breakdown, and the current contemplation was a 275-unit luxury multifamily project in Phase 1 and no condominiums. He added the condominiums, if built, would be at a later phase and if there was a high demand. Councilmember Maroulis asked if the LC3 designations were established. Gomez confirmed. Councilmember Sterling asked if the 35 units per acre was a bit small. Webb stated neither of the projects would exceed 30 units per acre and the 35 units per acre would be during a second phase if required. Maroulis spoke about the large number of apartments being an impact to the neighborhood and traffic. Webb stated the number of apartments was included in the original ordinance and noted having multiple point of access would help mitigate the traffic issue.

Councilmember Edwards moved to close the public hearing at 8:22 p.m. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards, Councilmember Sterling, Councilmember Maroulis and Councilmember Emery  
Nays: None

Councilmember Edwards moved to approve the ordinance. Councilmember Sterling seconded. **MOTION PASSED.**

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards, Councilmember Sterling, Councilmember Maroulis and Councilmember Emery  
Nays: None

- (3) Public hearing to receive comments for or against a request to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; providing for an amendment to the Comprehensive Plan; providing a penalty; and consider the related ordinance on the first of two readings. The subject site is located north of Excel Urgent Care, south of a Murphy Express gas station and Cube Smart self-storage, east of Quail Valley Thunderbird and a Public Storage, and west of Colony Lakes residential subdivision.

Planning Manager Thomas Gomez presented an overview on the request to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development. Gomez noted staff recommended approval and the Planning and Zoning Commission forward a positive recommendation.

Councilmember Maroulis moved to open the public hearing at 8:35 p.m. Councilmember Edwards seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards, Councilmember Sterling, Councilmember Maroulis and Councilmember Emery  
Nays: None

**Kevin Zhang**, 6819 Loupe Lane, spoke against the request; and, expressed concerns with the existing fence and the future of this barrier.

Planning Manager Thomas Gomez addressed fencing concerns. Gomez noted Council could place verbiage in the ordinance that the transition masonry wall be maintained.

**Kevin Zhang**, also noted there was a walking trail along the water pond used by the neighbors, which was why their concern was with there being no such barrier.

**Cynthia Ramirez**, STOA Architects (applicant), noted they would maintain the barrier wall and make sure there was a fence.

**Ann Schneider**, 6815 Loupe Lane, spoke against the request and addressed concerns with traffic and noise.

Councilmember Maroulis moved to close the public hearing at 8:46 p.m. Councilmember Edwards seconded. **MOTION PASSED.**

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

Councilmember Maroulis moved to approve the ordinance. Councilmember Emery seconded.

Discussion ensued. Councilmember Maroulis asked about the wall and if there was no longer going to be waterfront properties. Ramirez stated it would be a concrete wall but they would adapt to the community. Maroulis stated that changing the building from three floors to five was enormous and asked what they could do to accommodate the public. Ramirez clarified the building would consist of four floors, with one floor being for parking. She stated it would be five floors overall with 340 units. Councilmember Emery asked if they could accommodate development needs with staying at four stories. He also asked if the waterway in the back was going to be considered a water feature. Ramirez stated they planned to include the waterway as part of the area, but with working with the community, they asked to keep the area restricted for privacy. She added that the development did not include all five stories, but transitioned into that to include condominiums. Emery asked if the Fire Chief if their equipment could accommodate a five-story building. Fire Chief Campbell stated they could. Councilmember Maroulis noted his motion did not include recommendations from staff. Mayor Ford asked if the residents were notified. Gomez stated residents within the 200 feet buffer were given noticed. Mayor Pro Tem Preston asked residents with concerns to send him an email. Ford asked the applicant to meet with the developer to address resident concerns.

Councilmember Maroulis moved to approve the ordinance with consideration of the builder to reduce the building to four stories and to maintain the existing wall. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards, Councilmember Sterling, Councilmember Maroulis and Councilmember Emery  
Nays: None

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

## 9. AUTHORIZATIONS

- (a) Consider awarding a professional service agreement for the provision of materials testing, geotechnical and environmental services for Public Works\Capital Improvement projects.

Councilmember Emery moved to award a professional service agreement for the provision of materials testing, geotechnical and environmental services for Public Works\Capital Improvement projects. Councilmember Edwards seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards, Councilmember Sterling, Councilmember Maroulis and Councilmember Emery  
Nays: None

- (b) Consider authorizing the negotiation and execution of a contract with Gulf Coast Water Authority (GCWA) to purchase an additional 10 MGD of raw water supplies.

Councilmember Emery moved authorize the negotiation and execution of a contract with Gulf Coast Water Authority (GCWA) to purchase an additional 10 MGD of raw water supplies. Councilmember Maroulis seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards, Councilmember Sterling, Councilmember Maroulis and Councilmember Emery  
Nays: None

## 10. ORDINANCES

- (a) Consider an ordinance amending Chapter 38, Fire Protection and Prevention, of the Missouri City Code; authorizing the Fire and Rescue Services Department to enforce laws and establish a fire prevention and community risk reduction division; providing for repeal; providing a penalty; and providing for severability and to consider the ordinance on the first of two readings.

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

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards, Councilmember Sterling, Councilmember Maroulis and Councilmember Emery  
Nays: None

- (b) Consider an ordinance of the City of Missouri City, Texas, as authorized by the Governor of the State of Texas postponing the Special Election scheduled on May 2, 2020, to November 3, 2020, for the purpose of submitting to the qualified voters of the City of Missouri City a proposition providing for or against the adoption of the fire fighters' and police officers' civil service law; providing for severability; and containing other provisions relating to the subject; and to consider the ordinance on the first and final reading.

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

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards, Councilmember Sterling, Councilmember Maroulis and Councilmember Emery  
Nays: None

**11. RESOLUTIONS**

- (a) Consider a resolution suspending the May 4, 2020 effective date of the proposal by CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas – Houston division to implement interim gas reliability infrastructure program rate adjustments for gas utility investment in 2019; and containing certain provisions relating to the subject.

Mayor Pro Tem Preston moved to approve the resolution. Councilmember Sterling seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards, Councilmember Sterling, Councilmember Maroulis and Councilmember Emery  
Nays: None

**12. CITY COUNCIL ANNOUNCEMENTS**

Mayor Pro Tem Preston wished Councilmember Boney a speedy recovery; thanked staff for continuing their work from home and/or office; and, thanked local businesses that were meeting the needs of the community. Councilmember Edwards concurred with Mayor Pro Tem Preston regarding staff that keeps working; and, she asked that residents stay safe and support small businesses. Councilmember Sterling concurred with Mayor Pro Tem Preston and Councilmember Edwards' comments, wished Councilmember Boney a speedy recovery; and, asked residents to support local businesses. Councilmember Maroulis thanked MCTV Producer Penalba for recording and posting Zoom City Council meetings; wished everyone a happy Good Friday and happy Easter; and, encouraged social distancing. Councilmember Emery wished Councilmember Boney a speedy recovery; and, encouraged citizens to shop local businesses. Mayor Ford sent prayers to Councilmember Boney and everyone affected by COVID-19; and, reminded everyone that there would be special drawing for those who ordered from small businesses in the City.

**13. ADJOURN**

The regular City Council meeting adjourned at 9:19 p.m.

Minutes PASSED AND APPROVED this the 20<sup>th</sup> day of April 2020.

---

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 **Monday, April 13, 2020**, at the City Hall, Council Chamber, 1522 Texas Parkway, Missouri City, Texas, 77489, at **6:00 p.m.** to consider the following.

*Due to the COVID 19 Disaster and the Center for Disease Control's recommendation regarding social distancing measures, the Mayor, City Council, City Staff members, and members of the public were not physically present during this meeting. The meeting was made possible through the cloud-based video conferencing platform Zoom.*

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

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

Those also present: Mayor Pro Tem Preston, Councilmembers Edwards, Sterling, Maroulis, and Emery; Interim City Manager Atkinson, City Attorney Iyamu, City Secretary Jackson, Assistant City Manager Martel, Director of Communications Walker, and MCTV Producer Penalba. Absent: Councilmember Boney.

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

- (a) Public hearing to receive comments for or against the disannexation of a 34.16-acre tract of land located north of the Sienna Steep Bank Village residential subdivision, south of McKeever Road, east of Sienna Parkway, and west of Westpoint Estates residential subdivision. The proposed area of disannexation is currently being used as a temporary construction yard and is designated for suburban commercial uses on the Future Land Use Map of the Comprehensive Plan.

City Attorney Iyamu provided an overview of the request. Sienna 325, L.P. ("Sienna") has requested that the City disannex an approximate 34.16-acre tract of land for residential development. This proposal was initially presented to the City Council on March 10, 2020, at a special meeting at which Sienna's representative was present. Sienna desires to utilize the land for single family residential uses set forth in the City's zoning ordinance as R-1, R-1-A, R-2, R-3, R-4, R-5, R-6, or other acceptable single family uses. If disannexed, the land may become subject to a land development agreement that incorporates portions of the Sienna Plantation Joint Development Agreement, as amended.

The proposed concept plan for the land proposed to be disannexed was reviewed by the Missouri City Planning and Zoning Commission on Wednesday, April 8, 2020; and, there was no opposition during the commission meeting for the disannexation case.

City Attorney Iyamu stated the City received concerns from the Houston Community College (HCC) system; however, she was working offline to assist with the taxing concerns, not land use issues.

Councilmember Maroulis moved to open the public hearing at 6:04 p.m. Councilmember Edwards seconded.  
**MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards,  
Councilmember Sterling, Councilmember Maroulis and Councilmember  
Emery  
Nays: None

With no public comments, Councilmember Maroulis moved to close the public hearing at 6:05 p.m.  
Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards,  
Councilmember Sterling, Councilmember Maroulis and Councilmember  
Emery  
Nays: None

**3. ADJOURN**

The special City Council meeting adjourned at 6:06 p.m.

Minutes PASSED AND APPROVED this the 20th day of April 2020.

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Maria Jackson, City Secretary



## CITY COUNCIL AGENDA ITEM COVER MEMO

April 20, 2020

**To:** Mayor and City Council  
**Agenda Item:** 6(b) SUP, Specific Use Permit – Places of Assembly (OMID shopping center) – IQRA Foundation  
**Submitted by:** Jennifer Thomas Gomez, AICP, Planning Manager

### SYNOPSIS

This is the second of two readings of an ordinance for a SUP, Specific Use Permit to allow for the location of a place of assembly in an approximate 2,488 square foot lease space in the Missouri City Central shopping center (Omid Center); and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

The Missouri City Central shopping center (Omid Center) is located north of the Wells Fargo office building, south of the intersection of Independence Boulevard and Texas Parkway, east of Quail Green West, and west of an American Storage and Fort Bend Independent School District's Progressive School. The proposed place of assembly would be located within a lease space at 2416 Texas Parkway.

### STRATEGIC PLAN 2019 GOALS ADDRESSED

- Have quality development through buildout

### BACKGROUND

Khan Ghufran, IQRA Foundation, submitted a commercial change of occupancy application in October 2019 to locate a mosque in a lease space at 2416 Texas Parkway. At the time, it was thought that a church had previously occupied the space and that the proposed use was nonconforming. The application was approved and a certificate of occupancy was issued on or around December 5, 2019. The certificate of occupancy maintained the lease space as building code occupancy Group B providing for a maximum occupant load of 49 persons.

On December 9, 2019, Mr. Ghufran requested that the building code occupancy Group B be changed to Group A, Assembly, to allow for an increase in persons permitted in the space. Mr. Ghufran provided that the lease space would be used for afternoon prayers and anticipated a congregation of approximately 100 persons. When this request was made, it was discovered that the zoning district for the shopping center requires a SUP, Specific Use Permit for the location of places of assembly including religious activities. Mr. Ghufran and his development team, Purser Architectural, met with city staff and discussed these issues and have subsequently made this application for approval of a SUP to allow for the location of a places of assembly in the subject lease space.

Staff recommended approval and the Planning and Zoning Commission forwards a positive recommendation for a SUP allowing for a place of assembly for a period not to exceed five years.

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

## BUDGET ANALYSIS

Funding Source	Account Number	Project Code/Name	FY__ Funds Budgeted	FY__ Funds Available	Amount Requested
N/A					

**Purchasing Review:** N/A

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

*Note:* Compliance with the conflict of interest questionnaire requirements, if applicable, and the interested party disclosure requirements (HB 1295) has been confirmed/is pending within 30-days of this Council action and prior to execution.

## SUPPORTING MATERIALS

1. Ordinance
2. Ortho map
3. Maximum occupancy for certain uses within shopping center
4. Notice of public hearing
5. Protest Letters

## STAFF'S RECOMMENDATION

Staff recommends approval of the ordinance on the final reading.

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

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

**ORDINANCE NO. O-20-\_\_**

**AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AUTHORIZING THE USE OF A 2,488 SQUARE FOOT LEASE SPACE LOCATED ON A 7.69-ACRE TRACT OF LAND IN THE CITY OF MISSOURI CITY AS SPECIFIC USE PERMIT NO. 207-PLACES OF ASSEMBLY; DESCRIBING SAID 7.69 ACRE TRACT OF LAND; PROVIDING LIMITATIONS, RESTRICTIONS, AND CONDITIONS ON SUCH SPECIFIC USE; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MISSOURI CITY; PROVIDING FOR REPEAL; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.**

\* \* \* \*

WHEREAS, Omid Center, Inc. is the owner of 7.69-acre tract of land within the corporate limits of the City of Missouri City, Texas; and

WHEREAS, said 7.69-acre tract of land presently has a zoning classification of LC-3 retail district, pursuant to Ordinance No. O-81-1, adopted on January 19, 1981; and

WHEREAS, the owner's agent, Guillermo Sahagun of Purser Architectural, has made an application to the City of Missouri City to authorize a specific use permit for a place of assembly use; and

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

WHEREAS, the Planning and Zoning Commission has issued its final report and the City Council now deems it appropriate to grant such request for Specific Use Permit No. 207-places of assembly; and

WHEREAS, the City Council finds that this use will complement or be compatible with the surrounding uses and community facilities, contribute to, enhance, or promote the welfare of the area of request and adjacent properties, not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; now, therefore,

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

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

Section 2. As required by law, City Council conducted the public hearing on the request for Specific Use Permit No. 207- places of assembly and closed the public hearing prior to the final adoption of this Ordinance.

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

Section 4. The specific use of the Property authorized and permitted by this Ordinance is Specific Use Permit No. 207 places of assembly.

Section 5. Presently, the Property has a zoning classification of LC-3 retail district. The specific use authorized and permitted by this Ordinance shall be developed in accordance with the Missouri City Code, the City of Missouri City Zoning Ordinance, and shall be developed subject to the following limitations, restrictions, and conditions:

- A. **Use Permitted.** Only the following use shall be permitted: Places of assembly.
- B. **Site Plan.** Use of the Property must comply with the attached site plan Exhibit “B,” incorporated herein and made a part hereof for all purposes.
- C. **Floor Area.** The maximum floor area for which the places of assembly use is allowed is 2,448 square feet in the location shown on Exhibit “B.”
- D. **Time Limit.** This specific use permit expires five-years from the effective date of this Ordinance.

Section 6. The Zoning District Map of the City of Missouri City shall be revised and amended to show the specific use permitted on 2,448 square feet located on a 7.69-acre tract of land, as granted by this Ordinance, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of this change.

Section 7. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Missouri City, Texas, save and except the change in the specific use of the 2,448 square feet located on the 7.69-acre tract of land described in Section 4 hereof authorizing the specific use-places of assembly use, and the imposition of the limitations, restrictions, and conditions contained herein.

Section 8. The building official shall not issue a building permit or a certificate of occupancy for a use authorized by this specific use permit on the Property until there has been full compliance with this Ordinance, the Missouri City Code, and all other ordinances, rules and regulations of the City of Missouri City.

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

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

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

PASSED and APPROVED on first reading this 6<sup>th</sup> day of April, 2020.

PASSED, APPROVED and ADOPTED on second and final reading this 20<sup>th</sup> day of April, 2020.

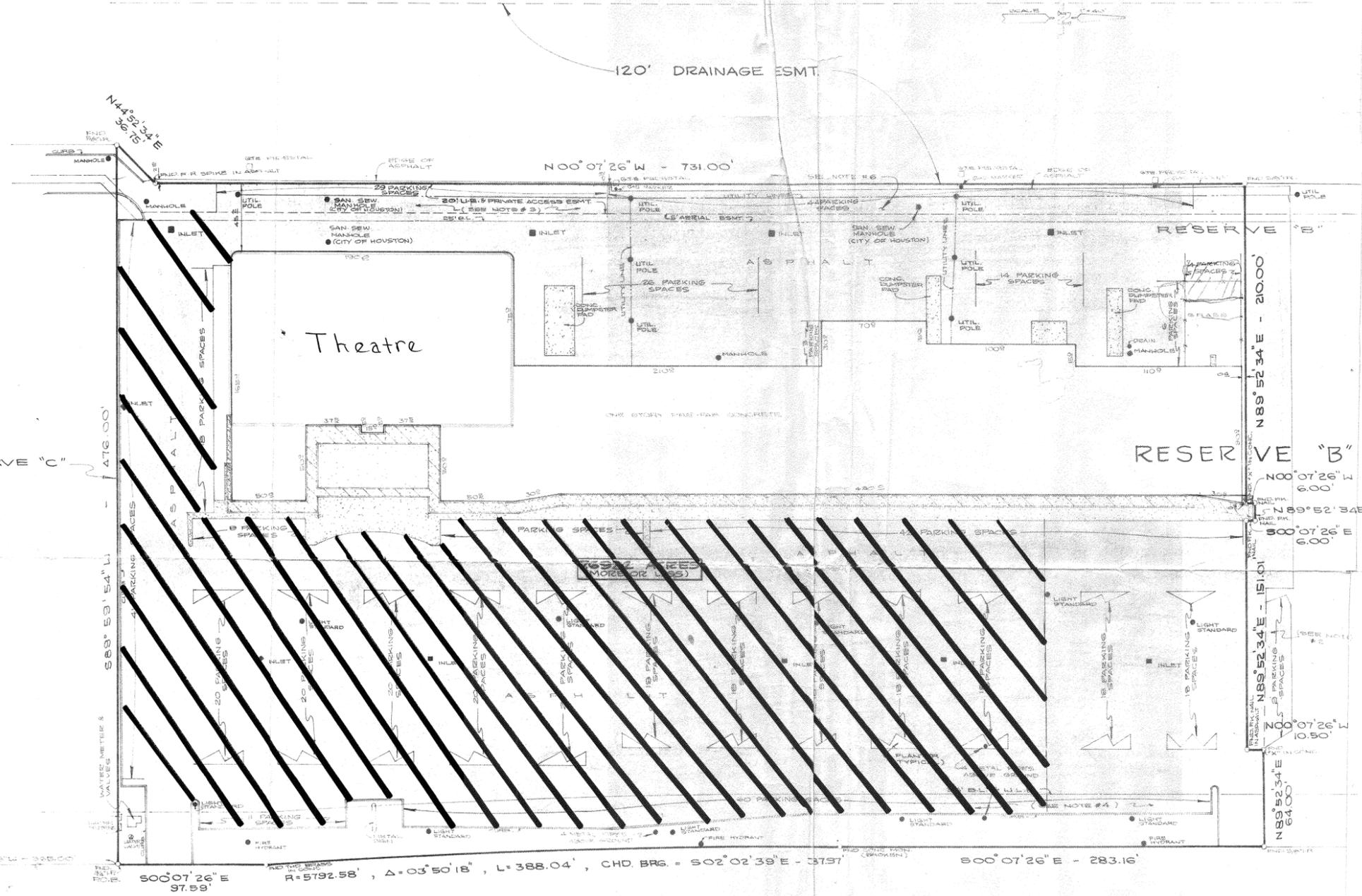
\_\_\_\_\_  
Yolanda Ford, Mayor

ATTEST:

APPROVED AS TO FORM:

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

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



PROPERTY DESCRIPTION  
A 7.6922 acre tract of land out of and part of the I. & G.N.R.R. Survey No. 3, Abstract No. 264 in Fort Bend County, Texas, and being a portion of Blue Ridge Square Subdivision as per replat recorded in Volume 30, Page 9 of the Fort Bend County Plat Records and being more particularly described by metes and bounds as follows with all bearings based on said recorded plat:

COMMENCING at the Southeast corner of Blue Ridge Square Subdivision; said point marking the intersection of the West right-of-way line of Farm-to-Market Road No. 2234, variable width, with the North right-of-way line of Court Road, 70.00 feet wide;

THENCE, along the West right-of-way line of said Farm-to-Market Road No. 2234, North 00° 07' 26" West, 365.00 feet to a 3/4 inch iron pipe found for the Southeast corner and Point of Beginning of the herein described tract and the East common corner of Reserve "B" and "C" of said Blue Ridge Square Subdivision;

THENCE, along the common line of said Reserve "B" and "C", South 89° 59' 54" west, 476.00 feet to a 5/8 inch iron rod found for the West common corner of said Reserve "B" and "C", the Southwest corner of the herein described tract, and a point in the West line of said Blue Ridge Square Subdivision;

THENCE, along the West line of said Blue Ridge Square Subdivision as follows:  
North 44° 52' 34" East, 36.75 feet to a rail road spike found for an angle point;

North 00° 07' 26" West, 731.00 feet to a 5/8 inch iron rod found for the Northwest corner of the herein described tract;

THENCE, North 89° 52' 34" East, 210.00 feet to an "X" found in concrete for corner;

THENCE, North 00° 07' 26" West, 6.00 feet to a P.K. nail found for corner;

THENCE, North 89° 52' 34" East, 12.00 feet to a P.K. nail found for corner;

THENCE, South 00° 07' 26" East, 6.00 feet to a P.K. nail found for corner;

THENCE, North 89° 52' 34" East, 151.01 feet to a P.K. nail found for corner;

THENCE, North 00° 07' 26" West, 10.50 feet to an "X" found in concrete for corner;

THENCE, North 89° 52' 34" East, 64.00 feet to a 5/8 inch iron rod found for the Northeast corner of the herein described tract and a point in the West right-of-way line of said Farm-to-Market Road No. 2234;

THENCE, along the West right-of-way line of said Farm-to-Market Road No. 2234 as follows:  
South 00° 07' 26" East, 293.16 feet to a concrete monument (Broken) found for the beginning of a curve to the left;

Southerly 388.04 feet along the arc of said curve to the left, having a radius of 5792.58 feet a central angle of 03° 50' 18" and whose chord bears South 02° 02' 39" East, 387.97 feet to a T.H.D. brass disc found for the end of said curve to the left;

South 00° 07' 26" East, 97.59 feet to the Point of Beginning and containing 7.6922 acres of land, more or less.

TO: BANK ONE, TEXAS, N.A., STEWART TITLE COMPANY AND MEHDI SHARIFIAN, TRUSTEE.

I hereby certify that this survey was made on the ground, that this plat correctly represents the facts found at the time of the survey and that this professional service conforms to the current Texas Surveyors Association Standards and Specifications for a Category 1A, Condition II Survey.

*John A. Miller*  
John A. Miller  
Registered Professional Land Surveyor

2094  
Texas Registration Number



F. M. 2234 (Mc HARD ROAD) (RIGHT OF WAY TAKES)

- NOTES
- SUBJECT TO CITY OF MISSOURI ZONING ORDINANCES
  - ASPHALT PAVEMENT UNDER EXISTING DRIVE SHALL BE REPAIRED
  - ASPHALT INTO USE AS DRIVE
  - ASPHALT PAVEMENT TO BE 14" THICK OVER 4" GRANULAR FILL
  - PARKING SPACES WITHIN THE PROPERTY - 647
  - PARKING SPACES OUTSIDE THE PROPERTY - 556
  - TOTAL NUMBER OF PARKING SPACES - 1203
  - CONSENT TO ENCROACHMENT FOR PARKING AND THE 20 FT ACCESS & UTILITY ESMT. PER VOL. 161, PG. 273 RECORD

Subject property is NOT located in a federal insurance administration designated flood hazard area as per map 48034 Panel 005C, Dated 12-17-87, Zone "C"

**American Surveying Company**  
of Houston Inc.  
Houston, Texas 77027 • 2200 W. Loop South, Suite 410 • (713) 871-0004

DESCRIPTION:  
A 7.6922 ACRE TRACT OUT OF RESERVE "B" OF BLUE RIDGE SQUARE, REPLAT RECORDED IN VOLUME 30, PAGE 9, PLAT RECORDS OF FORT BEND COUNTY, TEXAS.

DATE 12-5-90 (UPD) 4-1-90	PURCHASER MEHDI SHARIFIAN TRUSTEE
JOB# 90300723	ADDRESS
JOB# 10025390	KEY MAP E7C-14
BOOK 192/32	DRAWN BY BAU/HT
	APPROVED E-474





**Legend**

 City Limits Line.lyr

 Missouri City Central Shopping Center

QUAIL GREEN WEST

Missouri City Central Shopping Center

Proposed Place of Assembly

Wells Fargo

American Storage

FBISD Progressive School

Burger King

Walgreens

Fiesta

DR -  
QUAIL PLACE DR -  
NCE BLVD  
DE PLACE DR  
DE PLACE DR  
GROVE COURT DR  
LISHA LN  
RING GREEN CT  
GREENWEST DR  
BRA VILL

TEXAS PKWY - FM 2234 RD

INDE

0 125 250 500 Feet  
1 inch = 250 feet

# Maximum occupancy for certain uses within shopping center

On the first consideration of this ordinance, the Council asked what the maximum occupancy was for two existing businesses in the OMID (old movie theater) shopping center.

According to city records, the occupancies are as follows:

## 2340 Texas Parkway

**Occupant:** Mt. Zion Chapel (formerly All Nations Christian Church)  
**IBC Occupancy Group:** A-3 (Assembly)  
**Maximum occupant load:** 40

## 2310 Texas Parkway

**Occupant:** Occasions by Blush (formerly Rock of Salvation)  
**IBC Occupancy Group:** B (Business)  
**Maximum occupant load:** 47

IBC: International Building Code

Published March 18, 2020 - Fort Bend Independent



**MISSOURI CITY**  
TEXAS

**City of Missouri City**

**NOTICE OF MEETING**

**LOCATION/DATE:** The City Council of the City of Missouri City will hold a public hearing on Monday, April 6, 2020, at the City Council Chambers – 2nd Floor, City Hall Building, 1522 Texas Parkway (FM-2234), Missouri City, Texas at 7:00 p.m.

**PURPOSE:** To receive comments for or against a request by Guillermo Sahagun, Purser Architectural, seeking a SUP, Specific Use Permit to allow for the location of a place of assembly in an approximate 2,488 square foot lease space in the Missouri City Central shopping center (Omid Center); and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

**SITE LOCATION:** The Missouri City Central shopping center (Omid Center) is located north of the Wells Fargo office building, south of the intersection of Independence Boulevard and Texas Parkway, east of Quail Green West, and west of an American Storage and Fort Bend Independent School District's Progressive School. The proposed place of assembly would be located within a lease space at 2416 Texas Parkway.

**SITE LEGAL DESCRIPTION:** The Missouri City Central Shopping Center site is described as being a 7.6922 acre tract of land, situated in the I. & G.N.R.R. Survey No. 3, A-264, Fort Bend County, Texas, and being a portion of Blue Ridge Square Subdivision as per replat recorded in Volume 30, Page 9 of the Fort Bend County Plat Records.

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



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

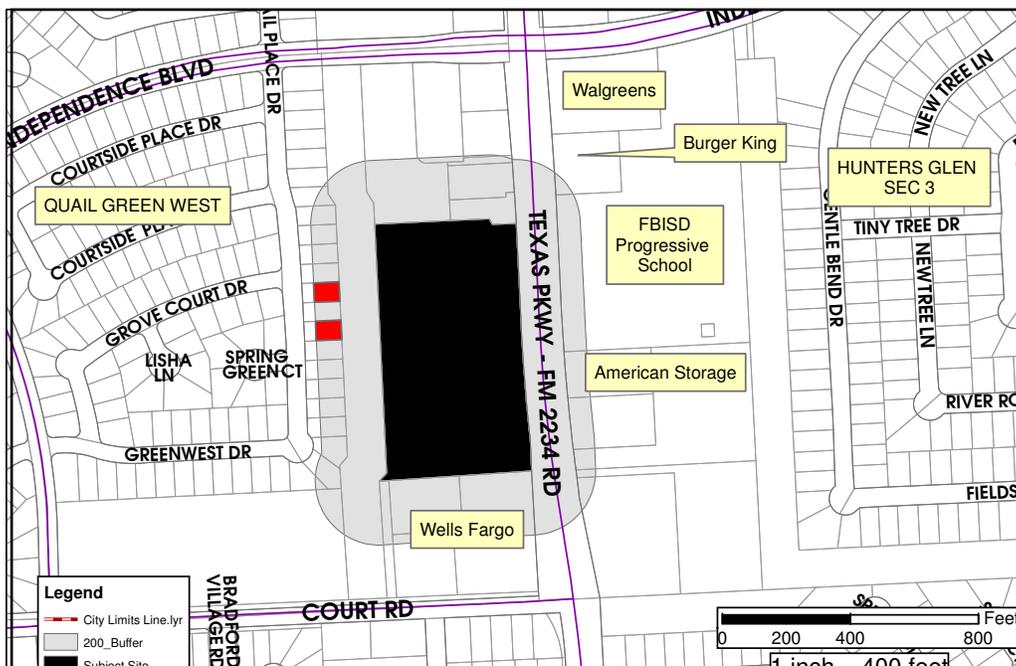
**Application:** IQRA - SUP, Specific Use Permit

**City Council First Reading:** April 6, 2020

**Protest Letters Received**

Name	Property Address OR Fort Bend County Account Number	Land Area (Square Feet) Within 200 Feet
Sylvester Ifadojutimi	2311 Quail Place Drive	4,903.70
Timothy Lamon	2303 Quail Place Drive	4,896.75
<b>Total Area Represented by Protest(s):</b>		<b>9,800.45</b>
Total Land Area <i>Including</i> Subject Site:		961,658.47
Subject Site <i>Only</i> Land Area:		335,072.23
Total Land Area <i>Only Within 200 Feet</i> of Subject Site:		626,586.24
<b>Protest(s) Percentage of Land Area Within 200 Feet:</b>		<b>2%</b>

**Note:** A total of 0 letters of support and 2 letters of protest has been received for the application request as of April 1, 2020.





DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

February 28, 2020

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

Received Development  
Services - Planning  
03/16/2020

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:  
Wednesday, March 11, 2020  
City Council Chambers  
2<sup>nd</sup> Floor, City Hall Building  
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by Guillermo Sahagun, Purser Architectural, seeking a SUP, Specific Use Permit to allow for the location of a place of assembly in an approximate 2,488 square foot lease space in the Missouri City Central shopping center (Omid Center); and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

\*\*\*\*\*

Dear City Representatives:

I/We protest this proposed rezoning because *such SUP granted in the past was not conducive to properties within and occupants of the properties due to amounts of noise generated from such gathering and assembly. Lack of full rest due to noise will be detrimental to our health.*  
 I/We support this proposed rezoning because

Sincerely,

Signature

*[Signature]*  
2311 QUAIL PLACE DR.

Street Address

Phone Number

*[Signature]*  
SYLVESTER IFADOJUTIMI

Print Name

QUAIL GREEN WEST

Subdivision

Return to: Development Services  
Department – Planning Division  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX: (281)403-8962  
EMAIL: [planning@missouricitytx.gov](mailto:planning@missouricitytx.gov)

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

*[Signature]*  
SYLVESTER IFADOJUTIMI

Print Name

*[Signature]*  
Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

February 28, 2020

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

Received Development  
Services - Planning  
03/11/2020

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

\*\*\*\*\*

Dear City Representatives:

I/We protest this proposed rezoning because

I/We support this proposed rezoning because

Sincerely,

Signature

2303 QUAIL PLACE DR

Street Address

Phone Number

Print Name

Subdivision

Return to: Development Services  
Department – Planning Division  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX: (281)403-8962  
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Print Name

Signature



## CITY COUNCIL AGENDA ITEM COVER MEMO

April 20, 2020

**To:** Mayor and City Council  
**Agenda Item:** 6(c) PD, Planned Development District No. 96 amendment  
**Submitted by:** Jennifer Thomas Gomez, AICP, Planning Manager

### SYNOPSIS

This is the second and final reading of an ordinance to amend PD, Planned Development District No. 96 (Ordinance O-15-54), to revise the site plan and to amend the regulations and restrictions; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

PD No. 96 is located north and south of Lake Olympia Parkway, north of Dry Creek Village, east of Parks Edge and west of the Fort Bend Parkway.

### STRATEGIC PLAN 2019 GOALS ADDRESSED

- Have quality development through buildout

### BACKGROUND

PD No. 96 was approved in November 2014 to allow for the development of a mixed use project. The proposed development is to include a mix of single family residential, multifamily, office and other commercial and civic uses. All development within the PD is proposed to be in accordance with a site plan, general development plan and residential builder guidelines. The development is proposed to be completed in two phases. **Phase 1** to consist of a minimum of 15,000 square feet of retail/commercial uses and up to 350 multifamily dwelling units; **Phase 2** to begin upon the completion of all Phase 1 multifamily dwelling units and the certification that a minimum of 75 percent of the commercial square footage was occupied.

The developer for the property has been working with the city as well as other entities including the Fort Bend Toll Road Authority on the coordination and timing for public improvements, infrastructure and access to the development. The city's Fire Station No. 6, a proposed 16,000 square foot building, is planned to be constructed within PD No. 96, on a property donated by the developer.

The applicant proposes to amend the regulations and restrictions contained in PD No. 96, to modify and refine the mix of uses permitted; to modify the development schedule; to provide for major and minor modifications; and to amend the site plan as development of the area becomes more certain.

Staff recommended approval and the Planning and Zoning Commission forwards a positive recommendation.

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

**BUDGET ANALYSIS**

Funding Source	Account Number	Project Code/Name	FY__ Funds Budgeted	FY__ Funds Available	Amount Requested
N/A					

**Purchasing Review:** N/A

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

*Note:* Compliance with the conflict of interest questionnaire requirements, if applicable, and the interested party disclosure requirements (HB 1295) has been confirmed/is pending within 30-days of this Council action and prior to execution.

**SUPPORTING MATERIALS**

1. Ordinance
2. Ortho map
3. Statement from applicant (dated April 6, 2020)
4. Notice of public hearing

**STAFF'S RECOMMENDATION**

Staff recommends approval of the ordinance on the final reading.

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

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

**ORDINANCE NO. O-20-\_\_**

**AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING REGULATIONS IN PD PLANNED DEVELOPMENT DISTRICT NO. 96; REGULATING AND RESTRICTING THE DEVELOPMENT AND USE OF PROPERTY WITHIN SUCH PD PLANNED DEVELOPMENT DISTRICT; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MISSOURI CITY; PROVIDING FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.**

\* \* \* \*

WHEREAS, Palmetto/WIHA FB107, LP, is the owner of approximately 115.84 acres of land within the corporate limits of the City of Missouri City, Texas (the "Property"); and

WHEREAS, said Property presently has a zoning classification of PD Planned Development District No. 96, pursuant to Ordinance Number O-14-45, adopted on November 17, 2014, and amended by Ordinance Number O-15-54, adopted on September 21, 2015; and

WHEREAS, the Property owner's agent, Joe Douglas Webb of Webb Architects, has made application to the City of Missouri City to revise the land use plan for the Property and provide for minor and major modifications to such plan; and

WHEREAS, pursuant to Section 8.3 of the City of Missouri City Zoning Ordinance, said application was submitted to the City of Missouri City with proof of unified ownership or control of all of the property within PD No. 96; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Missouri City have each conducted, in the time and manner and after the notice required by law and the City of Missouri City Zoning Ordinance, a public hearing on such proposed amendments to PD Planned Development District No. 96; and

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

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

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

Section 2. As required by law, the City Council of the City of Missouri City conducted the public hearing on the request for proposed amendments to PD Planned Development District No. 96 and closed the public hearing prior to the final adoption of this Ordinance.

Section 3. The zoning classification of the Property is PD Planned Development District No. 96 (“PD No. 96”). The Property is more fully described in the legal description in Exhibit “A,” attached hereto and made a part hereof for all purposes, and is depicted in Exhibit “A-1,” attached hereto and made a part hereof for reference purposes only. In the event that Exhibit “A-1” conflicts with Exhibit “A,” Exhibit “A” shall prevail.

Section 4. The designation of PD No. 96 shall be and is conditioned upon compliance with the following regulations and restrictions:

**A. Purpose.** The zoning regulations of PD Planned Development District No. 96 herein are established in accordance with the Comprehensive Plan for the purpose of promoting the health, safety and general welfare of the City of Missouri City, Texas and its inhabitants. Each regulation is designated to lessen congestion on the streets; to secure safety from fire, panic and other dangers; to facilitate adequate provisions for transportation; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; or to facilitate adequate provisions of water. PD Planned Development District No. 96 is designed to promote multiple uses through unique subdistricts, including residential, commercial mixed use, traditional neighborhood development, and community subdistricts as a unified development. District development shall enhance the overall urban design and nature of the surrounding area.

**B. Exhibits.**

1. *Plans.*

- a. Site Plan. PD No. 96 shall be developed in accordance with the revised site plan, Exhibit “B,” attached hereto and made a part hereof for all purposes. The subdistricts shall be located in the locations indicated on Exhibit B.
- b. General Development Plan. PD No. 96 shall be developed in accordance with the Property owner’s General Development Plan, Exhibit “C,” attached hereto and made a part hereof for all purposes.
- c. Residential Builder Guidelines. Residential uses within PD. No. 96 shall be developed in accordance with the Residential Builder Guidelines, Exhibit “D,” attached hereto and made a part hereof for all purposes.

2. *Minor Modifications.* The administrative official, as established by the Missouri City Zoning Ordinance (“administrative official”), may review and approve requests for minor modifications to Exhibits B, C, and D. The Property owner shall submit proposed modifications with precise descriptions and details with each request. For PD No. 96, minor modifications means an insignificant deviation from details or provisions in Exhibit B, Exhibit C, or Exhibit D if the administrative official determines that the modification is a refinement, clarification of, or the addition of more

precise specificity in a plan and does not attempt to change a use subdistrict or materially impact the theme, character, or continuity of development. Minor modifications include, but are not limited to:

- a. Excluding community subdistricts, a change that does not result in a net increase or decrease of more than 30 percent of the acreage allocated to a use subdistrict, or a series of modifications that would collectively result in a net increase or decrease of more than 40 percent of the acreage allocated to each use subdistrict; and
- b. A change that does not have a major traffic impact or would eliminate a major thoroughfare or major collector street, an adjustment in alignment of a roadway of over 1,000 linear feet in any direction and said change lowers the level of service despite the implementation of mitigating improvements.

3. *Major Modifications.* If the administrative official determines that a proposed modification does not meet the specifications of a minor modification, then the modification is a major modification. A major modification must be reviewed and approved as an amendment to PD No. 96.

**C. Conflicts.** The City of Missouri City Zoning Ordinance and this Ordinance are intended to be read together. In the event that there is a conflict between the text of this Ordinance and the City of Missouri City Zoning Ordinance, the text of this Ordinance shall prevail. Except as set forth in Section 3 and Subsections 4.B, 4.D, 4.F, 4.H, 4.J, 4.K, 4.L and 4.M of this Ordinance, if any exhibit to this Ordinance conflicts with the Missouri City Code, the Missouri City Code shall prevail.

**D. District regulations.** Except as provided herein, in addition to the regulations contained in this Ordinance, the Missouri City Code, including Appendix A of the Missouri City Code (“Missouri City Zoning Ordinance”), shall apply to PD No. 96. In PD 96, no building, structure, or land shall be used, and no building or structure shall be hereafter erected, reconstructed, altered or enlarged except as provided in this Ordinance. The following use subdistricts, classifications and regulations are created and located in the specific areas designated on Exhibit B:

1. *Residential Subdistrict.* The Residential Subdistrict classification includes areas designated as “Mid Density Residential” Subdistrict and “Multifamily Residential” Subdistrict.
  - a. Mid Density Residential Subdistrict. Except as otherwise provided for in this Ordinance, Mid Density Residential Subdistricts shall be developed in an accordance with Subsection 7.6, R-5 townhouse residential district, of the Missouri City Zoning Ordinance.
  - b. Multifamily Residential Subdistrict. Except as otherwise provided for

in this Ordinance, Multifamily Residential Subdistricts shall be developed in an accordance with Subsection 7.9, MF-2 multifamily residential district, of the Missouri City Zoning Ordinance.

2. *Commercial Subdistrict.* The Commercial Subdistrict classification includes Commercial Subdistrict 1 and Commercial Subdistrict 2.
  - a. Commercial Subdistrict 1. Except as otherwise provided for in this Ordinance, Commercial Subdistrict 1 shall be developed in accordance with Subsection 7.11, LC-2 local retail district, of the Missouri City Zoning Ordinance.
  - b. Commercial Subdistrict 2. Except as otherwise provided for in this Ordinance, Commercial Subdistrict 2 shall be developed in accordance with Subsection 7.11, LC-2 local retail district, of the Missouri City Zoning Ordinance.
3. *Mixed Use Subdistrict.* The Mixed Use Subdistrict classification includes the MU-1, MU-2A, and MU-2B subdistricts. Each mixed use subdistrict shall develop and maintain a minimum combination of at least: (i) one multifamily or condominium use; and (ii) one office or retail use.
  - a. MU-1 Subdistrict. Except as otherwise provided for in this Ordinance, MU-1 Subdistricts shall be developed in accordance with Subsection 7.9, MF-2 multifamily residential district, of the Missouri City Zoning Ordinance,
  - b. MU-2A Subdistrict. Except as otherwise provided for in this Ordinance, MU-2A Subdistricts shall be developed in accordance with Subsection 7.12, LC-3 retail district, of the Missouri City Zoning Ordinance.
  - c. MU-2B Subdistrict. Except as otherwise provided for in this Ordinance, MU-2B shall be developed in accordance with Subsection 7.12, LC-3 retail district, of the Missouri City Zoning Ordinance.
4. *Traditional Neighborhood Development Subdistrict (“TND”).*

TND is a neighborhood characterized by an overall compact form of buildings and streetscapes designed on a human scale, consisting of all of the following: a mixed-use center consisting of office, retail, high density residential and public spaces, as allowed in subsection 4.E.4.; interconnected streets with on street parking and single travel lanes for cars; wide sidewalks shaded by trees, and paths in a grid pattern that provide multiple routes within the neighborhood; small blocks; a minimum of 90 percent of housing that is located no further than 2,000 feet of the neighborhood’s center and buildings with minimal setbacks. Except as otherwise provided for in this subsection and Ordinance, TND shall be developed in an accordance with Subsection 7.9, MF-2 multifamily residential district, of the Missouri City Zoning Ordinance.

5. *Community Subdistrict.* The Community Subdistrict classification is

comprised of CF community facilities district uses. Except as otherwise provided for in this Ordinance, Community Subdistricts shall be developed in accordance with Subsection 7.15, CF community facilities district, of the Missouri City Zoning Ordinance.

**E. Uses.** Only the following uses are allowed within each subdistrict:

1. *Residential Subdistricts.*

- a. Mid Density Residential Subdistrict. Any use allowed in R-5 townhouse residential districts is allowed within Mid Density Residential Subdistricts.
- b. Multifamily Residential Subdistrict. Any use allowed in MF-2 multifamily residential districts is allowed within Multifamily Residential Subdistricts.

2. *Commercial Subdistricts.* Any use allowed in LC-3 retail districts is allowed in commercial subdistricts.

3. *Mixed Use Subdistricts.*

- a. MU-1 Subdistricts. Only the following uses are allowed in MU-1 Subdistricts:
  - i. any use or combination of uses allowed in:
    1. MF-2 multifamily residential districts,
    2. R-6 condominium residential districts, and
    3. LC-3 retail districts;
  - ii. assisted living residential;
  - iii. educational institution uses; and
  - iv. uses on the first floor of any building with a multifamily or condominium use shall maintain a nonresidential principal use or uses allowed under this subsection.
- b. MU-2A Subdistricts. Only the following uses are allowed in MU-2A Subdistricts:
  - i. any use or combination of uses allowed in:
    1. LC-O local commercial office districts, and
    2. LC-3 retail districts;
  - ii. assisted living residential; and
  - iii. educational institution uses.
- c. MU-2B Subdistricts. Only the following uses are allowed in MU-2B Subdistricts:
  - i. any use or combination of uses allowed in:
    1. LC-O local commercial office districts, and
    2. LC-3 retail districts;
  - ii. assisted living residential; and
  - iii. educational institution uses.

4. *Traditional Neighborhood Development Subdistricts (“TND”).*  
Only the following uses are allowed in TND:
  - a. any use or combination of uses permitted in the Mixed Use Subdistricts,
  - b. concert and performance halls,
  - c. outdoor commercial amusement enterprises to include outdoor amphitheatres; and
  - d. medical care facilities with helicopter pads.
5. *Community Subdistricts.* Any use allowed in a CF community facilities district is allowed in Community Subdistricts.

**F. Height and area regulations.**

1. *Area regulations.* The following regulations are allowed only if the requirements set forth in the Property Owner’s General Development Plan, Exhibit C, are met:
  - a. a maximum density of 35 condominium and multifamily dwelling units per gross platted acre is allowed and a maximum of 700 condominium and multifamily dwelling units are allowed; and
  - b. a maximum development of 20 acres for single family use may be developed in addition to single family use development in Residential Subdistricts.
2. Height regulations.
  - a. The maximum height for buildings and structures in Commercial Subdistrict 1 is two stories or 35 feet, whichever is less.
  - b. The maximum height for buildings and structures in Commercial Subdistrict 2, Multifamily Residential Subdistricts, Mixed Use Subdistricts, and TND is four stories or 5 feet, whichever is less.

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

1. Any part of Exhibits C, D, and the architectural design standards of the Missouri City Zoning Ordinance, which violates Title 10, of Subtitle Z, of Chapter 3000, of the Texas Government Code shall not be enforced.
2. Nonresidential uses: Except as specifically set forth in Exhibit C or excepted by Subsection H.1 of this Ordinance, all nonresidential buildings and structures shall be constructed in accordance with Section

7A, Architectural Design Standards, of the Missouri City Zoning Ordinance.

3. Residential uses: All residential buildings and structures shall be constructed in accordance with the Exhibit C and Exhibit D.

**I. Outside placement, storage, sales and services regulations.** The outside placement, storage, sales, and services regulations within the planned development district shall be as follows:

1. Outside placement, storage, sales, and services are prohibited for Residential Subdistrict uses, MF-2, multifamily residential district uses, R-6, condominium residential district uses, and assisted living residential uses.
2. Outside placement, storage, sales, and services of materials for LC-O local commercial office district uses, LC-3 retail district uses, educational institution uses, and outdoor commercial amusement enterprise uses shall comply with the provisions of outside placement, storage, sales, and services of materials, merchandise, or equipment provisions contained in subsection 9.17 of the City of Missouri City Zoning Ordinance for LC-2 local retail districts.

**J. Landscaping regulations.** The landscaping, screening, and buffer yard regulations within the planned development district shall be as follows:

1. Except as specifically set forth in Exhibit C for multifamily residential developments and in Exhibit D for residential uses, the landscaping, screening, and buffer yard regulations contained in Section 11, Landscaping, of the City of Missouri City Zoning Ordinance shall apply to Residential Subdistricts uses, MF-2 multifamily residential district uses, and R-6 condominium residential district uses:
2. Except as specifically set forth in Exhibit C, the landscaping, screening, and buffer yard regulations contained in Section 11, Landscaping, of the City of Missouri City Zoning Ordinance for LC-2 local retail districts shall apply to LC-O, local commercial office district uses, LC-3 retail district uses, assisted living residential uses, educational institution uses, and outdoor commercial amusement enterprises uses.

**K. Sign regulations.** The sign regulations within the planned development district shall be as follows:

1. Except as specifically set forth in Exhibit D, the sign regulations for residential zoning districts contained in Section 13, Sign Regulations, of the City of Missouri City Zoning Ordinance shall apply to residential subdistricts, MF-2 multifamily residential district uses, and R-6 condominium residential district uses.

2. The sign regulations for nonresidential zoning districts contained in Section 13, Sign Regulations, of the City of Missouri City Zoning Ordinance shall apply to LC-O local commercial office district uses, LC-3 retail district uses, assisted living residential uses, education institution uses, and outdoor commercial amusement enterprises uses.

**L. Fence regulations.** The fence regulations within the planned development district shall be as follows:

1. Except, as specifically set forth in Exhibit D, the fence regulations for each applicable residential use contained in Section 14, Fence Regulations, of the City of Missouri City Zoning Ordinance shall apply to Residential Subdistrict uses, MF-2 multifamily residential district uses, and R-6 condominium residential district uses.
2. The fence regulations contained in Section 14, Fence Regulations, of the City of Missouri City Zoning Ordinance for LC-2 local retail districts shall apply to LC-O local commercial office district uses, LC-3 retail district uses, assisted living residential uses, educational institutional uses, and outdoor commercial amusement enterprises uses.

**M. Development schedule.** If an application for a permit for development within Phase II is not filed by the fifth anniversary of the filing date of the application to this planned development district, Exhibit B shall expire. If Exhibit B expires, the applicant shall make an application for an amendment to this planned development district for a new site plan. Before the expiration date of Exhibit B, the property owner may request an extension to this development schedule or a new development schedule. Upon the recommendation of the planning and zoning commission and for good cause shown by the owner and developer, the city council may extend the development schedule or adopt such new development schedule as may be supported by facts and circumstances of the case. PD No. 96 shall develop in two phases as follows:

1. Phase I. Phase I shall commence on the date on which this Ordinance becomes effective. A minimum of 15,000 square feet of one or more buildings designated for LC-3 retail district uses shall be constructed in Phase I, and a maximum of 350 multifamily residential and condominium dwelling units within PD No. 96 may be constructed in Phase I.
2. Phase II. After the construction of the multifamily residential, condominium dwelling units, or both in Phase I are completed; the property owner certifies that the occupancy level for said units are at least 75 percent; and the property owner certifies that at least 75 percent of the total square footage of commercial development constructed in Phase I is occupied, Phase II may commence. The construction of a minimum of 60,000 additional square feet of one or more buildings designated for LC-3 retail district shall be completed before 351 or more multifamily residential, condominium dwelling units, or both are constructed. All or a portion of the 60,000 square feet of one or more buildings designated for LC-3 retail

district may be constructed contemporaneously with the construction of multifamily residential or condominium dwelling units if such units are a part of the same structure.

3. Except for as otherwise provided for in this subsection and any other law, PD No. 96 may develop at the owner's or owners' discretion.

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

Section 6. The building official shall not issue a building permit or a certificate of occupancy for a development on the Property until there has been full compliance with this Ordinance, the Missouri City Code of Ordinances, and all other ordinances, rules and regulations of the City of Missouri City.

Section 7. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Missouri City, save and except the changes in zoning classification described in Section 3 hereof and the imposition of the findings, regulations, restrictions and conditions contained herein.

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

Section 9. *Repeal.* Section 4 of Ordinance Number O-15-54, adopted by the City Council of the City of Missouri City on September 21, 2015 is hereby repealed. Any ordinance or any other part of any other ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

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

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

PASSED and APPROVED on first reading this 6<sup>th</sup> day of April, 2020.

PASSED, APPROVED and ADOPTED on second and final reading this 20<sup>th</sup> day of April, 2020.

\_\_\_\_\_  
Yolanda Ford, Mayor

ATTEST:

APPROVED AS TO FORM:

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

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

Town Center  
107.36 Acres  
Zoning Exhibit

D. Brighton League Survey  
Abstract Number 13

STATE OF TEXAS §

City of Missouri City

COUNTY OF FORT BEND §

AUG 22 2014

A **METES & BOUNDS** description of a certain 107.36 acre tract of land situated in the D. Brighton League Survey, Abstract No. 13 in Fort Bend County, Texas, being a portion of a called 110.884 acre tract of land conveyed to M.V. McCarthy by Substitute Trustee's Deed recorded in Clerk's File No. 2011054594 and the remainder of a called 156.5236 acre tract of land conveyed to Olympia Estates II Associates Limited by Warranty Deed with Vendor's Lien as recorded in Clerk's File No. 2003019906 both of the Fort Bend County Official Public Records of Real Property; said 107.36 acre tract being more particularly described as follows with all bearings being based on the Texas Coordinate System, South Central Zone, NAD 83;

BEGINNING at a found 5/-inch iron rod at the north corner of the said 110.884 acre tract, from said found rod a found 5/8-inch iron bears North 62°51'07" West, 412.38 feet;

THENCE, South 62°52'32" East, 2225.65 feet to a point for corner;

THENCE, South 02°48'42" East, 121.16 feet to a point at the beginning of a curve to the left;

THENCE, along the arc of said curve to the left having a radius of 5879.60 feet, a central angle of 11°29'08", an arc length of 1178.64 feet, and a long chord bearing South 08°33'16" East, 1176.67 feet, to a point for corner;

THENCE, South 02°50'24" East, 43.93 feet to a point at the beginning of a curve to the left;

THENCE, along the arc of said curve to the left having a radius of 1453.39 feet, a central angle of 15°42'27", an arc length of 398.45 feet, and a long chord bearing South 10°41'38" East, 397.20 feet, to a point at the beginning of a compound curve to the left;

THENCE, along the arc of said compound curve to the left having a radius of 5929.60 feet, a central angle of 03°38'22", an arc length of 376.65 feet, and a long chord bearing South 20°22'03" East, 376.59 feet, to a point for corner;

THENCE, South 32°26'32" West, 63.40 feet to a point at the beginning of a non-tangent arc to the right;

THENCE, along the arc of said non-tangent curve to the right having a radius of 1950.00 feet, a central angle of 03°14'44", an arc length of 110.46 feet, and a long chord bearing South 88°47'06" West, 110.44 feet, to a point for corner;

THENCE, North 89°35'32" West, 120.00 feet to a point at the beginning of a curve to the right;

THENCE, along the arc of said curve to the right having a radius of 1150.00 feet, a central angle of 52°58'40", an arc length of 1063.33 feet, and a long chord bearing North 63°06'12" West, 1025.86 feet, to a point for corner;

Town Center  
107.36 Acres  
Zoning Exhibit

THENCE, North  $36^{\circ}36'57''$  West, 120.01 feet to a point at the beginning of a curve to the left;

THENCE, along the arc of said curve to the left having a radius of 2050.00 feet, a central angle of  $40^{\circ}50'54''$ , an arc length of 1461.53 feet, and a long chord bearing North  $57^{\circ}02'19''$  West, 1430.77 feet, to a point for corner;

THENCE, along the arc of said reverse curve to the right having a radius of 25.00 feet, a central angle of  $85^{\circ}21'21''$ , an arc length of 37.24 feet, and a long chord bearing North  $34^{\circ}45'58''$  West, 33.89 feet, to a point for corner;

THENCE, North  $78^{\circ}34'37''$  West, 55.10 feet to a point at the beginning of a curve to the left;

THENCE, along the arc of said non-tangent curve to the left having a radius of 3777.74 feet, a central angle of  $03^{\circ}56'24''$ , an arc length of 259.78 feet, and a long chord bearing North  $08^{\circ}40'12''$  East, 259.73 feet, to a point at the beginning of a compound curve to the left;

THENCE, along the arc of said compound curve to the left having a radius of 999.52 feet, a central angle of  $34^{\circ}03'48''$ , an arc length of 594.23 feet, and a long chord bearing North  $12^{\circ}55'43''$  West, 585.52 feet, to a point for corner;

THENCE, North  $25^{\circ}11'04''$  West, 725.97 feet to a point for corner;

THENCE, North  $63^{\circ}20'14''$  East, 622.92 feet to the **POINT OF BEGINNING, CONTAINING** 107.36 acres of land in Fort Bend County, Texas, as shown on Drawing No. 8857 in the office of Cotton Surveying Company in Houston, Texas.

**This metes and bounds description shall not be used for transfer of title to the property herein described.**

METES AND BOUNDS DESCRIPTION

Of 8.481 Acres or 369,440 Square Feet of land being the remainder of that certain 8.622 Acre tract of land conveyed from F.P. Cribbs, Jr., Substitute Trustee to TRUSTMARK NATIONAL BANK by a deed recorded under Clerk's File No. 2011066469, of the Deed Records of Fort Bend County, Texas (F.B.C.D.R.), save and except that certain 0.1114 and 0.0293 Acre tract of land conveyed from TRUSTMARK NATIONAL BANK to CITY OF MISSOURI CITY by a deed recorded under Clerk's File No. 2014035765, F.B.C.D.R., lying in the H. SHROPSHIRE Survey, Abstract 313, near Missouri City, in Fort Bend County, Texas, said 8.481 Acre tract is more particularly described by metes and bounds as follows:

BEGINNING at the Northwest corner of that certain 35.971 Acre tract of land conveyed from GRAHAM MORTGAGE CORPORATION to GATEWAY LAND DEVELOPMENT/OLYMPIA, LP by a deed recorded under Clerk's File No. 2013157918, F.B.C.D.R., same being on the South Right-of-Way of Lake Olympia Parkway (a 100 foot Right-of-Way F.B.C.C.F. No.'s 2004110053, 2004110055, & 2004110056, F.B.C.D.R.), from which a 5/8 inch iron rod with cap stamped "Cotton Surveying" was found East, 0.09 feet;

THENCE South 36 deg. 28 min. 10 sec. West, along the most Northerly West line of said 35.971 Acre tract of land, a distance of 446.46 feet to a point for corner, from which a 5/8 inch iron rod with cap stamped "V.T.S.M." was found North, 0.15 feet;

THENCE North 78 deg. 20 min. 44 sec. West, along the most Westerly North line of said 35.971 Acre tract of land, a distance of 570.28 feet to a point for corner, from which a 5/8 inch iron rod with cap stamped "V.T.S.M." was found North, 0.24 feet;

THENCE North 10 deg. 47 min. 55 sec. East, along the East line of said 0.1114 Acre tract of land, and being the East Right-of-Way of VICKSBURG BOULEVARD (a 110 foot Right-of-Way), a distance of 311.61 feet to a 5/8 inch iron rod with cap stamped "Terra Surveying" found at a point for corner;

THENCE North 12 deg. 42 min. 28 sec. East, along the East line of said 0.0293 Acre tract of land, and being the East Right-of-Way of said VICKSBURG BOULEVARD, a distance of 150.08 feet to a 5/8 inch iron rod with cap stamped "Terra Surveying" found at a point for corner;

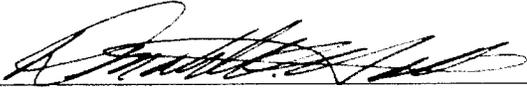
THENCE North 10 deg. 47 min. 55 sec. East, along the East line of said 0.0293 Acre tract of land, and being the East Right-of-Way of said VICKSBURG BOULEVARD, a distance of 125.00 feet to a point for corner, from which a 5/8 inch iron rod with cap stamped "Terra Surveying" was found South, 0.10 feet and West, 0.21 feet;

THENCE North 58 deg. 03 min. 17 sec. East, along the Northeast cutback line of said 0.0293 Acre tract of land, a distance of 33.79 feet to a 5/8 inch iron rod with cap stamped "Terra Surveying" was found at a point for corner;

THENCE, Southeasterly, a distance of 769.83 feet along the arc of a curve to the right on the South Right-of-Way of said Lake Olympia Parkway, said curve having a central angle of 22 deg. 37 min. 10 sec., a radius of 1950.00 feet, a chord which bears South 62 deg. 49 min. 23 sec. East, and a chord

distance 764.84 feet to the POINT OF BEGINNING, containing within these calls 8.481 Acres or 369,440 Square Feet of land as depicted on a plat prepared by Donald K. Hall, R.P.L.S. No. 4070, dated June 23, 2015 and revised July 20, 2015.

WITNESS MY HAND AND SEAL THIS THE 20<sup>th</sup> DAY OF July, 2015.



Donald K. Hall Registered Professional Land Surveyor No. 4070

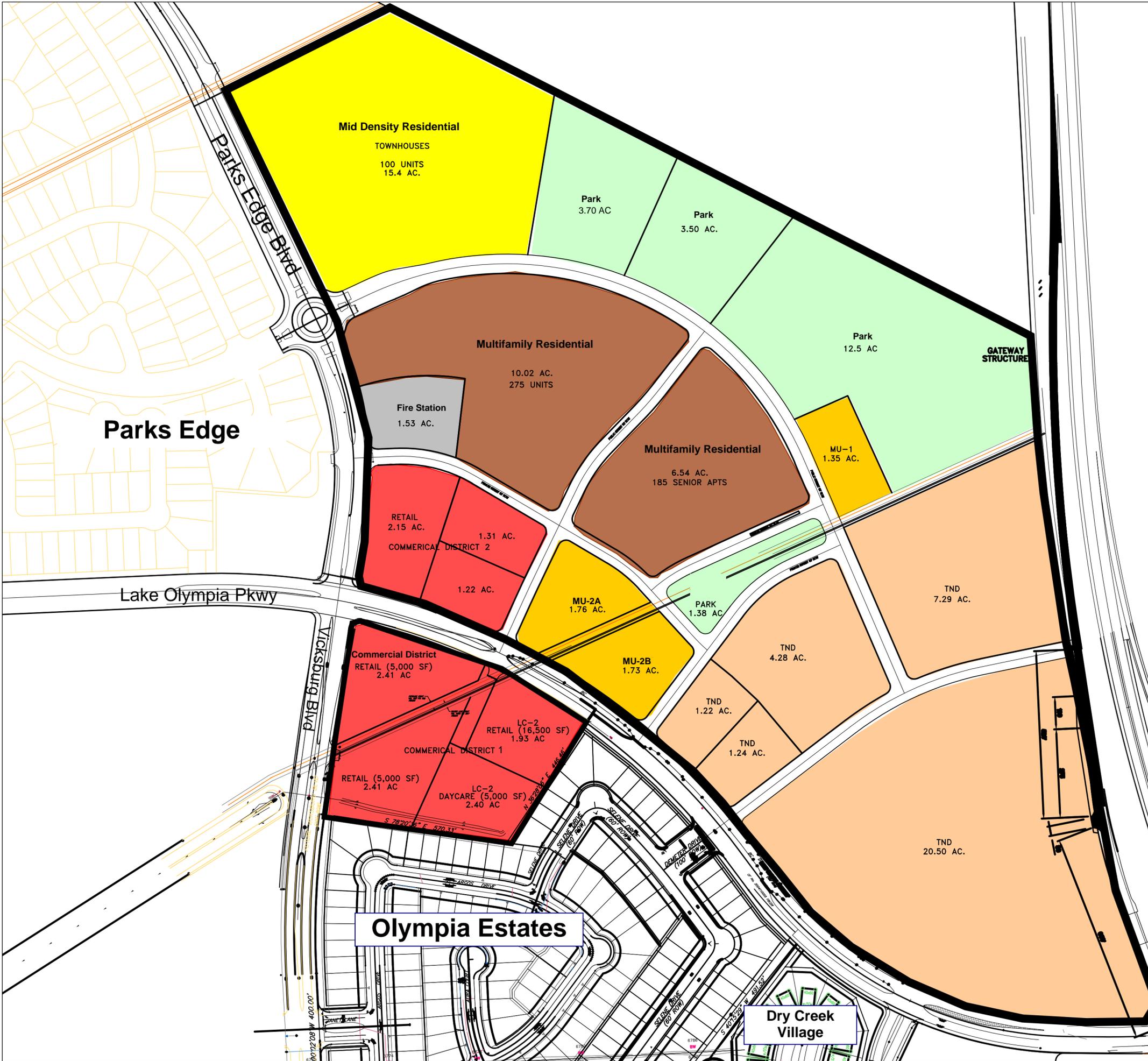


14306 Summerwood Lakes Drive  
Houston, Texas 77044-5078



Phone: (281) 225:8876  
Fax : (281) 225:8877  
JOB No.: 615#1012





### LEGEND

**Residential Subdistrict:**

- Mid Density Residential
- Multifamily Residential

**Commercial Subdistrict:**

- Commercial District 1;  
Commercial District 2

**Mixed Use Subdistrict:**

- MU-1;  
MU-2A; MU-2B

**Traditional Neighborhood Development Subdistrict:**

- TND

**Community Subdistrict:**

- Park
- Fire Station

**Exhibit B**  
**Page 1 of 1**  
**Revised Site Plan**

**PARKWAY CROSSING**  
Lake Olympia Parkway at Fort Bend Toll Road  
March 2020



Webb Architects  
Architecture  
Planning  
Urban Design

3701 Kirby Drive Suite 916 Houston Texas 77098 713.400.0230  
copyright Webb Architects 2020

NORTH

0 50' 100' 200' 400'  
SCALE: 1"=200'

## GENERAL DEVELOPMENT PLAN

### A. Multi-Family Performance Standards

1. Multi-family shall incorporate:
  - a. Bicycle accommodations
    - i. Bicycle parking spaces shall be provided within 50 feet of the leasing and management office.
    - ii. Bicycle parking spaces shall include racks, lockers, or other structures intended for parking bicycles with a minimum of 4 spaces in any one parking area.
    - iii. Racks shall be designed to support the bicycle upright in two places on the bicycle frame.
    - iv. Interior bicycle parking shall be provided under stairwells in building corridors.
    - v. Bicycle parking spaces shall not encroach into any sidewalk or other pedestrian walkway as required herein.
  - b. Pedestrian friendly elements beyond Missouri City basic code requirements.
    - i. A publicly-accessible outdoor plaza shall be located on the site.
    - ii. Plazas shall have a minimum size of 500 square feet.
    - iii. Plazas shall include a decorative paving pattern.
    - iv. Plazas shall include at least 2 benches and 2 shade trees.
    - v. Plazas shall accommodate bicycle use per paragraph a.
  - c. Provisions for pedestrian connectivity amongst land uses.
    - i. Pedestrian walkways required by this section shall meet the following criteria:
      - (a) Minimum 6-foot width;
      - (b) Readily visible and free of encroachment by parked vehicles;
      - (c) Paved with concrete or other masonry products differentiated from the driveway and parking areas through the use of color, texture, or materials;
      - (d) Predominantly shaded with shade trees at one per 30 linear feet of walkway or building canopies;
      - (e) Lighted with pedestrian-scaled fixtures; and
      - (f) Marked with “way-finding” signage.
    - ii. Pedestrian walkways shall connect building entrances to the adjacent public sidewalk and to the adjacent shared-use trails.
    - iii. A pedestrian walkway shall connect a building entrance to the nearest parking area.

- iv. A pedestrian walkway/access corridor, placed perpendicular to the parking rows, shall bisect the entire parking area and extend to the adjacent tract.
- v. Multi-family development shall be adjacent to or within 1,200 feet of non-residential uses connected by pedestrian walkways.
- vi. All sites for multi-family development shall reserve spaces for future bus stops or other transit nodes and interfaces.
- vii. Allowance for shared common space between different users (no front fences or walls).
- viii. Additional landscape requirements to include the following:
  - (a) All required Canopy trees related to minimum buffers shall be a minimum 4" caliper, 10 feet high, at the time of planting.
  - (b) Buffer trees may be clustered or spaced linearly; they need not be placed evenly.
  - (c) Required buffers may include pedestrian walkways, plazas and shared-use trails.
  - (d) Required buffer along public streets may be used for a future transit stop.

**B. Vehicular, Bicycle and Pedestrian Circulation Regulations** – All non-residential sites within in the Planned Development District Ordinance shall be developed in accordance with the following regulations:

- 1. Vehicular paving:
  - a. All parking lots, driveways, and vehicle use areas outside of individual building parcels must be constructed of concrete.
  - b. Driveway and access easements may be paved with a concrete surface or interlocking pavers supported by a 6 inch reinforced tray and a sub-grade per City design standards.
- 2. Bicycle parking: Off-street parking for bicycles shall be provided within 50 feet of primary employee and/or visitor building entrances and shall include racks or other structures intended for parking bicycles.
- 3. A pedestrian walkway shall be provided to connect the primary building entrance to the public street sidewalk.
  - a. When parking is located between the street and the building, at least one walkway shall be provided to and through its associated parking area to connect a building entrance to a public street sidewalk.

**C. Landscape Regulations** – All non-residential sites within the Planned Development District Ordinance shall be developed in accordance with the following additional regulations:

- 1. Minimum widths for buffer yards, continuous along:
  - a. Public streets: 20 feet
  - b. Internal access easements: 10 feet

- c. All other property lines: 5 feet
- 2. Buffer yards may include vehicular driveways and internal access easements, perpendicular to the length of the buffer, and pedestrian walkways.
- 3. Canopy trees
  - a. Trees shall have a minimum 3-inch caliper and minimum 10-foot height as measured at ground level when planted.
  - b. Required trees may be clustered or spaced linearly; they need not be placed evenly.

**D. Building Regulations** – All non-residential buildings within the Planned Development District Ordinance shall be developed in accordance with the following additional regulations:

- 1. Buildings shall be designed in accordance with the following criteria:
  - a. Break up the horizontal and vertical building planes through offsets, changes in building materials, colors and textures, or other methods; and
  - b. Incorporate architectural details that create shade and cast shadows to provide visual relief.
  - c. Facades greater than 100 feet in length that face public streets shall incorporate offsets having a minimum depth of at least 5 feet, and extending at least 20% of the length of the façade.
  - d. No uninterrupted length of a street-facing façade shall exceed 100 feet.
- 2. The following materials are prohibited on building exterior finishes:
  - a. Vinyl siding, wood fiber hardboard siding, oriented strand board siding, plastic, or fiberglass panels
  - b. Unfired or underfired clay, sand, or shale brick
  - c. Smooth or untextured concrete surfaces
  - d. Exterior Insulated Finish Systems (E.I.F.S.)
- 3. No single building finish material shall cover more than 80% of the front of any building.
- 4. All facades of an individual building and the facades of multiple buildings within an integrated business development or shopping center shall be of complementary architectural design, color and materials where facing or siding to a public street, internal access easement or pedestrian walkway.
- 5. Screening walls, wing walls, columns, and similar building extensions and supports shall be of complementary architectural design, color and materials as the building or structure to which they are attached.
- 6. Exterior lighting should be shielded to prohibit illumination in excess of 0.25 footcandle of average general light overflow or 0.50 footcandle at any point on the boundary of a property located within a residential zoning district.

## **Residential Builder Guidelines**

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**I. Site Plan Guidelines**

**A. General**

Prior to commencing any construction on any Lot, the Builder must review the regulations required in this document and all corresponding development guidelines of the City of Missouri City including but not limited to the Planned Development District for the subject site, the City's Zoning Ordinance, and the Public Infrastructure Design Manual.

**Building Setbacks**

*Building setbacks* are established by the Planned Development District ordinance and indicated on the recorded plat. However, it shall be the responsibility of the Builder to become familiar with the corresponding standards relating to building setback requirements in effect at the time issuance of a building permit.

<b>Front Setbacks</b>	
<b>All Lots</b>	<b>Per Planned Development District</b>
<b>Side Setbacks</b>	
Interior Lot	5'
Corner Lot (Corner Side)	Per Planned Development District
Greenspace Lot (Greenspace side)	5'
Zero Lot (Patio): Interior Lot	9.5' Non-Zero Side
	.05' Zero Side
Zero Lot (Patio): Corner Lot	Per Planned Development District
	.05' Zero Side
Swing Lot (Patio): Interior Lot	9.5'
Swing Lot (Patio): Corner Lot	Per Planned Development District
<b>Rear Setbacks</b>	
Interior Lot	8'
Greenspace Lot	15'
Zero Lot (Patio): Interior Lot	8'
Zero Lot (Patio): Greenspace Lot	15'
Swing Lot (Patio): Interior Lot	8'
Swing Lot (Patio): Greenspace Lot	15'
<b>Detached Garage Setbacks</b>	
Front	60'
Side	3'
Typical Lot Rear	8'
Perimeter Lot Rear	8'
Prohibited on Greenspace Lots, Zero Lots and Swing Lots	

**C. Lot Types**

1. **Interior Lot:** A Lot with adjoining Lots on each side and behind
2. **Corner Lot:** A Lot with an adjoining Lot on one side and a side street on the other
3. **Greenspace Lot:** A Lot backing or siding a Greenspace
4. **Zero Lot:** A Lot with a Zero Build Line
5. **Swing Lot:** A Lot between Left Side Zero Lot and a Right Side Zero Lot, must be centered within the Lot

**D. Garages**

1. All Lots are required to have a garage that will accommodate two mid-size vehicles, side by side.
2. Three car tandem garages are allowed.
3. Side by side Three Car Bays are allowed on 70' Lots only.

**E. Garage Placement**

1. **Corner Lot Garages**
  - a. Garages must be located on the interior side of the Lot.
  - b. Note: A Lot is still considered a corner Lot if there is a common space between the Lot and the side street.
2. **Zero and Swing Lots**
  - a. Garages must be located on the Zero side of the Lot
  - b. Garages may be located on either side of a Swing Lot.

**F. Driveways**

1. **Widths**
  - a. Two Car Garage:
    - Maximum eighteen feet (18') at property line
    - Minimum ten feet (10') at property line
  - b. Three Car Garage:
    - Maximum twenty feet (20') at property line
    - Minimum ten feet (10') at property line
2. **Location**
  - a. Driveways on the Right side of the Lot are preferred
  - b. Driveways must not be on the corner side of a Lot
3. **Materials**
  - a. Concrete
  - b. Refer to City Ordinances for Construction Guidelines
4. **Materials Prohibited**
  - a. Asphalt paving, loose gravel, stone, timber borders.
5. **Driveway Radius**
  - a. Five foot (5') radii
6. **Driveway Setbacks**
  - a. Driveways shall be located no closer than two and one half feet (2.5') from side property line and no closer than five feet (5') at front property line to allow for a five foot (5') driveway radii.

**G. Sidewalks:** All sidewalks must be constructed in accordance with the City's Public Infrastructure Design Manual.

1. **Width**
  - a. All Lots must have a five foot (5') wide concrete sidewalk.
2. **Location**
  - a. Sidewalks are to be located no closer than two feet (2') from the R.O.W. line.
3. **Materials**
  - a. Concrete
  - b. According to ADA requirements

**H. Walkways**

1. **Width**
  - a. Three feet (3') minimum
2. **Location**
  - a. May lead to the Driveway
  - b. May lead to the Sidewalk
    - Must be curvilinear
3. **Materials**
  - a. Concrete required for all Walkways.

**I. Walkway Landing**

1. Walkways leading to the Sidewalk must have a Landing
2. A three foot (3') by six foot (6') wide walkway landing between the sidewalk and the curb

**J. Fencing**

1. Fencing must be installed behind the front elevation, along the rear and side property lines of each Lot.
  - a. Fencing must exceed the height of adjoining fences.
3. **Good Side Out Wood: Required for all Visible Fencing**
  - a. Six foot (6') Good Side Out Wood
4. **Good Neighbor Wood: Required for all Non-Visible Fencing**
  - a. Good Neighbor Wood Fence with *alternating* good side out panels.
5. **Steel Fencing: Required fencing along Greenspace side of a Lot**
  - a. Three rail tubular steel
  - b. Galvanized black semi-gloss
6. **Fencing Placement:**
  - a. **Front Fencing: Fencing facing the Front R.O.W.**
    - Must be setback a minimum of ten feet (10') to a maximum of fifteen feet (15') from Front corners of the home
  - b. **Corner Lot Fencing**
    - Must be set back five feet (5') from the back of the sidewalk to allow for corner Lot landscaping.
  - c. **Greenspace Fencing**
    - Steel fencing between the Greenspace and the Lot

**K. Gates**

**1. Wood Gate for Wood Fencing**

- a. A six foot (6') tall by three foot (3') wide wood pedestrian gate may be placed on the front fence facing the street.

**2. Steel Gate for Steel Fencing**

- a. Steel gates must match steel fence.
- b. All gates must be self-closing and self-latching.

**L. Grading, Drainage, Berms**

**1. General**

Positive drainage away from the housing structure shall be provided for rainfall, gutter downspouts, irrigation, air conditioner condensate and all other types of water runoff.

Caution should be used in establishing the foundation elevation so that driveways, slabs or insufficient fall does not impair adequate drainage of the Lot. It is the responsibility of the Builder to provide positive drainage for each Lot.

- a. **FHA TYPE "A" LOT GRADING** The Lot has a ridge along Common rear Lot lines and each Lot is graded to drain storm water directly to the street independent of other properties.

- b. **FHA TYPE "B" LOT GRADING**

The Lot has a ridge at rear twenty foot (20') Build Line from which the Lot is graded to drain storm water to the front portion of the Lot directly to the street independent of other properties and drain the storm water in the rear of the Lot from the twenty foot (20') Rear Build Line to the Lake.

**II. Architectural Guidelines**

Architectural Guidelines are to establish basic criteria for the construction of residences, garages and other structures. All construction must be of the highest quality in order to insure well-crafted residences. These Guidelines allow for diversity while enforcing the architectural integrity of the whole community. Articulation in design of elevations including roofs is required. Designs lacking articulation are strongly discouraged and may not be Approved by the ARC. Equal priority is given to the rear and sides of a residence that may be within public view, Lakes and common areas.

**A. Square Footage Minimum and Maximum:**

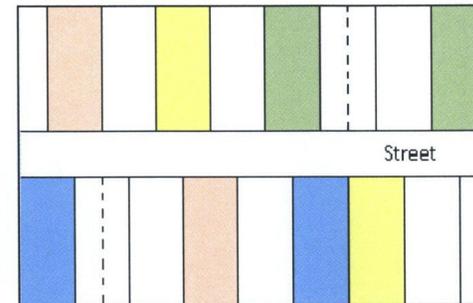
Lot Size	Minimum
45'	1,800
50'	1,800
55'	1,900
60'	2,100
70'	2,500

**B. Plan Width Minimum**

1. Overall product width may be no less than fifteen feet (15') of the Lot Size.
2. Overall width for products with Detached Garages may be no less than twenty feet (20') of the Lot size for all Lots.

**C. Plan Spacing and Repetition**

Elevation	Street Side	Number of Lots between
Same	Same	4
Different	Same	2
Same	Opposite	2 1/2
Different	Opposite	1 1/2



**D. Masonry Requirements**

Lot Size	# of Stories	1st Floor Masonry	2nd Floor Masonry
All Lots	1	100%	
	2	100%	30%

**E. Exterior Materials – Glass is a permitted exterior material.**

**1. Masonry**

**a. Brick**

- Must meet the standard specifications established by the Brick Institute of America.

**b. Stucco**

- Cementitious-based or acrylic-based stucco is permitted.

- Quality and installation must meet cement and Plaster Institute minimum standards.
- EFIS and Drivet are PROHIBITED.
- c. **Stone and Cultured Stone**
  - Stone is encouraged
- d. **Hardie Siding**
  - Is not considered Masonry

**2. Wood**

- a. All wood must be painted, stained or treated. Stained wood must be sealed.
- b. Natural weathered wood is PROHIBITED.
- c. Hardi-plank is not considered wood. Must receive ARC approval.

**a. Trim**

All wood trim must be smooth, high quality finish-grade stock, stained or painted. Must receive ARC approval. The use of MDO (Medium Density Overlay) will be allowed.

**3. Siding**

- a. Concrete Hardi-plank and Hardi Stucco Board are permitted on rear elevations.
- b. Shaker shingles are PROHIBITED.
- c. Metal, reflective aluminum or vinyl siding are PROHIBITED.

**4. Metal**

- a. Exposed metals must be anodized aluminum, bronze, copper or painted galvanized steel.

**F. Masonry Repetition**

- 1. Same color brick, stone, or stucco may not be immediately adjacent to or directly across the street from one another.
- 2. Using the *same* brick or stucco color more than twice within a four (4) house block is PROHIBITED.

**G. Exterior Colors**

- 1. Maximum of three (3) colors per residence.
  - a. Wood stain is considered a color.
- 2. Pastel and primary colors are PROHIBITED unless used on doors or shutters. Must receive ARC approval.

**H. Windows**

**1. Materials**

- a. Wood, metal, vinyl-clad windows
- b. Metal window finishes must complement the architectural style and color of the house.
- c. Clear anodized aluminum is PROHIBITED.

**2. Tinting**

- a. Encouraged for energy conservation purposes. Must receive ARC approval.

**3. Prohibited**

- a. Bronze, reflective glass, mirrored glazing or tinting, wrought iron ornamentation, burglar or security bars on windows or doors, sunscreens and awnings are PROHIBITED.

**I. Chimneys**

**1. Materials**

- a. Chimneys must be constructed of materials that match and complement the architectural style of the home. May be masonry or Hardi-plank unless on Lake. Lake Lots must be one-hundred percent (100%) masonry.

**2. Chimney caps**

- a. Sheet metal chimney caps are required on all chimneys
- b. Must be painted to match the chimney material.

**J. Gas Fireplaces**

- 1. Direct vent permitted if not visible from the street.

**K. Roofs**

**1. Materials**

- a. Shingles:
  - Thirty (30) year composition shingles. Garage and breezeway roofs must be same material as the house.
- b. **Metal**
  - Copper roofing and standing seam metal for Bay windows and porches are permitted with ARC approval.
  - All other exposed roof metal must be located to the rear or side slopes, away from public view and painted the same color as roof shingles.

**2. Pitches**

- A. Roof pitches must be 6:12 or greater.
- B. Roof pitches over porches must be 4:12 or greater.
- C. Dormers must be no less than 3:12.
- D. Flat roofs, mansard roofs are PROHIBITED.

**3. Roof Top Accessories**

- a. Antennas, towers, satellite dishes or similar devices for receiving and/or sending signals are permitted.
- b. Placement must be in the least obtrusive location of the rear yard, no higher than the highest point of the rear roof line of the residence and must not be visible from the street. Must receive ARC approval for placement.

**4. Skylights**

- a. Must be integrated with the roof design, parallel to the roof pitch. Framing must match the roof color. Must receive ARC approval for placement.

**5. Solar Collectors**

- a. Solar collectors are PROHIBITED on the Front elevation.
- b. All other locations must receive ARC approval for type and placement..
- c. All roof vents or pipes must be painted to match the roof color.

**L. Garages**

**1. Front Loaded Attached Garages**

- a. **Front Loaded Two Car Garages**
  - Maximum ten foot (10') storage extensions permitted with ARC approval.
- b. **Front Loaded Three Car Garages**
  - Maximum ten foot (10') storage extension permitted with ARC approval.

**2. Detached Garages**

- a. The front of a detached garage must be masonry.
  - At a minimum, the remaining three (3) sides may have siding with three foot (3') masonry wrap from front elevation.
- b. All elevations within public view must be masonry.
- c. Detached garages are not permitted on Lake Lots.

**3. Porte Cocheres**

- a. Must be the same architectural style of the home.

**M. Garage Doors**

**1. General**

- a. Wood panel look construction, garage doors are encouraged. Maximum height of eight feet (8'). Unless otherwise approved by ARC.

**2. Two Car Garages**

- a. May have one (1) double door or two (2) single doors separated by a column

**3. Three Car Garages**

- a. May have one (1) double door and one (1) single door separated by a column or three (3) single doors separated by columns

**N. Plate Height**

1. Nine foot (9') first floor Plate Height is preferred.
2. Continuous eight foot (8') Plate height across front elevation is PROHIBITED.

**O. Lighting**

1. Cast aluminum or brass fixtures are permitted.
2. Colored lighting, exposed transformers and wiring, "spill over" lighting onto neighboring yards or properties, streets or public spaces are PROHIBITED.
3. All exterior lighting must receive prior ARC approval.

**P. Screening**

1. All mechanical equipment, meters, pedestals must be screened with landscaping or fencing from public view.

**Q. Address Marker**

1. Precast concrete standard for all residence. Vertical or horizontal.

**R. Signage**

**1. Builder**

**a. Model Identification sign:**

- Builders are permitted one (1) lighted sign per model home.
- Sign size, shape, material and color must have prior ARC approval.

**b. Lot Identification sign:**

- For advertising and sale of a Lot, one sign per Lot, no more than six (6) square feet in size.

**c. Model Home Flag Poles**

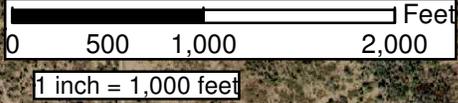
- Builders may have Flag Poles with a maximum height of twenty feet (20').
- Limited to two (2) flags
- Must have ARC approval

**S. Mail Clusters**

1. U.S. Post Office standard mail clusters will be installed at appropriate locations.
2. No individual mail boxes are permitted

**Legend**

-  City Limits Line.lyr
-  PD #96



Parks Edge

PD #96

Lake Olympia

PD #96

Lake Olympia

Olympia Estates

Dry Creek Village

Olympia Estates

Lake Shore Harbour

MCKINLEY SPRING BLVD



Architecture | Planning | Urban Design

06 April 2020

Parkway Crossing – PD 96 Revision Comments for Council Hearing

To the Honorable Mayor and Council Members, City of Missouri City, Texas

Our client, Palmetto/WIHA FB 107, LP, after significant effort have found themselves at a point in their development process of Parkway Crossing of needing to meet the desires and needs of strategic users which present opportunities for the community. Therefore, they have requested their revision to PD 96 revising the land use map for the property and providing for minor and major modifications to such plan.

Driving this effort is their success in their Phase 1 effort. A 5,000 square foot retail facility is under construction, a minimum 16,000 square foot retail center site is under contract and in the planning phase, a 14,800 square foot pharmacy in the early contract stage, and also a minimum 16,000 square foot fire station with fire department offices on property donated by the Landowner to the City is immediately forthcoming.

The new ordinance addresses and includes mid density residential, mixed-use areas, commercial, general retail/commercial, plus traditional neighborhood development. The vision for the Parkway Crossing community responds to the City's own Comprehensive Plan's emphasis on the creation of neighborhood centers that provide a more people-oriented, pedestrian environment. This new momentum will help set Parkway Crossing on a path to become a desired village center at the gateway to Missouri City.

Our client looks forward to commencing their Phase 2 design efforts and understands the requirements set forth in the proposed Ordinance. Further they were listening at the Planning and Zoning hearing where the only public comment was primarily a reminder to be aware of the needs for drainage planning and design. The drainage and detention facilities serving Phase 1 have already been installed. Further, our client has already engaged their consulting engineers to plan and design for both on and off-site detention for Phase 2 and Phase 3 which is illustrated on the proposed land use plan.

We appreciate your consideration and our opportunity to comment.

Regards,  
Webb Architects

A handwritten signature in black ink, appearing to read "Joe Douglas Webb", written in a cursive, flowing style.

Joe Douglas Webb, AIA, NCARB  
Cc: Joel R. Scott, Palmetto/WIHA FB 107, LP

Published in the March 18, 2020 Fort Bend Independent



**MISSOURI CITY**  
TEXAS

### City of Missouri City

#### NOTICE OF MEETING

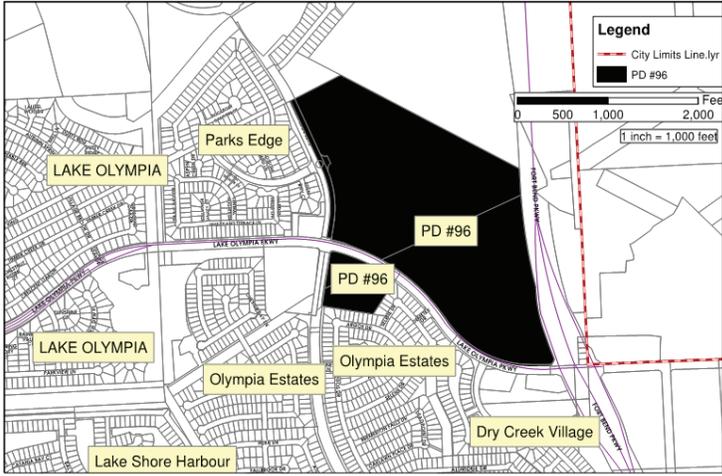
**LOCATION/DATE:** The City Council of the City of Missouri City will hold a public hearing on Monday, April 6, 2020, at the City Council Chambers – 2nd Floor, City Hall Building, 1522 Texas Parkway (FM-2234), Missouri City, Texas at 7:00 p.m.

**PURPOSE:** To receive comments for or against a request by Joe Douglas Webb, AIA, Webb Architects, to amend PD, Planned Development District No. 96 (Ordinance O-15-54), revise the site plan and amend the regulations and restrictions; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

**SITE LOCATION:** PD No. 96 is located north and south of Lake Olympia Parkway, north of Dry Creek Village, east of Parks Edge and west of the Fort Bend Parkway.

**SITE LEGAL DESCRIPTION:** PD No. 96 can be described as being a 107.36 acre tract of land situated in the D Bright League Survey, A-13 and the H. Shropshire Survey, A-313, in Fort Bend County, Texas being a portion of a called 110.884 acre tract of land conveyed to M.V. McCarthy by Substitute Trustee's Deed recorded in Clerk's File No. 2011054594 and the remainder of a called 156.5236 acre tract of land conveyed to Olympia Estates II Associates Limited by Warranty Deed with Vendor's Lien as recorded in Clerk's file No. 2003019906 both of the Fort Bend County Official Public Records of Real Property; and being all of Olympia Estates Northeast Reserves, a subdivision of 8.481 acres out of the H. Shropshire Survey, A-313, instrument number 20190130 filed and recorded into the Fort Bend County, Texas Official Public Records.

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





## CITY COUNCIL AGENDA ITEM COVER MEMO

April 20, 2020

**To:** Mayor and City Council  
**Agenda Item:** 6(d) PD, Planned Development District No. 106 amendment  
**Submitted by:** Jennifer Thomas Gomez, AICP, Planning Manager

### SYNOPSIS

This is the second of two readings of an ordinance to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

The subject site is located north of Excel Urgent Care, south of a Murphy Express gas station and Cube Smart self-storage, east of Quail Valley Thunderbird and a Public Storage, and west of Colony Lakes residential subdivision.

### STRATEGIC PLAN 2019 GOALS ADDRESSED

- Have quality development through buildout

### BACKGROUND

PD, Planned Development District No. 106 was approved in August 2018 to allow for the Brazos Lakes, mixed use residential and commercial development.

The development is proposed to be comprised of two, 5-story condominium buildings and 3-story single family attached townhomes. The condominium buildings would have a 50/50 age restriction on dwelling units. A commercial, office and retail plaza would be located towards the rear of the development and approximately 5 acres would remain along the Highway 6 frontage for nonresidential uses.

The applicant seeks the following changes as reflected in the revised master plan

- i. Increase the number of condominium dwelling units from 168 to 296 (Building A – 148 units and Building B – 148 units);
- ii. Generally revise the layout for the single-family attached townhome development;
- iii. Provide multiple 3-story buildings (2-story previously proposed) for commercial, office and restaurant uses along the backside of the property and increase the square footage from approximately 219,000 to 320,880 square feet.

Future nonresidential development along the Highway 6 frontage has been further defined to reflect approximately 5 acres conceptually laid out as site pads.

Staff recommended approval with certain conditions including amending the development schedule to allow up to 148 condominium dwelling units (i.e. – a single building) to be constructed in Phase I. The Planning and Zoning Commission forwards a positive recommendation.

City Council approved the ordinance on the first reading with the following changes, (1) maximum height of condominium buildings should be no more than 4 stories; (2) masonry wall along the rear of the property must be maintained.

### BUDGET ANALYSIS

Funding Source	Account Number	Project Code/Name	FY__ Funds Budgeted	FY__ Funds Available	Amount Requested
N/A					

**Purchasing Review:** N/A

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

*Note:* Compliance with the conflict of interest questionnaire requirements, if applicable, and the interested party disclosure requirements (HB 1295) has been confirmed/is pending within 30-days of this Council action and prior to execution.

### SUPPORTING MATERIALS

1. Ordinance
2. Changes marked
3. Ortho map
4. Notice of public hearing
5. Rezoning application protest letters analysis
6. Protest Letters
  - a. Sent February 22, 2020 for the March 11<sup>th</sup> P&Z meeting
  - b. Sent November 22, 2019 for the December 11<sup>th</sup> P&Z meeting – project postponed
  - c. Sent November 1, 2019 for the November 13<sup>th</sup> P&Z meeting – project postponed

### STAFF'S RECOMMENDATION

Staff recommends approval of the ordinance on the final reading.

**Director Approval:**

**Otis T. Spriggs, AICP, Development Services Director**

**Assistant City Manager:**

**Glen A. Martel, Assistant City Manager**

**ORDINANCE NO. O-20 \_\_**

**AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING PD PLANNED DEVELOPMENT DISTRICT NO. 106; DESCRIBING SAID 24.45 ACRES OF LAND; REGULATING AND RESTRICTING THE DEVELOPMENT AND USE OF PROPERTY WITHIN SUCH PD PLANNED DEVELOPMENT DISTRICT; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MISSOURI CITY; PROVIDING FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.**

\* \* \* \*

WHEREAS, Golden Power Capital, LLC, is the owner of approximately 22.45 acres of land and Ming & Shu Development, LLC, is the owner of approximately 2.0 acres of land for a total of approximately 24.45 acres of land within the corporate limits of the City of Missouri City, Texas (the "Property"); and

WHEREAS, the Property presently has a zoning classification of PD Planned Development District No.106 under Ordinance No. O-18-20, adopted on August 20, 2018; and

WHEREAS, the owner's agent, Cynthia Ramirez, has made application to the City of Missouri City to amend PD Planned Development District 106; and

WHEREAS, pursuant to Section 8.3 of the City of Missouri City Zoning Ordinance, said application was submitted to the City of Missouri City with proof of unified ownership or control of all of the Property; and

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

WHEREAS, the City of Missouri City Planning and Zoning Commission has issued its final report and the City Council of the City of Missouri City now deems it appropriate to grant such requested amendment to PD Planed Development District No. 106; now, therefore,

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

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

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

Section 3. The zoning classification of the Property is PD Planned Development District No. 106. The Property can be described as being the property described in Exhibit “A”, and is depicted in Exhibit “A-1”, attached hereto and made a part hereof for all purposes. Exhibit “A-1” shall be for reference purposes only. In the event that Exhibit “A” conflicts with Exhibit “A-1”, Exhibit “A” shall prevail.

Section 4. The planned development district shall be developed in accordance with the Missouri City Code, including the City of Missouri City Zoning Ordinance, and is subject to the following regulations and restrictions:

- A. Purpose.** The zoning regulations of PD Planned Development District No. 106 herein are established in accordance with the Comprehensive Plan for promoting the health, safety and general welfare of the City of Missouri City, Texas and its inhabitants. Each regulation is designated to lessen congestion on the streets; to secure safety from fire, panic and other dangers; to facilitate adequate provisions for transportation; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; or to facilitate adequate provisions of water. The planned development district may include residential and commercial uses. Improvements to the site shall be designed to enhance the overall urban design and nature of the surrounding area.
- B. Site Plan.** The planned development district shall be generally developed in accordance with the revised site plan, Exhibit “B,” attached hereto and made a part hereof for all purposes.
- C. Use regulations.** In the planned development district, no building, structure, or land shall be used and no building or structure shall be hereafter erected, reconstructed, altered or enlarged except as provided in this Ordinance.

The following uses are allowed:

1. LC-3 retail district uses.
2. Townhouse residential unit uses.
3. Condominium residential unit uses as described below:
  - a. **Phase 1:** At least 50 percent of the condominium residential unit uses constructed in Phase 1 shall be restricted to residents at least 55 years of age (hereinafter referred to as “age restricted”), provided that the owner, manager, operator, or agent of such uses shall provide the Missouri City director of development services with verification of the age of residents at least annually in a manner acceptable under the Housing for Older Persons Act, as such act may be amended from time to time. The remaining 50 percent of the condominium residential unit uses constructed in Phase 1 are not required to be restricted to residents at least 55 years of age (hereinafter referred to as “non-age restricted”).

- b. **Phase 2:** Except as provided herein, in Phase 2, condominium residential unit uses shall be restricted to age restricted units. Condominium residential unit uses may be non-age restricted if the market demand, as determined by an independent market study of condominium residential unit uses constructed on the Property in Phase 1, for non-age restricted units on the Property is greater than the market demand for age-restricted units.

**D. Height and area regulations.** The following height and area regulations shall apply.

1. *LC-3 retail district uses:* The height and area regulations set forth in set forth in Subsection 7.12, LC-3 retail district, of the City of Missouri City Zoning Ordinance shall apply to LC-3 retail district uses.
2. *Townhouse residential unit uses:* Except as provided herein, the height and area regulations contained in Subsection 7.6, R-5 townhouse residential district, of the City of Missouri City Zoning Ordinance shall apply to townhouse residential unit uses. The front, rear, and side yard; lot width; and lot area standards set forth in the site plan, Exhibit "B," are allowed.
3. *Condominium residential unit uses:* Except as provided herein, the height and area regulations contained in Subsection 7.7, R-6 condominium residential district, of the City of Missouri City Zoning Ordinance shall apply to condominium residential unit uses. The height of a building or structure for a condominium residential unit use shall not exceed four (4) stories, and a maximum of 296 condominium dwelling units are allowed.

**E. Building regulations.** The building regulations contained in Subsection 7.12, LC-3 retail district, of the City of Missouri City Zoning Ordinance shall apply to all buildings and structures constructed in PD Planned Development District No. 106.

**F. Architectural standards.** Except as provided herein, all buildings and structures constructed in the planned development district shall be constructed in accordance with Section 7A, Architectural Design Standards, of the City of Missouri City Zoning Ordinance.

1. Any provision that violates Title 10, of Subtitle Z, of Chapter 3000, of the Texas Government Code shall not be enforced.
2. All townhouse residential unit use buildings and structures shall be constructed in compliance with the architectural standards of Section 7A, Architectural Design Standards, of the City of Missouri City Zoning Ordinance.

2. The primary material for the exterior of all buildings and structures shall consist of brick. The same brick material shall be used throughout the planned development district.
3. Accent materials for the exterior of all buildings and structures may include the following:
  - a. Calcium silicate smooth masonry unit;
  - b. Modular face brick, blend sunset or similar;
  - c. Senerflex classic PB Wall System by "Senergy" with Perma-Lath reinforcing mesh and weatherproof base and finish coats;
  - d. Exterior storefront and glass wall systems (aluminum, clear, anodized frames with one-fourth ( $\frac{1}{4}$ ) of an inch thick tinted vision glass; one-fourth ( $\frac{1}{4}$ ) of an inch thick tinted spandrel glass, and aluminum doors and sidelites); and
  - e. Clear, anodized extruded aluminum and one-fourth ( $\frac{1}{4}$ ) of an inch thick tinted vision glass.
4. Rainwater systems and equipment are not required to meet the architectural design standards set forth in Section 7A, Architectural Design Standards, of the City of Missouri City Zoning Ordinance, provided that such systems and equipment shall be constructed as depicted in Exhibit "C".
5. At least one garage with square footage sufficient to house a minimum of two seven-foot by 18-foot automobiles in addition to normal yard maintenance equipment is not required for each condominium unit.

**G. Garage.** Except as provided herein, the garage regulations set forth in Section 9.8 of the City of Missouri City Zoning Ordinance shall apply to townhouse residential unit and condominium residential unit uses.

1. The parking depicted and described in the site plan, Exhibit "B", is allowed as depicted and described.

**H. Trash disposal regulations.** Except as provided herein, the trash disposal regulations contained in Subsection 9.14, Trash disposal regulations, of the City of Missouri City Zoning Ordinance shall apply.

1. *LC-3 retail district uses:* The trash disposal regulations for nonresidential zones, specifically, LC-3 retail districts, shall apply to LC-3 retail district uses.
2. *Townhouse residential unit and condominium residential unit uses:* The trash disposal regulations for residential zones, specifically, R-5 townhouse residential and R-6 condominium residential districts, shall apply to townhouse residential unit and condominium residential unit uses, respectively.

- I. Portable storage unit regulations.** The portable storage unit regulations contained in Section 9.15, Portable storage unit regulations in suburban and residential districts, of the City of Missouri City Zoning Ordinance shall apply to townhouse residential unit and condominium residential unit uses.
- J. Outside placement, storage, sales and services regulations.** Outside placement, storage, sales and services of materials, merchandise, and equipment are prohibited.
- K. Landscaping regulations.** Except as provided herein, the landscaping, screening, and buffer yard regulations for R-5 townhouse residential districts, R-6 condominium residential districts, and LC-3 retail district uses, as applicable, contained in Section 11, Landscaping, of the City of Missouri City Zoning Ordinance shall apply to townhouse residential unit uses, condominium residential unit uses, and LC-3 retail district uses, respectively.
1. The landscaping, screening, and buffer yards depicted and described in the landscaping plan, Exhibit "D", are allowed as depicted and described.
  2. There shall be a greenbelt of 30 feet adjacent to all property lines. Buildings, streets and parking may be built immediately adjacent to the greenbelt. There shall be a yard of 15 feet between buildings and private streets, driveways and parking areas. Steps, unenclosed porches, fences, patios or courts are allowed in yards. The developer shall have the option to provide the greenbelt or an equivalent green area within the development in addition to all required yards.
  3. The existing masonry fence located adjacent to the Colony Lakes residential subdivision along the southern boundary of the Property shall be maintained by the Property owner, a property management association, or a similar entity.
- L. Parking regulations.** Except as provided herein, the parking regulations contained in Section 12, Parking Regulations, of the City of Missouri City Zoning Ordinance shall apply.
1. The parking depicted and described in the site plan, Exhibit "B", is allowed as depicted and described.
- M. Sign regulations.**
1. *LC-3 retail district uses.* The sign regulations for nonresidential zoning districts contained in Section 13, Sign Regulations, of the City of Missouri City Zoning Ordinance shall apply to LC-3 retail district uses.
  2. *Townhouse and condominium residential unit uses.* The sign regulations for residential zoning districts contained in Section 13, Sign Regulations, of the City of Missouri City Zoning Ordinance shall apply to townhouse residential unit and condominium residential unit uses.

**N. Fence regulations.**

1. *LC-3 retail district uses.* The fence regulations contained in Section 14, Fence Regulations, of the City of Missouri City Zoning Ordinance for LC-3 retail districts shall apply to LC-3 retail district uses.
2. *Townhouse residential unit uses.* The fence regulations contained in Section 14, Fence Regulations, of the City of Missouri City Zoning Ordinance for R-5 townhouse residential districts shall apply to townhouse residential unit uses.
3. *Condominium residential unit uses.* The fence regulations contained in Section 14, Fence Regulations, of the City of Missouri City Zoning Ordinance for R-6 condominium residential districts shall apply to condominium residential unit uses.

**O. Amenities.** A multipurpose clubhouse and large meeting room shall be constructed in accordance with the development schedule provided for by Section 4.Q of this Ordinance.

**P. Performance Standards.**

1. *Noise.*
  - a. Buildings occupied by LC-3 retail district uses shall incorporate interior acoustical treatments that minimize sound outside of such buildings.
  - b. Except as provided herein, the amplification of sound outside of buildings and structures after 10:00 pm on Sundays through Thursdays and after 11:00 pm on Fridays and Saturdays is prohibited. Sound emanating from restaurant drive-through speakers is allowed.

**Q. Minor Modifications.** The following minor modifications are allowed provided that such modifications shall be reviewed for compliance with the Missouri City Code and this Ordinance and approved by the administrative official as evidenced by a memorandum filed by the administrative official or his designee with the city secretary:

1. Modifications to internal street patterns are allowed.
2. Modifications to the total acreage provided for each use district set forth in Exhibit "B" are allowed, provided that such modifications, or a series of such modifications, shall not result in a net increase of 10 percent or

more or in a net decrease of 10 percent or more in the acreage for such use.

**R. Development schedule.** If a plat application for Phase II is not filed by the fifth anniversary of the filing date of the original application to this this planned development district, Exhibit B shall expire. If Exhibit B expires, the applicant shall make an application for an amendment to this PD for a new Exhibit B before any additional building permit or certificate of occupancy is issued. The planned development shall be developed in two phases as follows:

1. Phase 1. Phase 1 shall commence on the date on which this Ordinance becomes effective. Construction of a minimum of 103,200 square feet of one or more buildings designated for LC-3 retail district uses in compliance with this Ordinance shall be completed before or contemporaneously with the submission of an application for a certificate of zoning compliance for any townhouse residential unit or condominium residential unit uses. A maximum of 148 residential units may be constructed in Phase 1. Construction of the multipurpose clubhouse required by Subsection 4.N shall be completed in compliance with this Ordinance before or contemporaneously with the submission of an application for a building permit for residential units in Phase 2.
2. Phase 2: Phase 2 shall commence after the date on which: (a) the construction of all of Phase 1 residential units are completed; and (b) for residential units, all certificate of occupancies are issued, and, for the commercial development, 70 percent of the total square footage of the commercial development constructed in Phase II is complete and certificates of occupancy have been issued. Construction of a minimum of 103,200 square feet of one or more new buildings designated for LC-3 retail district uses, which shall be in addition to the existing buildings designated for LC-3 retail district uses constructed in Phase 2, shall be completed before or contemporaneously with the submission of an application for zoning compliance for any additional residential units to be constructed in Phase 2.

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

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

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

Section 8. Repeal. Ordinance Number Ordinance No. O-18-20, adopted by the City Council of the City of Missouri City on August 20, 2018, is hereby repealed only to the extent of conflict with this Ordinance. Any ordinance or any other part of any other ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

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

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

PASSED and APPROVED on first reading this 6<sup>th</sup> day of April, 2020.

PASSED, APPROVED and ADOPTED on second and final reading this 20<sup>th</sup> day of April, 2020.

\_\_\_\_\_  
Yolanda Ford, Mayor

ATTEST:

APPROVED AS TO FORM:

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

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

EXHIBIT A, PAGE 1 OF 2 PAGES

County: Fort Bend  
Project: Brazos Lakes  
M&B No: 18-042  
CS Job No: 18049

**METES AND BOUNDS DESCRIPTION OF 24.448 ACRES**

Being a tract of land containing 24.506 acres, located in the David Bright League, Abstract 13, in Fort Bend County, Texas; Said 24.506 acre tract being all of a called 22.507 acre tract of land recorded in the name of Golden Power Capital, LLC, in Fort Bend County Clerk's File Number (F.B.C.C.F. No.) 2016086714 and all of a called 2.0 acre tract of land recorded in the name of Ming & Shu Development, LLC, in F.B.C.C.F. No. 201006905; Said 24.506 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System of 1983, South Central Zone):

**BEGINNING**, at a 3/4-inch iron pipe found at the easterly corner of said 2.0 acre tract and the northerly corner of Unrestricted Reserve "D" of Brazos Crossing, Sec 1, a subdivision of record in Plat No. 20090012 of the Fort Bend County Plat Records (F.B.C.P.R.), on the southwest Right-of-Way (R.O.W.) line of State Highway 6 (one hundred eighty feet wide);

**THENCE**, with the southeast lines of said 2.0 acre and said 22.507 acre tract and with the northwest lines of said Unrestricted Reserve "D" and Unrestricted Reserve "A" of said Brazos Crossing, Sec 1, the following three (3) courses:

1. South 50° 49' 03" West, a distance of 416.85 feet to a 3/4-inch iron pipe found at the southerly corner of said 2.0 acre tract;
2. North 39° 22' 27" West, a distance of 104.30 feet to a 5/8-inch capped iron rod found at an angle point;
3. South 50° 49' 03" West, a distance of 47.54 feet to a 5/8-inch capped iron rod found at the southerly corner of said 22.507 acre tract, the northwesterly corner of said Unrestricted Reserve "A", the northerly corner of a called 1.8279 acre tract of land recorded in the name of Fort Bend County Municipal Utility District (F.B.C.M.U.D.) No. 46 and the most easterly south corner of a called 4.0259 acre tract of land recorded in the name of F.B.C.M.U.D. No. 46 in F.B.C.C.F. No. 2005084276;

**THENCE**, with the southwest lines of said 22.507 acre tract and the northeast lines of said 4.0259 acre tract, the following five (5) courses:

1. North 39° 10' 57" West, a distance of 217.68 feet to a 5/8-inch iron rod found at an angle point;

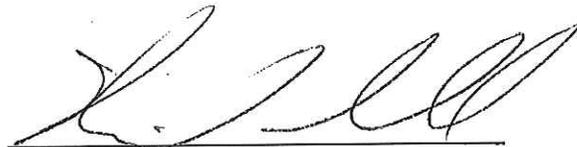
EXHIBIT A, PAGE 2 OF 2 PAGES

2. North 70° 12' 02" West, a distance of 581.65 feet to a 5/8-inch capped iron rod found at an angle point;
3. North 52° 18' 10" West, a distance of 272.83 feet to a 5/8-inch iron rod found at an angle point;
4. North 45° 47' 37" West, a distance of 467.83 feet to a 5/8-inch iron rod found at an angle point;
5. North 35° 40' 26" West, a distance of 24.56 feet to a 5/8-inch capped iron rod set for the westerly northwest corner of said 22.507 acre tract and the northerly northeast corner of said 4.0259 acre tract, on the southeast line of a called 11.5583 acre tract of land recorded in the name of F.B.C.M.U.D. No. 46 in F.B.C.C.F. No. 2005099347;

**THENCE**, North 52° 45' 01" East, with the northwest line of said 22.507 acre tracts and the southeast lines of said 11.5583 acre tract and Unrestricted Reserves "C1" and "E" of Midtown Market Reserves "C1", "D" and "E", a subdivision of record in Plat No. 20100124 of the F.B.C.P.R., at a distance of 639.64 feet pass a 5/8-inch iron rod found at the easterly corner of said Unrestricted Reserve "C1" and the southerly corner of said Unrestricted Reserve "E", continuing in all a distance of 879.26 feet to a 5/8-inch iron rod found at the northerly corner of said 22.507 acre tract and the easterly corner of said Unrestricted Reserve "E", on the southwest R.O.W. line of said State Highway 6;

**THENCE**, South 39° 10' 57" East, with the northeast lines of said 22.507 acre tract and said 2.0 acre tract, at a distance of 1,337.04 feet pass a 3/4-inch iron pipe found at the northerly corner of said 2.0 acre tract, continuing in all a distance of 1,545.74 feet to the **POINT OF BEGINNING** and containing 24.506 acres of land, **SAVE AND EXCEPT** a called 0.0574 acre tract of land recorded in the name of F.B.C.M.U.D. No. 46 in F.B.C.C.F. No. 2005084273, leaving a net acreage of 24.448 acres of land.

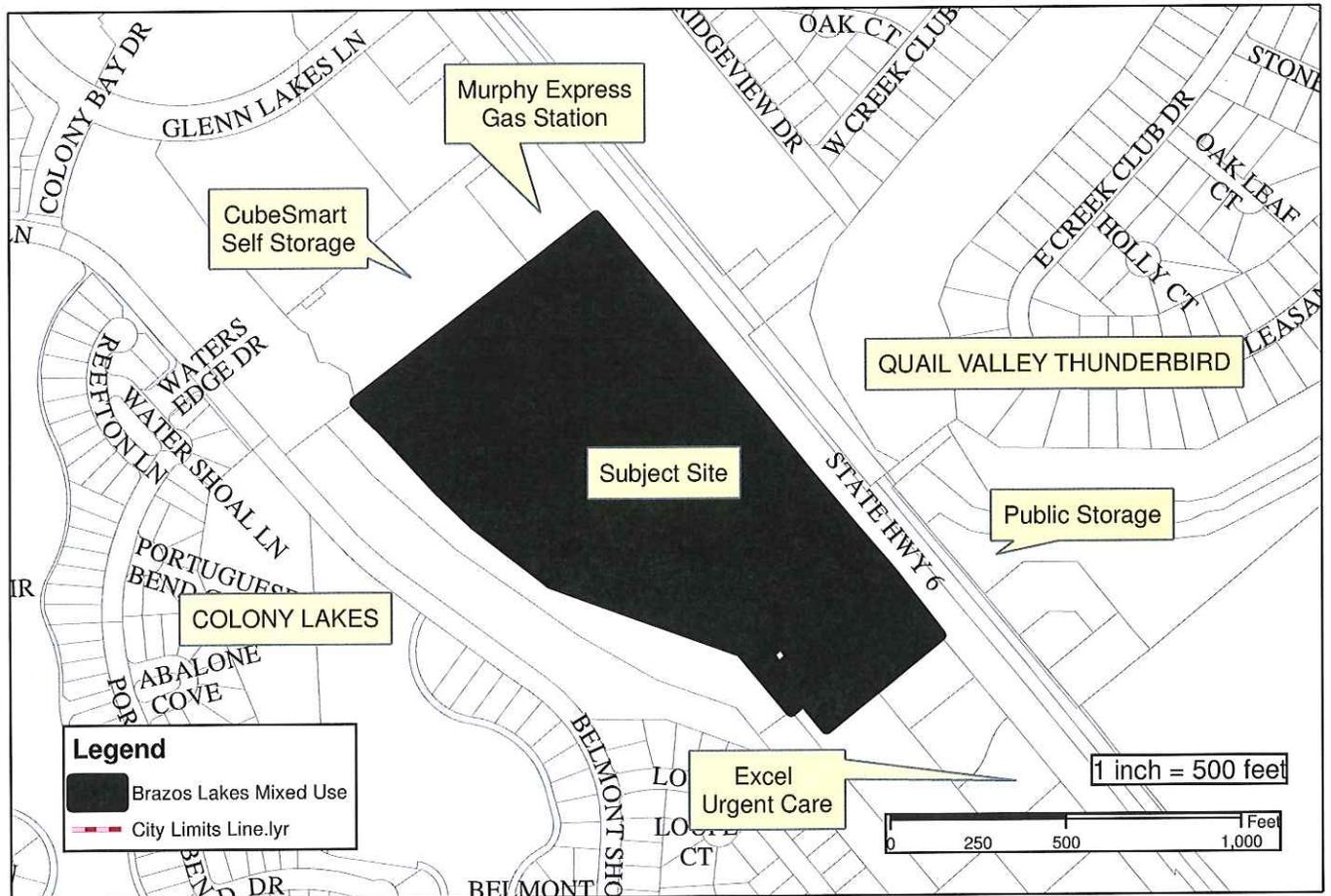
A Standard Land Survey of the herein described tract was prepared in conjunction with and accompanies this description.



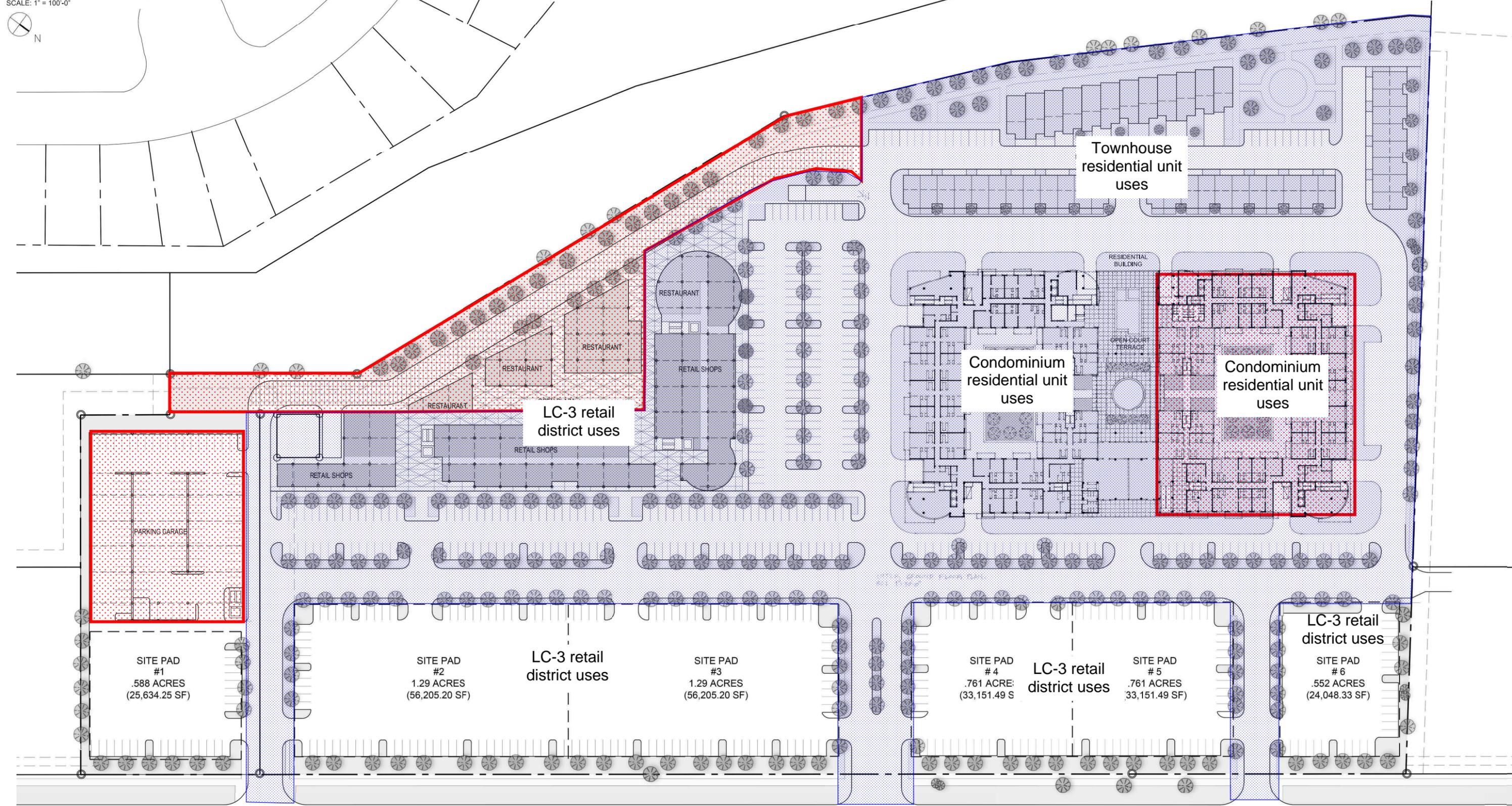
Michael Hall, R.P.L.S.  
Texas Registration Number 5765



CIVIL-SURV LAND SURVEYING, LC  
PH: (713) 839-9181  
April 19, 2018



MASTER PLAN - UPPER LEVEL  
 SCALE: 1" = 100'-0"



Phase 1 - Development  
 Phase 2 - Development

PARKING GARAGE

SITE PAD #1  
 .588 ACRES  
 (25,634.25 SF)

SITE PAD #2  
 1.29 ACRES  
 (56,205.20 SF)

LC-3 retail district uses

SITE PAD #3  
 1.29 ACRES  
 (56,205.20 SF)

SITE PAD #4  
 .761 ACRES  
 (33,151.49 SF)

LC-3 retail district uses

SITE PAD #5  
 .761 ACRES  
 (33,151.49 SF)

LC-3 retail district uses

SITE PAD #6  
 .552 ACRES  
 (24,048.33 SF)

Townhouse residential unit uses

Condominium residential unit uses

Condominium residential unit uses

RESTAURANT

RESTAURANT

RESTAURANT

RESTAURANT

RETAIL SHOPS

RETAIL SHOPS

RETAIL SHOPS

RESIDENTIAL BUILDING

OPEN COURT TERRACE

PHASE 1 - GROUND FLOOR PLAN  
 6/5/19



Exhibit D  
3 pages  
Landscape and Tree Preservation Plans

These plans do not reflect additional green space (green belt) and open space added as recommended by the P&Z Commission on July 11, 2018 and as shown in Exhibit B, Site Plan, The greenbelt and open space as required by the city's zoning ordinance for Townhome residential and Condominium uses are required.

MASTER PLAN - GROUND FLOOR  
 SCALE: 1" = 100'-0"



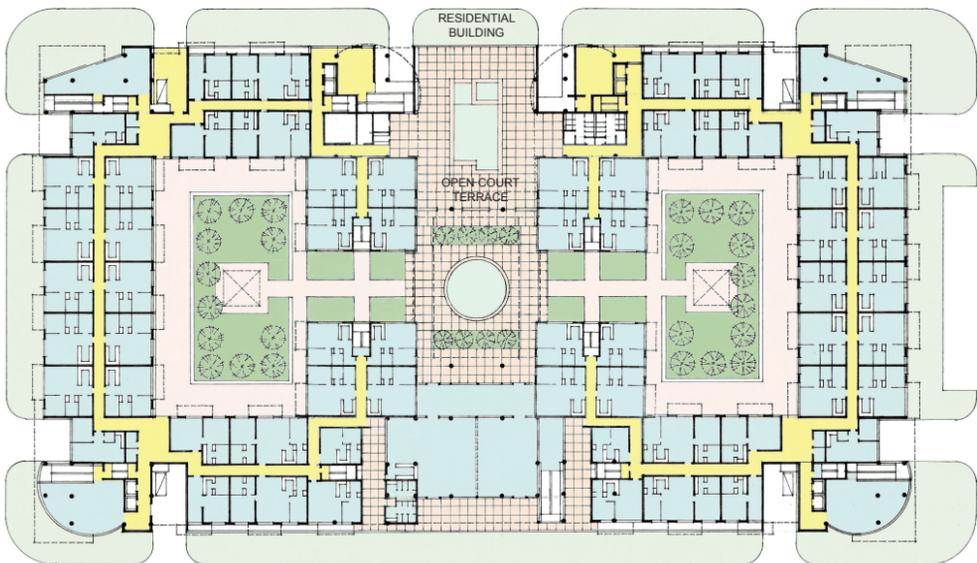
HWY 6

- KEYNOTE LEGEND:**
- ① - LOADING & SERVICES LOCATION
  - ② - DUMPSTER LOCATION
  - ③ - SIGN LOCATION
  - ④ - MONUMENT SIGN LOCATION

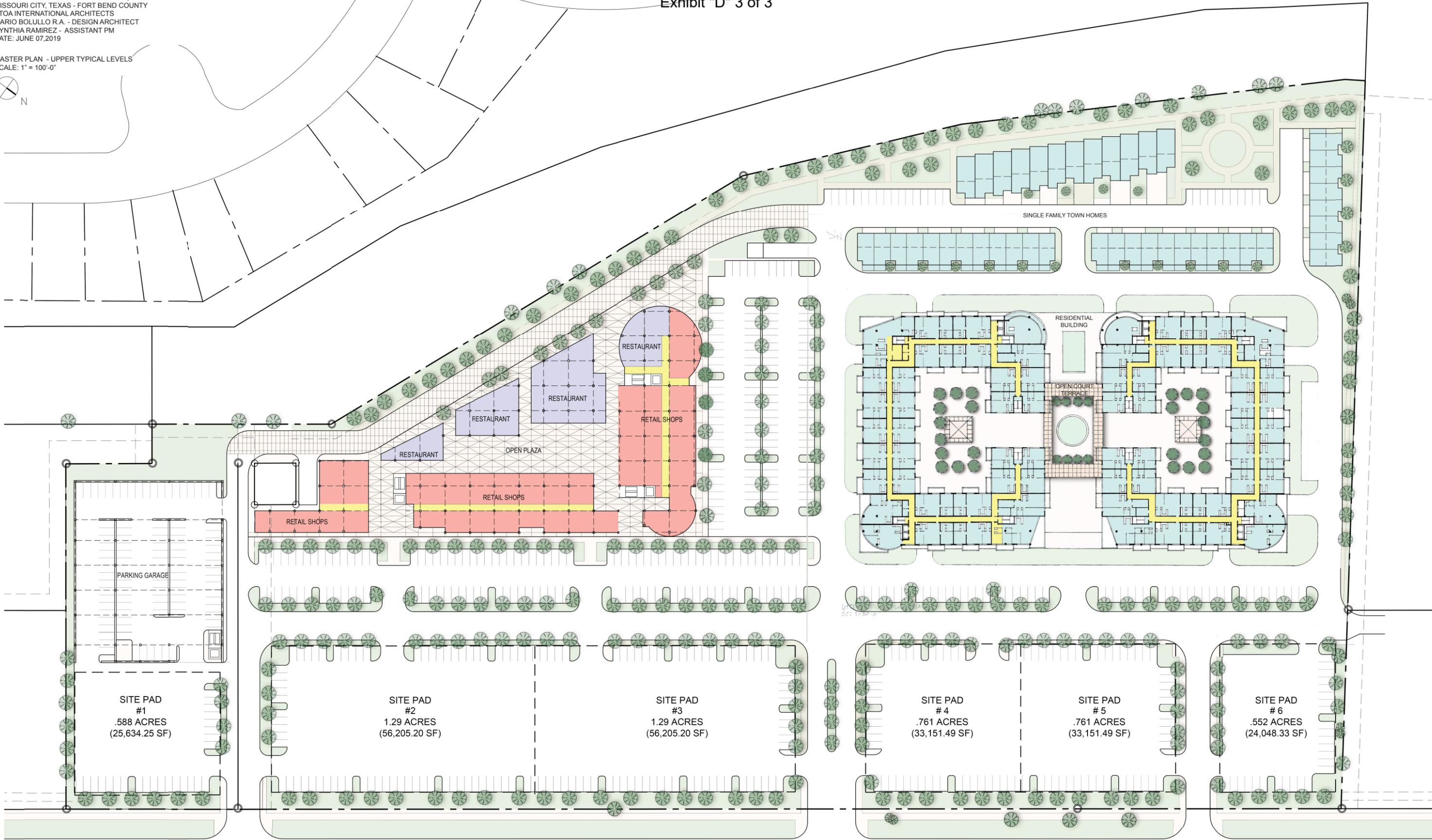
MASTER PLAN - UPPER LEVEL  
SCALE: 1" = 100'-0"



SITE #4, GROUND FLOOR PLAN.  
SC: 1" = 30'-0"



MASTER PLAN - UPPER TYPICAL LEVELS  
SCALE: 1" = 100'-0"



**ORDINANCE NO. O-20 \_\_**

**AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING PD PLANNED DEVELOPMENT DISTRICT NO. 106; DESCRIBING SAID 24.45 ACRES OF LAND; REGULATING AND RESTRICTING THE DEVELOPMENT AND USE OF PROPERTY WITHIN SUCH PD PLANNED DEVELOPMENT DISTRICT; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MISSOURI CITY; PROVIDING FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.**

\* \* \* \*

WHEREAS, Golden Power Capital, LLC, is the owner of approximately 22.45 acres of land and Ming & Shu Development, LLC, is the owner of approximately 2.0 acres of land for a total of approximately 24.45 acres of land within the corporate limits of the City of Missouri City, Texas (the "Property"); and

WHEREAS, the Property presently has a zoning classification of PD Planned Development District No.106 under Ordinance No. O-18-20, adopted on August 20, 2018; and

WHEREAS, the owner's agent, Cynthia Ramirez, has made application to the City of Missouri City to amend PD Planned Development District 106; and

WHEREAS, pursuant to Section 8.3 of the City of Missouri City Zoning Ordinance, said application was submitted to the City of Missouri City with proof of unified ownership or control of all of the Property; and

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

WHEREAS, the City of Missouri City Planning and Zoning Commission has issued its final report and the City Council of the City of Missouri City now deems it appropriate to grant such requested amendment to PD Planed Development District No. 106; now, therefore,

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

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

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

Section 3. The zoning classification of the Property is PD Planned Development District No. 106. The Property can be described as being the property described in Exhibit “A”, and is depicted in Exhibit “A-1”, attached hereto and made a part hereof for all purposes. Exhibit “A-1” shall be for reference purposes only. In the event that Exhibit “A” conflicts with Exhibit “A-1”, Exhibit “A” shall prevail.

Section 4. The planned development district shall be developed in accordance with the Missouri City Code, including the City of Missouri City Zoning Ordinance, and is subject to the following regulations and restrictions:

- A. Purpose.** The zoning regulations of PD Planned Development District No. 106 herein are established in accordance with the Comprehensive Plan for promoting the health, safety and general welfare of the City of Missouri City, Texas and its inhabitants. Each regulation is designated to lessen congestion on the streets; to secure safety from fire, panic and other dangers; to facilitate adequate provisions for transportation; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; or to facilitate adequate provisions of water. The planned development district may include residential and commercial uses. Improvements to the site shall be designed to enhance the overall urban design and nature of the surrounding area.
- B. Site Plan.** The planned development district shall be generally developed in accordance with the revised site plan, Exhibit “B,” attached hereto and made a part hereof for all purposes.
- C. Use regulations.** In the planned development district, no building, structure, or land shall be used and no building or structure shall be hereafter erected, reconstructed, altered or enlarged except as provided in this Ordinance.

The following uses are allowed:

1. LC-3 retail district uses.
2. Townhouse residential unit uses.
3. Condominium residential unit uses as described below:
  - a. **Phase 1:** At least 50 percent of the condominium residential unit uses constructed in Phase 1 shall be restricted to residents at least 55 years of age (hereinafter referred to as “age restricted”), provided that the owner, manager, operator, or agent of such uses shall provide the Missouri City director of development services with verification of the age of residents at least annually in a manner acceptable under the Housing for Older Persons Act, as such act may be amended from time to time. The remaining 50 percent of the condominium residential unit uses constructed in Phase 1 are not required to be restricted to residents at least 55 years of age (hereinafter referred to as “non-age restricted”).

- b. **Phase 2:** Except as provided herein, in Phase 2, condominium residential unit uses shall be restricted to age restricted units. Condominium residential unit uses may be non-age restricted if the market demand, as determined by an independent market study of condominium residential unit uses constructed on the Property in Phase 1, for non-age restricted units on the Property is greater than the market demand for age-restricted units.

**D. Height and area regulations.** The following height and area regulations shall apply.

1. *LC-3 retail district uses:* The height and area regulations set forth in set forth in Subsection 7.12, LC-3 retail district, of the City of Missouri City Zoning Ordinance shall apply to LC-3 retail district uses.
2. *Townhouse residential unit uses:* Except as provided herein, the height and area regulations contained in Subsection 7.6, R-5 townhouse residential district, of the City of Missouri City Zoning Ordinance shall apply to townhouse residential unit uses. The front, rear, and side yard; lot width; and lot area standards set forth in the site plan, Exhibit "B," are allowed.
3. *Condominium residential unit uses:* Except as provided herein, the height and area regulations contained in Subsection 7.7, R-6 condominium residential district, of the City of Missouri City Zoning Ordinance shall apply to condominium residential unit uses. The height of a building or structure for a condominium residential unit use shall not exceed ~~the height restrictions for a building or structure located in an LC-3 retail district as set forth in Subsection 7.12, LC-3 retail district, of the City of Missouri City Zoning Ordinance~~ four (4) stories, and a maximum of 296 condominium dwelling units are allowed.

**E. Building regulations.** The building regulations contained in Subsection 7.12, LC-3 retail district, of the City of Missouri City Zoning Ordinance shall apply to all buildings and structures constructed in PD Planned Development District No. 106.

**F. Architectural standards.** Except as provided herein, all buildings and structures constructed in the planned development district shall be constructed in accordance with Section 7A, Architectural Design Standards, of the City of Missouri City Zoning Ordinance.

1. Any provision that violates Title 10, of Subtitle Z, of Chapter 3000, of the Texas Government Code shall not be enforced.
2. All townhouse residential unit use buildings and structures shall be constructed in compliance with the architectural standards of Section 7A,

Architectural Design Standards, of the City of Missouri City Zoning Ordinance.

2. The primary material for the exterior of all buildings and structures shall consist of brick. The same brick material shall be used throughout the planned development district.
3. Accent materials for the exterior of all buildings and structures may include the following:
  - a. Calcium silicate smooth masonry unit;
  - b. Modular face brick, blend sunset or similar;
  - c. Senerflex classic PB Wall System by “Senergy” with Perma-Lath reinforcing mesh and weatherproof base and finish coats;
  - d. Exterior storefront and glass wall systems (aluminum, clear, anodized frames with one-fourth ( $\frac{1}{4}$ ) of an inch thick tinted vision glass; one-fourth ( $\frac{1}{4}$ ) of an inch thick tinted spandrel glass, and aluminum doors and sidelites); and
  - e. Clear, anodized extruded aluminum and one-fourth ( $\frac{1}{4}$ ) of an inch thick tinted vision glass.
4. Rainwater systems and equipment are not required to meet the architectural design standards set forth in Section 7A, Architectural Design Standards, of the City of Missouri City Zoning Ordinance, provided that such systems and equipment shall be constructed as depicted in Exhibit “C”.
5. At least one garage with square footage sufficient to house a minimum of two seven-foot by 18-foot automobiles in addition to normal yard maintenance equipment is not required for each condominium unit.

**G. Garage.** Except as provided herein, the garage regulations set forth in Section 9.8 of the City of Missouri City Zoning Ordinance shall apply to townhouse residential unit and condominium residential unit uses.

1. The parking depicted and described in the site plan, Exhibit “B”, is allowed as depicted and described.

**H. Trash disposal regulations.** Except as provided herein, the trash disposal regulations contained in Subsection 9.14, Trash disposal regulations, of the City of Missouri City Zoning Ordinance shall apply.

1. *LC-3 retail district uses:* The trash disposal regulations for nonresidential zones, specifically, LC-3 retail districts, shall apply to LC-3 retail district uses.
2. *Townhouse residential unit and condominium residential unit uses:* The trash disposal regulations for residential zones, specifically, R-5

townhouse residential and R-6 condominium residential districts, shall apply to townhouse residential unit and condominium residential unit uses, respectively.

- I. **Portable storage unit regulations.** The portable storage unit regulations contained in Section 9.15, Portable storage unit regulations in suburban and residential districts, of the City of Missouri City Zoning Ordinance shall apply to townhouse residential unit and condominium residential unit uses.
- J. **Outside placement, storage, sales and services regulations.** Outside placement, storage, sales and services of materials, merchandise, and equipment are prohibited.
- K. **Landscaping regulations.** Except as provided herein, the landscaping, screening, and buffer yard regulations for R-5 townhouse residential districts, R-6 condominium residential districts, and LC-3 retail district uses, as applicable, contained in Section 11, Landscaping, of the City of Missouri City Zoning Ordinance shall apply to townhouse residential unit uses, condominium residential unit uses, and LC-3 retail district uses, respectively.
  - 1. The landscaping, screening, and buffer yards depicted and described in the landscaping plan, Exhibit "D", are allowed as depicted and described.
  - 2. There shall be a greenbelt of 30 feet adjacent to all property lines. Buildings, streets and parking may be built immediately adjacent to the greenbelt. There shall be a yard of 15 feet between buildings and private streets, driveways and parking areas. Steps, unenclosed porches, fences, patios or courts are allowed in yards. The developer shall have the option to provide the greenbelt or an equivalent green area within the development in addition to all required yards.
  - 3. [The existing masonry fence located adjacent to the Colony Lakes residential subdivision along the southern boundary of the Property shall be maintained by the Property owner, a property management association, or a similar entity.](#)
- L. **Parking regulations.** Except as provided herein, the parking regulations contained in Section 12, Parking Regulations, of the City of Missouri City Zoning Ordinance shall apply.
  - 1. The parking depicted and described in the site plan, Exhibit "B", is allowed as depicted and described.
- M. **Sign regulations.**
  - 1. *LC-3 retail district uses.* The sign regulations for nonresidential zoning districts contained in Section 13, Sign Regulations, of the City of Missouri City Zoning Ordinance shall apply to LC-3 retail district uses.

2. *Townhouse and condominium residential unit uses.* The sign regulations for residential zoning districts contained in Section 13, Sign Regulations, of the City of Missouri City Zoning Ordinance shall apply to townhouse residential unit and condominium residential unit uses.

**N. Fence regulations.**

1. *LC-3 retail district uses.* The fence regulations contained in Section 14, Fence Regulations, of the City of Missouri City Zoning Ordinance for LC-3 retail districts shall apply to LC-3 retail district uses.
2. *Townhouse residential unit uses.* The fence regulations contained in Section 14, Fence Regulations, of the City of Missouri City Zoning Ordinance for R-5 townhouse residential districts shall apply to townhouse residential unit uses.
3. *Condominium residential unit uses.* The fence regulations contained in Section 14, Fence Regulations, of the City of Missouri City Zoning Ordinance for R-6 condominium residential districts shall apply to condominium residential unit uses.

- O. Amenities.** A multipurpose clubhouse and large meeting room shall be constructed in accordance with the development schedule provided for by Section 4.Q of this Ordinance.

**P. Performance Standards.**

1. *Noise.*
  - a. Buildings occupied by LC-3 retail district uses shall incorporate interior acoustical treatments that minimize sound outside of such buildings.
  - b. Except as provided herein, the amplification of sound outside of buildings and structures after 10:00 pm on Sundays through Thursdays and after 11:00 pm on Fridays and Saturdays is prohibited. Sound emanating from restaurant drive-through speakers is allowed.

- Q. Minor Modifications.** The following minor modifications are allowed provided that such modifications shall be reviewed for compliance with the Missouri City Code and this Ordinance and approved by the administrative official as evidenced by a memorandum filed by the administrative official or his designee with the city secretary:

1. Modifications to internal street patterns are allowed.
2. Modifications to the total acreage provided for each use district set forth in Exhibit "B" are allowed, provided that such modifications, or a series of such modifications, shall not result in a net increase of 10 percent or more or in a net decrease of 10 percent or more in the acreage for such use.

**R. Development schedule.** If a plat application for Phase II is not filed by the fifth anniversary of the filing date of the original application to this this planned development district, Exhibit B shall expire. If Exhibit B expires, the applicant shall make an application for an amendment to this PD for a new Exhibit B before any additional building permit or certificate of occupancy is issued. The planned development shall be developed in two phases as follows:

1. Phase 1. Phase 1 shall commence on the date on which this Ordinance becomes effective. Construction of a minimum of 103,200 square feet of one or more buildings designated for LC-3 retail district uses in compliance with this Ordinance shall be completed before or contemporaneously with the submission of an application for a certificate of zoning compliance for any townhouse residential unit or condominium residential unit uses. A maximum of 148 residential units may be constructed in Phase 1. Construction of the multipurpose clubhouse required by Subsection 4.N shall be completed in compliance with this Ordinance before or contemporaneously with the submission of an application for a building permit for residential units in Phase 2.
2. Phase 2: Phase 2 shall commence after the date on which: (a) the construction of all of Phase 1 residential units are completed; and (b) for residential units, all certificate of occupancies are issued, and, for the commercial development, 70 percent of the total square footage of the commercial development constructed in Phase II is complete and certificates of occupancy have been issued. Construction of a minimum of 103,200 square feet of one or more new buildings designated for LC-3 retail district uses, which shall be in addition to the existing buildings designated for LC-3 retail district uses constructed in Phase 2, shall be completed before or contemporaneously with the submission of an application for zoning compliance for any additional residential units to be constructed in Phase 2.

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

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

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

Section 8. *Repeal.* Ordinance Number Ordinance No. O-18-20, adopted by the City Council of the City of Missouri City on August 20, 2018, is hereby repealed only to the extent of conflict with this Ordinance. Any ordinance or any other part of any other ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

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

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

PASSED and APPROVED on first reading this 6<sup>th</sup> day of April, 2020.

PASSED, APPROVED and ADOPTED on second and final reading this 20<sup>th</sup> day of April, 2020.

\_\_\_\_\_  
Yolanda Ford, Mayor

ATTEST:

APPROVED AS TO FORM:

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

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



Document comparison by Workshare 9.5 on Thursday, April 16, 2020 12:31:15 PM

Input:	
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Document 2 ID	W:\Legal Department\Zoning\Zoning Map Amendments\2020\PD 106\2020.2 Brazos Lakes PD Ordinance.DOC
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Moved cell	
Split/Merged cell	
Padding cell	

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Murphy Express Gas Station

CubeSmart Self Storage

QUAIL VALLEY THUNDERBIRD

Subject Site

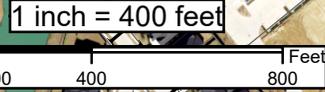
Public Storage

COLONY LAKES

Excel Urgent Care

**Legend**

- City Limits Line.lyr
- Brazos Lakes Mixed Use





**City of Missouri City  
NOTICE OF MEETING**

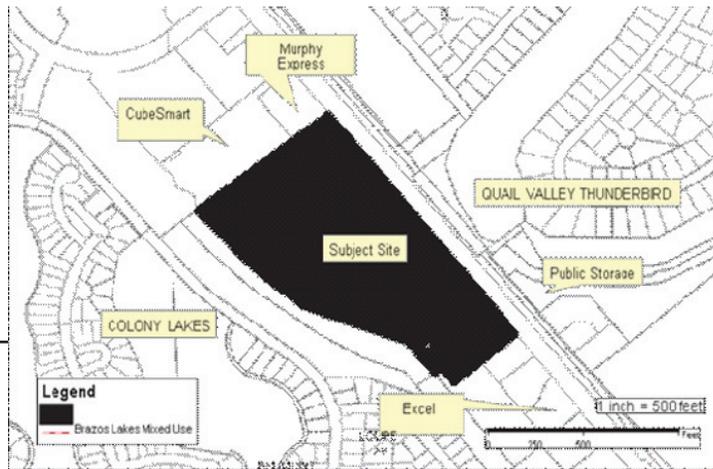
**LOCATION/DATE:** The City Council of the City of Missouri City will hold a public hearing on Monday, April 6, 2020, at the City Council Chambers – 2nd Floor, City Hall Building, 1522 Texas Parkway (FM-2234), Missouri City, Texas at 7:00 p.m.

**PURPOSE:** To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

**SITE LOCATION:** The subject site is located north of Excel Urgent Care, south of a Murphy Express gas station and Cube Smart self-storage, east of Quail Valley Thunderbird and a Public Storage, and west of Colony Lakes residential subdivision.

**SITE LEGAL DESCRIPTION:** The subject site can be described as being a tract of land containing 24.506 acres, located in the David Bright League, A-13, in Fort Bend County, Texas, said 24.506 acre tract being all of a called 22.507 acre tract of land recorded in the name of Golden Power Capital, LLC, in Fort Bend County Clerk's File (F.B.C.C.F.) No. 2016086714 and all of a called 2.0 acre tract of land recorded in the name of Ming & Shu Development, LLC, in F.B.C.C.F. No. 201006905, save and except a called 0.0574 acre tract of land recorded in the name of Fort Bend County Municipal Utility District No. 46 in F.B.C.C.F. No 2005084273, leaving a net acreage of 24.448 acres of land.

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



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

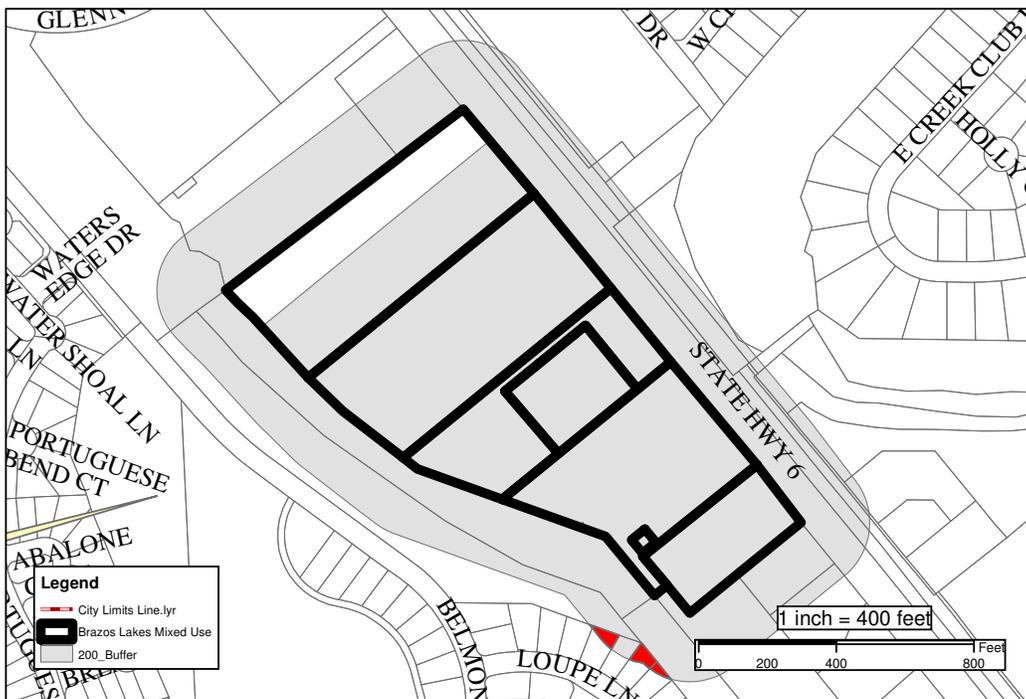
**Application:** Brazos Lakes - PD 106 Amendment

**City Council First Reading:** April 6, 2020

**Protest Letters Received**

Name	Property Address OR Fort Bend County Account Number	Land Area (Square Feet) Within 200 Feet
Ann Schneider	6815 Loupe Ln	43.53
Anderson Cecile W & Roland B	6831 Loupe Ln	1,091.52
Kevin Zhang	6819 Loupe Ln	2,290.76
Babu Thomas	6827 Loupe Ln	2,745.25
<b>Total Area Represented by Protest(s):</b>		<b>6,171.06</b>
Total Land Area <b>Including</b> Subject Site:		3,052,008.40
Subject Site <b>Only</b> Land Area:		1,067,481.36
Total Land Area <b>Only Within 200 Feet</b> of Subject Site:		1,984,527.04
<b>Protest(s) Percentage of Land Area Within 200 Feet:</b>		<b>0%</b>

**Note:** A total of 0 letters of support and 22 letters of protest has been received for the application request as of April 1, 2020.



## 13. Protest Letters

- a. Sent February 28, 2020 for the  
March 11th P&Z meeting



DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY MISSOURI CITY, TEXAS 77489

Received Development Services - Planning 03/11/2020

February 28, 2020

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing  
Wednesday, March 11, 2020  
City Council Chambers  
2nd Floor, City Hall Building  
1522 Texas Parkway (FM 2234), 7:00 PM

To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development, and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

Dear City Representatives:

X We protest this proposed rezoning because of the negative effect to our Property values and our privacy. We're concerned about the expansion from 3 stories to 5 because of its visual impact on our community as well as additional traffic in the area, odor from restaurants and noise from restaurants and outdoor music. All of the homeowners chose to live here because of the natural setting & wildlife behind our homes. You are now asking us to look at 2-story buildings instead. This is not acceptable.

Ann J. Schneider  
Signature

Ann J. Schneider  
Print Name

6815 Louisa Lane  
Street Address

Colony Lakes  
Subdivision

Phone Number

Return to: Development Services  
Department - Planning Division  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX: (281)403-8962  
EMAIL: [planning@missouricitytx.gov](mailto:planning@missouricitytx.gov)

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

Ann J. Schneider  
Print Name

Ann J. Schneider  
Signature

Protest this proposed rezoning because of the negative effect to our property values and our privacy. We're concerned about the expansion from 3 stories to 5 because of its visual impact on our community as well as additional traffic in the area, odor from restaurants and noise from restaurants and outdoor music. All of the homeowners chose to live here because of the natural setting & wildlife behind our homes. You are now asking us to look at 2-story buildings instead. This is not acceptable.

**From:** Ann Schneider  
**Sent:** Wednesday, March 11, 2020 1:01 PM  
**To:** Jennifer Thomas Gomez  
**Subject:** Re: Objection to Brazos Lakes Proposal

**CAUTION:** This email originated from outside of the City of Missouri City organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jennifer— thank you for adding my form to the others. Another thing I thought of— is the economic effects that the Coronaviru might have on our economy here and elsewhere—but it’s a bit early to know what will happen in the future.

Thank you again,  
Ann Schneider

Sent from my iPhone

On Mar 11, 2020, at 10:22 AM, Jennifer Thomas Gomez <Jennifer.ThomasGomez@missouricitytx.gov> wrote:

Thank you. We’ve received this protest pertaining to the requested amendments to PD No. 106.

We will forward your letter to the Planning and Zoning Commission (P&Z Commission) for their consideration tonight, Wednesday, March 11<sup>th</sup> at 7:00 pm. The P&Z Commission will vote on a recommendation to send to the City Council after holding a public hearing. The P&Z Commission meeting will be held at City Hall (1522 Texas Pkwy) in the City Council Chambers on the 2<sup>nd</sup> floor.

Background materials for the P&Z Commission are available on the city’s website at:  
<http://www.missouricitytx.gov/DocumentCenter/View/11909/03-11-2020-PZ-Agenda-Pckt>.

At this time, the project is scheduled for the April 6<sup>th</sup> City Council regular agenda for a public hearing and consideration of the amendment.

Let us know if you have any questions.

Thanks.



**Jennifer Thomas Gomez, AICP | Planning Manager**

1522 Texas Parkway | Missouri City, TX 77489

t. 281.403.8547 | f. 281-403-8962

website | map | email    

~ A Safe, Scenic City rated one of America’s “Best” Places to Live ~

The Mission of the City Government of Missouri City is to provide municipal services in a financially responsible and customer friendly manner, while engaging our residents. How can we better serve you? Take our [customer satisfaction survey](#).

---

**From:** Ann Schneider

**Sent:** Tuesday, March 10, 2020 9:32 PM

**To:** Jennifer Thomas Gomez <Jennifer.ThomasGomez@Missouricitytx.gov>

**Subject:** Objection to Brazos Lakes Proposal

CAUTION: This email originated from outside of the City of Missouri City organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please present this for me at the Planning and Zoning meeting tomorrow.

Thank you,

Ann Schneider

<image001.jpg>

Sent from my iPhone



DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

February 28, 2020

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

Received Development  
Services Planning -  
03/10/2020

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:  
Wednesday, March 11, 2020  
City Council Chambers  
2nd Floor, City Hall Building  
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by Cynthia Ramirez, STCA Architects to amend PD, Planned Development District No. 100 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

Dear City Representatives:

We protest this proposed rezoning because *HIGH POPULATION DENSITY  
DECREASE OF PROPERTY VALUES*

We support this proposed rezoning because

Sincerely,

*Johany Chow*

*JOHANY CHOW*

Signature *316 BEAUMONT SUITE 111  
MISSOURI CITY TX 77489*

Print Name

*JOHANY CHOW*

Street Address

Subdivision

Phone Number

Return to Development Services  
Department - Planning Division  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX: (281)403-8962  
EMAIL: [planning@missouricitytx.gov](mailto:planning@missouricitytx.gov)

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

*JOHANY CHOW*

Print Name

*Johany Chow*  
Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

February 28, 2020

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:
Wednesday, March 11, 2020
City Council Chambers
2nd Floor, City Hall Building
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

\*\*\*\*\*

Dear City Representatives:

[X] I/We protest this proposed rezoning because

\_\_\_ I/We support this proposed rezoning because

[Signature]
Sincerely,

Signature
6831 Loupe Lane

Street Address
2816396113
Phone Number

Roland Anders on
Cecile Wynter Anderson

Print Name
Colony Lakes

Subdivision
Return to: Development Services
Department – Planning Division
1522 Texas Parkway
Missouri City, TX 77489
FAX: (281)403-8962
EMAIL: planning@missouricitytx.gov

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Cecile Wynter Anderson
Print Name

[Signature]
Signature
City of Missouri City, TX

Received

MAR 16 2020

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY MISSOURI CITY, TEXAS 77489

February 28, 2020

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:
Wednesday, March 11, 2020
City Council Chambers
2nd Floor, City Hall Building
1522 Texas Parkway (FM 2234); 7:00 PM

Received Development
Services - Planning
03/10/2020

To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend
PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use,
commercial and residential development; and to the extent such zoning deviates from the Future
Land Use and Character map of the Comprehensive Plan, to provide for an amendment
therefrom.

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

Dear City Representatives:

X I We protest this proposed rezoning because
@ High populations Density
I We support this proposed rezoning because

@ Decrease of property values

My comments against a request by Cynthia Ramirez is attached. Basically,
the proposed zoning is increasing already high populations density in our
area, also decreasing of our property values.

Sincerely,

Signature
3503 SHOREVIEW LN
Street Address
Phone Number

SHIRLEY LIU
Print Name
COLONY LAKE
Subdivision
Return to: Development Services
Department – Planning Division
1522 Texas Parkway
Missouri City, TX 77489
FAX: (281)403-8962
EMAIL: planning@missouricitytx.gov

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personal information included can be accessed by the public subject to this Act. Please print and sign your
name below if you do not consent to the release of your personal information to the public.

Print Name Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

February 28, 2020

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:  
Wednesday, March 11, 2020  
City Council Chambers  
2<sup>nd</sup> Floor, City Hall Building  
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

\*\*\*\*\*

Dear City Representatives:

IWe protest this proposed rezoning because

IWe support this proposed rezoning because

Sincerely,

Shie-Jang Wang

Signature

Print Name

6803 Sable River Ct. Missouri City, TX 77489

Colony Lakes

Street Address

Subdivision

Phone Number

Return to: Development Services  
Department – Planning Division  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX: (281)403-8962  
EMAIL: [planning@missouricitytx.gov](mailto:planning@missouricitytx.gov)

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Shie-Jang Wang

Print Name

Signature

City of Missouri City, TX  
Received

MAR 08 2020

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

February 28, 2020

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:

Wednesday, March 11, 2020

City Council Chambers  
2nd Floor, City Hall Building  
1522 Texas Parkway (FM 2234); 7:00 PM

Received Development  
Services - Planning  
03/10/2020

To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

\*\*\*\*\*

Dear City Representatives:

I/We protest this proposed rezoning because

I/We support this proposed rezoning because

Sincerely,



Signature

6807 Shoreview Ct, Missouri City

Street Address

Phone Number

Xiaoyang He

Print Name

Colony Lakes

Subdivision

Return to: Development Services  
Department – Planning Division  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX: (281)403-8962  
EMAIL: [planning@missouricitytx.gov](mailto:planning@missouricitytx.gov)

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Xiaoyang He  
Print Name

  
Signature



DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77459

Received Development Services - Planning 03/10/2020

February 28, 2020

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:
Wednesday, March 11, 2020
City Council Chambers
2nd Floor, City Hall Building
1522 Texas Parkway (FM 2234), 7:00 PM

To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 105 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

Dear City Representatives:

[We protest this proposed rezoning because
HIGH POPULATION DENSITY
DECREASE OF PROPERTY VALUES
[We support this proposed rezoning because

Sincerely, Wing Tin Yung Wing Tin Yung

Signature 3526 BELMONT SUPERVA MISSOURI CITY TX 77459 Print Name COLONY LAKES

Street Address [Redacted] Subdivision Return to Development Services Department - Planning Division 1522 Texas Parkway Missouri City, TX 77489 FAX: (281)403-8962 EMAIL: planning@missouricitytx.gov

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Wing Tin Yung Wing Tin Yung
Print Name Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

February 28, 2020

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

Received Development  
Services - Planning  
03/10/2020

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:  
Wednesday, March 11, 2020  
City Council Chambers  
2nd Floor, City Hall Building  
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

\*\*\*\*\*

Dear City Representatives:

I/We protest this proposed rezoning because  
1) high population density  
2) decrease property values  
 I/We support this proposed rezoning because

address effect on  
cause education quality

Sincerely,

*[Handwritten signature]*

*Zhiming Wang*  
*Sunny Wang*

Signature

Print Name

Street Address

6815 shoreview ct  
Missouri city, TX 77489

Subdivision

Colony Lakes

Phone Number

Return to: Development Services  
Department – Planning Division  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX: (281)403-8962  
EMAIL: [planning@missouricitytx.gov](mailto:planning@missouricitytx.gov)

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Print Name

Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

February 28, 2020

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

Received Development  
Services - Planning  
03/10/2020

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:  
Wednesday, March 11, 2020  
City Council Chambers  
2nd Floor, City Hall Building  
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

\*\*\*\*\*

Dear City Representatives:

I We protest this proposed rezoning because  
1. high population density  
2. decrease of property values.  
3. environment concern  
 I We support this proposed rezoning because

Sincerely,

*[Handwritten Signature]*

Wei Chen

Signature

Print Name

6807 Spanish Bay CT

colony lakes

Street Address

Subdivision

Phone Number

Return to: Development Services  
Department – Planning Division  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX: (281)403-8962  
EMAIL: [planning@missouricitytx.gov](mailto:planning@missouricitytx.gov)

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Wei Chen

*[Handwritten Signature]*

Print Name

Signature

February 28, 2020

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

Received Development  
Services - Planning  
03/10/2020

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:  
Wednesday, March 11, 2020  
City Council Chambers  
2nd Floor, City Hall Building  
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

\*\*\*\*\*

Dear City Representatives:

I/We protest this proposed rezoning because

I/We support this proposed rezoning because

Sincerely,

Signature

4008 Caravel Cir, Missouri City  
TX 77459

Street Address

Phone Number

Print Name

Yong Chen

Subdivision

Colony Lakes

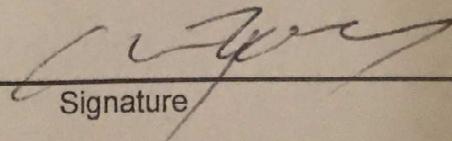
Return to: Development Services  
Department – Planning Division  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX: (281)403-8962  
EMAIL: [planning@missouricitytx.gov](mailto:planning@missouricitytx.gov)

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Print Name

Yong Chen

Signature



## 13. Protest Letters

- b. Sent November 22, 2019 for the December 11th P&Z meeting - project postponed



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

November 22, 2019

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:
Wednesday, December 11, 2019
City Council Chambers
2nd Floor, City Hall Building
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

\*\*\*\*\*

Dear City Representatives:

I/We protest this proposed rezoning because

need a report on the expected impact the project will have such as noise, air quality, public safety and health, vegetation.

I/We support this proposed rezoning because

population density, the school enrollment, the need for sewer and water facilities

Sincerely,

Signature

Street Address

Phone Number

Return to:

Print Name

Subdivision

Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281)403-8962

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

Print Name

Signature

City of Missouri City, TX

Received

DEC 12 2019

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

November 22, 2019

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

Received Development Services - Planning 12/27/2019

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:
Wednesday, December 11, 2019
City Council Chambers
2nd Floor, City Hall Building
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

\*\*\*\*\*

Dear City Representatives:

I/We protest this proposed rezoning because

Concern about Privacy

I/We support this proposed rezoning because

[Empty box for support reason]

Sincerely,

Sally Joseph (Signature)

6835 Loupe Lane (Street Address)

[Redacted] (Phone Number)

Return to:

Sally Joseph (Signature) SALLY JOSEPH (Print Name)

Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281)403-8962

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Sally Joseph (Print Name)

(Signature)

## 13. Protest Letters

- c. Sent November 1, 2019 for the  
November 13th P&Z meeting -  
project postponed



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

November 1, 2019

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:
Wednesday, November 13, 2019
City Council Chambers
2nd Floor, City Hall Building
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

\*\*\*\*\*

Dear City Representatives:

X I/We protest this proposed rezoning because

too high / too dense / Property values in jeopardy

I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely,

Ann J. Schneider (handwritten signature)

Signature

6815 Hoopahn

Street Address

[Redacted]

Phone Number

Return to:

Ann J. Schneider

Print Name

Colony Lakes

Subdivision

Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281)403-8962

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Ann Schneider (handwritten signature)
Print Name

Ann J. Schneider (handwritten signature)
Signature

Received

NOV 13 2019

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

November 1, 2019

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

City of Missouri City, TX

Received

NOV 13 2019

Planning Division

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:  
Wednesday, November 13, 2019  
City Council Chambers  
2nd Floor, City Hall Building  
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

\*\*\*\*\*

Dear City Representatives:

I/We protest this proposed rezoning because  
① SECURITY AND PRIVACY CONCERNS WITHOUT WALL.  
② NOISE FROM OVERCROWDED (140+ MORE FAMILIES)  
③ DECREASED PROPERTY VALUE  
 I/We support this proposed rezoning because

Sincerely,  
  
Signature  
3606 BELMONT SHORE LN.  
Street Address  
[Redacted]  
Phone Number

JOHNNY CHOW  
Print Name  
COLONY LAKES  
Subdivision  
Development Services Department  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX (281)403-8962

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JOHNNY CHOW  
Print Name  
  
Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

November 1, 2019

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

City of Missouri City, TX

Received

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:

Wednesday, November 13, 2019

NOV 13 2019

City Council Chambers  
2<sup>nd</sup> Floor, City Hall Building  
1522 Texas Parkway (FM 2234); 7:00 PM

Planning Division

To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

Dear City Representatives:

\*\*\*\*\*

*No town homes  
it will exploit the area  
+ bring down property values*

We protest this proposed rezoning because

We support this proposed rezoning because

Sincerely,

Signature

Street Address

Phone Number

Return to:

Print Name

Subdivision

Development Services Department  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX (281)403-8962

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Print Name

Signature

*Cecile Wynter Anderson* *Cecile Wynter Anderson*



DEVELOPMENT SERVICES -- PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77469

November 1, 2019

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:
Wednesday, November 13, 2019
City Council Chambers
2nd Floor, City Hall Building
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

\*\*\*\*\*

Dear City Representatives:

[X] I/We protest this proposed rezoning because

- > Removing wall will cause security & privacy concerns of Colony Lakes residents
-> School district zoning policy is NOT aligned w/ this change.
I/We support this proposed rezoning because -> Environmental concerns, wild animals habitat in the nearby pond.

Sincerely,

Shire Jang Wang

Signature

6803 Sableriver Ct, Missouri City, TX 77459

Street Address

Phone Number

Return to:

Shire Jang Wang

Print Name

Colony Lakes

Subdivision

Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281)403-8962

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

Shire Jang Wang

Print Name

Shire Jang Wang

Signature

City of Missouri City, TX
Received

NOV 13 2019

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

City of Missouri City, TX

Received

NOV 13 2019

November 1, 2019

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

Planning Division

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:

Wednesday, November 13, 2019  
City Council Chambers  
2nd Floor, City Hall Building  
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

\*\*\*\*\*

Dear City Representatives:

I/We protest this proposed rezoning because

Property value -  
Security issue. overcrowded. without wall

I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely,

*[Handwritten Signature]*

Signature

Street Address

Phone Number

6815 Shoreview Ct

[Redacted]

Return to:

Print Name

Subdivision

Development Services Department  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX (281)403-8962

Sunny Wang

Colony Lakes

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

Sunny Wang

Print Name

*[Handwritten Signature]*

Signature



DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

November 1, 2019

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:  
Wednesday, November 13, 2019  
City Council Chambers  
2nd Floor, City Hall Building  
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 105 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

\*\*\*\*\*

Dear City Representatives:

I/We protest this proposed rezoning because  
1. Security & Privacy - without a wall/fence, reduces neighborhood security  
2. School district analysis - Any impact to existing FBISD zoning and future school capacity analysis?  
3. Environmental concerns - wild animals habitat in the pond  
 I/We support this proposed rezoning because

Sincerely,  
  
Signature  
4008 Caramel Cir, Missouri City, TX 77489  
Street Address  
[Redacted]  
Phone Number

Yong Chen  
Print Name  
Colony Lakes  
Subdivision  
Development Services Department  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX (281)403-8962

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Yong Chen  
Print Name  
  
Signature

City of Missouri City, TX  
Received

NOV 13 2019

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

City of Missouri City, TX

Received

NOV 13 2019

Planning Division

November 1, 2019

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:

Wednesday, November 13, 2019

City Council Chambers

2nd Floor, City Hall Building

1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

\*\*\*\*\*

Dear City Representatives:

I/We protest this proposed rezoning because

Property Value

Security Issue, over crowded without wall

I/We support this proposed rezoning because

[Empty box for support reason]

Sincerely,

*Whules*

GIZO CHACKO POLACKAL

Signature

Print Name

3539 Belmont Shore Ln

COLONY LAKES

Street Address

Subdivision

Phone Number

Return to:

Development Services Department  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX (281)403-8962

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GIZO CHACKO POLACKAL  
Print Name

*Whules*  
Signature



DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

City of Missouri City, TX

Received

November 1, 2019

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

NOV 13 2019

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:

Wednesday, November 13, 2019

City Council Chambers

2nd Floor, City Hall Building

1522 Texas Parkway (FM 2234); 7:00 PM

Planning Division

To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

\*\*\*\*\*

Dear City Representatives:

I/We protest this proposed rezoning because

Security Issues, overcrowded.

I/We support this proposed rezoning because

Sincerely,

Jose Philip  
Signature  
6814 Shoreview Court

JOSE PHILIP  
Print Name  
Colony LAKES

Street Address  
[Redacted]  
Phone Number

Subdivision  
Development Services Department  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX (281)403-8962

Return to:

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

JOSE PHILIP  
Print Name

Jose Philip  
Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

November 1, 2019

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

City of Missouri City, TX  
Received

NOV 13 2019

Planning Division

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing.

Wednesday, November 13, 2019

City Council Chambers

2<sup>nd</sup> Floor, City Hall Building

1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

\*\*\*\*\*

Dear City Representatives:

I/We protest this proposed rezoning because

It affect eco system/wild life, creates noise, and bring security/privacy concerns. The result will bring down property values.

I/We support this proposed rezoning because

Sincerely,

Signature

6819 Loupe LN, 77459

Street Address

Phone Number

Return to:

Print Name

Subdivision

Development Services Department

1522 Texas Parkway

Missouri City, TX 77489

FAX (281)403-8962

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Print Name

Signature



DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

City of Missouri City, TX  
Received

November 1, 2019

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

NOV 13 2019

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:  
Wednesday, November 13, 2019  
City Council Chambers  
2nd Floor, City Hall Building  
1522 Texas Parkway (FM 2234); 7:00 PM

Planning Division

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

\*\*\*\*\*

Dear City Representatives:

I/We protest this proposed rezoning because

Security, overcrowding  
will lower property value

I/We support this proposed rezoning because

Sincerely,

*Joe Sanchez*  
Joe Sanchez

Signature

3534 Belmont Shore

Street Address

Phone Number

Return to:

Joe Sanchez

Print Name

Colony Lakes

Subdivision

Development Services Department  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX (281)403-8962

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

Print Name

Joe Sanchez

Signature

*Joe Sanchez*



DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

November 1, 2019

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing  
Wednesday, November 13, 2019  
City Council Chambers  
2nd Floor, City Hall Building  
1522 Texas Parkway (FM 2294) 7:00 PM

To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD Planned Development District No. 108 (Ordinance O-10-20) to allow for a mixed use, commercial and residential development, and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

\*\*\*\*\*

Dear City Representatives:

I/We protest this proposed rezoning because:

[Empty text box for protest reasons]

I/We support this proposed rezoning because:

[Empty text box for support reasons]

Sincerely,

*Babu Thomas*

BABU THOMAS

Signature

Print Name

6827 LOUPE LN

COLONY LAKES

Street Address:

Subdivision

Phone Number:

Return to:

Development Services Department  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX (281) 409-0002

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BABU THOMAS

*Babu Thomas*

Print Name

Signature

Stamp: Received

NOV 15 2019

Planning Division



DEVELOPMENT SERVICES -- PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

City of Missouri City, TX

Received

NOV 13 2019

Planning Division

November 1, 2019

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:

Wednesday, November 13, 2019  
City Council Chambers  
2<sup>nd</sup> Floor, City Hall Building  
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

\*\*\*\*\*

Dear City Representatives:

I/We protest this proposed rezoning because

1. to not cause safety concern 2. to not impact the plants or animal in this area. 3. will disrupt residents in colony lake.

I/We support this proposed rezoning because

Sincerely,

Leon Chen  
Signature

LEON CHEN  
Print Name

3606 BELMONT SHORE CT  
Street Address

Subdivision  
Development Services Department  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX (281)403-8962

[Redacted] Return to:  
Phone Number 9

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

LEON CHEN  
Print Name

[Signature]  
Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

City of Missouri City, TX

Received

November 1, 2019

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

NOV 13 2019

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:  
Wednesday, November 13, 2019  
City Council Chambers  
2nd Floor, City Hall Building  
1522 Texas Parkway (FM 2234); 7:00 PM

Planning Division

To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

\*\*\*\*\*

Dear City Representatives:

I/We protest this proposed rezoning because

Security, overcrowding  
will lower property value

I/We support this proposed rezoning because

Sincerely,  
*Patsy Woodard*  
Signature

*Patsy Woodard*  
Print Name

3538 Belmont Shore Ln  
Street Address

Colony Lakes  
Subdivision

[Redacted]  
Phone Number

Return to:

Development Services Department  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX (281)403-8962

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*Patsy Woodard*  
Print Name

*Patsy Woodard*  
Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

City of Missouri City, TX

Received

November 1, 2019

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

NOV 13 2019

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:

Wednesday, November 13, 2019

City Council Chambers

2nd Floor, City Hall Building

1522 Texas Parkway (FM 2234); 7:00 PM

Planning Division

To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

\*\*\*\*\*

Dear City Representatives:

I/We protest this proposed rezoning because

HOUSE VALUE WILL DECREASE.

I/We support this proposed rezoning because

Sincerely,

*Sosamma Daniel*

Signature

SOSAMMA DANIEL

Print Name

3602 BELMONT SHORELN.

Street Address

COLONY LAKES

Subdivision

Phone Number

Return to:

Development Services Department

1522 Texas Parkway

Missouri City, TX 77489

FAX (281)403-8962

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SOSAMMA DANIEL

Print Name

*Sosamma Daniel*

Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

November 1, 2019

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

City of Missouri City, TX

Received

NOV 13 2019

Planning Division

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:  
Wednesday, November 13, 2019  
City Council Chambers  
2<sup>nd</sup> Floor, City Hall Building  
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

\*\*\*\*\*

Dear City Representatives:

We protest this proposed rezoning because

Property Value  
Security issue overcrowded without wall.

We support this proposed rezoning because

[Empty box for support reasons]

Sincerely,

*[Handwritten Signature]*

Signature

3603 Belmont Shore Ln,

Street Address

Phone Number

Return to:

Lien Yin Chang

Print Name

Colony Lakes

Subdivision

Development Services Department  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX (281)403-8962

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Lien Yin Chang

Print Name

*[Handwritten Signature]*

Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

City of Missouri City, TX  
Received

NOV 13 2019

November 1, 2019

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:  
Wednesday, November 13, 2019

Planning Division

City Council Chambers  
2nd Floor, City Hall Building  
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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\*\*\*\*\*

Dear City Representatives:

I/We protest this proposed rezoning because

*dn*  
Security - without a wall or fence  
dropped - declining ~~and~~ property values

I/We support this proposed rezoning because

Sincerely,

*Ronnie Davis*

*Ronnie Davis*

Signature

Print Name

3506 Belmont Shore Lane

Colony Lakes

Street Address

Subdivision

[Redacted]

Return to:

Development Services Department  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX (281)403-8962

Phone Number

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*Ronnie Davis*

*Ronnie Davis*

Print Name

Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

November 1, 2019

City of Missouri City, TX

Received

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

NOV 13 2019

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing.

Wednesday, November 13, 2019  
City Council Chambers  
2<sup>nd</sup> Floor, City Hall Building  
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Planning Division

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

\*\*\*\*\*

Dear City Representatives:

I/We protest this proposed rezoning because

[Empty box for protest reason]

I/We support this proposed rezoning because

[Empty box for support reason]

Sincerely, 

Signature  
6835 Loupeltane

Street Address  
[Redacted]  
Phone Number

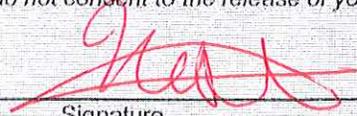
Return to:

Sally Joseph  
Print Name  
Colony Lakes  
Subdivision

Development Services Department  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX (281)403-8962

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Sally Joseph  
Print Name

  
Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

November 1, 2019

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:
Wednesday, November 13, 2019
City Council Chambers
2nd Floor, City Hall Building
1522 Texas Parkway (FM 2234); 7:00 PM

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City of Missouri City, TX

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

Received

NOV 13 2019

\*\*\*\*\*

Dear City Representatives:

Planning Division

X I/We protest this proposed rezoning because

Concern about impact to ~~get~~ Colony Lakes properties near school sources and other information not available

I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely,

[Handwritten signature]

Signature

6811 Loupe LN, Missouri City

Street Address

Phone Number

Return to:

Wendong Xu

Print Name

Colony Lakes

Subdivision

Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281)403-8962

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Wendong Xu

Print Name

[Handwritten signature]

Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

City of Missouri City, TX  
Received

NOV 13 2019

November 1, 2019

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:

Wednesday, November 13, 2019

City Council Chambers

2<sup>nd</sup> Floor, City Hall Building

1522 Texas Parkway (FM 2234); 7:00 PM

Planning Division

To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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\*\*\*\*\*

Dear City Representatives:

I/We protest this proposed rezoning because  
*Security without wall. Decreased Property Value.*  
*Noise from overbowed*

I/We support this proposed rezoning because

Sincerely,  
*Wing Yang*  
 Signature WING YUNG  
 Print Name  
3526 BELMONT SHORE LN. COLONY LAKES  
 Street Address Subdivision  
 [Redacted] Return to: Development Services Department  
 Phone Number 1522 Texas Parkway  
 Missouri City, TX 77489  
 FAX (281)403-8962

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WING YUNG Wing Yang  
 Print Name Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

November 1, 2019

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:

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2<sup>nd</sup> Floor, City Hall Building  
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City of Missouri City, TX  
Received

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

NOV 13 2019

\*\*\*\*\*

Dear City Representatives:

Planning Division

I/We protest this proposed rezoning because  
The apartment should not be over 2 fl.  
Negative impact to Colony Lake Community.

I/We support this proposed rezoning because  
[ ]

Sincerely, [Signature]

Signature  
6807 Loupe Ln.

Street Address  
[Redacted]

Phone Number

Print Name  
Stella Yu

Subdivision  
Colony Lakes

Development Services Department  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX (281)403-8962

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

Print Name  
Stella Yu

Signature  
[Signature]



## CITY COUNCIL AGENDA ITEM COVER MEMO

April 6, 2020

**To:** Mayor and City Council  
**Agenda Item:** 6(e) Consider an ordinance of the City of Missouri City, Texas, amending Chapter 38, Fire Protection and Prevention, of the City Code of Missouri City, Texas.

**Submitted by:** Matthew Rios, Fire Marshal

### SYNOPSIS

This is a request to amend the City Code of Missouri City, Texas Division I, In General, of Article I, Administration and Authority, of Chapter 38, Fire Protection to add general duties of the Missouri City Fire and Rescue Services Department ("the fire and rescue services department"), create a fire protection and prevention division, and consequently establish the fire and rescue services department as a law enforcement agency of the city.

### STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live
- Maintain a financially sound City
- Develop a high performing City team

### BACKGROUND

#### Legal Authority

Article 2.12(7) of the Texas Code of Criminal Procedure designates arson investigators as peace officers if the city commissions an arson unit. Subchapter B of Chapter 419 the Texas Government Code provides rules for municipal fire departments, including the authority to employ law enforcement officers as fire protection personnel (arson investigators). If a fire department employs (commissions) peace officers, Section 1701.163 of the Texas Occupation Code provides certain rules upon the creation of a law enforcement agency that employs peace officers and authorizes further regulation by the Texas Commission on Law Enforcement. Under said rules, Section 211.16 of the Texas Administrative Code, Establishment of an Appointing Entity, provides that an entity authorized by statute to create a law enforcement agency and commission, appoint, or employ peace officers that first creates a law enforcement agency and first begins to commission, appoint, or employ peace officers shall make application to the commission.

#### Need For Action.

In addition to providing fire suppression and emergency management services, the Missouri City Fire and Rescue Services Department functions as a law enforcement agency of the City of Missouri City, Texas. The department is responsible for arson investigations, staffed by peace officers, and provides police orders at emergency scenes. To carry out some of these duties, the department receives certain information from the Federal Bureau of Investigation, using an originating agency number (ORI). With recent changes in personnel, the fire and rescue service department learned that they were using the police department's ORI number, and needs to apply for their own ORI. As indicated above, upon the creation of an agency that employs peace officers, the agency must make an application to the Department of Public Safety (DPS) as a law enforcement agency, and then they can apply for an ORI number. The fire and rescue services department intends to make an application to DPS as a law enforcement agency and for an ORI number. However, in order to do this, it needs explicit authorization from the governing body for its law enforcement

functions. Therefore, city council should adopt the attached ordinance, which will establish general duties for the administration fire and rescue services department, create a fire protection and prevention division (arson unit) thereby clearly establishing the department as a law enforcement agency. This is the first of two readings for this ordinance. No additional, new, or future funds are being requested.

**SUPPORTING MATERIALS**

1. Ordinance

**STAFF'S RECOMMENDATION**

Staff recommends approval.

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

**Assistant City Manager/  
City Manager Approval: Bill Atkinson, Interm City Manager**

**ORDINANCE NO. O-20-\_\_**

**AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING CHAPTER 38, FIRE PROTECTION AND PREVENTION, OF THE MISSOURI CITY CODE; AUTHORIZING THE FIRE AND RESCUE SERVICES DEPARTMENT TO ENFORCE LAWS AND ESTABLISH A FIRE PREVENTION AND COMMUNITY RISK REDUCTION DIVISION; PROVIDING FOR REPEAL; PROVIDING A PENALTY; AND PROVIDING FOR SEVERABILITY.**

\* \* \* \* \*

WHEREAS, pursuant to Section 2-162 of the Missouri City Code, the City of Missouri City established a fire and rescue services department to prevent and extinguish fires and provide rescue and first responder emergency medical services (“the fire and rescue services department”); and

WHEREAS, Subchapter B of Chapter 419 of the Texas Government Code provides that municipal fire departments may employ law enforcement officers as fire protection personnel; and

WHEREAS, the City Council of the City of Missouri City, Texas (“City Council”) desires to establish the fire and rescue services department as a law enforcement agency; and

WHEREAS, the City Council finds it necessary to amend Chapter 38, Fire Protection and Prevention of the Missouri City Code to establish the fire and rescue services department as a law enforcement agency of the City of Missouri City, Texas; now, therefore,

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

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

Section 2. That the Missouri City Code is hereby amended by adding new Sections 38-5 and 38-6 of Division 1 of Article I, of Chapter 38 thereof to provide as follows:

**“CHAPTER 38. FIRE PREVENTION AND PROTECTION**

**ARTICLE I. - IN GENERAL**

**DIVISION 1. - ADMINISTRATION AND AUTHORITY**

. . . .

**Sec. 38-5. - Fire prevention and community risk reduction division.**

- (a) The fire and rescue services department may establish a fire prevention and community risk reduction division of the fire and rescue services department and its personnel shall be charged with the primary duty of enforcing all laws of the state and ordinances of the city relating to the following:
- (1) The prevention of fires;
  - (2) The storage and use of explosives and inflammables;
  - (3) The installation and maintenance of automatic and other fire alarm systems and protection systems, fire extinguishers and equipment;
  - (4) The maintenance and regulation of fire escapes;
  - (5) The means and adequacy of exits from structures in the event of a fire;
  - (6) The investigation of causes, origin and circumstances of fire;
  - (7) The interrogation and arrest of suspects;
  - (8) The conducting of fire prevention campaigns and the circulation of fire prevention literature for the benefit of the general public in the interest of fire prevention and public safety; and
  - (9) Such other duties as may be imposed from time to time by the city manager, the laws of the state, ordinances of the city, and by the chief of the fire and rescue services department and the fire marshal.
- (b) The holder of the position of fire marshal shall be in charge of the fire prevention and community risk reduction division, if established, of the fire and rescue services department and, together with those employees holding the assisting positions within the fire prevention and community risk reduction division, shall perform or cause to be performed all of the duties required of such division.

**Sec. 38-6. - Police power at fires.**

The chief of the fire and rescue services department and each of his assistants and all officers thereof shall have the same police power at all fires as the police officers of the city. Any person refusing to comply with any reasonable orders given by the chief of fire and rescue services department, or any official in the fire and rescue services department, shall be deemed guilty of a Class C misdemeanor, and, upon conviction thereof, shall be punished by a fine as set forth in section 1-13.”

Section 3. *Repeal.* That any ordinance or any part of an ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

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

Ordinance shall constitute a separate offense. Each day in which any violation of this Ordinance occurs shall constitute a separate offense.

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

PASSED and APPROVED on first reading this 6<sup>th</sup> day of April, 2020.

PASSED, APPROVED and ADOPTED on second and final reading this 20<sup>th</sup> day of April, 2020.

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Yolanda Ford, Mayor

ATTEST:

APPROVED AS TO FORM:

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Maria Jackson, City Secretary

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E. Joyce Iyamu, City Attorney



## CITY COUNCIL AGENDA ITEM COVER MEMO

April 20, 2020

**To:** Mayor and City Council  
**Agenda Item:** 6(f) Authorize City Manager to negotiate and contract for the provision of fleet leasing services with Enterprise Fleet Solutions  
**Submitted by:** Shashi K. Kumar, P.E., Director of Public Works and City Engineer  
Allena J. Portis, CPA, Director of Finance

### SYNOPSIS

Authorize the City Manager to negotiate and contract for the provision of fleet leasing services with Enterprise Fleet Solutions. This lease concept was workshopped with City Council at the April 6, 2020 City Council meeting.

### STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live
- Maintain a financially sound City

### BACKGROUND

The City desires to negotiate and enter into a contract with Enterprise Fleet Management for the leasing of nine (9) new non-public safety vehicles as part of a pilot program. The City over the past five years has invested approximately four (4) million dollars in purchasing and replacing fleet vehicles that has reached its useful life. The City's Finance and Public Works Departments were made aware of a fleet leasing option that some public agencies in this region are using, in-lieu of the traditional purchase option. City staff workshopped this concept with City Council at the April 6, 2020 City Council meeting. The lease options provides some advantages, which includes lower capital outlay and maintaining a newer fleet which in turn reduces maintenance costs and also enhances safety. All vehicles considered for this pilot program are eligible for replacement based on the current fleet replacement guidelines.

The City Finance Department anticipates that utilizing this program the City may see a net equity over a 12-month period for the cost of full equipment outlay. The advantage to the City would be that ownership is held by Enterprise and we lease from them. This, in effect, reduces the initial capital outlay for the City. As shown in the attached "Menu Pricing" document, the total annual cost for the leases of nine (9) vehicles is estimated at \$56,192. At the end of the lease period, the estimated equity at term is \$50,920, which essentially implies that the City is estimated to incur \$5,272 in expenses towards the lease of these nine (9) vehicles. The City's public works and finance staff is proposing to evaluate this new approach as a pilot project. Upon termination of the lease for these nine (9) vehicles, staff will evaluate and make a recommendation to Council on the path moving forward. However, at least until the completion of the pilot program, staff still intends to procure additional new/replacement vehicles through purchase as deemed necessary.

Enterprise Fleet Management is a preferred contractor with TIPS-USA, a Purchasing Cooperative. Contract 190402. By utilizing Enterprise Fleet Management, the City will have met its procurement obligations under Government Code 252.





## FLEET MANAGEMENT

### FLEET SYNOPSIS | Missouri City



Missouri City, TX  
1522 Texas Pkwy  
Missouri City, TX 77489

Enterprise Fleet Management, Inc.  
600 Corporate Park Drive  
St. Louis, MO 63105  
314-512-5000 Main  
314-518-5583 Fax

Jeff Koerner  
Senior Account Executive  
10401 Centrepark Drive #200  
Houston, TX 77043  
713-300-9173 Office

# FLEET SYNOPSIS | Missouri City

## Impact of Partnership

### BACKGROUND

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Location: Missouri City, TX

Industry: Government

Total Vehicles: 158

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### THE SITUATION

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Missouri City is looking for a solution to better manage its aging fleet.

- 14% of the Non- Emergency fleet is over 10 years old.
- Older vehicles have higher fuel costs, maintenance costs, and tend to be unreliable.
- It would take almost 11 years to cycle out the entire fleet at current acquisition rates.

### THE OBJECTIVES

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Enterprise Fleet Management's proposal is to save the city resources and budget dollars through a managed vehicle program.

- Utilize an open-end lease\* as a funding mechanism, allowing the city to acquire additional vehicles while avoiding a large capital budget outlay.
- Replace aged vehicles with newer models to increase fuel efficiency and reduce maintenance expense. Maintenance and repairs will be outsourced to local businesses to further stimulate economic growth and the integration of more fuel efficient vehicles will reduce carbon footprint.
- Establish a proactive replacement plan that maximizes potential equity at time of resale, reduces operational expenses, and increases safety.

### CLIENT TESTIMONIAL

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*"Partnering with Enterprise Fleet Management will let us realize significant cost savings and provide us more dependable vehicles to do work for our residents."*

*– John Galo, Commissioner of Webb County*

### THE RESULTS

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By partnering with Enterprise Fleet Management, it is estimated that Missouri City will reduce fuel costs. Enterprise will significantly reduce their maintenance costs from \$114.58 on average to \$37.28 per unit. Leveraging an open-end lease maximizes cash flow and recognizes equity from vehicles sold creating an internal replacement fund. Furthermore, Missouri City will leverage Enterprise Fleet Management's ability to sell vehicles at an average of 109% above Black Book value. Light duty trucks

# SUPPORTING EVIDENCE Missouri City

## SAFETY

14% of the current light and medium duty fleet is over 10 years old and do not contain the most up to date safety features, such as electronic stability control and airbag standardization and anti-lock brake control.

## ACCOUNT MANAGEMENT

Missouri City will have a dedicated, local account team to proactively manage and develop your fleet while delivering the highest level of customer service to facilitate your day-to-day needs.

- Meeting with you at minimum 3 times a year- 2 of those are financial planning meetings. These are an Annual Client Review and a Fleet Analysis Meeting.
- Your Account Manager will provide ongoing analysis, which can include best makes/models, cents per mile, total cost of ownership, and replacement analysis.
- Monthly management reports consisting of a single invoice with all charges

## ANCILLARIES

Enterprise Fleet Management has the ability to offer a total fleet solution should the county need further evaluation of the fleet. These can include:

- Fuel Card
- Telematics Device
- Physical Damage Coverage

## TECHNOLOGY

Enterprise Fleet Management's website provides vehicle tracking, reporting, and metrics. Our website can be customized to view a wide range of data to have a comprehensive and detailed look at all aspects of your fleet and the services provided. Our *Mobile App* also allows drivers a wide range of functions.

- **Invoices-** to include lease, maintenance, and ancillaries- all in one invoice
- **Maintenance Utilization-** review the life-to-date maintenance per vehicle
- **Recall Information-** see which units that are approaching the lease term still have open recalls
- **License & Registration-** see which plate renewals are being processed by Enterprise; view status
- **Alerts-** set customizable alerts for oil changes, lease renewals, license renewals, and billing data
- **Lifecycle Analysis-** see data regarding all transactions for the lifecycle of the entire fleet, with drill-down capability to any specific lease or transaction

ALERTS



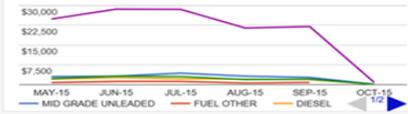
[see all alerts >](#)

FLEET MIX

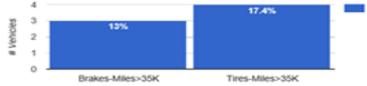


- 1 Ton Van Cargo
- 1/2 Ton Pickup Ext 4x4
- 1/2 Ton Pickup Quad 4x2
- 1/2 Ton Pickup Quad 4x4
- Compact Pickup Quad 4x2

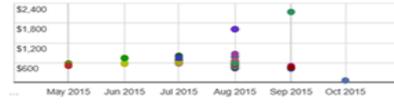
MONTHLY FUEL SPEND BY FUEL GRADE



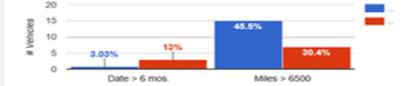
BRAKES & TIRES OUTLIERS



MONTHLY FUEL SPEND OUTLIERS (120%)



OIL CHANGE OUTLIERS



YEAR OVER YEAR FUEL TOTAL SPEND



MONTHLY FUEL SUMMARY

OCTOBER 2015

Spent on Fuel	\$9,260.61
Spent on Other	\$0.00
<b>Total Spent</b>	<b>\$9,260.61</b>
Total Gallons	3906.139
Active Cards	78

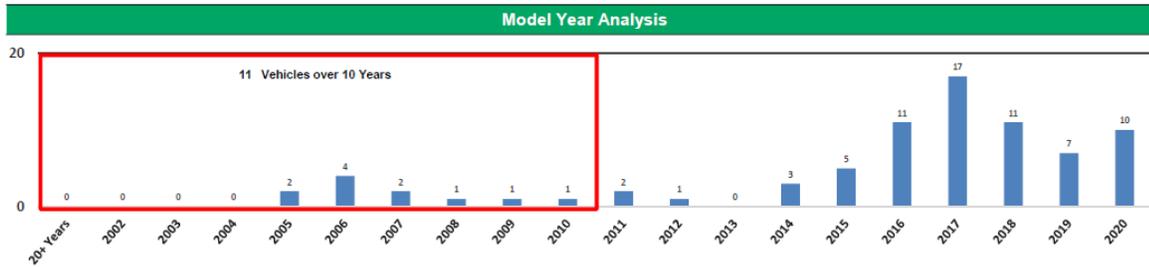
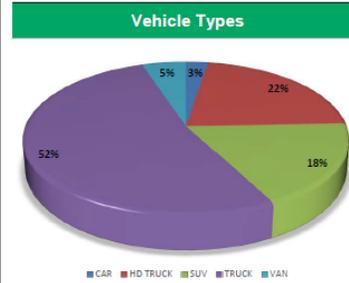


ADD CHART

# SUPPORTING EVIDENCE | Missouri City

## City of Missouri City - Fleet Profile

Fleet Profile				Fleet Replacement Schedule					Replacement Criteria
Vehicle Type	# of Type	Average Age (years)	Average Annual Mileage	2020	2021	2022	2023	Under-Utilized	
Full-size Sedan	2	8.7	4,200	1	0	1	0	0	* Fiscal Year 2020 = 6 years old and older, or odometer over 100,000
Minivan-Passenger	1	13.3	3,800	1	0	0	0	0	* Fiscal Year 2021 = 4 years old and older, or odometer over 80,000
Full-size Van-Passenger	1	8.2	7,800	1	0	0	0	0	* Fiscal Year 2022 = 2 years old and older, or odometer over 60,000
1/2 Ton Van Cargo	1	4.2	7,500	0	1	0	0	0	* Fiscal Year 2023 = Remaining Vehicles
3/4 Ton Van Cargo	1	3.1	700	0	0	0	0	1	* Underutilized = Annual Mileage less than 2,500
Compact SUV 4x2	4	5.1	5,200	1	1	1	0	1	
Compact SUV 4x4	1	11.3	5,300	1	0	0	0	0	
Mid Size SUV 4x2	8	5.5	5,700	2	0	4	1	1	
Full Size SUV 4x4	1	4.2	8,700	0	1	0	0	0	
1/2 Ton Pickup Ext 4x2	34	4.3	5,500	5	7	15	6	1	
1/2 Ton Pickup Ext 4x4	3	4.1	9,700	1	1	1	0	0	
1/2 Ton Pickup Quad 4x2	2	2.1	6,000	0	0	1	1	0	
1/2 Ton Pickup Quad 4x4	2	1.0	2,600	0	0	0	2	0	
3/4 Ton Pickup Ext 4x2	4	4.4	3,800	1	0	1	2	0	
3/4 Ton Pickup Quad 4x4	1	1.0	2,600	0	0	0	1	0	
1 Ton Pickup Reg 4x4	1	9.3	900	0	0	0	0	1	
1 Ton Pickup Ext 4x2	2	1.0	5,100	0	0	0	2	0	
1 Ton Pickup Quad 4x2	5	4.6	7,900	0	5	0	0	0	
1 1/2 Ton Cab Chassis	4	3.6	2,800	0	0	0	2	2	
<b>Totals/Averages</b>	<b>78</b>	<b>4.6</b>	<b>5,400</b>	<b>14</b>	<b>16</b>	<b>24</b>	<b>17</b>	<b>7</b>	



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3/3/2020

enterprise  
FLEET MANAGEMENT

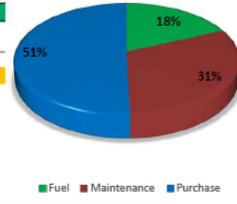
# SUPPORTING EVIDENCE | Missouri City

## City of Missouri City - Fleet Planning Analysis

Current Fleet	78	Fleet Growth	-2.06%	Proposed Fleet	71
Current Cycle	11.14	Annual Miles	5,900	Proposed Cycle	2.10
Current Maint.	\$114.58			Proposed Maint.	\$37.28
Maint. Cents Per Mile	\$0.23	Current MPG	14	Price/Gallon	\$2.10

### Fleet Costs Analysis

Fiscal Year	Fleet Mix				Fleet Cost						Annual		
	Fleet Size	Annual Needs	Owned	Leased	Purchase	Lease*	Equity (Owned)	Equity (Leased)	Maintenance	Fuel	Fleet Budget	Net Cash	
Average	78	7.0	78	0	173,548	0	-17,500		107,247	63,180	326,475	0	
'20	71	14	57	14	0	78,652	-70,000	-36,820	84,636	60,688	117,156	209,319	
'21	71	24	41	30	0	219,834	-64,000	-76,706	69,795	57,841	206,763	119,712	
'22	71	40	17	54	0	357,707	-132,000	-168,680	47,533	53,570	158,129	168,346	
'23	71	51	0	71	0	417,462	-119,000	-278,752	31,764	50,544	102,018	224,457	
'24	71	51	0	71	0	417,462	0	-344,388	31,764	50,544	155,382	171,093	
'25	71	53	0	71	0	417,462		-285,265	31,764	50,544	214,505	111,970	
'26	71	51	0	71	0	417,462		-321,637	31,764	50,544	178,133	148,342	
'27	71	51	0	71	0	417,462		-278,752	31,764	50,544	221,018	105,457	
<b>8 Year Savings</b>											<b>\$1,258,695</b>	<b>Avg. Sustainable Savings</b>	<b>\$134,215</b>



### Current Fleet Equity Analysis

YEAR	2020	2021	2022	2023	2024	Under-Utilized
QTY	14	16	24	17	0	7
Est \$	\$2,500	\$4,000	\$5,500	\$7,000	\$0	\$5,000
TOTAL	\$35,000	\$64,000	\$132,000	\$119,000	\$0	\$35,000
	<b>Estimated Current Fleet Equity**</b>					<b>\$385,000</b>

\* Lease Rates are conservative estimates

\*\*Estimated Current Fleet Equity is based on the current fleet "sight unseen" and can be adjusted after physical inspection

Lease Maintenance costs are exclusive of tires unless noted on the lease rate quote.

### KEY OBJECTIVES

#### Lower average age of the fleet

14% of the current light and medium duty fleet is over 10 years old  
Resale of the aging fleet is significantly reduced

#### Reduce operating costs

Newer vehicles have a significantly lower maintenance expense  
Newer vehicles have increased fuel efficiency with new technology implementations

#### Maintain a manageable vehicle budget

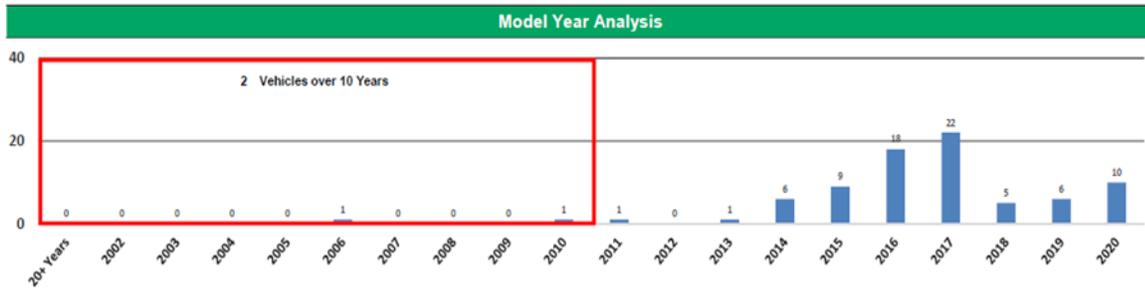
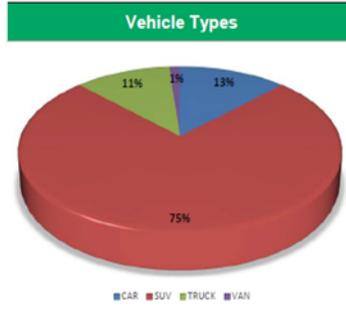
Challenged by inconsistent yearly budgets  
Currently vehicle budget is underfunded

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**enterprise**  
FLEET MANAGEMENT

# City of Missouri City - PD - Fleet Profile

Fleet Profile				Fleet Replacement Schedule					Replacement Criteria
Vehicle Type	# of Type	Average Age (years)	Average Annual Mileage	2020	2021	2022	2023	Under-Utilized	
Full-size Sedan	10	4.1	9,100	5	1	0	1	0	* Fiscal Year 2020 = 5 years old and older, or odometer over 80,000
1/2 Ton Van Cargo	1	14.3	3,100	1	0	0	0	0	* Fiscal Year 2021 = 4 years old and older, or odometer over 60,000
Mid Size SUV 4x2	58	3.3	7,900	12	11	22	12	1	* Fiscal Year 2022 = 2 years old and older, or odometer over 40,000
Full Size SUV 4x2	2	4.2	11,800	1	1	0	0	0	* Fiscal Year 2023 = Remaining Vehicles
1/2 Ton Pickup Ext 4x2	5	3.3	8,700	1	1	3	0	0	* Underutilized = Annual Mileage less than 2,500
1/2 Ton Pickup Ext 4x4	1	5.2	12,500	1	0	0	0	0	
1/2 Ton Pickup Quad 4x2	3	4.4	6,200	2	0	0	1	0	
<b>Totals/Averages</b>	<b>80</b>	<b>3.6</b>	<b>8,100</b>	<b>23</b>	<b>14</b>	<b>25</b>	<b>14</b>	<b>1</b>	



Confidential

3/3/2020



## MEDIA & CASE STUDY| Missouri City

THE TERRELL TRIBUNE  
*Your Hometown Newspaper*

### County approves Enterprise to manage vehicle fleet

The Terrell Tribune (Texas)

By Robyn Wheeler

July 11, 2019

Kaufman County Commissioners approved **Enterprise Fleet Management** to manage the county's vehicles hoping to increase the safety of the vehicles, decrease maintenance expenses per vehicle and get a higher resale value on the vehicles. Enterprise representative Nathan Pickle says fleet maintenance can save the county up to \$700,000.

"New vehicles on the road are safer because they have up-to-date safety features,"

The county owns 162 vehicles, purchases nine vehicles a year and keeps those vehicles for an average of 18 years.

Pickle says Enterprise buys and sells over one million vehicles a year and keeps their vehicles for an average of 18 months.

"The older the vehicle, the more it will cost in maintenance and fuel," Pickle said.

Pickle also advised the county keep their vehicles for a maximum of four years.

The county pays \$75 per month per car and Enterprise spends \$42 per month per vehicle.

Pickle says the county can save \$20,000 in maintenance costs in the first year alone.

Enterprise has earmarked 75 county vehicles to be replaced in year one.

Pickle says Enterprise works with more than 90 counties in the state of Texas and the city of Terrell.

The county does not currently have a vehicle maintenance plan.

Commissioners also approved to spend \$10,360 to make improvements and finish landscaping at the Garden Learning Center. The center was originally built for rainwater harvesting but has now become an education and recreation center as well. Youth programs and 4-H students go to the center to learn about the environment, best water practices and various insects.

In other news, commissioners:

- approved payroll benefits of \$1,224,406.96
- approved claims for payment for \$438,440.25
- tabled the petition for the creation of Kaufman County Fresh Water Supply District No. 7 and appointing temporary supervisors and signing order for the same
- approved the final plat for replat of lots 18, 19, 20 of Meadowbrook Acres. The five acre lots will be divided into two 2.5 acre lots.

[http://www.terrelltribune.com/news/article\\_45160178-a414-11e9-b05e-73319bffa7a3.html](http://www.terrelltribune.com/news/article_45160178-a414-11e9-b05e-73319bffa7a3.html)

## MEDIA & CASE STUDY| Missouri City



FLEET MANAGEMENT

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## School District finds savings and increased productivity with the Enterprise Fleet Management Program.

### BACKGROUND

Location: Deer Park, TX  
 Industry: Government – School District  
 Total vehicles: 90 vehicles

### THE CHALLENGE

Before partnering with Enterprise, Deer Park Independent School District (ISD) had 80+ vehicles ranging from 6 to 15 years of age, causing them to become less reliable and more expensive to maintain. Because vehicles were typically purchased with bond money, it created a pattern of a large number of vehicles needing to be repaired or replaced at the same time. District employees started complaining about the quality of the fleet, and mechanics were spending too much time working on the white fleet instead of buses.

### THE SOLUTION

By partnering with Enterprise Fleet Management, Deer Park ISD will upgrade its fleet over a 4-year period by replacing its oldest vehicles first. Once the fleet has been updated, the vehicles will continue to be replaced every five years. A proactive replacement plan will allow the district to capitalize on maximum vehicle resale values. This process will also help streamline the annual transportation budget since the district will be able to predict most vehicle costs.

**“By partnering with Enterprise, we have strengthened focus on our students, maximized personnel utilization, and provided our employees with vehicles they are proud to drive.”**

– Pete Pape, Assistant Superintendent for Business Services

The Deer Park ISD leverages Enterprise’s maintenance program. All district vehicles are now repaired by a local service vendor. District mechanics can focus on buses to transport students. District employees have reported that they are more productive and are not waiting as long for repairs.

### THE RESULTS

The Deer Park ISD and Enterprise have been partners for three years. Enterprise has yielded over \$300,000 in revenue by selling the district’s older vehicles. It has been able to maintain 58 vehicles for half the cost of a mechanic. Enterprise Fleet Management continues to help the district maximize its operations and reduce costs to meet strict budgetary requirements while keeping their vehicles on the road.

To learn more, visit [efleets.com](http://efleets.com) or call 877-23-FLEET.



### Key Results

MORE THAN  
**\$300,000**  
 IN VEHICLE RESALE



**9X**  
**FASTER**  
 AT REPLACING VEHICLES



**REDUCED**  
 STAFF OVERHEAD



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## **REFERENCES | Missouri City**

### **CURRENT PARTNERS**

City of Katy  
Waller County  
City of Sealy  
City of Hempstead  
City of Beaumont  
Gillespie County  
Webb County  
Hidalgo County  
Ennis County  
Harris County  
City of Nassau Bay  
City of Vidor  
City of Orange

City of Navasota  
City of El Campo  
City of La Marque  
Blinn College  
Prairie View A&M University  
Vidor Independent School District  
Liberty Independent School District  
New Caney Independent School District  
Deer Park Independent School District  
Port Neches-Groves Independent School District

### **REFERENCES**

Below is a list of at least five client/customer references including company name, contact person, and telephone number.

Company Name: **City of Sealy**

Business Phone #: 979-885-2913

Contact Person: Jay Reeves – Chief of Police

Company Name: **Waller County**

Business Phone #: 979-826-3357

Contact Person: Judge Trey Duhon

Company Name: **City of El Campo**

Business Phone # 979-541-5004

Contact Person: Courtney Sladek- City Manager

Company Name: **City of Beaumont**

Business Phone #: 409-880-3789

Contact Person: Todd Simoneaux- CFO

Company Name: **City of Navasota**

Business Phone #: 936-825-6475

Contact Person: Lance Hall – Finance Director



EMAIL PO DIRECTLY TO VENDOR IN CORRELATION WITH YOUR SIGNED QUOTE  
PO MUST REFERENCE VENDOR'S TIPS CONTRACT NUMBER

[TIPS Purchase Order Procedure here](#)

OVERVIEW

DUE DILIGENCE

CONTACTS

PRINT PROFILE



Print

VENDOR Enterprise Fleet Management

1420 W. Mockingbird Lne. #640 Dallas TX,75247

WEBSITE [www.efleets.com](http://www.efleets.com)

SERVICE/PRODUCTS  
DESCRIPTION

Enterprise Fleet Management is a full-service fleet management business for governmental entities and companies with small and medium-size fleets. Enterprise Fleet Management supplies most makes and models of cars, light- and medium duty trucks and service vehicles across North America. The company is owned by the Taylor family of St. Louis, who, through regional subsidiaries, also own and operate Enterprise Rent-A-Car's extensive network of more than 5,500 neighborhood and airport branch offices, all located within 15 miles of 90 percent of the U.S. population. Services offered by Enterprise Fleet Management include:

- Acquisition. Helps businesses acquire fleet vehicles in the most cost effective and efficient manner.
- Funding. Offers flexible terms that can lessen the amount of debt on your company's balance sheet as compared to traditional loans.
- Registration and Renewal. Handles the license and registration process across all 50 states
- Remarketing. Helps businesses sell vehicles across all available channels while ensuring the best market price.
- Online Reporting. Customized reports allow clients to view their data in a way that best suites their needs.
- Maintenance. Offers the industry's most extensive full-maintenance program, extending maintenance covera; to virtually all makes of cars, light duty trucks, and service vehicles, as well as many diesel engine vehicles.
- Fuel Management. Offers one customized card to suit all of your fueling needs authorized for use at most fueling stations around the country.
- Environmental Services, [www.drivingfutures.com/fleetmanagement](http://www.drivingfutures.com/fleetmanagement)
- Vehicle Cycling/Fleet Optimization
- Emerging Fuel and Engine Technologies
- Offsetting Greenhouse Gas Emissions
- Fleet Emission Footprint Analysis

Additional services include risk management programs, driver safety program, fleet rental programs, and moi With 58 fully-staffed offices nationwide, Enterprise Fleet Management has been recognized with the Automotive Service Excellence (ASE)



**City of Missouri City  
2020 Menu Pricing**

Total Annual Cost	\$56,191.56
Total Annual One Time Aftermarket Cost	\$0.00
Total Estimated Equity at Term	\$50,920.00
Total Cash Flow Savings for Missouri City	\$167,968.44

Quote	Vehicle Type	Year	Make	Model	Trim Level	Equity Lease Menu Pricing						One time Aftermarket Cost (By Quantity)	Purchase Price by Quantity	Residual Book Balance	Fair Market Value at Term	Estimated Equity @ Term	
						Quantity	Term	Estimated Annual Mileage	Monthly Cost (Lease Rate)*	Full Maintenance**	Annual Cost						Annual Cost by Quantity
4483294	Ford F-250 Super Cab (Fleet Road Service)	2020	Ford	Ford F-250 XL 4x2	(X2A) XL 4x2 Super Cab	1	12	7500	\$511.66	\$0.00	\$6,139.92	\$6,139.92	\$0.00	\$26,200.00	\$21,648.00	\$29,000.00	\$7,352.00
4497612	Ford F-150 XL Super Cab (Inspection/Permits)	2020	Ford	Ford F-150 XL 4x2	(X1C) XL 4x2 Super Cab	1	12	8000	\$472.81	\$0.00	\$5,673.72	\$5,673.72	\$0.00	\$24,190.00	\$19,999.80	\$25,000.00	\$5,000.20
4497673	Ford F-150 XL Super Cab (CID)	2020	Ford	Ford F-150 XL 4x2	(X1C) XL 4x2 Super Cab	1	12	15000	\$472.81	\$0.00	\$5,673.72	\$5,673.72	\$0.00	\$24,190.00	\$19,999.80	\$24,500.00	\$4,500.20
4506045	Ford F-150 XL Super Cab (CID)	2020	Ford	Ford F-150 XL 4x2	(X1C) XL 4x2 Super Cab	1	12	5000	\$472.81	\$0.00	\$5,673.72	\$5,673.72	\$0.00	\$24,190.00	\$19,999.80	\$25,500.00	\$5,500.20
4478491	Ford Escape S (Recreation)	2020	Ford	Escape	(UOF)S	1	12	5000	\$702.06	\$0.00	\$8,424.72	\$8,424.72	\$0.00	\$20,390.00	\$13,177.60	\$14,500.00	\$1,322.40
4478661	Ford F-150 XL Super Crew Cab (I.T, P.W)	2020	Ford	Ford F-150 XL 4x2	(W1C) XL 4x2 Super Crew Cab	2	12	5000	\$512.62	\$0.00	\$6,151.44	\$12,302.88	\$0.00	\$52,500.00	\$21,689.00	\$29,000.00	\$7,311.00
4484387	Ford F-150 XL Super Crew Cab (Public Works Admin,Streets/Drain)	2020	Ford	Ford F-150 XL 4x2	(W1C) XL 4x2 Super Crew Cab	2	12	10000	\$512.62	\$0.00	\$6,151.44	\$12,302.88	\$0.00	\$52,500.00	\$21,689.00	\$28,000.00	\$6,311.00



**Council Agenda Item  
April 20, 2020**

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**

**April 20, 2020**

**To:** Mayor and City Council  
**Agenda Item:** 7(b)(1)Sienna 325, L.P. Disannexation Request  
**Submitted by:** E. Joyce Iyamu

**SYNOPSIS**

The owner of an approximate 34.16-acre tract of land has petitioned for the disannexation of the property. This is the second and final public hearing on disannexing the property.

**STRATEGIC PLAN 2019 GOALS ADDRESSED**

- Have quality development through buildout

**BACKGROUND**

Pursuant to Sections 43.142 and 43.145 of the Texas Local Government Code and Section 2.02 of the City’s Home Rule Charter, Sienna 325, L.P. (“Sienna”) has requested that the City of Missouri City disannex an approximate 34.16-acre tract of land for residential development. This proposal was initially presented to the City Council on March 10, 2020, at a special meeting at which Sienna’s representative was present. The first public hearing was held on April 13, 2020. Sienna desires to utilize the land for single family residential uses set forth in the City’s zoning ordinance as R-1, R-1-A, R-2, R-3, R-4, R-5, R-6, or other single family uses. If disannexed, the land may become subject to a land development agreement that incorporates portions of the Sienna Plantation Joint Development Agreement, as amended.

The land is located within the corporate limits of Missouri City, Texas, north of the Sienna Steep Bank Village residential subdivision, south of McKeever Road, east of Sienna Parkway, and west of the Westpoint Estates residential subdivision. Notice of this public hearing was published on Wednesday, April 8, 2020, in the *Fort Bend Independent*. The proposed concept plan for the land proposed to be disannexed was reviewed by the Missouri City Planning and Zoning Commission on Wednesday, April 8, 2020. The ordinance disannexing the property will be considered at the regular city council meetings on May 18, 2020, and June 1, 2020.

**BUDGET/FISCAL ANALYSIS**

Property ID	Account	Owner Name	Owner Name	Address	Description	2019 Market Value
R30713	0007-00-000-0801-907	00592004	Sienna 325 LP	McKeever RD, Missouri City, TX 77459	0007 T Barnett, ACRES 24.7252, Part of a 34.160 Acre Tract, For Mo City Annex	\$1,211,660

R30715	0007-00-000-0902-907	O0592004	Sienna 325 LP	Sienna PKWY, Missouri City, TX 77459	0007 T Barnett, ACRES 5.5438, Part of a 34.160 Acre Tract, For Mo City Annex	\$271,670
					<b>Total</b>	<b>\$1,483,330</b>

The Property has a market value of \$1,483,330.

**Purchasing Review: N/A**

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

*Note:* Compliance with the conflict of interest questionnaire requirements, if applicable, and the interested party disclosure requirements (HB 1295) has been confirmed/is pending within 30-days of this Council action and prior to execution.

**SUPPORTING MATERIALS**

1. Disannexation request
2. Depiction of subject area

**STAFF'S RECOMMENDATION**

Staff recommends that the City Council hold the required hearing.

**Director Approval:** E. Joyce Iyamu

**Interim City Manager:** Bill Atkinson

## PETITION FOR DISANNEXATION

**SIENNA 325, L.P.**, a Texas limited partnership (the "Petitioner") represents that the Petitioner owns the majority of land of the approximately 34 acres described on the attached **Exhibit "A"** made a part hereof (the "Tract"), all located within the city limits of the City of Missouri City.

Petitioner hereby petitions the City of Missouri City ("City") to disannex all of the Tract so as to be situated outside the City boundaries.

Petitioner desires that the Tract be disannexed in accordance with Section 43.142 of the Texas Local Government Code, and not for failure to provide services as that process is set forth in Section 43.141, Texas Local Government Code.

Furthermore, the Petitioner acknowledges that the amount of property taxes and fees collected by the City during the time this Tract has been located within the City is less than or equal to the amount of money that the City has spent for the direct benefit of the areas during that same period; and thus, the Petitioners waive any remedies or rights as set forth in law (specifically Section 43.148, Texas Local Government Code) or equity pertaining to same.

**EXECUTED** this 7<sup>th</sup> day of February, 2020.

**SIENNA 325, L.P.**, a Texas limited partnership

By: Sienna 325 GP, LLC, a Texas  
limited liability company, its General  
Partner

By:   
Name: Alvin San Miguel  
Title: Vice President



# EXHIBIT A

County: Fort Bend  
Project: Sienna  
Job No. 133325  
MBS No. 13-147

### FIELD NOTES FOR 34.160 ACRES

Being a tract containing 34.160 acres of land, located in the Thomas Barnett League, Abstract 7, in Fort Bend County, Texas; Said 34.160 acre tract being a call 34.160 acre tract recorded in the name of Sienna 325 LP in File Number 2013157640 of the Official Records of Fort Bend County (O.R.F.B.C); Said 34.160 acre tract being more particularly described by a metes and bounds description as follows (bearings being based on the Texas Coordinate System, South Central Zone, NAD 83, as derived from GPS observations):

**Beginning** at a 5/8-inch iron rod found at the southeast corner of Sienna Parkway (140-foot width) as described in a Right-of-Way Deed recorded in Volume 2030, Page 958 of the O.R.F.B.C., from which the northeast corner of Sienna Parkway (160-foot width) as dedicated in a Roadway Plat recorded in Slide Number 1176 B of the Fort Bend County Plat Records (F.B.C.P.R.) and the northwest corner of Reserve "A", Sienna Steep Bank Village, Section One bears North 87 degrees 13 minutes 35 seconds East, a distance of 11.60 feet;

Thence, with the easterly Right-of-Way (R.O.W.) line of said Sienna Parkway (140-foot width), the following four (4) courses:

- 1) 239.18 feet along the arc of a curve to the right, said curve having a radius of 1930.00 feet, a central angle of 07 degrees 06 minutes 02 seconds and a chord that bears North 29 degrees 40 minutes 24 seconds West, a distance of 239.03 to a 5/8-inch iron rod found;
- 2) North 26 degrees 05 minutes 04 seconds West, a distance of 1001.33 feet to a 5/8-inch iron rod found;
- 3) 351.86 feet along the arc of a curve to the right, said curve having a radius of 1930.00 feet, a central angle of 10 degrees 26 minutes 44 seconds and a chord that bears North 20 degrees 50 minutes 36 seconds West, a distance of 351.37 feet to a 5/8-inch iron rod found;
- 4) North 15 degrees 40 minutes 51 seconds West, a distance of 82.58 feet to the southerly R.O.W. line of McKeever Road (80-foot width), a R.O.W. recorded in File Number 1941033014 of the O.R.F.B.C. and the northerly line of aforesaid 34.177 acre tract, from which a found 5/8-inch iron rod bears South 87 degrees 55 minutes 51 seconds West, a distance of 1.05 feet;

Thence, with the northerly and easterly line of said 34.177 acre tract, the following eight (8) courses:

- 1) North 87 degrees 04 minutes 27 seconds East, a distance of 430.74 feet to a 5/8-inch iron rod found;
- 2) 449.82 feet along the arc of a curve to the right, said curve having a radius of 638.60 feet, a central angle of 40 degrees 21 minutes 30 seconds and a chord that bears South 72 degrees 26 minutes 59 seconds East, a distance of 440.58 feet to a 5/8-inch iron rod found;

- 3) South 44 degrees 25 minutes 45 seconds East, a distance of 222.07 feet to a 5/8-inch iron rod found, from which a concrete monument with 2-inch disk found on the southwest line of Silver Ridge, Section One, a subdivision recorded in Slide Numbers 609B and 610A bears North 72 degrees 22 minutes 57 seconds East, a distance of 73.02 feet;
- 4) South 32 degrees 08 minutes 14 seconds East, a distance of 1055.74 feet to a 5/8-inch iron rod found, from which a concrete monument with 2-inch brass disk found on the southwesterly line of said Silver Ridge, Section One bears North 48 degrees 51 minutes 41 seconds East, a distance of 76.68 feet;
- 5) South 44 degrees 04 minutes 44 seconds East, a distance of 196.36 feet to a 5/8-inch iron rod found;
- 6) South 61 degrees 04 minutes 14 seconds East, a distance of 182.65 feet to a 5/8-inch iron rod found;
- 7) South 76 degrees 39 minutes 34 seconds East, a distance of 152.10 feet to a 5/8-inch iron rod found;
- 8) South 06 degrees 10 minutes 26 seconds West, a distance of 23.98 feet to a 5/8-inch iron rod found on the northerly line of Reserve "A", Sienna Steep Bank Village, Section Three, a subdivision recorded in Slide Numbers 1771A and 1771B of the F.B.C.P.R.;

Thence, with the northerly line of said Reserve "A" and the northerly line of aforesaid Reserve "A", Sienna Steep Bank Village, Section One, South 87 degrees 13 minutes 35 seconds West, a distance of 1304.77 feet to the **Point of Beginning** and containing 34.160 acres of land.

**PLAT OF SURVEY WAS PREPARED IN CONNECTION WITH THE HEREIN DESCRIPTION AND FILED UNDER JOB NUMBER 133325, GBI PARTNERS, LP.**

GBI PARTNERS, L.P.  
TBPELS Firm No. 10130300  
Ph: 281.499.4539  
December 23, 2019



# Sienna Disannexation



## Legend

- Tract A
- City Limits
- ETJ

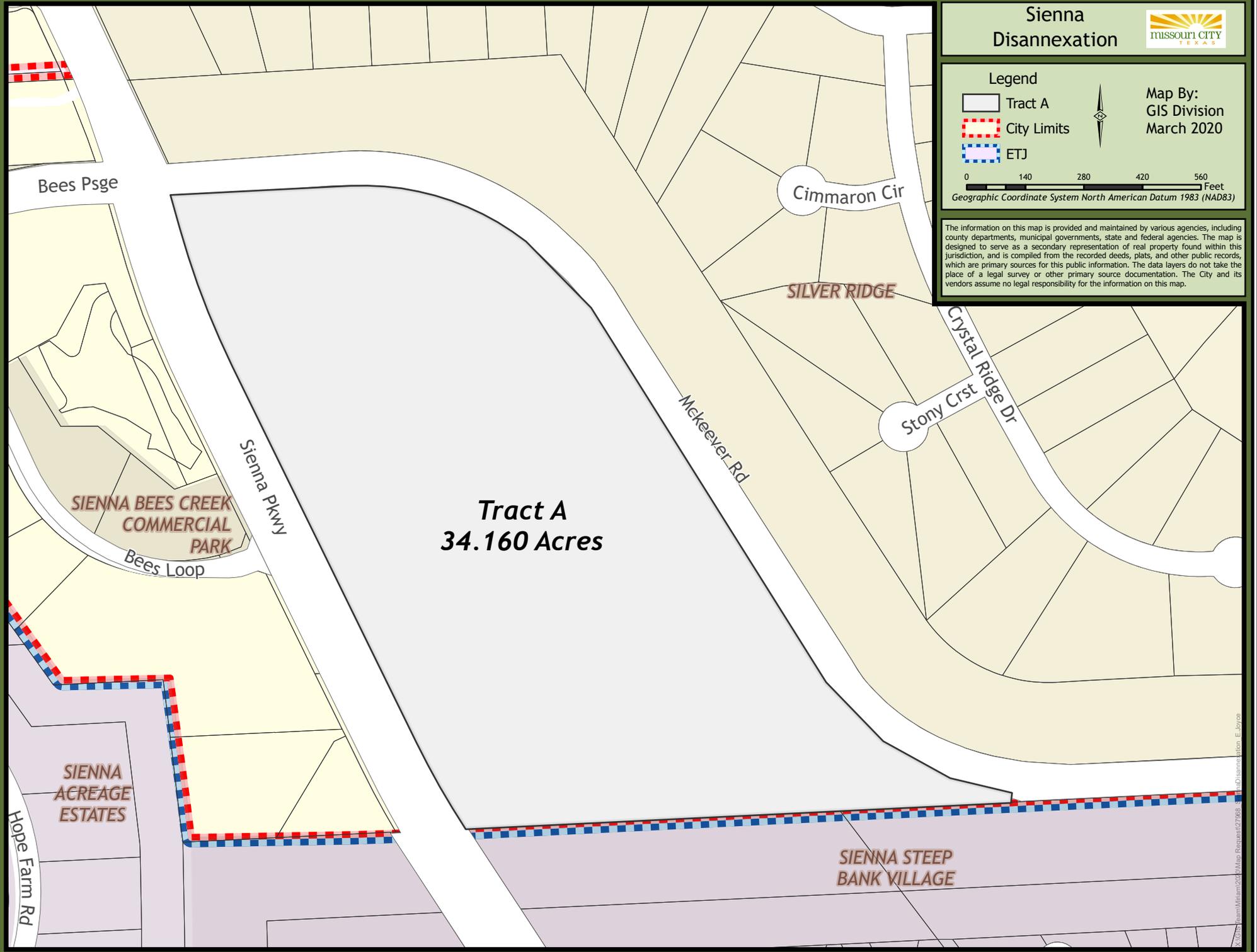


Map By:  
GIS Division  
March 2020



The information on this map is provided and maintained by various agencies, including county departments, municipal governments, state and federal agencies. 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. The data layers do not take the place of a legal survey or other primary source documentation. The City and its vendors assume no legal responsibility for the information on this map.

**Tract A**  
**34.160 Acres**



GIS Team/Miriam/2020/Map Request/27808 - Sienna Disannexation - E. Joyce



**Council Agenda Item  
April 20, 2020**

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



## CITY COUNCIL AGENDA ITEM COVER MEMO

April 20, 2020

**To:** Mayor and City Council  
**Agenda Item:** 9(a) Authorize the City Manager to enter into a contract with Walter P. Moore to perform the Drainage Watershed Master Plan Update  
**Submitted by:** Jeremy Davis, P.E., C.F.M. – Assistant City Engineer

### SYNOPSIS

The purpose of this watershed master plan update is to review specific flood-related information that can be used by the City staff in activities related to flood risk preparedness, planning and flood response during emergencies. The scope of this update was discussed in detail at the City Council workshop held on April 6, 2020. A copy of this presentation is attached here for reference.

### STRATEGIC PLAN 2019 GOALS ADDRESSED

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

### BACKGROUND

The last major update to the Drainage Watershed Master Plan was performed in the late 1980's. Since then, there has been new development projects as well as infrastructure improvements that have changed the characteristics of the watersheds. The Fort Bend County Drainage District (FBCDD) has also adopted new design criteria (ATLAS 14), effective January 2020 along with other jurisdictions. The above two factors are necessitating the need to update the drainage watershed master plan.

The City issued a Request for Qualifications (RFQ 20-306) in September 2019 to select the most qualified firm to perform these services. Six firms responded to this RFQ. The staff selection committee evaluated these firms and selected the firm led by Walter P. Moore and Freese & Nichols, Inc. as the sub-consultant. This consultant team is also performing a similar update for the Fort Bend County Drainage District. This background and institutional knowledge will further aid the City's project. Further, this staff recommendation was presented to the Planning Development and Infrastructure (PDI) Council sub-committee. The PDI committee has made a unanimous recommendation to City Council to award this contract to the Walter P. Moore team.

The following key tasks are included within the scope of this update:

1. Understanding Missouri City's Roles and Responsibilities in Drainage – There are a number of entities that also have drainage roles and responsibilities. These roles and responsibilities will be better defined to facilitate improved coordination with these agencies in terms of planning, preparedness and response during flooding conditions.
2. Master Plan Assessment - Identify areas within the City's watersheds that have not been studied in similar efforts by Fort Bend County and other agencies. Identify gaps so this proposed master plan focuses on filling gaps rather than redoing similar efforts.

3. High Level Update of Drainage Master Plans - Evaluate existing watershed models and make updates as necessary to better define flood risks. Complete strategic updates to existing master plans to meet the City's immediate needs with a focus on emergency preparedness and response.
4. Evaluate Implications of Atlas 14 Rainfall – The consultant will provide recommendation to the existing drainage guidelines and drainage criteria to account for the NOAA Atlas 14 changes in rainfall data.
5. Brazos River Backwater Impacts- Evaluate impacts of backwater from the Brazos River at identified strategic points within the City limits.
6. Inundation Mapping – This update will evaluate what-if scenarios based on local rainfall as well as high Brazos River backwater conditions.

The scope of this update will also include opportunities for stakeholder input. This includes entities that have drainage roles and responsibilities (such as the Levee Improvement Districts and Municipal Utility Districts) and the Citizens of Missouri City. One of the key outcomes from this update is to better prepare Missouri City to plan, coordinate and respond to potential emergencies, such as Hurricane Harvey.

This update is estimated to take twelve (12) months to complete from the date of authorization. As requested by the City Council at the April 6, 2020 workshop, an update will be provided to City Council after the scope of work has been substantially completed. Funding for this project (\$500,000) was budgeted in the FY 20 Capital Improvement Program (CIP) budget. Based on the attached scope of work, the estimated fees for this update is \$449,900.

**BUDGET/FISCAL ANALYSIS**

Funding Source	Account Number	Project Code/Name	FY20 Funds Budgeted	FY20 Funds Available	Amount Requested
General Bond	410-58700-40-406-10900	10900 / Drainage – General Improvements	\$2,040,034	\$2,034,174	\$449,900

**Purchasing Review:** Shannon Pleasant, CTPM - Procurement & Risk Manager  
**Financial/Budget Review:** Bertha P. Alexander, Budget & Financial Reporting Manager

*Note:* Compliance with the conflict of interest questionnaire requirements, if applicable, and the interested party disclosure requirements (HB 1295) has been confirmed/is pending within 30-days of this Council action and prior to execution.

**SUPPORTING MATERIALS**

1. April 6, 2020 City Council Presentation
2. Scope of work and fee estimate

**STAFF'S RECOMMENDATION**

Staff requests City Council to authorize the City Manager to execute a contract with Walter P. Moore to perform a Drainage Watershed Master Plan Update for an amount not to exceed \$449,900.

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

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



04/06/2020

# Missouri City Drainage Master Plan (DMP) Update



# Justification



*Flooding near Sienna Ranch Rd near the Brazos River in Missouri City on June 1, 2016.*

## Issue:

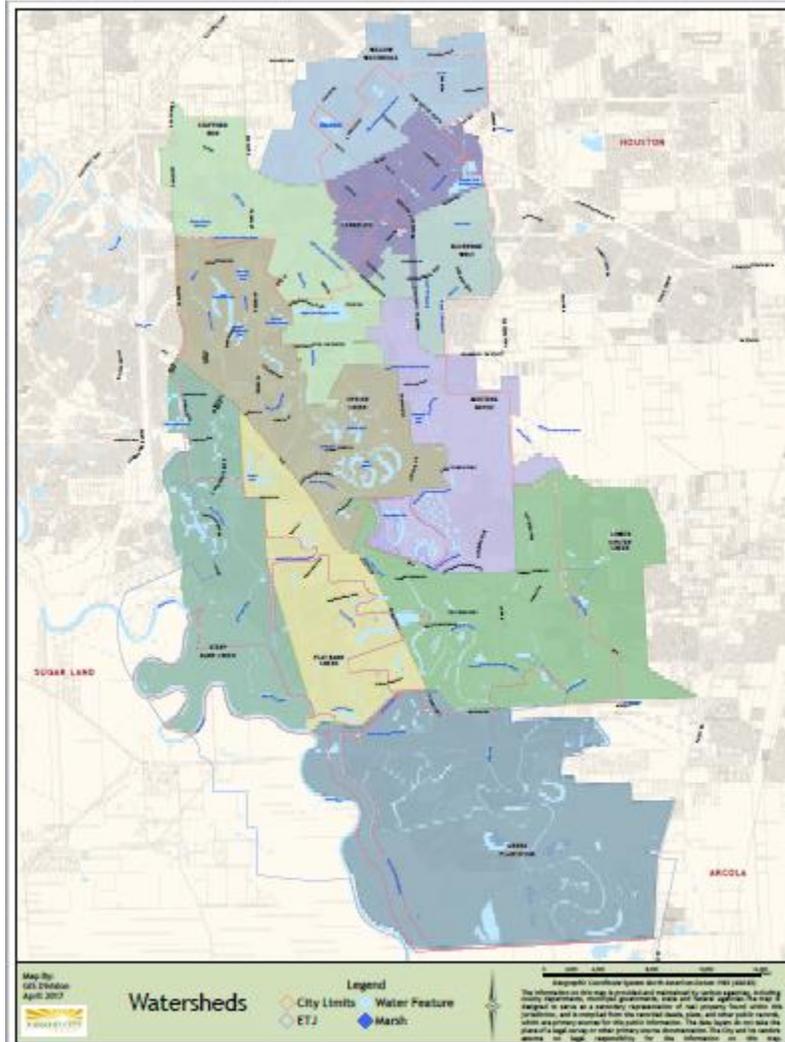
**Recent rainfall events have resulted in flood damages within the City and the region. During Hurricane Harvey:**

- **172 homes sustained flood damage**
- **1,300 high water rescues**

## DMP Update:

**A Drainage Master Plan can provide invaluable information for emergency preparedness and response**

# Justification



## Issue:

**Within the City and ETJ are ten (10) major watersheds.**

- **Last major watershed update was in the 1980's**

## DMP Update:

**This update will incorporate changes that have occurred in the watershed at a macro level.**

# Major Goals for this Update

- Understand City's Roles and Responsibilities
- Complement other on-going studies: Fort Bend County
  - No Duplication, fill-in the gaps
- High level update of watershed master plans
- Evaluate Atlas 14 Criteria
- Brazos backwater impacts and inundation mapping
  - Aid in emergency preparedness and response

# Understanding City's Roles and Responsibilities



*Oyster Creek near Dulles Ave, looking at Missouri City*

**Issues:** Multiple agencies have drainage roles and responsibilities.

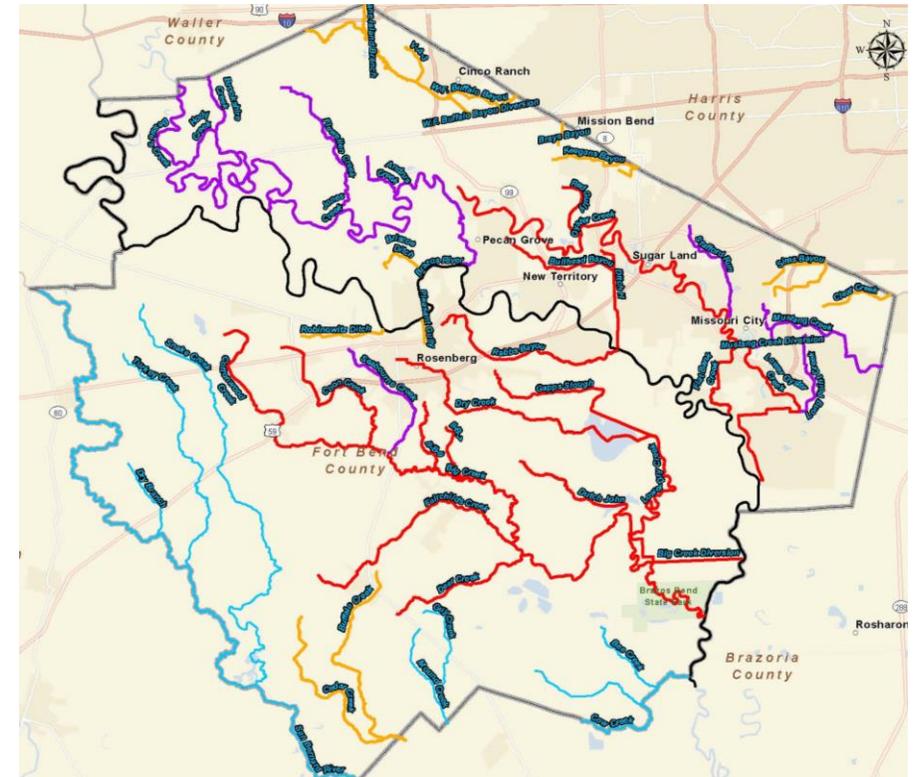
Room for improvement in planning and coordination.

**DMP Update:** Better define City's roles and responsibilities in drainage and flood control.

Improve collaboration with other agencies in planning for emergency preparedness and response.

# Complement other on-going studies

- Ongoing Fort Bend County Studies:
  - Update Drainage Criteria Manual
  - Develop Master Plans for several watersheds
  - Brazos River Master Plan
  - Brazos River Erosion Study
- City's Master Plan update will fill gaps and supplement (not duplicate) these studies.



*County wide stream network does not cover all streams in the City*

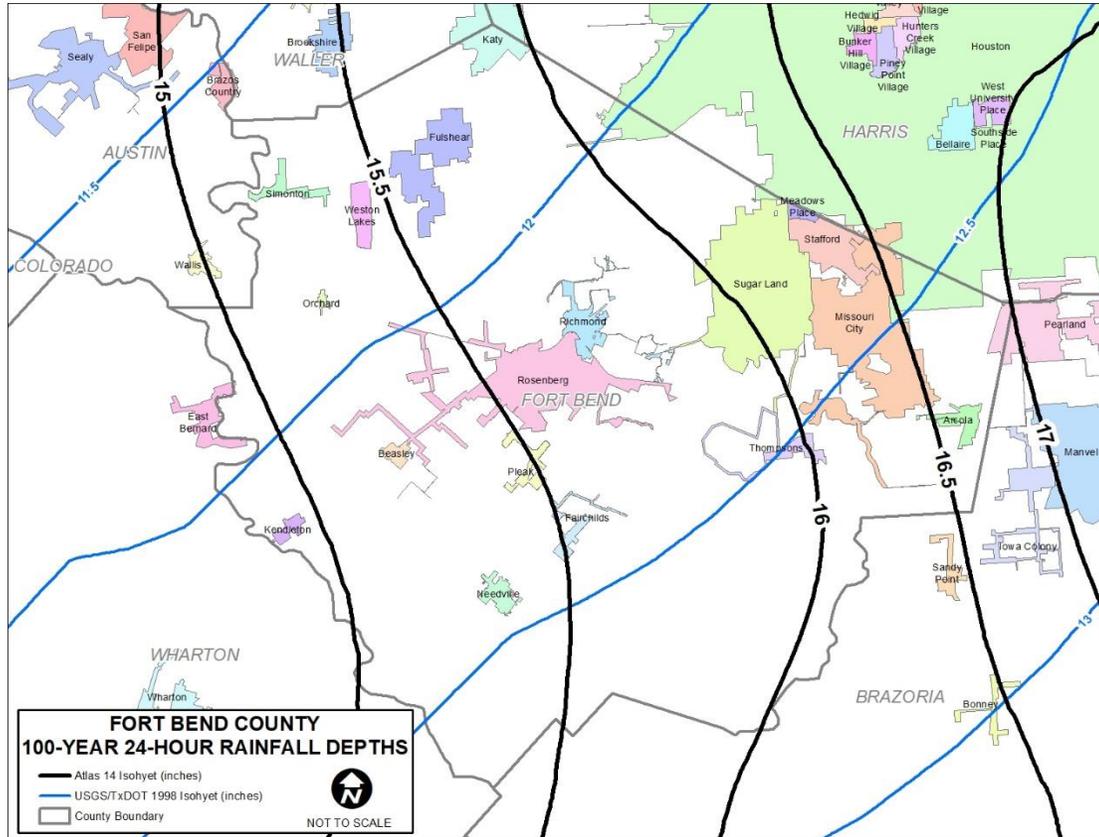
# High level update of watershed master plans

- Evaluate existing watershed models and make updates as necessary to better define flood risks.
- Strategic updates to existing master plans to meet City's immediate needs with focus on emergency preparedness and response.



*Long Point Creek Inundation Map with 16-inches of rain*

# Evaluate Atlas 14 Criteria



*Adopted number for the 100-year, 24 hour storm in Fort Bend Co is 16.5 inches. (27% to 37% increase)*

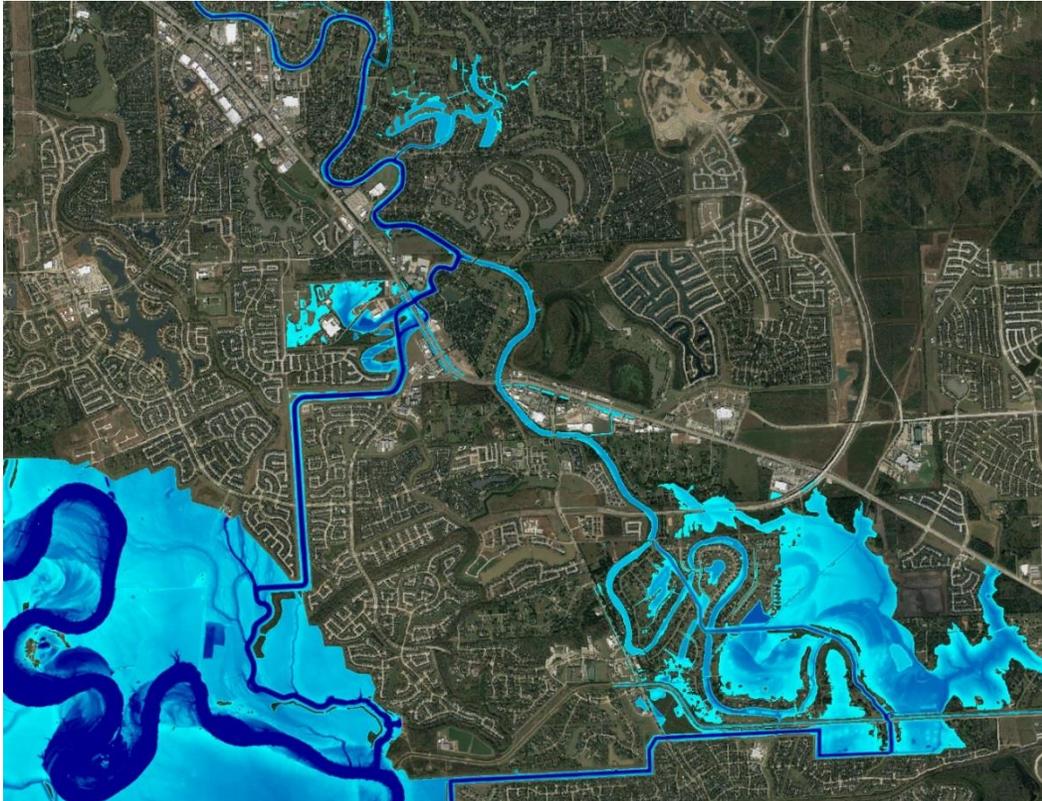
## Issue:

- New rainfall data released by NOAA (Atlas 14) for the 100-year design event rainfall is now significantly higher.

## DMP Update:

- Updates to City's design criteria
- Impact of Atlas 14 rainfall on the watersheds

# Brazos Backwater Impacts and Inundation Mapping



## Issue:

- Streams and channels in the City are influenced by water levels in the Brazos River. Local high rainfall events when combined with high Brazos River levels (coincidental event) can present increased flood risk.

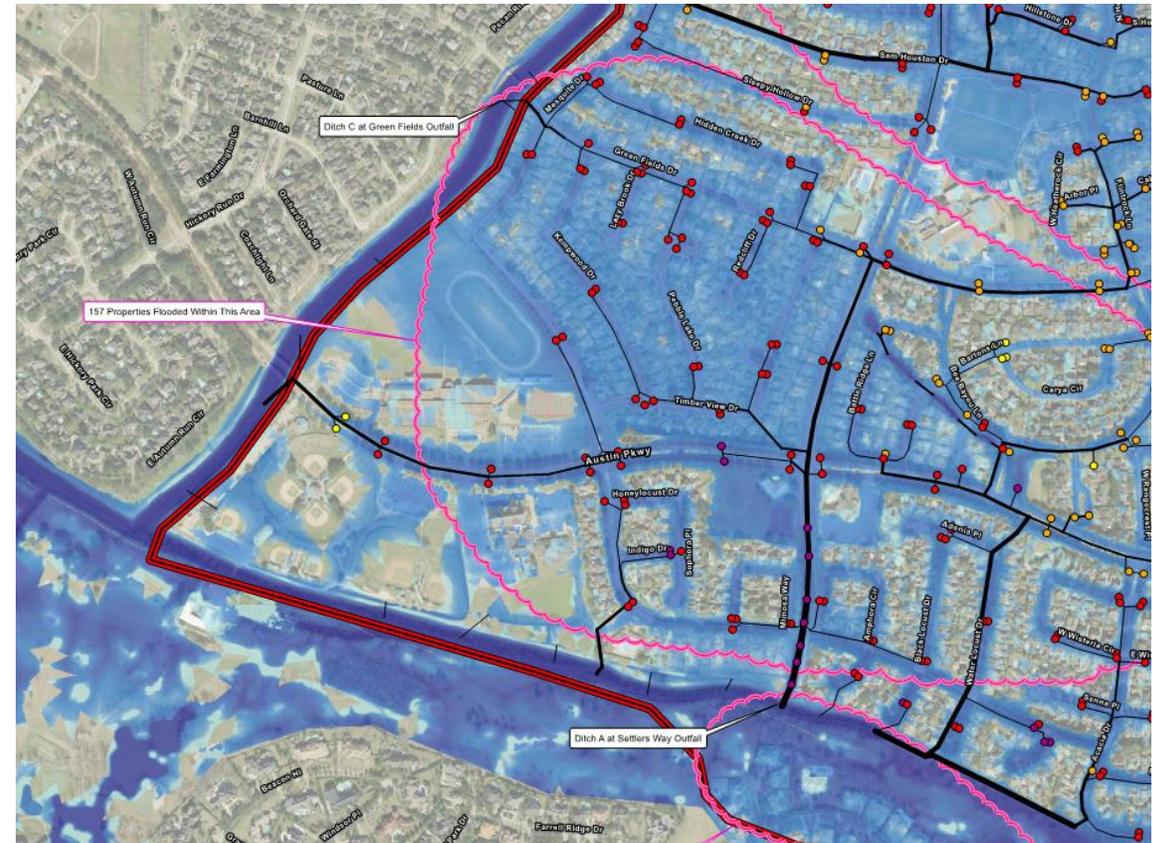
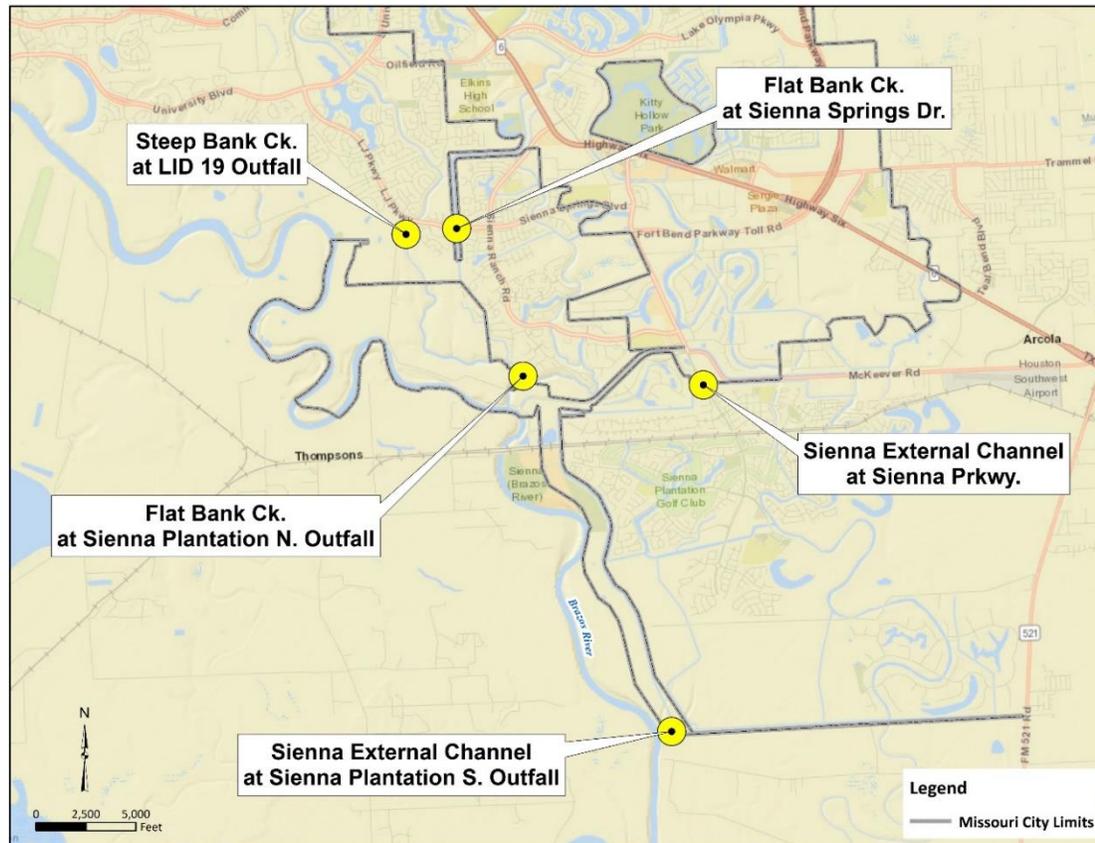
## DMP Update:

- Various scenarios of local rainfall and Brazos River levels can be analyzed to evaluate potential impacts and aid in emergency preparedness.

# Brazos Backwater Impacts and Inundation Mapping

1) Analysis of Brazos River Peaking Only

2) Analysis of Coincidental Rainfall Event



# Request for Qualification (RFQ) and selection

- RFQ No. 20-306 in September, 2019
- Six (6) RFQ were received
- Staff selected Walter P. Moore and Freese & Nichols team
- PDI committee unanimously recommended to City Council



# Funding, Schedule, Next Steps and Questions

- Funded in CIP - \$500,000
- Authorization of scope and contract by May, 2020
- 12 months upon authorization
- Will include opportunities for stakeholder input



**EXHIBIT A**

SCOPE OF SERVICES

Mr. Shashi K. Kumar, P.E., CFM  
Director of Public Works  
Missouri City  
1522 Texas Parkway  
Missouri City, TX 77489

Re: Missouri City Drainage Master Plan Update

Dear Mr. Kumar:

I am pleased to present this letter as our formal proposal outlining the scope of work and proposed compensation for the above referenced contract. The goals and tasks for the study are as follows:

### **Project Goals**

The purpose of this watershed master plan update is to review specific flood-related information that can be used by the City staff in activities related to flood risk preparedness, planning and flood response during emergencies. In this watershed master plan update, the focus is on enabling the City to better prepare and respond to potential flood emergencies in coordination with other agencies that also have drainage roles and responsibilities. A watershed map encompassing City and ETJ is attached here for reference. Hydrologic and hydraulic models for several streams within the City and ETJ have been developed in the past by consultants working for Missouri City or Fort Bend County. These models can be reviewed and adapted for the specified goals listed under each task of this Scope of Services.

In addition, Precipitation Frequency Estimates published by the National Oceanic and Atmospheric Administration for Texas (Atlas 14) indicate that the severe rainfall events are more frequent and more intense than initially estimated at the time most of the drainage infrastructure in the City was built. Accordingly, another goal of this project is to provide recommendations to the City's drainage criteria based on the Atlas 14 rainfall.

### **Task 1. Understanding Missouri City's Roles and Responsibilities in Flood Risk Management**

Objectives: Better define the City's responsibilities for drainage, flood control and flood risk management. Improve coordination with other agencies for planning, preparedness and response of flood control.

Deliverable: Technical Memorandum summarizing the findings of the workshop and recommendations to improve collaboration among the various entities.

Scope:

1. In collaboration with the City of Missouri City, identify a list of stakeholders that may have jurisdiction over drainage issues and who may be involved in emergency operations during heavy rainfall events within Missouri City.

2. Prepare survey and questionnaire to obtain input from the stakeholders on collaboration and responsibilities for flood preparedness and flood emergency operations.
3. Organize a one-day workshop with participation of the selected agencies that have drainage roles and responsibilities within the City and ETJ. Topics to be included in the workshop may include:
  - Roles and Responsibilities
  - Possible overlap of jurisdiction
  - Identified coordination activities
  - Experiences during past severe storm events
  - Responsibilities and Authority during emergencies
  - Information needed by each agency during emergencies
  - Applicability of the proposed inundation maps (City wide and Brazos Backwater Impacts)
  - Suggestions for this Master Plan Update Scope of Work
4. Provide recommendations to obtain public input and for public outreach on the activities related to this proposed master plan. Attend one public meeting if requested by the City.
5. Prepare a technical memorandum with the summary of the workshop and proposed recommendations.

## **Task 2. Drainage Master Plan Assessment**

Objective: Identify areas within the City's watersheds (including the ETJ) that have not been updated in similar efforts by Fort Bend County and other agencies. Identify gaps so this proposed master plan focuses on filling gaps rather than redoing similar efforts.

Deliverable: Technical Memorandum summarizing the review, data gaps, and applicability of each model for the other tasks of this master plan.

### Scope:

1. Identify the most recent drainage master plans and studies completed in relation to the City's watersheds listed below:
  - Willow Water Hole
  - Cangelosi Ditch
  - Blue Ridge West
  - Stafford Run
  - Flat Bank Creek
  - Steep Bank Creek
  - Mustang Bayou

For the following four watersheds, this drainage master plan study will use the models being developed in the Fort Bend County Drainage Master Plan: Stafford Run, Oyster Creek, Lower Oyster Creek and Flat Bank.

The consultant team will identify the data needs necessary to facilitate this update. The City of Missouri City in coordination with other entities is to provide a list of all studies performed to-date that need to be evaluated for this Task.

2. Select the most relevant 10 studies to be included in this Master Plan Assessment Task. The priorities to select the studies (from high to low) are as follows:
  - a. Watershed-wide studies, including those being developed in the ongoing Fort Bend County Drainage Master Plan.
  - b. Letter of Map Revisions studies
  - c. Drainage Master Plan for developments greater than 1,000 acres
  - d. Drainage Reports for development greater than or equal to 200 acres
  - e. Drainage Reports for developments smaller than 200 acres

The City of Missouri City is to provide these reports in pdf format, if possible. Also, the City of Missouri City is to contact the Levee Improvement Districts (LIDs), Municipal Utility Districts (MUDs) and other relevant agencies to request their drainage reports.

3. Complete a cursory review of each of the selected channels to develop an inventory of the models available with the following information:
  - Date of the study
  - Map of watersheds and level of development included in hydrologic modeling
  - Map of watercourses included in the study
  - Modeling software and version used.
  - Summary of level of service (LOS) as documented in the report. (For studies that did not use the recent Atlas 14 rainfall, LOS is to be presented in terms of inches of rain in 24 hours, and be converted to the rainfall intensity to Atlas 14 frequencies)
  - Watershed-wide changes or substantial channel improvement since the completion of the study

This information is to be summarized in ESRI ArcGIS shapefiles or databases.

4. Using the summary developed above, identify streams or areas that have not been studied and areas that require updated studies. Identify areas that need future studies based on priorities established by the City.
5. Prepare a technical memorandum summarizing the approach, findings and recommendations.

### **Task 3. High Level Update of the City's Drainage Master Plans**

**Objective:** Evaluate existing watershed models and make updates as necessary to better define flood risks. Complete strategic updates to existing master plans to meet City's immediate needs with focus on emergency preparedness and response.

**Deliverable:** Digital library of inundation maps for the selected scenarios and technical memorandum documenting the process.

For the following five watersheds, this task will use the models currently being developed in the Fort Bend County Drainage Master Plan: Stafford Run, Mustang Bayou, Oyster Creek, Lower Oyster Creek and Flat Bank. Areas inside Levee Improvement Districts are excluded from the scope of this Task.

**Scope:**

1. Meet with the City of Missouri City to identify areas where models are to be developed to provide information during emergency conditions. This meeting will discuss information needed by the City during emergencies and critical areas of interest in order to identify the watersheds and scenarios to be modeled.
2. Based on the inventory developed under Task 2.3, prepare the plan of "high-level" updates to be completed for City's approval. This proposed plan is to balance information required for emergency preparedness, adequate City-wide coverage and the proposed level of effort of this task. Anticipated "high-level" changes to be included in the plan may include:
  - a. Update of watershed parameters with the methods proposed in the Fort Bend County Drainage Criteria Manual.
  - b. Conversion of hydraulic models to unsteady HEC-RAS.
  - c. Update the models to represent watershed-wide changes (identified in the inventory in Task 2.3) such as changes in land use, construction of major detention ponds and other changes that affect the major channels.
  - d. For areas not covered by any hydrologic or hydraulic modeling, identify the coverage for which a rain-on-grid approach can be used.
3. Develop inundation mapping for up to two past severe rain events. Run the models to obtain results for the selected historical events and validate the modeling results with available gage records or known highwater marks.
4. Develop up to twelve hypothetical storms for which inundation maps are to be created. This may include a combination of synthetic frequency storms and historical storms.
5. Run the selected models to develop inundation maps for each storm. These inundation maps reflect sources of flooding caused by channel overflows or overland flow areas.

6. Develop a database of inundation rasters and a tool that allows to pull a requested map based on rainfall included in the model. Use the inundation maps to determine areas where improvements should be prioritized by the City.
7. Prepare a technical memorandum summarizing the methodology, the coverage of the models, the storms included, identified priority areas where improvements are needed, and a user's guide of the mapping tool.

#### **Task 4. Evaluate Implications of Atlas 14 Rainfall**

Objective: Provide recommendation to the existing drainage guidelines and drainage criteria to account for the NOAA Atlas 14 changes in rainfall data. Evaluate potential impact of accommodating the new design criteria on existing watersheds.

Deliverable: Technical memorandum with specific recommendation to update the City's drainage-related engineering policies.

Scope:

1. Review the current drainage-related design manuals and regulations to identify updates needed as a result of the Atlas 14 increased rainfall.
2. Recommend changes to such regulations based on Atlas 14. This may include changes to design rainfall events, changes to detention requirements, and floodplain mitigation requirements. Recommendations are to consider ongoing revisions to the FBC Drainage Criteria Manual and the changes adopted by Harris County Flood Control District in July 2019.
3. Using the updated results from Task 3, identify areas where the modeled channels do not meet the current Atlas 14, 100-year level of service.
4. Recommend updated to City's Storm Design, Detention and Base Slab Elevation Criteria.
5. Prepare a technical memorandum summarizing the recommendations.

#### **Task 5. Brazos Backwater Impacts**

Objective: Evaluate potential impacts of backwater from Brazos River at identified strategic points within the City limits.

Deliverables: Digital library of inundation maps and technical memorandum

1. Using the hydraulic model for the Brazos River developed by FBCDD, develop a table that can be used to translate river stages at the Brazos River USGS Richmond gage to water surface elevations at the following locations.
  - Flat Bank Creek at Sienna Springs Drive
  - Flat Bank Creek at Sienna Plantation North outfall
  - Steep Bank Creek at LID 19 outfall
  - Sienna external channel at Sienna Parkway
  - Sienna external channel at Sienna Plantation South outfall

This table will start at stage 30' and will increase in one foot increments up to stage 62'.

2. Develop water surface elevation rasters that represent areas inundated by the Brazos River for stages greater than 50' at Richmond, with 1' increments up to stage 62'. This task assumes sunny day local conditions coincident with flood waters on the Brazos River. Extents of each raster will be limited to areas within the City of Missouri City ETJ, including areas within levees, in the event levees are overtopped.
3. Using the Brazos River hydraulic model developed by FBCDD and the updated H&H models under Task 3 of the local streams influenced by the Brazos River, develop water surface elevation rasters that represent areas inundated by a localized storm event of a certain magnitude occurring (coincidental rainfall event) while the Brazos River is at a high stage. For example, an inundation map representing areas inundated when the Brazos River at Richmond is at stage 53', and the rainfall forecast is 3 inches of rainfall occurring over the next 6 hours. The inundation map will represent areas affected by riverine flooding and will not capture flooding due to localized drainage issues. The deliverable will be a series of GIS rasters, each representing one combination of Brazos River stage and local rainfall. Extents of each raster will be limited to areas within the City of Missouri City ETJ outside of leveed areas, that are affected by the Brazos River. Up to 9 stages on the Brazos River will be evaluated, in combination with up to 4 rainfall depths over the next 6 hours, and up to 3 rainfall depths over the next 12 hours, for a total of 63 GIS rasters.

Brazos River at Richmond Gage	Forecasted Rainfall (in)							
	Over next 6 hours				Over next 12 hours			
Stage (ft)	1	2	3	4	1	2	3	4
1								
2								
3								
4								
5								
6								
7								
8								
9								

4. Prepare a visualization web-based tool that allows to pull specific inundation maps based on the input of Brazos River stage and forecasted rainfall.
5. Prepare a technical memorandum with a summary of the data collected in this task and overall methodology.
6. Prepare and provide GIS shape files to City in compatible format for use in emergency preparedness.

**Task 6. Project Management and Coordination**

Objective: Complete required tasks to administer the project and to keep Missouri City informed on progress. Confirm focus and direction as project moves forward.

Deliverables: Monthly progress reports and meeting minutes as noted in the scope.

Scope:

1. Attend monthly regular progress meetings with the City of Missouri City to report progress and to confirm focus and direction. Provide meeting minutes within three business days of each meeting.
2. Manage and coordinate the work with subconsultants. This includes regular coordination meetings, conference calls, preparation of work plans, and review of subconsultants work for conformance to the scope.
3. Up to two (2) stakeholder meetings (in addition to the Workshop of Task 1).
4. Up to one (1) public meeting to seek input.
5. Up to two (2) Council Workshop/Meetings to seek input and present findings from the study.

## Compensation

Compensation for each task shall be on a lump sum basis according to the following schedule that reflects the cost for Walter P Moore and our subconsultant, Freese and Nichols:

Task No,	Description	WPM	FNI	TOTAL
Task 1	Understanding Roles and Responsibilities	\$ 14,960	\$ 9,395	\$ 24,355
Task 2	Review of Drainage Master Plans	\$ 30,050	\$ 2,091	\$ 32,141
Task 3	High Level Drainage Master Plan Update	\$ 172,950	\$ 14,051	\$ 187,001
Task 4	Atlas 14 Recommendations	\$ 30,290	\$ 3,156	\$ 33,446
Task 5	Brazos Backwater Impact Study	\$ 14,560	\$ 97,459	\$ 112,019
Task 6	Project Management	\$ 40,090	\$ 20,848	\$ 60,938
	TOTAL	\$ 302,900	\$ 147,000	\$ 449,900

We will be ready to begin the work upon a notice to proceed by the City after approval from City Council. Should you have any question about this proposal, please contact me at (713) 630-7436 or at [asalazar@walterpmoore.com](mailto:asalazar@walterpmoore.com).

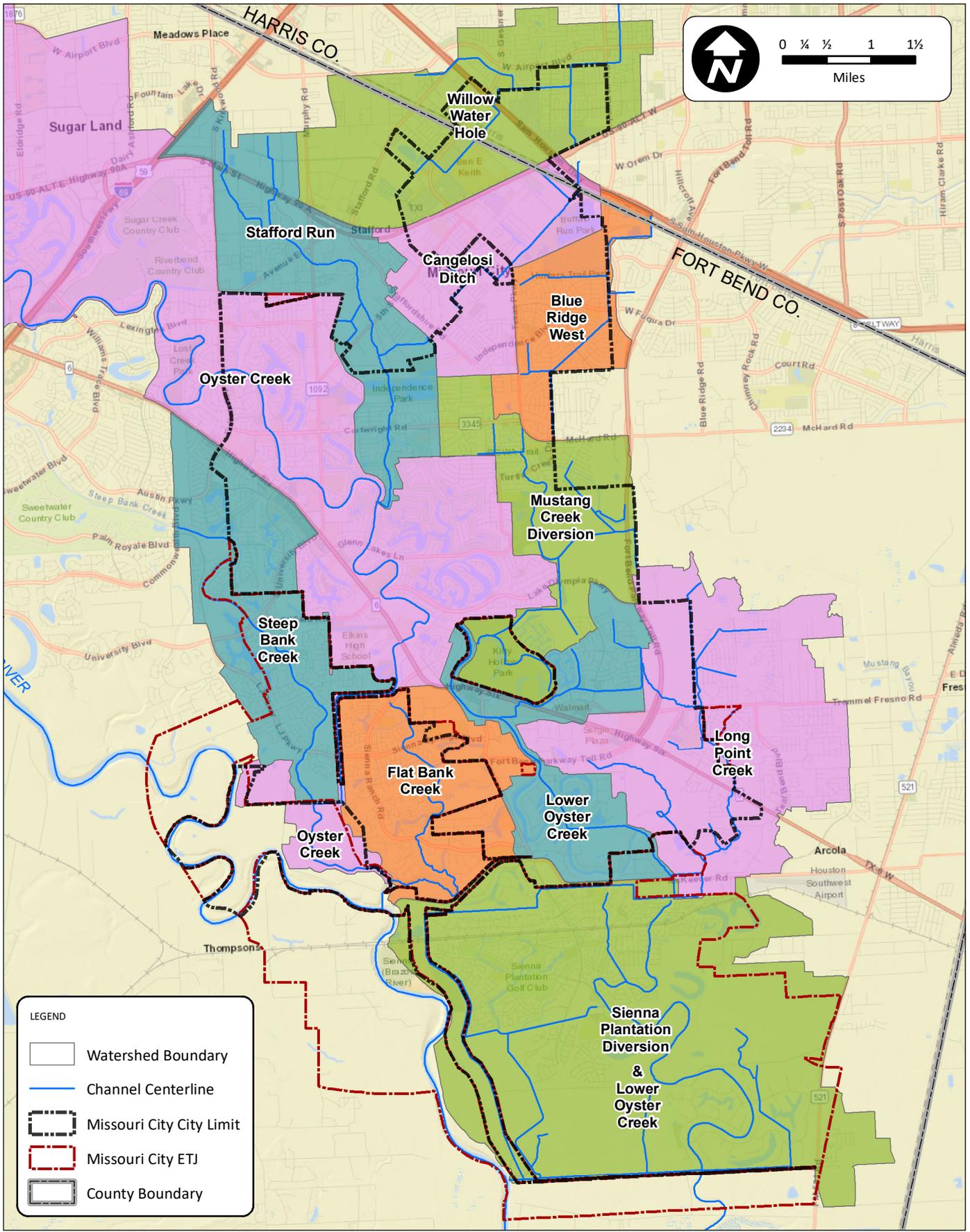
Sincerely,

Walter P Moore and Associates, Inc.



Andres A. Salazar, Ph.D., P.E., D.WRE  
Director Water Resources Engineering

Enclosure: Watershed Map



  
 Walter P Moore and Associates, Inc.  
 1301 McKinney, Suite 1100  
 Houston, Texas 77010  
 713.630.7300  
 walterpmoore.com

PREPARED BY	M. Henze
REVIEWED BY	A. Salazar
DATE	4/14/2020
PROJECT NUMBER	H20-20006-00

# Missouri City Drainage Master Plan

## Watershed Map



## CITY COUNCIL

### AGENDA ITEM COVER MEMO

April 20, 2020

**To:** Mayor and City Council  
**Agenda Item:** 9(b) Consider authorizing a term contract for Landscape Bed Maintenance Services.  
**Submitted by:** Randy Troxell, Assistant Director of Parks and Recreation

#### SYNOPSIS

Staff desires to renew a term contract for landscape bed maintenance services with Classic Irrigation and Landscape, LLC. With the addition of the Missouri City Branch Library grounds, the contract estimate for FY20 will need to be increased to cover this addition.

#### STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live
- Develop a high performing City team

#### BACKGROUND

City Staff request that Council award the final one year renewal of Contract 17-135 landscape bed maintenance services. The Parks Department utilizes the services of Classic Irrigation to perform monthly landscape maintenance tasks such as weeding, mulching, pruning and trimming shrubs and groundcovers along with irrigation system repairs and inspections. City properties under this maintenance contract include; City Hall/Community Center, Missouri City Branch Library, all Fire Stations, PSHQ/Municipal Court, Rec. & Tennis Center and next year the soon to be landscaped medians on Texas Parkway and Cartwright Rd.

#### BUDGET/FISCAL ANALYSIS

Funding Source	Account Number	Project Code/Name	FY2020 Funds Budgeted	FY2020 Funds Available	Amount Requested
General Fund	101-53568-16-150	Landscape Services	\$ 587,059	\$ 152,307	46,925

**Purchasing Review:** Shannon Pleasant, CTPM - Procurement and Risk Manager  
**Financial/Budget Review:** Bertha P. Alexander, Budget & Financial Reporting Manager

#### SUPPORTING MATERIALS

List in order to be presented to City Council

1. Amendment No. 2
2. Original Agreement, No. 17-135 - Classic Irrigation and Landscape, LLC

#### STAFF'S RECOMMENDATION

Staff recommends that Council award a term contract to Classic Irrigation for a one year renewal for Landscape Bed Maintenance Services.

**Director Approval:** Jason S. Mangum, CPRE

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



**Purchasing**

1522 Texas Parkway  
Missouri City, Texas 77489-2170

Phone: (281) 403-8500  
www.missouricitytx.gov

**AMENDMENT NO. 2 to AGREEMENT NO. 17-135 for  
LANDSCAPE BEDDING SERVICES**

This amendment is made to the Agreement No. 17-135 previously executed by and between **CLASSIC IRRIGATION AND LANDSCAPE, LLC**, (the "CONTRACTOR") and the **CITY OF MISSOURI CITY** (the "CITY"). It is mutually understood and agreed by and between the undersigned contracting parties to amend the previously executed agreement as follows:

**1. SECTION I – SCOPE OF AGREEMENT**

The term of the agreement shall be extended effective May 1, 2019 through September 30, 2020.

Except as modified and amended by the terms of this Amendment, all of the terms, conditions, provisions and covenants of the Agreement shall remain in full force and effect, and the Agreement and this Amendment shall be deemed to constitute a single instrument or document. Should there be any inconsistency between the terms of this Amendment and the Agreement, the terms of this Amendment shall prevail.

Shannon Pleasant  
Shannon Pleasant, CTPM  
Procurement and Risk Manager

[Signature]  
Department Director

**CLASSIC IRRIGATION AND  
LANDSCAPE, LLC**

**CITY OF MISSOURI CITY, TEXAS**

[Signature]  
Signature

[Signature]  
Glen Martel  
Assistant City Manager

President/Owner  
Title

3/2/20  
Date

3/10/2020  
Date

[Signature]  
Acting  
City Manager  
3/27/2020  
Date

AGREEMENT/CONTRACT  
FOR  
**Annual Agreement for Landscape Bedding**  
(Local Contract # 17-135)

**STATE OF TEXAS §**

**COUNTY OF FORT BEND §**

THIS AGREEMENT MADE, entered into and executed by and between the CITY OF MISSOURI CITY, a body corporate and politic under the laws of the State of Texas, hereinafter called "CITY", and

**Classic Irrigation and Landscape, LLC**

hereinafter called "CONTRACTOR".

WHEREAS, the CONTRACTOR represents that it is fully capable of making and qualified to provide assistance to the CITY (or Client) and the CONTRACTOR desires to perform the same;

NOW, THEREFORE, the CITY and the CONTRACTOR, in consideration of the mutual covenants and agreements herein contained, do mutually agree as follows:

**SECTION I  
SCOPE OF AGREEMENT**

The CONTRACTOR agrees to provide the following services:

Provision, installation and on-going maintenance of landscape beds pursuant to Contractors response to Invitation for Bid # 17-135, dated February 7, 2017 (attached).

The term of this agreement shall be for one year, May 1, 2017 through April 30, 2018 with options to renew for two (2) additional one (1) year periods.

and for having provided said services, the CITY agrees to pay the CONTRACTOR compensation as stated in the sections to follow. The terms and conditions of this Agreement shall take precedence over all attachments. Any terms and conditions attached to or included in the Scope of Work by the CONTRACTOR are intentionally excluded from this Agreement and will not be enforceable against the CITY.

**SECTION II  
CHARACTER AND EXTENT OF WORK**

The CONTRACTOR shall provide the services as defined in Section I. The CITY shall be under no obligation to pay for any additional services rendered without prior written authorization.

**SECTION III  
TIME FOR PERFORMANCE**

The work under this Agreement shall be completed as detailed Section 1

The CITY reserves the right to terminate this contract at any time during the term of the contract, without cause, with a written thirty (30) days notice to terminate and pay the contractor for work performed to date.

**SECTION IV  
COMPLIANCE AND STANDARDS**

The CONTRACTOR agrees to provide services hereunder in accordance with the generally accepted standards applicable thereto and shall use that degree of care and skill commensurate with the CONTRACTOR's trade or profession to comply with all applicable state, federal, and local laws, ordinances, rules, and regulations relating to the services provided hereunder and the CONTRACTOR's performance. The CONTRACTOR shall and does hereby agree to indemnify and hold harmless the CITY, its officers, agents, and employees from any and all damages, loss, or liability of any kind, whatsoever, including, but not limited to, death, injury, or property damages, caused by the intentional, knowing, reckless, or negligent act or omission (hereinafter referred to as "fault") of the CONTRACTOR, its officers, agents, employees, invitees or other persons for whom it is legally liable, with regard to the performance of this Agreement, and the CONTRACTOR will, at its cost and expense, defend, pay on behalf of, and protect the CITY and its officers, agents, and employees against any and all such claims and demands. Such indemnity shall apply where the suits, actions, legal proceedings, claims, demands, damages, costs, expenses and attorney fees arise in whole or in part from the fault of the CONTRACTOR. The indemnification provision shall survive the expiration or termination of the Agreement.

*Force Majeure.* Neither the CONTRACTOR, its suppliers nor the CITY will be liable for any failure or delay in this Agreement due to any cause beyond its reasonable control, including acts of war, acts of God, earthquake, flood, embargo, riot, sabotage, labor shortage or dispute, governmental act or failure of the Internet (not resulting from the negligence or willful misconduct of CONTRACTOR), provided that the delayed party: (a) gives the other party prompt notice of such cause, and (b) uses its reasonable commercial efforts to promptly correct such failure or delay in performance. If the CONTRACTOR is unable to provide services for a period of ten (10) consecutive days as a result of a continuing force majeure event, the CITY may cancel the services order without penalty.

**SECTION V  
THE CONTRACTOR'S COMPENSATION**

For and in consideration of the services rendered by the CONTRACTOR pursuant to this Agreement, the CITY shall pay the CONTRACTOR the amount to annually not to exceed thirty-five-thousand dollars and no-cents (\$ 35,000.00), which shall be considered as the total fee.

Optional: Hourly rate for two (2) man crew for seasonal pruning: \$ 20.00 per man.

**SECTION VI  
TIME OF PAYMENT**

Payment by the CITY to the CONTRACTOR shall be made as follows:

The CONTRACTOR shall be provided a purchase order number from the CITY and such number shall be referenced on all invoices submitted to the CITY.

On or about the first of each month, the CONTRACTOR shall submit, to the appropriate CITY staff member, an invoice in a form acceptable to the CITY, setting forth the charges for the service provided which were delivered during such billing period, and the compensation which is due for same. The CITY contract manager shall review the same and approve it with such modifications, as deemed appropriate. The CITY shall pay each invoice as approved by the CITY contract manager within thirty (30) days after receipt of a true and correct invoice by the CITY. The approval or payment of any such invoice shall not be considered to be evidence of performance by the CONTRACTOR to the point indicated by such invoice or of the receipt of or acceptance by the CITY of the services covered by such invoice.

Invoices shall be submitted via electronic mail to the following address:

City of Missouri City  
Accounts Payable Office  
1522 Texas Parkway  
Missouri City, TX 77489  
[accountspayable@missouricitytx.gov](mailto:accountspayable@missouricitytx.gov)

Invoices submitted without a purchase order number will be returned unpaid. Failure to submit invoices to the above address will delay payment. DO NOT submit invoices to any other address for payment.

Chapter 2251 of the Texas Government Code, commonly known as the Prompt Payment Act, sets out the required deadlines for payment of the CITY'S obligations to its vendors, requirements for vendor's payments to their subcontractors, penalties for failure to comply with the Act and exceptions to the Act.

The Act requires political subdivisions to pay all payments owed not later than thirty (30) days after the goods and services are received, the performance of the service under the contract is completed, or the date the invoice is received, whichever is later. Interest automatically accrues at one percent (1%) per month plus the prime rate as published in the Wall Street Journal on the first day of July of the preceding fiscal year that does not fall on a Saturday or Sunday. The Act also requires a vendor to pay subcontractors the appropriate share of the vendor's payments from the CITY not later than the 10th day after the date the vendor receives the payment. Subcontractors must pay their suppliers, materialmen and servicemen within ten (10) days of receipt of their payment.

When the CITY believes there is an error on the invoice received from a vendor, it has until the 21st day after receipt to notify the vendor of the dispute. If resolved in favor of the CITY, the vendor must submit a new invoice and the CITY has thirty (30) days to pay. If the dispute is resolved in favor of the vendor, interest is due from the original date on which the invoice would have become overdue.

## **SECTION VII TERMINATION**

The CITY may terminate this Agreement at any time by giving thirty (30) days written notice to the CONTRACTOR. The CONTRACTOR may terminate this agreement upon thirty (30) days written notice to the CITY in the event the CITY has failed to pay the CONTRACTOR'S invoices. If the CONTRACTOR has been providing services in accordance with this Agreement, the CITY shall pay the CONTRACTOR all amounts due up to the time of termination.

**SECTION VIII  
ADDRESS AND NOTICES AND COMMUNICATIONS**

The parties contemplate that they will engage in informal communications with respect to the subject matter of this Agreement. However, any formal notices or other communications ("Notice") required to be given by one party to the other party under this Agreement shall be given in writing addressed to the party to be notified at the address set forth below for such party, (i) by delivering the same in person, (ii) by depositing the same in the United States mail, certified or registered, return receipt requested, postage prepaid, addressed to the party to be notified, or (iii) by depositing the same with a nationally recognized courier service guaranteeing "next day delivery," addressed to the party to be notified, (iv) by sending the same by telefax with confirming copy sent by mail, or (v) by sending the same by electronic mail with confirming copy sent by mail. Notice deposited in the United States mail in the manner hereinabove described shall be deemed effective from and after the date of such deposit. Notice given in any other manner shall be effective only if and when received by the party to be notified. For the purposes of notice, the addresses of the parties, until changed by providing written notice in accordance hereunder, shall be as follows:

All notices and communications under this Agreement shall be mailed to the CONTRACTOR at the following address:

Classic Irrigation and Landscape, LLC  
1121 Edgewood Dr.  
Richmond, TX 77406  
832-746-2740  
[drew@classicirrigationlandscape.com](mailto:drew@classicirrigationlandscape.com)

All notices and communications under this Agreement shall be sent to the CITY at the following address:

City of Missouri City  
Attn: Alan A. Phillips, CPPB CTPM  
1522 Texas Parkway  
Missouri City, Texas 77489  
281-403-8626  
[alan.phillips@missouricitytx.gov](mailto:alan.phillips@missouricitytx.gov)

**SECTION IX  
LIMIT OF APPROPRIATION**

Prior to the execution of this Agreement, the CONTRACTOR has been advised by the CITY and the CONTRACTOR clearly understands and agrees, such understanding and agreement being of the absolute essence to this Agreement, that the CITY shall have available the amount budgeted by the CITY for materials testing to discharge any and all liabilities which may be incurred by the CITY pursuant to this Agreement and that the total maximum compensation that the CONTRACTOR may become entitled to hereunder and the total maximum sum that the CITY shall become liable to pay to the CONTRACTOR hereunder shall not under any conditions, circumstances, or interpretations, hereof, exceed the said total maximum sum provided for in this section without prior written permission from the CITY.

**SECTION X**

**SUCCESSORS AND ASSIGNS**

The CITY and the CONTRACTOR bind themselves and their successors, executors, administrators, and assigns to the other party of this Agreement and to the successors, executors, administrators and assigns of such other party, in respect to all covenants of this Agreement. Neither the CITY nor the CONTRACTOR shall assign, sublet or transfer its or his interest in this Agreement without the written consent of the other, which consent will not be unreasonably withheld. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of any public body, which may be a party hereto.

**SECTION XI  
MEDIA**

Contact with the news media shall be the sole responsibility of the CITY. The CONTRACTOR shall under no circumstances release any material or information developed in the performance of its work hereunder without the express written permission of the CITY.

**SECTION XII  
AUTHORITY OF CITY PROJECT MANAGER**

All work to be performed by the CONTRACTOR hereunder shall be performed to the satisfaction of the CITY'S project manager. The CITY'S project manager shall decide any and all questions, which may arise as to the quality, or acceptability of the work performed by the CONTRACTOR and the decisions of the CITY'S project manager in such cases shall be final and binding on both parties. However, nothing contained herein shall be construed to authorize the CITY'S project manager to alter, vary or amend this Agreement.

**SECTION XIII  
MODIFICATIONS**

This instrument contains the entire Agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any oral or written representations or modifications concerning this instrument shall be of no force and effect, except for a subsequent modification in writing signed by both parties hereto.

**SECTION XIV  
FISCAL FUNDING**

The CITY'S fiscal year is July 1 through June 30.

If this contract extends beyond June 30<sup>th</sup>, there shall be a fiscal funding out. If, for any reason, funds are not appropriated to continue the contract in the new fiscal year, said contract shall become null and void on the last day of the current appropriation of funds. Contract will then be terminated without penalty of any kind or form to the CITY.

**SECTION XV  
INSURANCE REQUIREMENTS**

**INSURANCE AND HOLD HARMLESS AGREEMENT**

The CONTRACTOR shall indemnify and hold the CITY harmless from all claims for personal injury, death and/or property damage arising out of or resulting from, directly or indirectly, the

CONTRACTOR'S negligent performance of services under this Agreement or by reason of any act or omission on the part of the CONTRACTOR, its officers, directors, servants, agents, employees, representatives, contractors, subcontractors, licensees, successors, or permitted assigns. If any action or proceeding shall be brought by or against the CITY in connection with any such liability or claim, the CONTRACTOR, on notice from the CITY, shall defend such action or proceedings at CONTRACTOR'S expense, by or through attorneys reasonably satisfactory to the CITY. The CONTRACTOR's obligations under this section shall not be limited to the limits of coverage of insurance maintained or required to be maintained by the CONTRACTOR under this Agreement. The CONTRACTOR shall procure and maintain, with respect to the subject matter of this Agreement, appropriate insurance coverage with limits to cover the CONTRACTOR'S liability as may arise or cause, directly or indirectly, from work performed under terms of this Agreement.

A current certificate of liability insurance is required to be submitted to the Purchasing Office before the CITY will enter into a contract with the CONTRACTOR. The certificate of insurance shall be an attachment to the contract document. In addition, the CITY will not enter into any separate indemnification or hold harmless agreements with the CONTRACTOR.

### POLICY REQUIREMENTS

The CONTRACTOR and all subcontractors performing work for the CONTRACTOR under this Agreement shall furnish a completed insurance certificate to the CITY prior to the event, which shall be completed by an agent authorized to bind the named underwriter(s) for coverage, limits, and termination provisions shown thereon, and which shall contain the following:

- (a) Worker's Compensation: Workers' Compensation Insurance with statutory limits as required by the State of Texas and Employer's Liability with minimum limits of \$1,000,000 each accident and each employee;
- (b) Commercial General Liability: General Liability Coverage with minimum limits of \$1,000,000 each occurrence, \$2,000,000 in aggregate;
- (c) Automobile Liability: Automobile Liability Insurance that provides coverage for owned, hired, and non-owned automobiles. Liability limits shall be \$1,000,000 combined single limit each accident for bodily injury and property damage; and
- (d) Professional Liability (Errors and Omissions): Coverage Amount \$1,000,000 per occurrence and \$1,000,000 annual aggregate.

The CITY shall be entitled, upon request and without expense, to receive copies of the certificate of insurance and the required policies and endorsements.

The CONTRACTOR agrees, with respect to the above required insurance, that all insurance contracts and certificate(s) of insurance will contain and state, in writing, on the certificate or its attachment, the following required provisions:

- (a) The CONTRACTOR shall notify the CITY of any change in the required coverage or cancellation, and shall give such notices not less than 30 days prior to the change or cancellation. The CONTRACTOR shall provide a replacement CERTIFICATE OF INSURANCE prior to such change or cancellation;
- (b) Provide for an endorsement that the "other insurance" clause or provision shall not apply to the CITY where the CITY is shown as an additional insured on the policy;

(c) Provide for notice to the CITY at the address shown in this Agreement;

(d) The CONTRACTOR agrees to waive all the CONTRACTOR'S, its officers, employees, agents, assigns, and successors' rights of subrogation against the CITY, its officers, employees, and elected representatives for injuries, death, property damage, or other loss covered by insurance and the CONTRACTOR will provide a waiver of subrogation endorsement against the CITY. The CITY must be named or listed on the endorsement; and

(e) The CITY, its elected and appointed officials, employees and agents shall be listed as additional insured to the required coverage. All coverage specified shall remain in effect during the term of this Agreement. No cancellation of or changes to the certificates, the policies or endorsements may be made without thirty (30) days prior written notification to the CITY. Any termination of coverage without replacement shall result in immediate termination of this Agreement.

**COVERAGES SHALL BE WITH A COMPANY (WITH AT LEAST AN A- BEST RATING) ACCEPTABLE TO THE CITY PURCHASING AND RISK MANAGEMENT DEPARTMENT AND A COPY OF THE CERTIFICATE OF COVERAGE SHALL BE DELIVERED TO THE CITY ON OR BEFORE THE DATE OF THIS AGREEMENT.**

#### NOTICES

All notices shall be given to the CITY at the following address:

City of Missouri City  
Purchasing and Risk Management  
Attn: Alan A. Phillips  
1522 Texas Parkway  
Missouri City, Texas 77489

#### **APPROVAL**

Approval, disapproval, or failure to act by the CITY regarding any insurance supplied by the CONTRACTOR shall not relieve the CONTRACTOR of full responsibility or liability for damages and accidents as set forth in the contract documents. Neither shall the bankruptcy, insolvency, or denial of liability by the insurance company exonerate the CONTRACTOR from liability.

#### **SECTION XVI CHOICE OF LAW**

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

#### **SECTION XVII SEVERABILITY**

In the event that any provision(s) of this Agreement shall for any reason be held invalid, illegal, or unenforceable, the invalidity, illegality or unenforceability of that provision(s) shall not affect any other provision(s) of this Agreement, and it shall further be construed as if the invalid, illegal, or unenforceable provision(s) had never been a part of this Agreement.





CITY OF MISSOURI CITY  
INVITATION FOR BID

BID #17-135

Annual Contract for the provision, installation and  
on-going maintenance of landscape beds.

BID OPENING DATE: February 7, 2017 @ 2:00 PM

LATE BIDS WILL NOT BE CONSIDERED.

BIDDER MUST COMPLETE AND SIGN BELOW.

NOTE: Will your company accept MasterCard as a payment (without fees) from the City of Missouri City?

Yes No (see page 6)

Classic Irrigation Landscape, LLC  
Name of Firm/Company

Drew Johnson President  
Agent's Name (Please Print) Agent's Title

1121 Edgewood Dr. Richmond TX 77406  
Mailing Address City State Zip

832-740-2740  
Telephone Number Cell Phone Number

drew@classicirrigationlandscape.com  
Email Address

[Signature] 2/7/17  
Authorized Signature Date

CONTRACTOR AGREES TO COMPLY WITH ALL CONDITIONS BELOW, ATTACHED SPECIFICATIONS, AND NOTES. CONTRACTOR HAS READ AND AGREES TO COMPLY WITH ALL TERMS AND CONDITIONS OF INVITATION TO BID, PURCHASES MADE FOR CITY USE ARE EXEMPT FROM THE STATE SALES TAX AND FEDERAL EXCISE TAX. DO NOT INCLUDE TAXES IN YOUR BID. CONTRACTOR GUARANTEES PRODUCT OFFERED SHALL MEET OR EXCEED MINIMUM SPECIFICATION IDENTIFIED IN THIS INVITATION TO BID.

"By the signature hereon affixed, the bidder hereby certifies that neither the bidder nor the firm, corporation, partnership, or institution represented by the bidder, or anyone acting for such firm, corporation, or institution has violated the antitrust laws of the State, codified in Section 15.01, et seq., Texas Business and Commerce Code, or the Federal antitrust laws, nor communicated directly or indirectly the bid made to any competitor or any other person engaged in such line of business."



**City of Missouri City Terms and Conditions**

1. The City of Missouri City will accept **sealed bids** Monday through Friday, 8:00 am – 12:00 pm and 1:00 pm – 5:00 pm. The Purchasing Department is **closed** from 12:00 pm to 1:00 pm. Bids must be received by the PURCHASING DEPARTMENT before the specified hour and date of the opening. At that time, the bids will be publicly opened and read aloud.
2. All sealed bids should be submitted on the original forms provided. Each bid must be sealed and should be placed in a properly identified envelope with bid number, time and date of bid opening.
3. Late bids will be UNOPENED. Late bids will not be considered under any circumstances.
4. Bids CANNOT be altered or amended after opening time. Any alterations made before opening time must be Initialed by bidder or his authorized agent. No bid may be withdrawn after opening without approval, and based on a written acceptable reason.
5. The City of Missouri City reserves the right to revise or amend the specifications prior to date set for opening bids. Such revisions or amendments, if any, will be announced by amendments or addendum to these specifications. Copies of such amendments or addendum so issued will be posted to the City website at <http://www.missouricitytx.gov/index.aspx?nid=404>. If Contractor demonstrates just reason for a change, the City of Missouri City must have at least five (5) working days notice prior to bid opening date.
6. **Should Contractor find discrepancies in or omissions from the specifications or other documents or be in doubt as to their meaning, Contractor should at once notify the Purchasing Department and obtain clarification prior to submitting a bid.**
7. **QUOTE F.O.B. destination.** Price should include all costs including shipping, handling and other related costs. Bid unit price on quantity specified – extend and show total. In case of errors in extension, **UNIT prices shall govern.** Bids subject to unlimited price increases will not be considered.
8. Bid offered shall be valid for ninety (90) days from opening date.
9. The City of Missouri City is exempt from taxes. **DO NOT INCLUDE TAX IN BID.**
10. The City of Missouri City reserves the right to terminate this contract for any reason by notifying the Contractor/Supplier in writing thirty (30) days prior to the termination of this agreement.
11. Bidder **MUST** give full firm name and address. Person signing bid should show **TITLE** or **AUTHORITY TO BIND HIS FIRM IN A CONTRACT.** Authorized signature should appear on each page of the bid, if specified in the space provided.
12. Any catalog, brand name or manufacturer's reference used in bid invitation is descriptive – NOT restrictive – It is to indicate type and quality desired. Bids on brands of like nature and quality will be considered. If bidding on other than reference specifications, bidder must show manufacturer, brand or trade name, lot number, etc., of article offered. If other than brand(s) specified is offered, illustrations and complete description should be made part of the bid. If bidder takes no exceptions to specifications or reference data, he will be required to furnish brand names, numbers, etc., as specified. All items bid shall be new, in first class condition and manufacturer's latest model and design including containers suitable for shipment and storage, unless otherwise indicated in bid invitation. Verbal agreements to the contrary will not be recognized.
13. If the brochure or information included with your bid **does not exactly** describe the item to be furnished, then notes in the attached form, "EXCEPTIONS TO BIDDER'S PROPOSAL," must explain the difference. Comments in this form signify that your proposal takes exception to the stated specifications. Exceptions taken may be just cause to disqualify bid.
14. NO substitutions or cancellations permitted without written approval of the City of Missouri City.
15. All bidders **must meet or exceed the minimum specifications** to be considered as a valid bid. The City of Missouri City reserves the right to accept or reject all or any part of any bid, waive minor technicalities and award the bid either to the lowest responsible Contractor or to the Contractor who provides goods or services at the best value for the City of Missouri City.
16. **DELIVERY:** Specifications indicate number of days required to place material in receiving department designated location under normal conditions. A difference in delivery promise may break a tie bid. Unrealistically short or long delivery promises may cause bid to be disregarded. Consistent failure to meet delivery promises without valid reason may cause removal from bid list. Delivery shall be made during normal working hours only, 8:00 am to 5:00 pm unless prior approval for late delivery has been obtained.
17. Consistent and continued tie bidding could cause rejection of bids by the City of Missouri City and/or investigation for Anti-Trust violations.
18. If a bid contains proprietary information, the Contractor must declare such information as proprietary if Contractor does not want information to become public.
19. The Contractor/Supplier agrees to protect the City of Missouri City from claims involving infringement of patents or copyrights.



20. Purchase order number should be on original invoice and invoice sent to the City of Missouri City, 1522 Texas Parkway, Missouri City, TX 77489; Attn: Accounts Payable.
21. The City of Missouri City shall pay for the product/service within thirty (30) days of receipt and acceptance. Acceptance by the City of Missouri City shall constitute all items bid being received and in good working order to the City of Missouri City's satisfaction.



## SECTION I – GENERAL SPECIFICATIONS

### 1.0 INTENTION OF SPECIFICATIONS

The City of Missouri City is requesting bids for *Annual Contract for the provision, installation and on-going maintenance of landscape beds.*

**Bids shall be submitted by 2:00 pm, Tuesday, February 7, 2017.**

### 2.0 BID ACCEPTANCE

The City of Missouri City reserves the right to accept or reject any and all proposals, to accept any proposal deemed advantageous and to waive irregularity in the proposals. By bidding, the Contractor acknowledges and will adhere to all bid specifications as stated within this bid packet.

### 3.0 TERM OF CONTRACT

Contract term shall be one (1) year from date of award. Upon completion of the term of the original contract, and upon the mutual agreement of both parties, the original contract may be renewed for two (2) additional one (1) year periods. The unit prices of all items purchased under this annual contract are firm for the first annual period of this contract. However, if the option to renew for additional one-year period(s) is exercised by the City of Missouri City, a price adjustment upward may be requested by the Vendor by the application of the formula set forth in paragraph below. The index to be used in the computation of the price adjustment shall be the "All Items Index" item under the "U.S. City Average" category as quoted in the publication Consumer Price Index for the Houston-Galveston-Sugarland Consolidated Metropolitan Statistical Area, which is issued by the U.S. Department of Labor, Bureau of Labor Statistics.

The index for the month most recently published at the time of bid award shall be used as a base for determining price adjustment(s). The index for the month most recently published at the time of contract expiration/possible renewal shall be used in determining the adjusted contract price(s) for the ensuing contract period(s), should renewal option(s) be exercised and unit price adjustments be requested. Contract price adjustments shall be determined as follows: Unit Price % change (the point difference between the base index and the subsequent specified index is divided by the beginning index points, and multiplied by 100) in the index equals amount of price change eligible for adjustment. Whenever a price adjustment is made pursuant to this clause in contracts with multiple renewal options, the index that was used for computing the most recent price adjustment(s) shall become the new base index for determining further adjustments. There shall be a minimum of at least twelve months between price adjustments for contracts having multiple renewal options.

### 4.0 TERMINATION OF CONTRACT

The City of Missouri City reserves the right to terminate the contract immediately in the event of the following actions on part of the successful Contractor:

- a. By failing to pay insurance, liens, claims, or other charges.
- b. By failing to pay any payments due the City, State or Federal Government from the successful bidder or its principals, including, but not limited to payments identified in this agreement or any taxes, fees, assessments, or liens.



- c. Upon the institution of voluntary or involuntary bankruptcy proceedings against the successful bidder or upon dissolution of the firm or business.
- d. By violation of any provision of the agreement.
- e. By failing to respond within the prescribed time, including weekends and holidays.
- f. By providing substandard service, or service the City deems to be otherwise unacceptable.
- g. Additionally, the City and Contractor reserve the right to terminate the contract without cause upon written notice thirty (30) days prior to the date of termination.

#### 5.0 EVALUATION AND AWARD

The City shall consider all factors it believes to be relevant in selecting the offer that provides the best value for the City including, but not limited to: (a) adherence to service description/specification/qualification requirement; (b) price; (c) reputation of Contractor and Contractor's services; and (d) Contractor's past relationship with the City. The City of Missouri City reserves the right to accept or reject any bid or combination of bids deemed advantageous to it; however, it is the intent of the City to award to a single service provider representing the best value to the City with regard to the factors cited above.

#### 6.0 SPECIFICATION CHANGES

**NO PERSON** has the authority to verbally alter these specifications. Any changes to specifications will be made in writing and posted to the City of Missouri City website at: <http://www.missouricitytx.gov/index.aspx?nid=404> and/or [www.Demandstar.com](http://www.Demandstar.com).

#### 7.0 INVOICES

Invoices must be itemized and issued by department on a monthly basis. Any invoice, which cannot be verified by the contract price and/or is otherwise incorrect, will be returned to the Contractor for correction.

Invoices submitted for payment shall be emailed to [accountspayable@Missouricitytx.gov](mailto:accountspayable@Missouricitytx.gov).

NOTE: The City of Missouri City reserves the right to process payments by use of a corporate MasterCard issued by Chase or P-Card. **Proposers must indicate on Page 2 of this solicitation as to their willingness to allow payments via this means.** By affirming YES, bidder agrees not to charge any fees associated with the acceptance of the P-Card.

#### 8.0 REFERENCES

Contractor shall provide a reference list of a minimum of three (3) current customers of comparable size whom the Contractor has recently provided requested services.

#### 9.0 INDEMNITY CLAUSE

The Contractor agrees to indemnify and save harmless the City of Missouri City and its officers, agents and employees from any and all claims, causes or action, and damages of every kind, for injury to or death of any person and damages, to property arising out of or in connection with the work done by Contractor under this contract, and including acts or omissions of the City of Missouri City or its officers, agents, or employees in connection with said contract.



10.0 EQUAL OPPORTUNITY EMPLOYER

The successful Contractor shall warrant and agree that he/she is an Equal Opportunity Employer. Should complaints of any form of discrimination, either in dispensation of the service, or within company hiring policies be substantiated, this contract may be terminated immediately.

11.0 INSURANCE REQUIREMENTS

An original, certified copy of an insurance certificate listing the City of Missouri City as additional insured, must be submitted within fifteen (15) days of request. The successful Contractor will be required to maintain, at all times during performance of the contract, the insurance detailed below. Failure to provide this insurance certificate within the specified amount of time may result in disqualification of bid.

(a) Workman's Compensation Insurance as required by laws and regulations applicable to and covering employees of Contract engaged in the performance of the work under this agreement with a limit of not less than \$1,000,000.00;

(b) Employers Liability Insurance protecting contractor against common law liability, in the absence of statutory liability, for employee bodily injury arising out of the master-servant relationship with a limit of not less than \$1,000,000.00.

(c) Comprehensive General Liability Insurance including products/completed operation with limits of liability of not less than: Bodily Injury \$1,000,000.00 per each person, \$2,000,000.00 per each occurrence/aggregate; Property Damage \$1,000,000.00 per each occurrence;

(d) Excess Liability Insurance Comprehensive general Liability, Comprehensive Automobile Liability and coverage's afforded by the policies above, with the minimum limits of \$5,000,000.00 excess of specified limits.

An original, certified copy of an insurance certificate listing the City of Missouri City as additional insured, must be submitted within fifteen (15) days of request. The successful Contractor will be required to maintain, at all times during performance of the contract, the insurance detailed on the "Insurance Requirements" form, which is provided as an attachment. Failure to provide this insurance certificate within the specified amount of time may result in disqualification of bid.

12.0 PRICING

Prices for all goods and/or services shall be firm for the duration of this contract. Prices shall be all inclusive. No price changes, additions or subsequent qualifications will be honored during the course of the initial contract. If there are any additional charges of any kind, other than those mentioned above, specified or unspecified, Contractor MUST indicate the items required and attendant costs or forfeit the right to payment for such items.

13.0 ASSIGNMENT

The successful Contractor may not assign, sell or otherwise transfer this contract without prior written consent of the City of Missouri City.

14.0 CONTRACTOR'S RESPONSIBILITY

At the time of the opening of bids, each Contractor shall be presumed to have inspected the sites (if applicable) and to have read and be thoroughly familiar with the contract requirements. The failure or omission of any Contractor



to examine any form, instrument, document or site shall in no way relieve any bidder from any obligation in respect to this bid.

15.0 ESTIMATED QUANTITIES

Quantities indicated are estimated based upon the best available information. The City reserves the right to increase or decrease the quantities by any amount deemed necessary to meet its needs without any adjustments in the bid price.

16.0 COMPLIANCE WITH LAWS

All equipment, supplies and work furnished under this contract shall comply with applicable laws, ordinances and regulations. Contractor shall obtain and pay for such permits and inspections as are required for the legal performance of this work, unless otherwise specified.

Bidder shall comply with all Federal and State laws and City Ordinances and Codes applicable to the Bidder's operation under this contract. These specifications and the contract resulting here from shall be fully governed by the laws of the State of Texas, and shall be fully performable in Ft. Bend County, Texas, where venue for any proceeding arising hereunder will lie.

17.0 SILENCE OF SPECIFICATIONS

The apparent silence of specifications as to any detail, or the apparent omission from it of a detailed description concerning any point, shall be regarded as meaning that only the best commercial practice is to prevail and that only material and workmanship of the finest quality shall be used. All interpretations of specifications shall be made on the basis of this statement.

18.0 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, phrase or word of these requirements or specifications shall be held invalid, such holding shall not affect the remaining portions of these requirements and the specifications and it is hereby declared that such remaining portions would have been included in these requirements and the specifications as though the invalid portion had been omitted.

19.0 ETHICS ACKNOWLEDGEMENT

Any vendor or contractor entering into this contract or agreement with the City of Missouri City, Texas expressly acknowledges that it has familiarized itself with the provisions of Section 2-34(l) of the Code of Ordinances of the City of Missouri City which provides, among other things, that if within two years after the commencement of this contract or agreement the vendor or contractor hires a city official, former city official, appointed city officer, former appointed city officer, appointed city executive employee, or former appointed city executive employee or a city employee who, while acting in such capacity, had substantial and personal involvement with the negotiation of this contract or agreement, then this contract or agreement shall, at the option of the City Manager, be cancelled and/or the vendor or contractor shall be barred from additional contracting with the City of Missouri City for a period of three (3) years.



20.0 CONFLICT OF INTEREST

Chapter 176 of the Texas Local Government Code requires that any person, who enters or seeks to enter in to a contract for the sale or purchase of property, goods or services with a local government entity and who has an employment or other business relationship with a local government officer or family member of the officer, as described by Texas Local Government Code Section 176.006, shall file a completed conflict of interest questionnaire with the City within seven (7) business days after the later of:

1. The date the person begins discussions or negotiations to enter in to a contract, including submission of a bid or proposal, or
2. The date the person becomes aware of facts that require the statement to be filed.

Additional information and the form to be used to file this notice can be found at:

[www.ethics.state.tx.us/whatsnew/conflict\\_forms.htm](http://www.ethics.state.tx.us/whatsnew/conflict_forms.htm).

21.0 RIGHT OF ASSURANCE

Whenever one (1) party to this contract in good faith has reason to question the other party's intent to perform, he may demand that the other party give a written assurance of this intent to perform. In the event that demand is made and no assurance is given within five (5) days, the demanding party may treat this failure as an anticipatory repudiation of this contract.

22.0 DAMAGE

The vendor shall hold sole responsibility for any damages to the City's equipment or property, the workplace and its contents due to work, negligence in work, personnel and equipment. The vendor shall be responsible and liable for the safety, injury and health of its working personnel while its employees are performing service work.

23.0 ADDITIONAL INFORMATION

If additional information is needed concerning these specifications, please contact Alan Phillips, Purchasing Manager, at [alan.phillips@missouricitytx.gov](mailto:alan.phillips@missouricitytx.gov). Questions regarding this bid must be submitted in writing or by email prior to 10:00 a.m. local time, February 1, 2017, to the email listed above.



SECTION II – TECHNICAL SPECIFICATIONS AND PRICING

**High Impact Landscape Area Maintenance Specifications:**

**Tree & Shrub Pruning & Maintenance:** All trees and shrubs located within the designated landscape areas shall be kept free of root and lower stem suckers and water sprouts. This includes, but is not limited to live oaks, crepemyrtles, vitex, hollies, and waxmyrtles. All suckers and water sprouts projecting from the lower trunk, roots, or nearby soil shall be removed by hand pruners only. Removal by herbicide or weed trimmer is prohibited. Any dead or damaged wood lying on the ground shall be removed from the site at each visit. All upper canopy pruning shall be conducted by city staff only. Tree & shrub topping shall not be tolerated and will result in termination of this contract.

**Hedge Trimming:** Waxleaf ligustrum, boxwood, or other identified hedges shall be hedge trimmed, at the applicable sites, once on each of the following months: March, May, July, and September. Hedges shall be hand sheared or hedge trimmer sheared in a uniform, continuous shape. All invasive vines, trees, weeds located in, around, or under the hedge rows shall be removed at the ground level. All litter, weeds, and clipping shall be removed from the ground area under the shrubs.

**Jasmine Beds:** Jasmine beds, at applicable sites, shall be kept free of excessive weed and grass competition by means of hand removal or weed trimmer. Each jasmine bed will be trimmed to a uniform and continuous shape once on each of the following months: March, May, July, and September. Beds shall be edged to prevent encroachment onto nearby sidewalks and structures. All plant debris shall be removed from site.

**Litter & Debris Removal:** All designated landscape areas shall be maintained 100% free of litter and large items of debris (larger than grass clippings and mulch). Any plant material removed during maintenance of these areas shall be bagged and removed from the site.

**Weed Control:** Designated landscape areas shall be free of weeds and all weeds will be thoroughly removed by hand or treated by a pre-approved post-emergent herbicide during each visitation. Weeding via weed trimmer will not be acceptable.

**Pesticide Treatments:** Landscape areas shall kept free of fire ants. Apply an approved liquid or granular spot treatment to specific areas ants are found foraging or nesting. All successfully treated mounts shall be lowered and tamped to the existing grade. Post-emergent herbicides may be used by a licensed Texas Pesticide Applicator. Records of any application shall be kept for the duration of the contract and furnished to the city representative upon their request. All copies of applicator licenses & a list of intended use herbicides must be furnished to and approved by the city representative prior to any applications. With the exception of fire ants, all other insect and disease pests shall be treated by city staff only.

**Mulch:** A 3" depth layer of mulch shall be applied to each designated landscape area, once per year. These areas shall include all continuous ground beds, raised planter boxes, and tree circles. Mulch shall be composted, native, natural colored, hardwood mulch. Mulch pieces shall be sized to pass through a 1" screen. No dyes or other additives shall be accepted.

**Damages:** Any hardscape, irrigation systems, or desired plant materials that are damaged due to the cause of the contractor will be repaired or replaced at the contractor's expense. Replacement plants shall be of the same species, quality, and size of the damaged plant. Failure to make repairs will be cause for delay of payment. Persistent damages will be cause for termination of the contract.

**Uniforms & Equipment:** Employees for the contractor must wear a uniform at all times while engaged in maintenance activities. The uniform must be in good condition and must show the company logo on either the front or back. Contractor vehicles shall be in good condition, legally compliant, and display company logos on both sides.

**Work Schedule & Supervision:** Contractor work hours shall be 7:00AM-5:00PM, Monday thru Friday. After hours, weekend, and holiday (federal and city) work will typically not be permitted without the city representative's prior permission. The contractor is required to give an email and direct phone number, for the supervising person, to be provided to the city representative. The contractor is to respond to inquiries and concerns within 24 hours or less. The contractor is required to email a list of all locations maintained under this contract, and the dates those areas were maintained, by the following Monday of every work week. The report



shall include any noticeable plant pests, graffiti, irrigation system, and hardscape problems that are not covered under the terms of this contract. Failure to provide this list shall result in delay of payment. Persistent failure to provide these lists will be cause for termination of the contract.

**Optional Services:**

**Irrigation System Repair:** The contractor shall provide an hourly labor rate for landscape irrigation system repair. Irrigation system damage caused by the contractor shall be repaired at the contractor's expense. All other irrigation repairs may be negotiated on an as needed basis, at an additional cost to the city, and by approval of the city representative.

**Supplemental Pruning:** The contractor shall provide an hourly labor rate for a 2-man crew to conduct seasonal pruning of ornamental grasses (muhly, liriope, dwarf fountain, etc) and perennial shrubs (lantana, turks cap, hawthorn, roses, etc). Supplemental pruning shall be negotiated on an as-needed basis, at an additional cost to the city, and by the approval of the city representative.

**PRICING:**

All Pricing shall be provided on the attached:

**EXHIBIT A: High Impact Landscape Area Maintenance Schedule and Pricing**



**BIDDER'S CERTIFICATION**

The 1985 Texas Legislature passed HB620 relating to bids by nonresident contractors (now codified at Sections 2252.001 through 2252.004, Texas Government Code). The pertinent portion of the Act has been extracted and is as follows:

(3) "Nonresident bidder" refers to a person who is not a resident.

(4) "Resident bidder" refers to a person whose principal place of business is in this state, including a contractor whose ultimate parent company or majority owner has its principal place of business in this state.

A governmental entity may not award a governmental contract to a nonresident bidder unless the nonresident underbids the lowest bid submitted by a responsible resident bidder by an amount that is not less than the amount by which a resident bidder would be required to underbid the a nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located.

I certify that Classic Irrigation & Landscape is a resident bidder of Texas as defined in Section 2252.001(4), Texas Government Code.

(Company Name)

Signature   
Print Name Drew Johnson

I certify that \_\_\_\_\_ is a Nonresident bidder as defined in Section 2252.001(3), Texas Government Code  
(Company Name)  
and our principal place of business is \_\_\_\_\_  
(City and State)

Signature \_\_\_\_\_

Print Name \_\_\_\_\_



SUPPLIER INFORMATION FORM

COMPANY'S FULL BUSINESS NAME:	Classic Irrigation & Landscape
PHYSICAL ADDRESS:	1121 Edgewood Dr. Richmond TX 77406
PHONE #:	832-746-2740
FAX #:	N/A
CONTACT PERSON:	Drew Johnson
PHONE #:	
REMITTANCE ADDRESS:	
PHONE #:	
FAX #:	
CONTACT PERSON:	
PHONE #:	
PAYMENT TERMS DISCOUNT:	
COMPANY TAX ID#:	27-4397089



CITY OF MISSOURI CITY  
PURCHASING DEPARTMENT

NO BID NOTIFICATION

BID TITLE: \_\_\_\_\_

BID NUMBER: 17-135 \_\_\_\_\_

SUPPLIER NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

AGENT'S NAME: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_

The CITY OF MISSOURI CITY is interested in receiving competitive pricing on all items bid. We also desire to keep your firm as a bidder and a supplier of materials and equipment. Therefore, it is important for us to determine why you are not bidding on this item. We will analyze your input carefully and try to determine if future changes are needed in our specifications and procedures.

I did not bid for the following reasons: (PLEASE CHECK ONE OF THE LISTED REASONS)

- \_\_\_\_\_ Do not supply the requested product.
- \_\_\_\_\_ Quantities offered are too small or too large to be supplied by your company. (Please circle one of the underlined.)
- \_\_\_\_\_ Specifications are "too tight" or written around a particular product. (Please elaborate on this item.)
- \_\_\_\_\_ Cannot bid against manufacturer or jobber on this item. (Please circle one of the underlined).
- \_\_\_\_\_ Time frame for bidding was too short for my organization.
- \_\_\_\_\_ Not awarded a previous contract by the City when you felt you were low bidder.
- \_\_\_\_\_ Other \_\_\_\_\_

Failure to submit a bid or no-bid notification may result in removal from future bidders' lists.

~~~~~  
If you wish to remain on the City's bid list for this item, please indicate:

\_\_\_\_\_ I wish to remain. \_\_\_\_\_ I do not wish to remain.



**CONTRACTOR'S CAPACITY TO PERFORM**

Based on the provider's response to this solicitation, please identify dedicated resources available for contract fulfillment (use extra pages as necessary):

Availability to perform: See below

\_\_\_\_\_ (Include any additional personnel or equipment/assets contractor will acquire to complete contract performance)

Equipment and operational items: 12 Stihl FS 130 weed eaters, 4 Stihl FC

90 edgers, 12 EZ 8500 redmax blowers, 2 John Deere 2 track gelin mowers (Identify by quantity and type any equipment/assets allocated to contract performance)

Personnel: 1 crew 8 Honda commercial 21" mower 4 Stihl 82T hedge trim

contract labor (Identify by quantity and category any personnel assigned to contract performance)

Other Resources: \_\_\_\_\_

\_\_\_\_\_ (Identify any other resources to be allocated to complete contract performance)

ITB # 17-135 EXHIBIT A

High Impact Landscape Area Maintenance Schedule and Pricing

| Location & Address                                  | Maintenance Needs                                                                                                                                                                                                                | Frequency                                                      | Monthly Cost (Oct-Mar)                            | Monthly Cost (Apr-Sep) | Total Annual Cost |
|-----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|---------------------------------------------------|------------------------|-------------------|
| City Hall Complex<br>1522 Texas Parkway             | Remove weeds from beds & tree circles. Prune suckers & water sprouts from trees & shrubs. Pick up litter. Kill fire ants. Mulch annually                                                                                         | Once Monthly- (October-March), Twice Monthly (April-September) | 300                                               | 600                    | 5,400             |
| 90A Monument<br>*SW corner of FM 2234 & Hwy 90A     | Remove weeds from beds and tree circles. Prune suckers & water sprouts from trees & shrubs. Pick up litter. Kill fire ants. Weed eat ivy bed 4 times annually. Mulch annually                                                    | Once Monthly- (October-March), Twice Monthly (April-September) | 150                                               | 300                    | 2,700             |
| Recreation & Tennis Center<br>2701 Cypress Point Dr | Remove weeds from beds, tree circles, and holly hedge rows. Prune suckers & water sprouts from trees & shrubs. Pick up litter. Kill fire ants. Mulch annually.                                                                   | Once Monthly- (October-March), Twice Monthly (April-September) | 200                                               | 350                    | 3,300             |
| Public Safety Headquarters<br>3845 Cartwright Rd    | Pull weeds in all 4 planter boxes. Prune suckers & water sprouts from trees & shrubs. Remove weeds from shrub beds, tree circles, and hedge rows. Weed eat ivy bed 4 times annually. Mulch annually. Hedge trim 4 times annually | Once Monthly- (October-March), Twice Monthly (April-September) | 350                                               | 650                    | 6,000             |
| Buffalo Run Park<br>1122 Buffalo Run Blvd           | Remove weeds from 2 landscape areas near entrances. Pick up litter. Kill fire ants. Mulch annually                                                                                                                               | Once Monthly- (October-March), Twice Monthly (April-September) | 200                                               | 300                    | 3,000             |
| Fire Station #5<br>190 Waters Lake Blvd             | Remove weeds in flower beds, hedge rows, and tree circles both in front & back of the fence. Prune suckers & water sprouts from trees and shrubs. Pick up litter. Kill fire ants. Hedge trim 4 times annually. Mulch annually    | Once Monthly- (October-March), Twice Monthly (April-September) | 250                                               | 450                    | 4,200             |
| Fire Station #4<br>5955 Sienna Pkwy                 | Remove weeds from ivy beds, hedge rows, and tree circles on the outside of the fenced area. Kill fire ants. Pick up litter. Hedge trim 4 times annually. Mulch annually.                                                         | Once Monthly- (October-March), Twice Monthly (April-September) | 200                                               | 350                    | 3,300             |
| Fire Station #3<br>2498 Texas Parkway               | Remove weeds from ivy beds, hedge rows, and tree circles on the outside of the fenced area. Kill fire ants. Pick up litter. Hedge trim 4 times annually. Mulch annually.                                                         | Once Monthly- (October-March), Twice Monthly (April-September) | 200                                               | 400                    | 3,600             |
| Personal Service: Irrigation Repair                 |                                                                                                                                                                                                                                  |                                                                | Hourly labor rate for landscape irrigation repair |                        |                   |
|                                                     |                                                                                                                                                                                                                                  |                                                                |                                                   |                        | <del>125</del>    |

|                                           |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |                 |
|-------------------------------------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|-----------------|
| Optional Service:<br>Supplemental Pruning |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | \$20<br>per man |
|-------------------------------------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|-----------------|

Hourly labor rate for 2 man crew to conduct seasonal shrub & grass pruning



**Purchasing Division of Finance**

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1522 Texas Parkway  
Missouri City, Texas 77489

Phone: 281.403.8626  
www.missouricitytx.gov

**Addendum #1**  
**Issued February 7, 2017**  
**IFB # 17-135**

The City of Missouri City, Texas is now issuing the following addendum for:

1. Would there be any place that we would be allowed to stage the mulch if we were awarded the contract?
  - a. Each site has a suitable space for staging mulch, as long as it is not for a period of more than a few days
  
2. I was wondering if there is a budget in place for this work
  - a. Yes, \$ 25,000 annually

Alan Phillips

Purchasing Manager



**CITY COUNCIL  
AGENDA ITEM COVER MEMO  
April 20, 2020**

**To:** Mayor and City Council  
**Agenda Item:** 9(c) Consider authorizing a term contract with BrandEra.  
**Submitted by:** Sade McCallan, Visitor Center Manager

**SYNOPSIS**

BrandEra Marketing Agency has completed initial marketing collateral that includes rack cards and trifold. The rack cards and trifold have gone to print and are awaiting distribution to regional hotels. This request is for funding to cover project printing and distribution costs and travel expenses from February 17, 2020.

**STRATEGIC PLAN 2020 GOALS ADDRESSED**

- Create a great place to live

**BACKGROUND**

BrandEra was selected to assess the amenities and services offered within the Missouri City Community, and determine which of these assets contribute to the uniqueness, and tourism potential of our City. To date, their services have included: market demographic research and psychographics, recommendations for an advertising campaign that communicate the key messages most effectively, marketing collateral, and website development. The purpose of this contract consists of the continuation of Phase 5: Campaign Execution the phase of BrandEra’s work which, includes the implementation of the approved advertising and marketing plan that was presented to City Council at the February 17, 2020 Special Council Meeting. BrandEra will also continue to work with the City to evaluate the results and measure the outcomes necessary to refine the message through Phase 6: Performance Tracking & Tweaking.

**BUDGET ANALYSIS**

| Funding Source      | Account Number    | Project Code/Name | Funds Budgeted | Funds Available | Amount Requested |
|---------------------|-------------------|-------------------|----------------|-----------------|------------------|
| Hotel Occupancy Tax | 255-53504-10-255- |                   | \$58,600       | \$58,600        | \$10,548         |

**Purchasing Review:** Shannon Pleasant, CTPM - Procurement & Risk Manager  
**Financial/Budget Review:** Bertha P. Alexander, Budget & Financial Reporting Manager

*Note:* Compliance with the conflict of interest questionnaire requirements, if applicable, and the interested party disclosure requirements (HB 1295) has been confirmed/is pending within 30-days of this Council action and prior to execution.

**SUPPORTING MATERIALS**

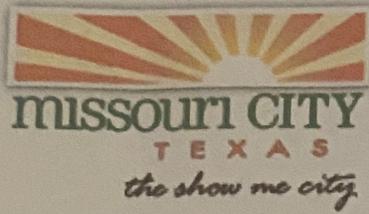
1. Renewal No. 1 to Amendment No. 19-011

**STAFF'S RECOMMENDATION**

Staff recommends that Council approve the contract with BrandEra for tourism marketing services.

**Director Approval:** Jason S. Mangum, CPRE

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



**Purchasing**

1522 Texas Parkway  
Missouri City, Texas 77489-2170

Phone: (281) 403-8500  
www.missouricitytx.gov

**RENEWAL NO. 1 to AGREEMENT NO. 19-011 for  
BRAND DEVELOPMENT & ADVERTISING CAMPAIGN IMPLEMENTATION**

The prior AGREEMENT was effective the 2<sup>nd</sup> day of January in the year 2019 between BrandEra, Inc, (the "CONTRACTOR") and the CITY OF MISSOURI CITY (the "CITY").

The CITY and the CONTRACTOR desire to renew the prior AGREEMENT and extend the term from January 2, 2020 through January 1, 2021.

Except as modified and amended by the terms of this AGREEMENT, all of the terms, conditions, provisions and covenants of the prior AGREEMENT shall remain in full force and effect, and the AGREEMENT and this amendment shall be deemed to constitute a single instrument or document.

Shannon Pleasant  
Shannon Pleasant, CTPM  
Procurement and Risk Manager

[Signature]  
Department Director

**BrandEra, Inc.**

[Signature]  
Elizabeth A. Owens – Co-Founder

3/27/2020  
Date

**CITY OF MISSOURI CITY, TEXAS**

[Signature]  
Bill Atkinson  
Interim City Manager

4-3-2020  
Date



**Council Agenda Item  
April 20, 2020**

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