

ALLEN OWEN
Mayor

JERRY WYATT
Councilmember at Large Position No. 1

CHRIS PRESTON
Councilmember at Large Position No. 2



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

CITY COUNCIL MEETING AGENDA

AGENDA DE LA SESIÓN DEL CONCEJO MUNICIPAL

Notice is hereby given of a meeting of the City Council of Missouri City to be held on **Monday, November 19, 2018, at 7:00 p.m.** at: **City Hall, Council Chamber, 2nd Floor**, 1522 Texas Parkway, Missouri City, Texas, 77489, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

Por medio de la presente, se notifica sobre una reunión del Concejo Municipal de Missouri City que se realizará el **lunes 19 de noviembre de 2018 a las 7:00 p.m.** en la **Alcaldía, Cámara del Concejo , segundo piso**, 1522 Texas Parkway, Missouri City, Texas, 77489, con el propósito de considerar los siguientes puntos de la agenda. Todos los puntos de la agenda están sujetos a la toma de medidas. El Concejo Municipal se reserva el derecho de reunirse en una sesión cerrada para hablar sobre cualquier punto de la agenda en caso de ser necesario y si procediera, de conformidad con el título 5, capítulo 551 del Código de Gobierno de Texas.

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. PRESENTATIONS AND RECOGNITIONS

- (a) Administer the oath of office to Vashaundra Edwards, City Council At-Large Position No. 1.
- (b) Recognize Councilmember Jerry Wyatt for over 33 years of service to the City of Missouri City, Texas.

4. PUBLIC COMMENTS

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

5. STAFF REPORTS

- (a) City Manager announcements.
- (b) Presentation of the Missouri City Recreation and Leisure Local Government Corporation Annual Report.

6. CONSENT AGENDA

All consent agenda items listed are considered routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a councilmember so requests; in

which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Information concerning consent agenda items is available for public review.

- (a) Consider approving the minutes of the special and regular City Council meetings of November 5, 2018.
- (b) Consider an ordinance granting a specific use permit to allow for the location of a place of assembly on an approximate 2-acre tract of land; 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 northwest of the Lexington Place residential subdivision and southeast of the intersection of 5th Street and Independence Boulevard.
- (c) Consider ratifying the execution of an interlocal agreement with the Texas Parks and Wildlife Department for a camping workshop.

7. PUBLIC HEARINGS AND RELATED ACTIONS

(a) Zoning Public Hearings and Ordinances

- (1) Public hearing to receive comments for or against a request to rezone an approximate 5.19-acre tract of land from R-1-A single family residential district to PD Planned Development District to allow for the development of a child care facility and certain commercial uses, including, but not limited to, educational and professional offices and neighborhood and specialized retail uses; 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 Life Pointe Church, south of Olympia Estates, east of Olympia Estates and Vicksburg, Village of Sedona Creek and west of Vicksburg, Village of Cumberland.

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

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

9. AUTHORIZATIONS

- (a) Consider authorizing an agreement for the purchase of 0.5 of a mitigation credit suite from the Columbia Bottomlands Conservancy Mitigation Bank for the Knight Road expansion project.

10. ORDINANCES

10. ORDENANZAS

- (a) Consider an ordinance providing for a special Runoff Election to be held on December 8, 2018, for the purpose of electing a Mayor and a Councilmember-At-Large, Position 2; providing for a joint election on December 8, 2018, to be administered by Fort Bend County; providing for election precincts and polling places; and consider the ordinance on the first and final reading.
- (a) Considerar una ordenanza que estipule una elección especial de segunda vuelta que se llevará a cabo el 8 de diciembre de 2018, con el propósito de elegir un alcalde y un concejal general en la posición n.º 2; establecer una elección conjunta el 8 de diciembre de 2018, la cual será administrada por el condado de Fort Bend; proporcionar precintos electorales y lugares de votación; y considerar la ordenanza en la primera y última lectura.
- (b) Consider an ordinance authorizing the issuance and sale of City of Missouri City, Texas, Certificates of Obligation, Series 2018A in the aggregate principal amount of \$21,000,000;

levying a tax in payment thereof; authorizing the issuance of the certificates in accordance with specified parameters; authorizing the execution and delivery of a paying agent/registrars agreement and a certificate purchase agreement; approving the official statement; confirming the engagement of professionals in connection with the issuance of the certificates of obligation; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law; enacting other provisions relating thereto; and consider the ordinance on the first and final reading.

- (c) Consider an ordinance authorizing the issuance and sale of City of Missouri City, Texas, Certificates of Obligation, Series 2018B in the aggregate principal amount of \$2,100,000; levying a tax in payment thereof; authorizing the issuance of the certificates in accordance with specified parameters; authorizing the execution and delivery of a paying agent/registrars agreement and a certificate purchase agreement; approving the official statement; confirming the engagement of professionals in connection with the issuance of the certificates of obligation; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law; enacting other provisions relating thereto; and consider the ordinance on first and final reading.

11. RESOLUTIONS

- (a) Consider a resolution selecting a representative and an alternate to the Houston-Galveston Area Council 2019 Transportation Policy Council and selecting a representative and an alternate to the Houston-Galveston Area Council 2019 Technical Advisory Committee.

12. CITY COUNCIL ANNOUNCEMENTS

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

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

13. CLOSED EXECUTIVE SESSION

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

14. RECONVENE

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

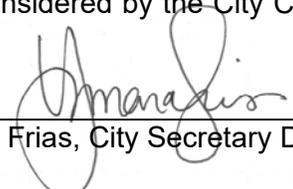
15. ADJOURN

In compliance with the Americans with Disabilities Act, the City of Missouri City will provide for reasonable accommodations for persons attending City Council meetings. To better serve you,

requests should be received 24 hours prior to the meetings. Please contact Maria Jackson, City Secretary, at 281.403.8686.

CERTIFICATION

I certify that a copy of the November 19, 2018, agenda of items to be considered by the City Council was posted on the City Hall bulletin board on November 16, 2018, at 4:00 p.m.



Yomara Frias, City Secretary Department

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the ____ day of _____, 2018.

Signed: _____

Title: _____



**Council Agenda Item
November 19, 2018**

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. PRESENTATIONS AND RECOGNITIONS

- (a) Administer the oath of office to Vashaundra Edwards, City Council At-Large Position No. 1.
- (b) Recognize Councilmember Jerry Wyatt for over 33 years of service to the City of Missouri City, Texas.

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- (a) City Manager announcements.
 - (b) Presentation of the Missouri City Recreation and Leisure Local Government Corporation Annual Report.
-

ALLEN OWEN
Mayor

JERRY WYATT
Councilmember at Large Position No. 1

CHRIS PRESTON
Councilmember at Large Position No. 2



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

CITY COUNCIL SPECIAL MEETING MINUTES

The City Council of the City of Missouri City, Texas, met in special session on **Monday, November 5, 2018**, at the City Hall, Council Conference Room, 2nd Floor, behind the Council Chamber, 1522 Texas Parkway, Missouri City, Texas, 77489, at **5:30 p.m.** to consider the following:

1. CALL TO ORDER

Mayor Owen called the meeting to order at 5:37 p.m.

Those also present: Councilmembers Wyatt, Preston, and Emery; City Manager Snipes, City Attorney Iyamu, City Secretary Jackson, Assistant City Manager Atkinson, Assistant City Manager Elmer, Director of Development Services Spriggs, Director of Communications Walker, Director of Public Works Kumar, Planning Manager Gomez, and Media Relations Specialist II Kalimkootil. Also present: Frank Hester. Councilmember Boney and Councilmember Maroulis arrived at 5:39 p.m. Mayor Pro Tem Ford arrived at 6:20 p.m.

2. DISCUSSION/POSSIBLE ACTION

(a) Update on the Development Services plan review and permitting processes.

Director of Development Services Spriggs presented an update.

(b) Discuss the 2019 Texas Legislative Agenda for the City of Missouri City, Texas.

City Attorney Iyamu presented the 2019 Texas Legislative Agenda for the City. City Council made no changes or updates to the agenda presented.

(c) Discuss 2018 certificates of obligation.

City Attorney Iyamu presented an update on the 2018 certificates of obligation.

(d) Consider and discuss board, committee, and commission member appointments and reappointments.

Mayor Owen requested to postpone agenda item 2d until the next City Council meeting.

(e) Discuss the potential creation of a municipal utility district in the City's extraterritorial jurisdiction.

Assistant City Manager Elmer presented on the potential creation of a municipal utility district in the City's extraterritorial jurisdiction.

(f) Discuss the City's process on and after the November 6, 2018, general election.

City Secretary Jackson discussed the City's process on and after the November 6, 2018, general election. City Council requested a news release advertising the District A seat vacancy. Those interested may submit their application to the City no later than midnight on Friday, November 9, 2018 with a letter expressing interest along with a resume. The City Council would move forward with interviewing qualified candidates on Monday, November 19, 2018.

Councilmember Boney requested to address agenda item 2d for the Parks Board vacancy.

City Council stated the new Parks Board member may be appointed when the new District A City Councilmember was appointed. City Council also asked the City Secretary to contact Mr. Loveless Mitchell as City Council wished to recognize him for his service to the Parks Board at a future Council meeting.

3. ADJOURN

The special City Council meeting adjourned at 6:30 p.m.

ATTEST:

Allen Owen, Mayor

Maria Jackson, City Secretary

ALLEN OWEN
Mayor

JERRY WYATT
Councilmember at Large Position No. 1

CHRIS PRESTON
Councilmember at Large Position No. 2



YOLANDA FORD
Mayor Pro Tem
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FLOYD EMERY
Councilmember District D

CITY COUNCIL MEETING MINUTES

The City Council of the City of Missouri City, Texas, met in regular session on **Monday, November 5, 2018**, at the City Hall, Council Chamber, 2nd Floor, 1522 Texas Parkway, Missouri City, Texas, 77489, at **7:00 p.m.** to consider the following:

1. ROLL CALL

Mayor Owen called the meeting to order at 7:04 p.m.

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

2. The PLEDGE OF ALLEGIANCE was led by Elkins High School Air Force Junior Reserve Officer Training Corps.

3. PRESENTATIONS AND RECOGNITIONS

Mayor Owen and Police Chief Berezin recognized Police Records Technician Francine Peters on her retirement and over 33 years of service with the City of Missouri City.

Councilmember Boney stepped away at 7:12 p.m. and returned at 7:13 p.m.

Sargent Doench, Sargent Smith, Officer Williams and Fire Lieutenant Jasper presented on Stuff the Squad Car and Fire Truck, a food drive event.

4. PUBLIC COMMENTS

Bruce Zaborowski, 7915 Chancel, spoke of his concerns as a resident of Missouri City.

5. STAFF REPORTS

City Manager Snipes stated the General Election would take place on Tuesday, November 6. He noted the Best Buy Distribution Center had its grand opening celebration on October 23. He invited everyone to the following upcoming events: Roane Park Build Day on November 10, Tennisgiving on November 10, Stuff the Squad Car and Fire Truck on November 17, Snowfest Festival December 7, and Snowfest Shuffle on December 8. Snipes commended Brittany Rychlik and Dominique Garrick on their recognition from the Texas Court Clerks Association; City Secretary Maria Jackson on being elected as Treasurer to the Texas Municipal Clerks Association, and Francine Peters on her retirement and service to the City. He thanked Missouri City Green volunteers who collaborated with the City's Utilities Coordinator, Dan McGraw, to install drain markers in neighborhoods; the Missouri City Police Department who partnered with the Drug Enforcement Administration on the Drug Take Back Day Event; the Fire and Rescue Services Department who attended several community outreach initiatives at local schools; the Parks and Recreation Department who hosted the Tricks & Treats event; the Employee Recognition Committee who coordinated the Halloween pumpkin decoration and costume contest for employees; and, Chief Performance Officer Weisenberger and the Development Services Department who coordinated two Public Art Input sessions.

6. CONSENT AGENDA

- (a) Consider approving the minutes of the special and regular City Council meetings of October 15, 2018.
- (b) Consider an ordinance authorizing the crediting of updated service credits in the Texas Municipal Retirement System for certain City of Missouri City employees who have membership in such-system; providing for increased annuities for certain City of Missouri City retirees and beneficiaries of deceased retirees; providing an effective date; and consider the ordinance on the second and final reading.
- (c) Consider accepting the quarterly investment report for the period ending on September 30, 2018.

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

7. PUBLIC HEARINGS AND RELATED ACTIONS

(a) Zoning Public Hearings and Ordinances

- (1) Public hearing to receive comments for or against a request for a specific use permit to allow for the location of a place of assembly on an approximate 2-acre tract of land; providing for an amendment to the Comprehensive Plan; providing a penalty; and consider the ordinance on the first of two readings. The subject site is located northwest of the Lexington Place residential subdivision and southeast of the intersection of 5th Street and Independence Boulevard.

Councilmember Emery moved to open the public hearing at 7:25 p.m. Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

Planning Manager Gomez presented on a request to locate a place of assembly on the subject property for the Abounding Love Christian Center. The development plan included the construction of one, single story 14,780 square foot facility. The facility would include a sanctuary with occupancy for approximately 300 people. An outdoor children's recreational area and associated development site work were also proposed. Staff recommended approval and the Planning and Zoning Commission forward a positive recommendation. Gomez also noted City Council would be able to consider an amendment to the proposed ordinance to allow for steeple regulations to allow the cross to extend past the roofline.

Councilmember Emery moved to close the public hearing at 7:31 p.m. Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

Councilmember Preston moved to approve the ordinance with an amendment to allow for steeple regulations. Mayor Pro Tem Ford seconded. **MOTION PASSED UNANIMOUSLY.**

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

9. AUTHORIZATIONS

- (a) Consider awarding contracts for 2019 employee benefits.

Director of Human Resources Williams spoke on the proposed rates for the 2019 employee benefits contracts.

Councilmember Wyatt moved to award contracts for the 2019 employee benefits. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

10. ORDINANCES

- (a) Consider an ordinance amending the general budget for fiscal year beginning October 1, 2018, and ending September 30, 2019; adopting new pay structures and a certification pay plan for certain non-exempt personnel, exempt personnel, certified fire personnel, and certified police personnel; providing an effective date; and consider the ordinance on the first and final reading.

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

11. RESOLUTIONS

- (a) Consider a resolution adopting the 2019 Texas Legislative Agenda for the City of Missouri City, Texas.

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

- (b) Consider a resolution authorizing the placement of retired K-9 Officer Hektor with his former handler, and containing other provisions related thereto.

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

12. CITY COUNCIL ANNOUNCEMENTS

Councilmember Preston reminded residents about Election Day and to exercise their right to vote. Councilmember Emery reminded everyone to vote. Mayor Pro Tem Ford reminded everyone to go out and vote. Councilmember Maroulis also encouraged everyone to vote. Councilmember Boney encouraged citizens to come out to and volunteer at the Roane Park Build Day on Saturday. Mayor Owen stated he attended Armstrong Elementary "Hero" Recognition and their 10th year anniversary. He also noted former Councilmember Buddy Jimerson's wife passed. Her service would take place at the Quail Valley City Centre from 10 a.m. through 2 p.m. on Saturday.

13. ADJOURN

The regular City Council meeting adjourned at 7:38 p.m.

ATTEST:

Allen Owen, Mayor

Maria Jackson, City Secretary



**CITY COUNCIL
AGENDA ITEM COVER MEMO**

November 19, 2018

To: Mayor and City Council
Agenda Item: 6(b) Abounding Love Development - Specific Use Permit
Submitted by: Jennifer Thomas Gomez, AICP, Planning Manager

SYNOPSIS

This is the second and final reading of an ordinance for a SUP, Specific Use Permit to allow for the location of a place of assembly on an approximate 2-acre tract of land, and to the extent, such rezoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

The subject site is located northwest of the Lexington Place residential subdivision and southeast of the intersection of 5th Street and Independence Boulevard.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Have quality development through buildout

BACKGROUND

The applicant seeks a SUP, Specific Use Permit to locate a place of assembly on the subject property. The proposed place of assembly is the Abounding Love Christian Center. The development plan includes the construction of one, single story 14,780 square foot facility. The facility will include a sanctuary with occupancy for approximately 300 people. An outdoor children’s recreational area and associated development site work are also proposed.

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

City Council approved the ordinance on the first reading and added the requirements of Section 9.4.B. to liken the proposed cross to the height allowances for steeples, spirals and bell towers.

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

ORDINANCE NO. O-18-__

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, GRANTING A SPECIFIC USE PERMIT AUTHORIZING THE USE OF A 2-ACRE TRACT OF LAND IN THE CITY OF MISSOURI CITY AS A SPECIFIC USE: PLACES OF ASSEMBLY; PROVIDING LIMITATIONS, RESTRICTIONS, AND CONDITIONS ON SUCH SPECIFIC USE; 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, Blossom Development, Inc., is the owner of a 2-acre tract 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 LC-2, local restricted retail district and LC-3, retail district under Ordinance No. O-95-45, adopted on November 20, 1995; and

WHEREAS, the owner's agent, Osagie John Okpamen, of Alpha Ministries International, Inc., has made application to the City of Missouri City for a specific use permit authorizing the use of the Property as a Specific Use-Places of Assembly; and

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

WHEREAS, the 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 specific use permit; now therefore,

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

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

Section 2. As required by law, the City Council of the City of Missouri City conducted the public hearing on the request to grant a Specific Use Permit-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, and is depicted in Exhibit "A-1," attached hereto and

made a part hereof for reference purposes only. In the event Exhibit "A-1" conflicts with Exhibit "A," Exhibit "A" shall prevail.

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

Section 5. The specific use authorized and permitted by this Ordinance shall be developed in accordance with the Missouri City Code and the City of Missouri City Zoning Ordinance, specifically all regulations that apply to LC-2, local retail district, and shall be developed subject to the following limitations, restrictions, and conditions:

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

Places of Assembly

- II. **Architectural Design Standards.** Except as provided herein, the requirements of Section 7A, Architectural Design Standards, of the City of Missouri City Zoning Ordinance shall apply.
 - 1. Accent elements may include painted plaster and wood formed concrete, provided that the Director of Development Services or his designee determines, in his sole discretion, that such materials are superior in construction and warranty to masonry materials after samples and specifications of such materials are provided for review and consideration.

- III. **Sign Regulations.** No more than one symbol may be placed on the primary sign on the building. Such symbol shall be subject to the height limitations contained in subsection 9.4.B, Exceptions to height regulations, of the City of Missouri City Zoning Ordinance, and shall be constructed as depicted in Exhibit "B," attached hereto and made a part hereof for reference purposes only.

Section 6. The Zoning District Map of the City of Missouri City shall be revised and amended to show the specific use permitted on the Property 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 the 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 granted by this Ordinance authorizing the Specific Use-Places of Assembly, and the imposition of the limitations, restrictions, and conditions contained herein.

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

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

Section 10. *Penalty.* Any person, firm, partnership, association, corporation, company, or organization of any kind who or which violates any of the provisions 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 ____ day of _____, 2018.

PASSED, APPROVED and ADOPTED on second and final reading this ____ day of _____, 2018.

Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Jackson, City Secretary

E. Joyce Iyamu, City Attorney

FIELD NOTE DESCRIPTION OF 2.0006 ACRES (87,146 SQUARE FEET) OF LAND SITUATED IN THE WILLIAM T. NEAL SURVEY, ABSTRACT NO. 64, FORT BEND COUNTY, TEXAS, AND BEING OUT OF THE RESIDUE OF THAT CERTAIN CALLED 68.88 ACRE TRACT RECORDED UNDER FORT BEND COUNTY CLERK'S FILE NO. 9747544 OF THE DEED RECORDS OF FORT BEND COUNTY, TEXAS, SAID 2.0006 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS; (ALL BEARINGS ARE REFERENCED TO TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD83));

COMMENCING at 5/8 inch iron rod with cap found in the Southeasterly right-of-way line of 5th Street (width varies) for the Northeasterly corner of that certain called 0.421 acre tract dedicated for the widening of 5th Street as recorded under F.B.C.C.F. No. 9639383 and in the Southwesterly line of that certain called 14.313 acre tract recorded under F.B.C.C.F. No. 2000068851;

THENCE, South 33°58'35" East, along the Southwesterly line of said called 14.313 acre tract, a distance of 304.04 feet to a 5/8 inch iron rod with cap found for the Northerly corner and POINT OF BEGINNING of the herein described tract;

THENCE, South 33°58'35" East, continuing along the Southwesterly line of said called 14.313 acre tract, a distance of 234.30 feet to a 5/8 inch iron rod with cap found for the Easterly corner of the herein described tract;

THENCE, South 38°33'14" West, across the said called 68.88 acre tract, a distance of 395.99 feet to a 5/8 inch iron rod with cap found in the Northeasterly right-of-way line of Independence Blvd. (100 feet wide) for the Southerly corner of the herein described tract, said iron rod falling in the arc of a curve to the Left;

THENCE, in a Northwesterly direction, along the Northeasterly right-of-way line of Independence Blvd., with said curve to the Left, having a radius of 1250.00, a central angle of 10°36'22", an arc length of 231.39 feet and a chord bearing and distance of N 34°05'31" W, 231.06 feet to a 5/8 inch iron rod with cap found for the Westerly corner of the herein described tract;

THENCE, North 38°07'41" East, across the said called 68.88 acre tract, a distance of 397.42 feet to the POINT OF BEGINNING and containing 2.0006 acres (87,146 square feet) of land, more or less.

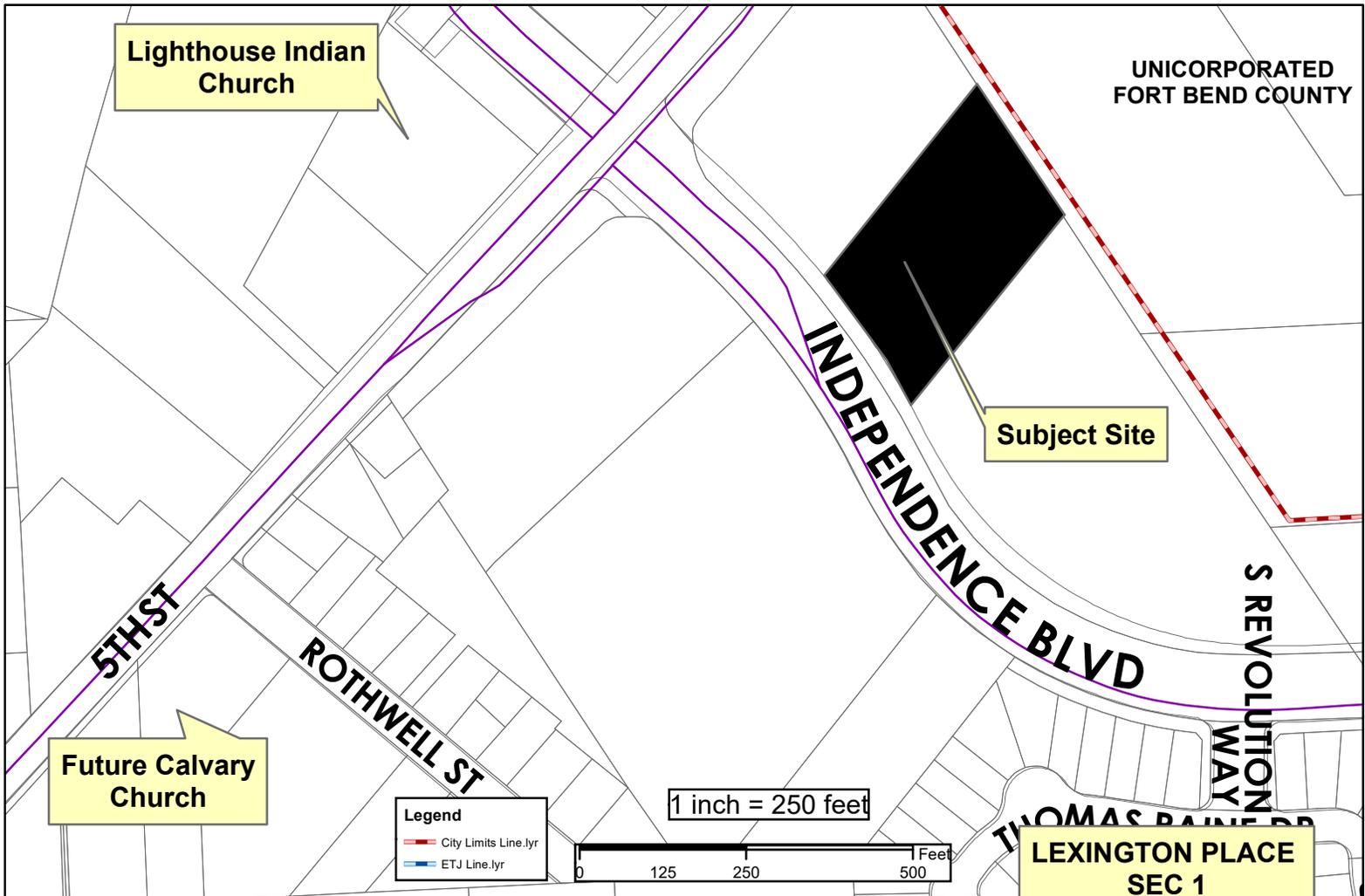
CENTURY ENGINEERING, INC.
Dated this 12th day of September, 2018



Bernerd F. Johnson
Registered Professional Land Surveyor No. 4314

CEI JOB NO. 18087-00.00
(QW23) sv 18087A.T





ORDINANCE NO. O-18-__

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, GRANTING A SPECIFIC USE PERMIT AUTHORIZING THE USE OF A 2-ACRE TRACT OF LAND IN THE CITY OF MISSOURI CITY AS A SPECIFIC USE: PLACES OF ASSEMBLY; PROVIDING LIMITATIONS, RESTRICTIONS, AND CONDITIONS ON SUCH SPECIFIC USE; 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, Blossom Development, Inc., is the owner of a 2-acre tract 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 LC-2, local restricted retail district and LC-3, retail district under Ordinance No. O-95-45, adopted on November 20, 1995; and

WHEREAS, the owner's agent, Osagie John Okpamen, of Alpha Ministries International, Inc., has made application to the City of Missouri City for a specific use permit authorizing the use of the Property as a Specific Use-Places of Assembly; and

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

WHEREAS, the 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 specific use permit; now therefore,

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

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

Section 2. As required by law, the City Council of the City of Missouri City conducted the public hearing on the request to grant a Specific Use Permit-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, and is depicted in Exhibit "A-1," attached hereto and made a part hereof for reference purposes only. In the event Exhibit "A-1" conflicts with Exhibit "A," Exhibit "A" shall prevail.

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

Section 5. The specific use authorized and permitted by this Ordinance shall be developed in accordance with the Missouri City Code and the City of Missouri City Zoning Ordinance, specifically all regulations that apply to LC-2, local retail district, and shall be developed subject to the following limitations, restrictions, and conditions:

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

Places of Assembly

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

1. Accent elements may include painted plaster and wood formed concrete, provided that the Director of Development Services or his designee determines, in his sole discretion, that such materials are superior in construction and warranty to masonry materials after samples and specifications of such materials are provided for review and consideration.

III. Sign Regulations. No more than one symbol may be placed on the primary sign on the building. Such symbol shall be subject to the height limitations contained in subsection 9.4.B, Exceptions to height regulations, of the City of Missouri City Zoning Ordinance, and shall be constructed as depicted in Exhibit "B," attached hereto and made a part hereof for reference purposes only.

Section 6. The Zoning District Map of the City of Missouri City shall be revised and amended to show the specific use permitted on the Property 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 the 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 granted by this Ordinance authorizing the Specific Use-Places of Assembly, and the imposition of the limitations, restrictions, and conditions contained herein.

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

Section 9. *Repeal.* Any ordinance or any part of any other ordinance in conflict

herewith shall be and is hereby repealed only to the extent of such conflict.

Section 10. Penalty. Any person, firm, partnership, association, corporation, company, or organization of any kind who or which violates any of the provisions 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 5th day of November, 2018.

PASSED, APPROVED and ADOPTED on second and final reading this 19th day of November, 2018.

Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Jackson, City Secretary

E. Joyce Iyamu, City Attorney

Document comparison by Workshare on Friday, November 16, 2018 8:45:59 PM

Input:	
Document 1 ID	Original.doc
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Document 2 ID	Modified.doc
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Legend:	
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Statistics:	
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Insertions	8
Deletions	4
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	12



**DEVELOPMENT SERVICES DEPARTMENT
Planning & Development Division**

1522 Texas Parkway
Missouri City, Texas 77489
281-403-8600 (Office) ■ 281-208-5551 (Fax)
www.missouricitytx.gov

APPLICATION FOR:

Check One:

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

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

Date of Application:

1. Project Name:	Abounding Love Development		
2. Address/Location of Property:	5th St. and Independence Blvd.		
3. Applicant's Name:	OSAGIE JOHN OKPAMEN		
Mailing Address:	12240 - P Murphy Rd., Stafford, TX 77477		
Phone No.:	(832) 443-9512		
Email:	ojokpamen@yahoo.com		
4. Status of Applicant:	Owner	<input checked="" type="radio"/> Agent	Attorney Trustee Corporation Relative
(If other than Owner, submit written authorization from Owner with application.)			
5. Property Owner:	Blossum Development Inc.		
Mailing Address:	1215 Gessner Dr., Houston, TX 77055		
Phone No.:	(713) 785-6272		
Email:	bhill@silvestriusa.com		
6. Existing Zoning District:	Commercial		
7. Total Acreage:	2 ACRES		
8. Proposed Development and Reasons for Application:	Assembly		
9. Legal Description of the Property (If the legal description is a portion of a lot, then a metes and bound description of the tract must be submitted with application):	Metes and bounds description attached		
10. Central Appraisal District tax identification numbers of property (Attach Paid Tax Receipts):	R36775		
11. Do deed restrictions or restrictive covenants exist for the property? (Circle One):	YES	<input checked="" type="radio"/> NO	
(If yes, submit with application.)			
12. Does this application include an Architectural Design Review: (Circle One):	<input checked="" type="radio"/> YES	NO	
(If yes, see page 8, Exhibit C for materials required to be submitted.)			
FILING FEE: \$1,200.00			

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

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

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

OSAGIE JOHN OKPAMEN
Print Name of Applicant

BLOSSUM Development Inc.
Print Name of Property Owner

Signature of Applicant

Signature of Property Owner, Agent or Attorney

Blossom Development, Inc.
1215 Gessner Road
Houston, Texas 77055
Tel (713) 785-6272
Fax (713) 785-1301

September 20, 2018

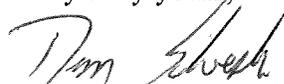
Missouri City

Re: 2 acres, Independence Blvd., Missouri City, Texas

To Missouri City:

Blossom Development, Inc. is the owner of the above referenced property. Blossom Development, Inc. authorizes Alpha Ministries International and/or its assigns to apply for a special use permit for the above referenced parcel.

Very truly yours,



Dan Silvestri
President

Lighthouse Indian Church

UNINCORPORATED FORT BEND COUNTY

Subject Site

Future Calvary Church

LEXINGTON PLACE SEC 1

Legend

- City Limits Line.lyr
- ETJ Line.lyr

1 inch = 250 feet





City of Missouri City

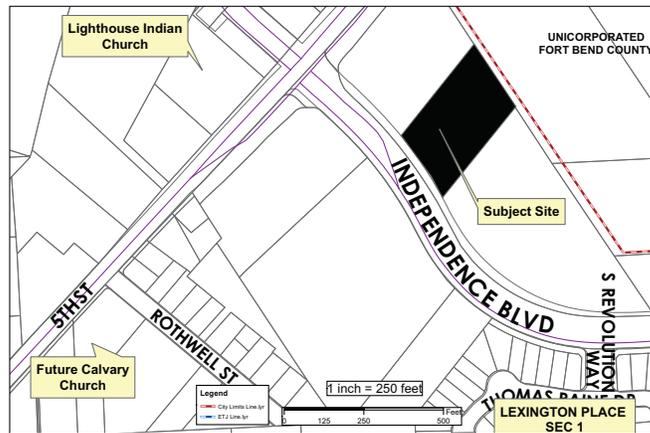
NOTICE OF PUBLIC HEARING

LOCATION/DATE: The City Council of the City of Missouri City will hold a public hearing on Monday, November 5, 2018, 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 Osagie John Okpamen for a SUP, Specific Use Permit to allow for the location of a place of assembly on an approximate 2 acre tract of land, 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 northwest of the Lexington Place residential subdivision and southeast of the intersection of 5th Street and Independence Boulevard.
SITE LEGAL DESCRIPTION: The subject site can be described as being an approximate 2.00 acres of land situated in the William T. Neal Survey, A-64, Fort Bend County, Texas, and being out of the residue of that certain called 68.88 acre tract recorded under Fort Bend County Clerk's File No. 9747544 of the deed records of Fort Bend County, Texas.

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



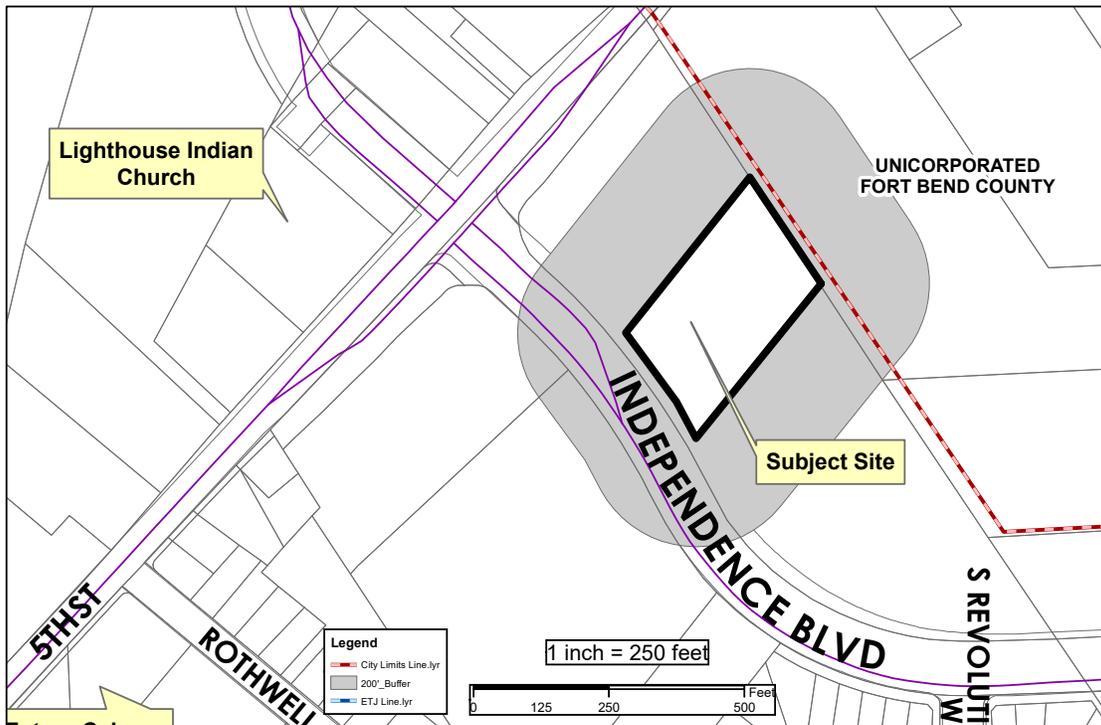
City of Missouri City, Texas
Development Services Department – Planning Division
Rezoning Application Protest Letters Analysis

Application: Abounding Love - SUP
City Council First Reading: 5-Nov-18

Protest Letters Received

Name	Property Address OR Fort Bend County Account Number	Land Area (Square Feet) Within 200 Feet
None		
Total Area Represented by Protest(s):		-
Total Land Area <i>Including</i> Subject Site:		453,414.38
Subject Site <i>Only</i> Land Area:		87,146.14
Total Land Area <i>Only Within 200 Feet</i> of Subject Site:		366,268.24
Protest(s) Percentage of Land Area Within 200 Feet:		0%

Note: A total of 0 letters of support and 0 letters of protest have been received for the application request as of November 1, 2018.





**CITY COUNCIL
AGENDA ITEM COVER MEMO**

November 19, 2018

To: Mayor and City Council
Agenda Item: 6(c) Texas Outdoor Family Contract
Submitted by: Kevin Browne, Recreation Superintendent

SYNOPSIS

This item ratifies an agreement entered into between the City and the Texas Parks and Wildlife Department (TPWD) for TPWD to conduct a camping workshop through the Texas Outdoor Family program on October 6, 2018.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live

BACKGROUND

This agreement allowed TPWD to conduct a camping workshop specifically for Missouri City residents from Saturday, October 6 to Sunday, October 7, 2018 at Brazos Bend State Park. Pursuant to Chapter 791 of the Texas Government Code, the City must obtain authorization by its governing body to enter into such agreement.

BUDGET/FISCAL ANALYSIS

A minimum of twelve reservations, at \$75.00 per reservation, were paid to TPWD before the event commenced. Families attending the event were charged that amount for their attendance.

SUPPORTING MATERIALS

1. Agreement

STAFF'S RECOMMENDATION

Staff recommends that the City Council ratify the agreement.

Director Approval: Jason S. Mangum

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

THE STATE OF TEXAS
COUNTY OF FORT BEND

§
§
§

KNOW ALL PERSONS BY THESE
PRESENTS

**AGREEMENT BETWEEN THE CITY OF MISSOURI CITY AND THE TEXAS PARKS
AND WILDLIFE DEPARTMENT FOR A PRIVATE TEXAS OUTDOOR FAMILY
WORKSHOP**

This Agreement is made and entered into pursuant to the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code by and between TEXAS PARKS AND WILDLIFE DEPARTMENT, a state agency of the State of Texas, and the CITY OF MISSOURI CITY, a municipal corporation of the State of Texas, acting herein by and through its City Council.

WHEREAS, the City of Missouri City, through the Missouri City Parks and Recreation Department (hereinafter, "CITY"), provides opportunities for recreational programs for residents and non-residents of all ages, and provides numerous special events throughout the year; and

WHEREAS, The Texas Parks and Wildlife Department (hereinafter, "DEPARTMENT") desires to effectively expand statewide camping opportunities and education by and through programs and workshops such as Texas Outdoor Family (hereinafter, "TOF"); and

NOW, THEREFORE, in consideration of the foregoing and further consideration of the mutual promises, covenants and conditions herein, CITY and DEPARTMENT hereby agree as follows:

**SECTION 1.
PURPOSE**

The purpose of this Agreement between CITY and DEPARTMENT is for DEPARTMENT to expand statewide camping opportunities and education by hosting a private TOF workshop exclusively for Missouri City residents.

**SECTION 2.
DUTIES & RESPONSIBILITIES OF THE CITY**

CITY shall make payment to TPWD and follow all applicable regulations and guidelines provided by the TOF Private Workshop Contract as set forth in Exhibit A, which is attached hereto and incorporated herein for all purposes.

**SECTION 3.
DUTIES & RESPONSIBILITIES OF THE DEPARTMENT**

3.01 DEPARTMENT shall, in accordance with its normal practices and standards of quality, conduct a private TOF workshop from Saturday, October 6, 2018, to Sunday, October 7, 2018, at Brazos Bend State Park, exclusively for City of Missouri City residents. A roster of such residents shall be provided to the DEPARTMENT by the CITY by Wednesday, October 3, as provided in Exhibit A.

3.02 DEPARTMENT shall provide the services of at least one (1) park ranger, who shall maintain the necessary training, experience, accreditation, certification or commission required by the DEPARTMENT or any other state agency to be deemed as such; and at least one (1) other employee, agent or volunteer, for the term this Agreement is in effect to conduct such services as described by Section 3.01, herein.

3.03 DEPARTMENT shall provide to all participants in the workshop all necessary equipment, supplies and tools necessary to fully participate in a TOF private workshop. DEPARTMENT shall not provide bedding, including but not limited to any sleeping bags, pillows, pillowcases, sheets, or blankets, to such participants. The DEPARTMENT shall also not provide any food to such participants.

SECTION 4. INSURANCE AND LIMITATION OF LIABILITY

4.01 To the extent allowed by law, each party shall be responsible for its own negligent actions, regardless of the geographical location, and for the actions of its employees under this Agreement. Each party shall procure and maintain, at its sole and exclusive expense, insurance coverage, including comprehensive liability, personal injury, property damage, and workers compensation, as applicable, with such limits of coverage and deductibles as are prudent and reasonable for the protection of itself, its personnel and its equipment. No party hereto shall have any obligation to provide or extend insurance coverage for any of the services, events resulting from services or physical equipment required to provide services, as enumerated herein, to any other party or its personnel. Each party hereto may require any other party hereto to provide it with certificates of insurance, copies of policies or other evidence of compliance with the provisions of this Section. Notwithstanding anything herein, CITY acknowledges that the DEPARTMENT is generally considered self-insured and does not maintain liability insurance, in accordance with state law.

4.02 By this paragraph, neither party waives or relinquishes any immunity from liability, limitation of liability, or defense on behalf of itself, its officers, employees, and agents provided by the Constitution and laws of the state of Texas as a result of its execution of this Agreement and the performance of the covenants contained herein.

SECTION 5. NO PARTNERSHIP

5.01 It is agreed that nothing herein contained is intended or should be construed as creating or establishing a relationship of co-partners between the Parties, or as creating or establishing the relationship by either Party as agent, representative, or employee of the other Party for any purpose, or in any manner, whatsoever.

5.02 The City is to be and shall remain an independent contractor with respect to all services performed under this Agreement.

SECTION 6. SEVERABILITY

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

of such event, either party may terminate this Agreement forthwith upon the delivery of written notice of termination to the other party.

**SECTION 7.
ENTIRE AGREEMENT: REQUIREMENT OF A WRITING**

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

**SECTION 8.
COMPLIANCE WITH LAWS AND REGULATIONS**

8.01 It is understood that the terms and conditions of this Agreement are governed by the laws of the State of Texas.

8.02 Both parties shall abide by all statutes, ordinances, rules, and regulations pertaining to, or regulating the respective obligations of each party herein, including those now in effect and hereafter adopted. Any violation of said statutes, ordinances, rules or regulations shall constitute a material breach of this contract and shall entitle either party to terminate this contract immediately upon delivery of written notice to the other party.

**SECTION 9.
TERM**

The term of this Agreement shall begin upon signature by both parties and end on October 7, 2018, at 11:59 p.m., unless terminated sooner by either party. Either party may terminate, with or without cause, by giving at least thirty (30) days written notice to the other party.

**SECTION 10.
VENUE**

The laws of the State of Texas govern all disputes arising out of or relating to this Agreement. The parties hereto acknowledge that venue is proper in Fort Bend County, Texas, for all legal actions or proceedings arising out of or relating to this Agreement and waive the right to sue or be sued elsewhere, to the extent allowed by law.

**SECTION 11.
BENEFICIARIES**

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

SECTION 12. CURRENT REVENUES

Each party paying for the performance of governmental functions or services must make those payments from current revenues available to the paying party.

**SECTION 13.
NOTICES**

Notices, correspondence, and all other communications shall be addressed to the Texas Parks and Wildlife Department and submitted to the following representative:

Robert Owen

TAMMY DUNHAM
 10/5/18
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, Texas 78744



Notice to the City of Missouri City shall be sent to:

City of Missouri City
Attention: City Manager
1522 Texas Parkway
Missouri City, Texas 77459

With a copy to: Missouri City Parks and Recreation Department
Attention: Parks and Recreation Director
1522 Texas Parkway
Missouri City, Texas 77459

*{Execution Page Follows}
{Remainder Left Intentionally Blank}*

IN WITNESS WHEREOF, this Agreement has been executed by the CITY and the COUNTY upon and by the authority of their respective governing bodies. This Agreement is not effective until executed by both parties.

TEXAS PARKS AND WILDLIFE DEPARTMENT:

Michelle Cannon

Date: 10/5/18

Attest:

CITY OF MISSOURI CITY:

Scott R. Elmer, PE
Mayor Scott Elmer, PE, Assistant City Manager

Date: 10-5-18

ATTEST:

City Secretary

Exhibit A
Texas Outdoor Family
Private Workshop Contract

I, _____ in consideration of partnering with the Texas Outdoor Family (TOF) program for a private workshop at _____ agree to follow all applicable regulations and guidelines set forth for Texas State Parks and programs with the Texas Outdoor Family. Failure to comply with these regulations may forfeit my opportunity to host a private workshop. Specifically, I agree to and acknowledge the following:

- 12 reservations are the minimum for an event to be withheld from public participation
- 20 reservations are the maximum capacity for any TOF event. Maximums for each park can differ. Please confirm with TOF staff how many reservations are available.
- A reservation is defined as one campsite, occupied by one six-person tent.
- Events can be 1-night in duration for \$75 per reservation, or 2-nights for \$95 per reservation.
- 12 reservations will be paid for by the organizer of the event via one payment. It is not acceptable to have individual families make individual reservations for a private event. Payment can only be coordinated by the event organizer.
- A deadline will be set by TOF staff that opens the workshop to public participation if the private party has not delivered payment.
- Additional reservations made by your group will be paid in full by the close of business on the Wednesday before the workshop.
- Credit Cards provided over the phone are the preferred method of payment.
- A check can be used only if a credit card payment is not possible. Checks should be made out to Texas Parks and Wildlife Department, and the memo field populated with "Outdoor Family" - (Name of Park) - "Private Event." Example: "Outdoor Family Bastrop SP - Private Event"
- Instructions and recommendations of the assigned ranger will be followed for the safety of my group.
- I understand that the staff of the Texas Outdoor Family program will have no responsibility to repair, clean or organize TOF equipment when my organization returns it.
- A roster of participants will be provided to TOF staff by the Wednesday before the event.
- No pets are allowed on TOF workshops.
- Ranger Tito Thornton and Ranger John Herron will lead this event on behalf of Texas Outdoor Family.
- City of Missouri City Contacts:

James M. Santangelo | Assistant City Attorney / Prosecutor
1522 Texas Parkway | Missouri City, TX 77489
t. 281.403.8657 | f. 281.403.8987

Recreation Specialist attending event:
E. Daulete Stewart | Recreation Specialist
1522 Texas Parkway | Missouri City, TX 77489
t. 281.403.8634 | f. 281.261.4317



CITY COUNCIL AGENDA ITEM COVER MEMO

November 19, 2018

To: Mayor and City Council
Agenda Item: 7(a)(1) Greenfield Village - R-1-A to PD, Planned Development District
Submitted by: Jennifer Thomas Gomez, AICP, Planning Manager

SYNOPSIS

This is the first of two readings of an ordinance to receive comments for or against a request by John Tsai to rezone an approximate 5.19 acre tract of land from R-1-A single family residential district to PD, Planned Development District to allow for the development of a child care facility and certain commercial uses including but not limited to educational and professional offices, neighborhood and specialized retail uses; to consider a conceptual site plan; and to the extent such rezoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

The subject site is located north of Life Pointe Church, south of Olympia Estates, east of Olympia Estates and Vicksburg, Village of Sedona Creek and west of Vicksburg, Village of Cumberland.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Grow business investments in Missouri City
- Have quality development through buildout

BACKGROUND

This application has been submitted for the purpose of providing development and design standards for a multiple phase, mixed use development. The development is proposed to include three single-story buildings; two 3,000 square foot buildings, one to locate a tutoring center and the other to locate a café and a multipurpose “community” room. The third building is a proposed 7,000 square foot child care facility.

The Planning and Zoning Commission originally considered a request by the applicant on their July 2018 agenda. At the time, the Commission expressed concern with the original development site plan, the number and location of certain buildings and uses in proximity to the residential areas. Following that meeting, the applicant met with the homeowners association and several community members to discuss options for development. The applicant revised their proposed development as a result of these meetings.

The Planning and Zoning Commission considered the revised proposal on their October 10, 2018 agenda. Staff recommended approval and the Commission forwards a positive recommendation to allow only for the development of a tutoring facility, café and multipurpose room; a childcare facility and associated site development standards for such uses.

As of November 14, 2018, written protest has been received from property owners owning 19.5 percent of the property within 200 feet of the subject site. Section 211.006 of the Texas Local Government Code requires the affirmative vote of at least $\frac{3}{4}$ of all members of the governing body (6 out of 7 votes) if written protest, signed by the owners of at least 20 percent of “the area of the

lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.”

BUDGET ANALYSIS

Funding Source	Account Number	Project Code/Name	FY__ Funds Budgeted	FY__ Funds Available	Amount Requested
Budget	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. Planning and Zoning Commission meeting minutes (October 10, 2018)
3. Planning and Zoning Commission final report
4. Application
5. Letter of owner authorization
6. Planned Development proposal
7. Ortho map
8. Notice of public hearing
9. Notice of public hearing to adjoining property owners (October 10, 2018; July 11, 2018)
10. Mailing labels for adjoining property owners
11. Rezoning application protest letters analysis
12. Letters of protest

STAFF'S RECOMMENDATION

Staff recommends approval of the ordinance on the first reading.

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

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

ORDINANCE NO. O-18-__

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, CHANGING THE ZONING CLASSIFICATION OF 5.19 ACRES OF LAND FROM R-1-A, SINGLE FAMILY RESIDENTIAL DISTRICT TO PD PLANNED DEVELOPMENT DISTRICT NO. 107; DESCRIBING SAID 5.19 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, Josefina P. Serrano and Ivy Kenneth Joy L. Miraflor are the owners of approximately 5.19 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 R-1-A, single family residential district pursuant to Ordinance No. O-01-47, adopted on October 17, 2001; and

WHEREAS, the owner's agent, John Tsai, has made application to the City of Missouri City to change the zoning classification of the Property from R-1-A single family residential district to PD Planned Development District; and

WHEREAS, pursuant to Section 8.2 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 change in zoning classification; 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 hereby changed from R-1-A single family residential district to PD Planned Development District No. 107. The Property is described 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 Exhibit "A-1" conflicts with Exhibit "A," 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, specifically all regulations that apply to LC-2 local retail district, and shall be developed generally in accordance with the site plan, Exhibit "B," attached hereto and made a part hereof for all purposes, and is subject to the following regulations and restrictions:

- A. Purpose.** The planned development district may include a mixed use commercial and retail development. Improvements to the site will be designed to enhance the overall urban design and nature of the surrounding area.
- B. 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 shall be allowed:

- 1. Childcare facility;
 - 2. Tutoring facility;
 - 3. Café (no alcoholic services) with multipurpose room.
- C. Height and area regulations.** Except as provided herein, the height and area regulations for LC-2 local retail districts, contained in Section 7.11.C of the Missouri City Zoning Ordinance, shall apply.
 - 1. No building or structure shall exceed one story or twenty (20) feet in height.
 - 2. Building setbacks shall be a minimum of two hundred eighty (280) feet from the northern and western property lines that are immediately adjacent to residential subdivisions.
 - D. 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. Primary materials and colors for building and structure exteriors shall be as follows:

Brick: red, terra cotta, or a color similar to red or terra cotta.

2. Trim, soffits, and infill areas shall be white or dark bronze, or shall be stained and sealed wood.
3. Ground-mounted equipment shall be screened by wood.

E. Outside placement, storage, sales and services regulations.

1. The outside placement of materials, merchandise, or equipment is prohibited.
2. The provision of outside sales and services is prohibited.

F. Landscaping regulations. Except as set forth herein, the landscaping, screening, and buffer yard regulations contained in Section 11, Landscaping, of the City of Missouri City Zoning Ordinance shall apply.

1. Transitional buffer yards shall be constructed along the northern and western property lines that are immediately adjacent to residential subdivisions. Such transitional buffer yards shall be a minimum of one hundred fifty (150) feet deep and shall be screened using Type A screening.

G. Sign regulations. Except as set forth herein, the sign regulations for nonresidential zoning districts contained in Section 13, Sign Regulations, of the City of Missouri City Zoning Ordinance shall apply.

1. No more than one monument sign shall be placed in the planned development district. Such sign shall be a low-profile monument sign as described in subsection 13.12.H, Monument Signs—Low Profile, of the Missouri City Zoning Ordinance and shall be placed along Vicksburg Boulevard on the eastern property line.

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 O-01-47, adopted by the City Council of the City of Missouri City on October 17, 2001, 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 ___ day of _____, 2018.

PASSED, APPROVED and ADOPTED on second and final reading this ___ day of _____, 2018.

Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Jackson, City Secretary

E. Joyce Iyamu, City Attorney

Escrow File No.: 11-181624CA

EXHIBIT "A"

A TRACT OR PARCEL OF LAND CONTAINING 5.1913 ACRES (226,135 SQUARE FEET) SITUATED IN THE ELIJAH ROARK LEAGUE SURVEY, ABSTRACT No. 77, FORT BEND COUNTY, TEXAS AND BEING OUT OF AND A PART OF THAT CERTAIN TRACT CONVEYED IN SUBSTITUTE TRUSTEE'S DEED, RECORDED IN COUNTY CLERK FILE NO. 2009105602, OFFICIAL RECORDS FORT BEND COUNTY, TEXAS (O.R.F.B.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (BEARINGS ARE BASED IN C.C.F. NO. 2005061676)

BEGINNING at a found 1/2" iron rod in the west right-of-way (R.O.W.) line of Vicksburg Boulevard (110' R.O.W.) and a curve to the right for the common Northeast corner of herein described Tract and an interior angle point and corner of Olympia Estates, Section 1, recorded under Slide No. 2330 A & B, Plat Records Fort Bend County, Texas (P.R.F.B.C.T.);

THENCE in a Southeasterly direction along the common East line of herein described Tract and the west R.O.W. line of said Vicksburg Boulevard and said curve to the right having a RADIUS of 2294.08', DELTA of 15° 50' 50", LENGTH of 634.52', CHORD BEARING of S 03° 41' 19"E and a CHORD LENGTH of 632.49', to a found M" iron rod at the beginning of a curve return to the right from the west R.O.W. line of said Vicksburg Boulevard to the north R.O.W. line of Truesdale Drive (R.O.W. varies), for the north most Southeast corner of herein described Tract;

THENCE in a Southwesterly direction along said curve return to the right having a RADIUS of 25.00' DELTA of 9154'14", LENGTH of 40.10', CHORD BEARING of S 50° 10' 55" W and a CHORD LENGTH of 35.93', to a set M" iron rod with orange plastic cap stamped "Precision Surveyors" (hereinafter called "set" iron rod") in the north R.O.W. line of said Truesdale Drive for the south most Southeast corner of herein described Tract;

THENCE N 83° 52' 15" W, 136.00', along the common South line of herein described Tract and the north R.O.W. line of said Truesdale Drive, to a point at the beginning of a curve to the left for a corner of herein described Tract, from which a found M" iron rod Bears S43° 32' 55" W, 0.48';

THENCE in a Westerly direction continuing along the common South line of herein described Tract and the north R.O.W. line of said Truesdale Drive and said curve to the left having a RADIUS of 600.00', DELTA of $10^{\circ} 28' 32''$, LENGTH of 109.70', CHORD BEARING of $N89^{\circ} 06' 31'' W$ and a CHORD LENGTH of 109.55', to a found M" iron rod for a corner of herein described Tract at the beginning of a curve to the right-

THENCE in a Westerly direction continuing along the common South line of herein described Tract and the north R.O.W. line of said Truesdale Drive and said curve to the right having a RADIUS of 600.00', DELTA of $10^{\circ} 28' 32''$, LENGTH of 109.70', CHORD BEARING of $N89^{\circ} 06' 31'' W$ and a CHORD LENGTH of 109.55', to a found 1/2" iron rod for the common Southwest corner of herein described Tract and the southeast corner of Lot 64, Block 4, Final Plat of Vicksburg, Village of Cumberland, recorded under Slide No. 644 B, P.R.F.B.C.T.;

THENCE $N 02^{\circ} 08' 26'' E$, 110.27', departing the north R.O.W. line of said Truesdale Drive and along the West line of herein described Tract and the east line of said Lot 64, Block 4, to a set 1/2" iron rod for the common corner of Lots 64 and 14, Block 4 of said Final Plat of Vicksburg, Village of Cumberland and a corner of herein described Tract;

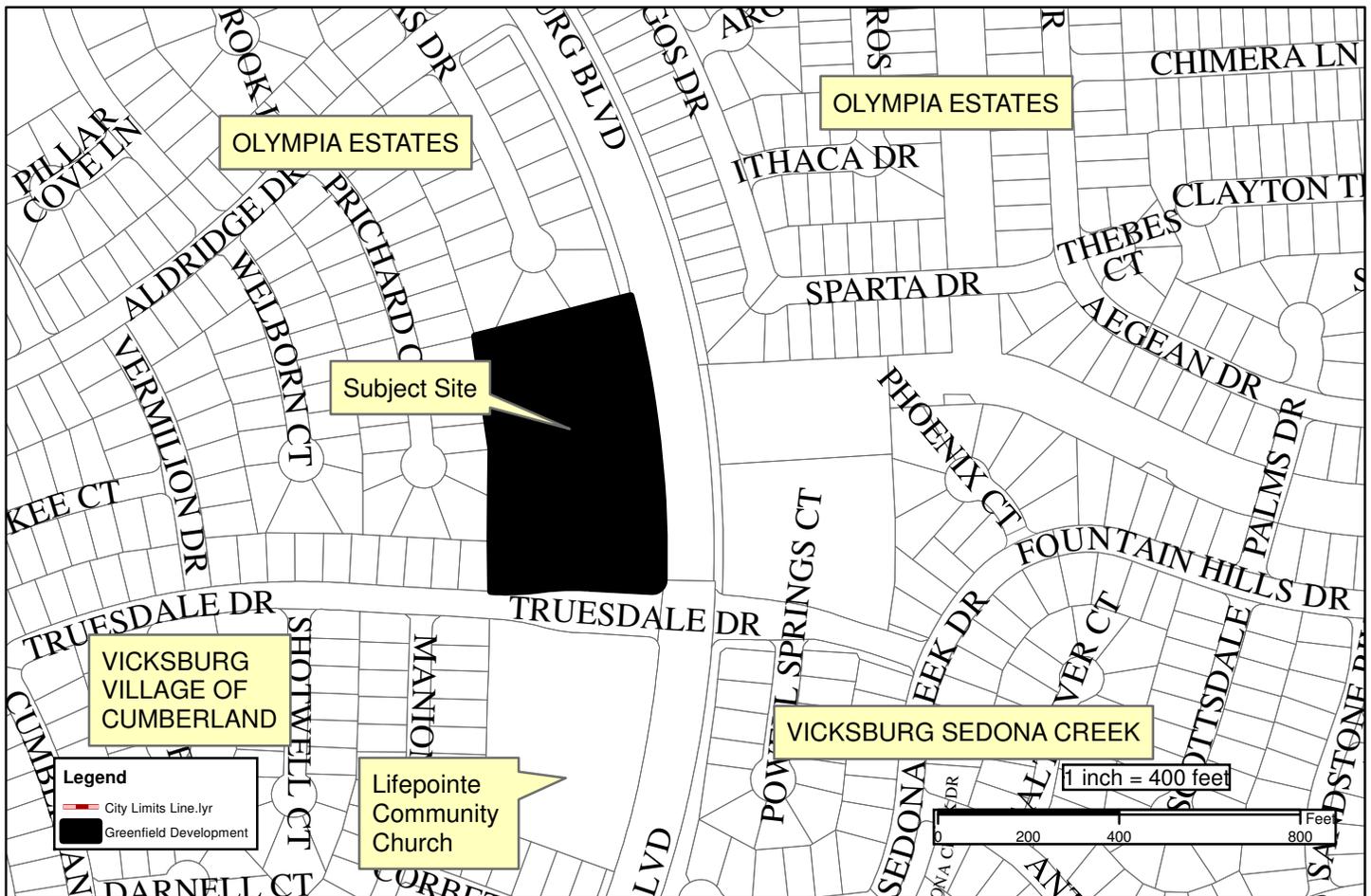
THENCE $N 03^{\circ} 25' 05'' E$, 203.69', continuing along the common West line of herein described Tract and the east line of Lots 14 and 13, Block 4 of said Final Plat of Vicksburg, Village of Cumberland, to a point for the common corner of Lots 13 and 12, Block 4 of said Final Plat of Vicksburg, Village of Cumberland and a corner of herein described Tract, from which a found 1/2" iron rod Bears $N40^{\circ} 55' 32'' W$, 0.48';

THENCE $N 05^{\circ} 15' 55'' W$, 252.28', continuing along the common West line of herein described Tract and the east line of Lots 12 through 9, Block 4 of said Final Plat of Vicksburg, Village of Cumberland, to a point for the common corner of Lots 9 and 8, Block 4 of said Final Plat of Vicksburg, Village of Cumberland, the southwest corner of Lot 10, Block 3 of said Olympia Estates, Section 1 and the Northwest corner of herein described Tract, from said point a found 1/2" iron rod Bears $N 23^{\circ} 48' 14'' W$, 0.54';

THENCE $N 78^{\circ} 23' 16'' E$, 355.36', along the common North line of herein described Tract and the south line of said Olympia Estates, Section 1 to the POINT OF BEGINNING containing 5.1913 acres (226,135 square feet) of land, more or less.

"Note: The Company does not represent that the acreage or square footage calculations are correct"







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suite 201
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Architect
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Suite 201
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Project Name
Greenfield Village
19400 Vicksburg Blvd.
Missouri City, TX 77459

Project Number
18-100-121

Date of Issue
10-1-2018

Revisions



Description
Site Plan

Scale
AS1.00



1. NO MONUMENT SIGNS PROPOSED FOR PROJECT

2 GENERAL NOTES

	SOD		CANOPY TREE
	GRAVEL		UNDERSTORY TREE
	PAVERS		BUSH
	CONCRETE		

1 KEY





MINUTES
PLANNING AND ZONING COMMISSION
CITY OF MISSOURI CITY, TEXAS
October 10, 2018

1. CALL TO ORDER

The Notice of the Meeting and Agenda having been duly posted in accordance with the legal requirements and a quorum being present, the meeting was call to order by Vice Chairman Haney, at 7:00 PM.

2. ROLL CALL

Commissioners Present:

Sonya Brown-Marshall
Tim Haney
Hugh Brightwell
John O'Malley
Reginald Pearson
Douglas Parker
James G. Norcom III
Courtney Johnson Rose

Commissioners Absent: Ramesh Anand

Councilmembers Present: None

Staff Present:

Otis T. Spriggs, Director of Development Services
Jamilah Way, First Assistant City Attorney
James Santangelo, Assistant City Attorney
Jennifer Hobbs, Assistant City Engineer
Thomas White, Planner II
Mason Garcia, Planner I
Egima Brown, Planning Technician

Others Present:

Debra James, Addie Johnson, Jacob Burgus /TBG, Roco Anters, Jonathan Martinez, Saeed Gaddi, Gemma Almuete, Ludivina Campos, Ivy Miraflor, Joseph Micalor, Ashleigh Jefferson, Sorawit Benz Srilamsingha, Hillary L. McAdams, James Harris, Dan Elkins / Kimley Horn, Donna Barnes, Jesus Gomez, Taylor Palmer, Janncenn Serrano, John Davis, Courtney Penry, Pamela Zackory, Rebecca Lievano, Miriah Crusca, Greg Black, Cally Serrano, Michael Gholston, Pernell

Washington, Ramona C. Williams, Sherry & Sarah Walker, Vandervoort, Kathleen Jacobs, William L. Jacobs Jr., Jim Klimek, Carissa Serrano, Calirose Serrano, Steve & Kathy Hawkins, Kharla Sowell, Kim Gies, Keith Derington, Osagie John Okpamen, Mary Ann Cadiente, Hal Moyer / Landpoint, Chad Laughlin, Jennifer Shick, David Beck

7. ZONING MAP AMENDMENTS

B. PUBLIC HEARING FOR A PLANNED DEVELOPMENT DISTRICT AMENDMENT

- (1) To receive comments for or against a request by John Tsai to rezone an approximate 5.19 acre tract of land from R-1-A single family residential district to PD, Planned Development District to allow for the development of a child care facility and certain commercial uses including but not limited to educational and professional offices, neighborhood and specialized retail uses; to consider a revised conceptual site plan; and to the extent such rezoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

Otis Spriggs presented this item. The original consideration by the Planning Commission was in July of 2018. The site location is at the intersection of Truesdale Drive and Vicksburg Boulevard. Mr. Spriggs presented the previous concept plan that showed seven structures. The applicant is proposing a mixed development to include a tutoring facility, café and multi-purpose room and a child-care facility. There were previous uses that were considered as part of the LC-1 district, however, since that time the developer was able to meet with the HOA, Home Owners Association. The applicant will provide additional information. The previous plat had concerns the Commission had over the site plan design, as well as the number and location of certain buildings, and the uses that would be near the residential. The applicant, since that time has revised the proposed plan. A graphic indication of the revision consist of single story buildings. Three buildings are proposed. Two of the buildings will be 3,000 sq. ft. One building is to locate a tutoring center and the other building will locate a café / multi-purpose community room. The third building proposed at 7,000 sqft. would locate the child-care facility. Mr. Spriggs informed that the site is 5.19 acres, as recalled from the previous case considered.

Mr. Spriggs informed that other graphics of the architectural treatment had been received. The previous meeting discussed flat, more commercialized roof type architectural treatment. The current submittal proposed shows the pitched roof and more of a residential character for the structures. An overlay was presented that showed the current proposal and the impact of what was provided by the applicant previously. Since that time the proposal had been narrowed down with more consideration of buffers and setbacks. The building setback would satisfy the 30 ft. setback from Vicksburg Boulevard. The applicant adhered to an increased setback of approximately 280 ft. from the western boundary, as well as on the northern boundary of 300 ft. Staff has reviewed the increased setbacks that would include the fencing, prescribed as the masonry requirement, as well as landscape enhancement in those particular areas. Staff's recommendation is to approve with the minimum setbacks and with the general concept to provide the residential scale character.

Mr. Spriggs informed that the building site regulations of LC-2 would be adhered in terms of articulating the building fronts in accordance with the architectural standards. Other regulations of LC-2 will be required. The actual uses would be what had been described and nothing else. The revised elevations the Commissioners had seen with the proposed materials of masonry with the roof satisfying the standing seam requirements. Staff recommended that the submitted elevation details be approved as the proposed

architectural standards that would be included with any ordinance that would be considered by Council.

Mr. Spriggs informed that there was an area for the trash dumpster that will compromise the describe setback from the western boundary line. Staff considered the dumpster as a vertical structure that the applicant would have to resituate to satisfy the proposed setbacks that had been described. Staff recommended approval of the compliance with the LC-2 district under the trash disposal requirement to meet the setback.

Mr. Spriggs informed that under the landscape requirements, the applicant proposed a 7-ft. tall wood fence. However, in the landscape standards, a masonry wall would be required 8 ft. in height, with one canopy tree per 30 linear feet. Spacing along the upper line would be required. Staff recommended that the Type A screening, including the masonry wall, would be included in the proposal as well as the buffer yard minimums would be adhered to as discussed.

Mr. Spriggs informed that he will defer comments to the applicant, who will discuss the call-outs in greater detail.

Commissioner Johnson Rose informed that she saw four buildings but only saw buildings A, B & C. Commissioner Johnson Rose asked staff if the front buildings were connected as one 7,000 sq. ft. day-care center.

Greg Black, Imperial Builders, informed that the applicant is a resident of Missouri City and was keeping her business, of a day-care, in her home. The owner is a small business owner. The project is the owner's dream and to build a legacy for her family. Mr. Black confirmed that the buildings in question was a connecting building. The square footage is 7,000 sq. ft.

Commissioner Johnson Rose asked if the owner was present.

Josephina Serrano, Cally Serrano and Ivy Mirafior, owners of the business, introduced themselves.

Commissioner Johnson Rose asked the owners if they had conversations with the Homeowners Association and how did it go.

Cally Serrano informed that they had attended two HOA, Homeowner's Association meetings. A coffee shop that will be provided per the conversation with the HOA. The HOA and the community informed that they wanted a place for meetings instead of going to Sienna Plantation or the church next door, which is why the owners provided the coffee shop on the plans. Mr. Serrano informed that they would work with the community.

Commissioner Johnson Rose asked the owners if they had purchased the property.

The owners answered, "Yes".

Commissioner Johnson Rose asked the owners how long they had owned the property.

The owners informed that they had owned the property since April.

Chair Brown-Marshall asked staff if the two driveways were required and if the driveway on Truesdale would be required or could the driveway on Vicksburg only be required.

Mr. Spriggs informed that at the time, a traffic analysis had not been submitted. It would be a part of the development review plan. From a Fire safety prospective and alternative access control, it may be recommended. There may be some way to control the traffic that would flow on the residential street. Those types of constraints could be considered.

Ms. Hobbs informed that conversation with the Fire Marshall Department had not been conducted. The traffic analysis is typically not required until the proposal had passed and moved forward to preliminary platting. The reason for the two driveways would be due to the school and the Fire Marshall requiring a secondary access.

Mr. Spriggs informed that it would help with the drop-off for a daycare facility. A secondary driveway could help with the traffic control to maintain safety for the children.

Chair Brown-Marshall informed that she understood.

Chair Brown-Marshall open the floor to the Public and informed that each person will have three minutes to speak. Vice Chair Haney would keep time.

Addie Jackson, 3322 Fountain Hills, informed that the property is not located at a major thoroughfare with a lot of traffic. It will have to be supported by the residence of Vicksburg. Ms. Jackson's concern was future blight. There may be a daycare, which is ok. However, if the daycare moved, who will move in and maintain the building. If Ms. Jackson sells her home, the building may not be maintained. The property is zoned for residential because it is successful as residential. There are houses that are built in the area. There are not any commercial buildings currently. Ms. Jackson informed that the neighborhood is not Sienna, there is not any foot traffic, it is not on Highway 6, and the property be sustainable in the area.

Pamela Zackory, 2727 Prichard Ct, thanked the Commissioners for their service. Ms. Zackory informed that during the previous meeting, the residence were informed that everyone that submitted a form and that protested or supported would receive a letter for the rezoning announcing the next meeting, even if the residents lived outside of 250 ft. The action did not occur. Ms. Zackory informed that due to trusting what was stated about the notice, she did not walk the neighborhood to try to get the word out. There would have been more people present. Ms. Zackory understood of the landowners fighting for their property, however, the homeowners should not be addressed as selfish and bullies as it was said. The residents are fighting for what is best for their properties. Someone said it best when said, "I believe in change, progress and development, but it must be rational and feasible to more than the people who want to make the change." Ms. Zackory informed that she had not seen any subdivision that had commercial properties inside. The major thoroughfares, FM 1092, Highway 6, Cartwright, FM 2234, and Sienna Ranch Road, did have "for lease" signs and empty shells of where businesses used to occupy. Vicksburg is 1.5 miles long and not close to a major thoroughfare. If those businesses did not make it with that much exposure, how can the proposed project. The 1.5 mile is not enough to showcase empty buildings. Ms. Zackory informed that if the commercial does work, will the land be sold to someone that does not want a daycare or to be anchored by a daycare center, what will the residents be subject to. Mayor Allen Owen was quoted, "That we really do not have much say of what goes on with commercial properties." After reading political articles, Missouri City may consider taxes received on the land over the opinions of the

actual homeowners that live every day in the community, that have paid taxes for the last ten / twenty-five plus years and that have invested heavily in their personal properties. Ms. Zackory informed that if the Commissioners allow the vote to move forward to the next step, they told the homeowners on the "Next Door" app that they would provide a building that will be used free of charge for community events. The residents were also informed previously that the buildings would be built by phases. What phase would the community building be built and when would it be accessible. How long will the building be free of charge for use. If ownership changed, what are the chances that the community would still have access. Would only Vicksburg have access or would it include Olympia Estates. What if the owners decide to never go into the next phase.

Three minutes had been reached.

Vice Chair Haney informed that the Commission had asked for the Public to not repeat concerns. If Ms. Zackory had additional items, the people after Ms. Zackory would also be asked to not repeat the concerns that was already stated.

Ms. Zackory informed that there were additional concerns that had not been mentioned. There is a building that would be 8 ft. When looking from the backyard, the residence would see uneven fencing. A space would be in between. Ms. Zackory asked who would be responsible for the mentioned space and if the owners would be responsible, would they be required to place a barrier for keeping foliage from growing in between the fences or that would stop animals from making it a habitat. What about drainage and run-off due to extra concrete. Parking is behind the building. Would there be a locked gate to prevent unwanted cars from parking at night. Ms. Zackory was unsure about the measurements shown on the pictures, but Truesdale and Vicksburg is a two way stop. Political signs were in the way that almost caused an accident. Would the residents be looking at the back of the owner's buildings and would there be bushes. If so, it would be a problem for traffic.

Chair Brown-Marshall informed Ms. Zackory that she provided valid points. The Planning and Zoning meeting was for the reason of the rezoning portion of the property and if it was a good fit for the area. Ms. Zackory's concerns were on point. However, the concerns would not be addressed due to the purpose of the meeting for rezoning.

Ms. Zackory asked when will her concerns be appropriate due to asking a question last time and was stopped.

Chair Brown-Marshall informed that she would speak with staff. If the rezoning case moved forward, to say that the rezoning would fit the land, there would be additional steps. The residence would want to attend the meeting that would discuss the additional steps.

Vice Chair Haney informed that the land is a PD, Planned Development District and all items would fall in line with the PD.

Ms. Hobbs informed that at the current point of the rezoning process, staff had not received details of the drainage, nor any of the traffic analysis. Staff would not receive the details unless the property would be rezoned. If the property is rezoned, at that point, there would be a preliminary plat. At the time of the preliminary plat, the applicant would be required to prove that the new concrete with mitigating the drainage, the site issues, setbacks, sight distance, traffic, and the Fire Marshall's Office would review the plat for emergencies. If the report was read at the current time, there would not be any comments from Public Works due to not having the items for comments.

Ms. Zackory informed that a lot of people could not attend the meeting. Residents were trying to send forms, however, they could not get through. Different City offices were called for the correct fax number. However, did not receive an answer.

Chair Brown-Marshall asked Legal if residents could continue to send their protest / support forms after the meeting.

Jamilah Way answered, "Yes". The forms would be provided to City Council.

Ms. Zackory asked if the rezoning case was going to Council.

Ms. Way informed that whether the Commission voted up or down, the case would still move forward to Council.

Vice Chair Haney informed that the case would move forward to Council either way.

Mr. Spriggs informed that the decision of the case would not be completed at the Planning and Zoning meeting.

Vice Chair Haney informed that at the current time, it would depend on the Commission's vote as a "positive" or "negative".

Ms. Zackory asked how far in advance are the residents supposed to receive letters of an upcoming meeting.

Mr. Spriggs informed that if the residents are within the 200 ft. boundary of the site, letters would be received within 14 days prior to the meeting.

Ms. Zackory informed that they were informed that people who submitted the form who were outside of the 200 ft., would receive a letter and they did not.

Chair Brown-Marshall informed that the Commission would address the point with staff. Staff did meet the law requirements and that it would be addressed with staff.

Vice Chair Haney informed that the Council meeting that the case would move forward to, would be at that time scheduled for Monday, November 19th, 2018 at 7:00 pm.

Mr. Spriggs informed that the Council meeting would be the second meeting in November.

Chair Brown-Marshall informed that the residents could get the information out.

Mary Lee Vandervoort, 2718 Prichard Ct, informed that she would like to speak after her neighbors, being the President.

Kathleen Jacobs, 3230 Woods Canyon Ct, informed that she was a 15 year resident of the community as a homeowner of the Sedona Creek subdivision near the development. One of the early pictures that was presented showed that the property sits in the middle of homes and the community. Ms. Jacobs is against changing the zoning to a commercial property with the concerns of the property in the future of 10 / 20 years. Ms. Jacobs thanked the Commission and staff for being present and listening to the residents. The Commissioners asked if there was a presentation to the HOA, Home Owners Association

committee from the owners (landowners). The owners did attend HOA meetings. Ms. Jacobs's opinion was that the owners were not well received. During the last HOA meetings, the owners made a comment that they were not aware of the property being zoned as residential. Ms. Jacobs informed that her concern about the owners' due diligence and decision making skills. The concern is for the future of the community. It is not just Ms. Jacobs' house, but her home. Ms. Jacobs asked the Commission to make the right decision for the community.

Courtney Penry, 2223 McKeever Rd, informed that Cally Serrano (landowner) and the family have been best friends, The Serrano family are gentle souls. Ms. Penry informed that she was an active Missouri City member, grew up in the City, graduated from Elkins High School, and Cally Serrano went to Hightower High School. If the land was to be owned by anyone else, there should be a concern. The owners are the type of owners that the community would want to have. Ms. Penry had witnessed the character of the family. Ms. Serrano's family had a daycare in the home for over 10 years and is active in the community. The family were active volunteers. They would listen to the community, their concerns, and would try their best to be on the community's side due to also being Missouri City residents.

Jim Klimek, 2739 Prichard Ct, informed that the project site is behind his backyard. Mr. Klimek is opposed to the rezoning. The land owners did attend some of the HOA meetings. They were not well received. A proposal of phases for the property was presented. The total of the property was about 33,000 sq. ft of commercial space. The landowners would utilize 7,000, 20%. The other 80% of the property's use is unknown. Business practice is business practice. The owners may inform that a coffee shop would be provided and that the residents would be able to use part of the coffee shop as a community center. However, when the mortgage is due, the kind words would not pay the mortgage. The spaces would need to be rented out. Mr. Klimek read, "Child care facility and certain commercial uses, including but not limited to educational and professional offices". The "not limited to" is the concern. A year from now the owners could sell the property. There is no guarantee that the future owners would have the same vision as the current owners. The availability of using the coffee shop as a community center is not guaranteed. The property was purchased in April, 6 months ago. Business people know what they are getting into. The owners speculated the residential property could be turned into a commercial property, therefore the property value increases and they would be able to operate. It is not good business practice and model. The owners may be wonderful people as previously stated by a speaker. However, not solid good business owners.

Jesus Gomez, 117 Lane Dr., University of Houston Small Business Development Center, informed that he had been working in Missouri City for close to 14 years. Mr. Gomez informed that his job is to assist a lot of small business owners to grow in the community and to expand. Mr. Gomez communicates with Mayor Owens and City Council for what they would want to see in the City. Kids, 1st Academy, Texas Leaguer Brewing Company and Texas Biergarten are projects in the area that Mr. Gomez had been involved. Mr. Gomez assist business owners by walking them through the process. The businesses also create jobs.

Donna Barnes, 3223 Confederate Dr., informed that she is a new resident of Vicksburg in on the Shiloh side and had been a Missouri City resident for more than 10 years. Ms. Barnes' dream was to move into a community that did not have commercial property. The concern is the traffic and tranquility of the neighborhood. Ms. Barnes is against the rezoning.

Steve Hawkins, 11050 S. Auden Cir., informed that change is hard. Mr. Hawkins informed that he does not live in Vicksburg and lives in Sienna Plantation. The Hawkins have lived in Missouri City for almost 12 years. Mr. Hawkins and his wife knew that they would need child care. Sienna has a variety of daycares that are within the neighborhood / City perimeter. If the child care was not there, they would not have moved to the area. He understood that Vicksburg was not Sienna. The Hawkins live 30 minutes from their jobs. If they would have to drive an extra 10 to 15 minutes to take a child to child care, it would be hard due to traffic. As far as Children's Talent, Mr. Hawkins would trust the Serrano Family with their only child. Ms. Serrano wants to be an asset to the community.

Stephanie Harris 3930 Chestnut Bend, informed that she had been a teacher for 20 years and 10 of the years have been in Fort Bend County. When Ms. Harris moved to the City 10 years ago, she became pregnant. Upon looking, there were two teachers that had children at Children's Talent Academy with Ms. Serrano. Ms. Harris observed the child care facility that was in Ms. Serrano's home. Ms. Serrano was a warm welcoming person. Ms. Harris stated that she was providing a character plea and not necessarily about the building. Ms. Harris' child was enrolled in Children's Talent Academy until Kindergarten. Her child had been a straight "A" student due to the foundation that was laid down. Ms. Harris also enrolled her second child.

Ashleigh Jefferson, 4907 Cotter Lake Dr., informed that she was an advocate for Ms. Serrano. There is not a doubt that whatever Ms. Serrano touches would flourish. Ms. Jefferson trust no one else but Ms. Serrano with her children. With the recommendation of a co-worker, Ms. Jefferson tried Children's Talent Academy for her daughter. When Ms. Jefferson returns to work, due to having a baby, her son will be enrolled as well.

Dr. Rocio Antone, 19 Cloud Brook Dr., informed that she is in favor for Children's Talent Academy and is present to point to why the business would be a great asset to the community. Ms. Antone moved to the City since 2009 and believes in Missouri City being a united City. A personal experience with taking her middle child to a neighborhood community in Riverstone for child care was negative. This is how Ms. Antone learned about Josie, what the parents call Ms. Serrano, and the care that she provided children. Ms. Antone is the daughter of a small business owner, whose dad did not have a lot of business knowledge, but had a lot of drive and perseverance. A lot of those qualities had been found in Ms. Serrano and her family. Due to the character of the family, Ms. Antone would not assume to have the judgement to bring a liquor store anywhere near a place of worship across the street nor a child care center.

Ludivina Campos, 13616 Stone Branch, informed that she is a teacher of Fort Bend ISD. They (landowners) are present because they want a good thing for the community. The daycare would be good to have a child care center in the neighborhood where it is safe.

Rebecca Lievano, 9918 Foggy River, informed that she was in support of Ms. Josie, (Serrano). Both of Ms. Lievano's children are enrolled in Children's Talent Academy. The child care will be a good asset to the community.

Mrs. Vandervoort, 2718 Prichard Ct, informed that she is the President of the Vicksburg HOA, Home Owners Association for more than 10 years. Most of her neighbors are against the rezoning. Mrs. Vandervoort did not realize that they were attending a character meeting and thought they were attending a zoning meeting. Vicksburg is an older neighborhood without a lot of little children. A child care business is not needed in the neighborhood. Mrs.

Vandervoort informed that they were told that they would be able to use part of the building for their HOA meetings. It was Mrs. Vandervoort first experience of hearing that information. A topic that was brought up in the HOA meeting is that the landowners were not keeping up with the property. The landowners were asked to mow the lawn and keep up the appearance. Mrs. Vandervoort informed that the landowners halfway fulfilled the request maybe once or twice. The clippings were left on the side of the area. The landowners are not good neighbors. The residents are not interested in having building built and leased or not be leased in that area. A lot of good buildings are empty and if the owners would like to place a business in the current empty buildings, they could. Mrs. Vandervoort informed that they would like to remain as a home area without any commercial business.

Motion: To close the public hearing

Made By: Commissioner Haney

Second: Commissioner Johnson Rose

AYES: Commissioner Brown-Marshall, Commissioner O'Malley, Commissioner Pearson, Commissioner Parker, Commissioner Johnson Rose, Commissioner Brightwell, Commissioner Haney

NAYES: None

ABSTENTIONS: None

The motion passed

Chair Brown-Marshall informed that they heard "thoroughfare" on different occasions and asked Ms. Hobbs to clarify what type of road was Vicksburg.

Ms. Hobbs informed that Vicksburg is a minor arterial, which means that it connects to one major arterial, being Highway 6. Lake Olympia will end up becoming a minor arterial with the extension of the Fort Bend Parkway up and coming. With the last section of Olympia Estates section 11, there would be the southbound bridge with four lanes connected and would be reclassified as an arterial.

Chair Brown-Marshall asked about the barrier in between the fences being discussed previously.

Vice Chair Haney informed that the existing wood fence had been replaced. They are details that will be addressed after the decision is made. If the case moved forward, all the details would have to be identified. It was clear that there was a huge decent with rezoning the property. If the Commission could not agree on the decision, then all the details could not be discussed.

Chair Brown-Marshall informed that she was trying to have some questions answered to help alleviate some of the contention if possible.

Commissioner Johnson Rose informed that the previous concept plan had several buildings and asked if the owner had decreased the building to what was currently being presented at the meeting.

Mr. Spriggs answered, "Yes". As mentioned, the LC list of available uses, which are typically adjacent to residential. The applicant had taken a step back and deleted the plan. With the Planned District development, the applicant would limit the uses to what was stated, the daycare, community use and the café.

Commissioner Johnson Rose asked if what the Commission approved would be limited to those softer uses.

Mr. Spriggs answered, "Yes". Along with the tutoring facility.

Commissioner Johnson Rose asked about the church which is located across the street.

Mr. Spriggs informed that the church across the street is zoned SUP, Specific Use Permit appropriately.

Vice Chair Haney asked what the underline zoning was for the church.

Mr. Spriggs informed that it was zoned commercial, LC-2.

Vice Chair Haney asked that if the PD, Planned Development was approved, would it change the underline zoning or not.

Mr. Spriggs informed that the underline zoning on the site district is R-1-A.

Vice Chair Haney informed that there was a previous discussion about whether or not anyone would develop the property as residential.

Commissioner Johnson Rose informed that the original developer might had been Perry Homes and why the property was left as is currently and not developed residential. Commissioner Johnson Rose asked staff if there were any background information as to why the decision was made by the developers.

Mr. Spriggs informed that the developer probably had the impression to have some type of residential / commercial due to the way the lot was configured. Whether or not the land could be used as residential would have to be determined. From the staff's view point, the quality of development having to cut up cul-de-sacs into that area for residential, with large lots of residential may not be efficient planning. A determination would have to be made.

Vice Chair Haney asked if it is a PD, Planned Development, would the underlining zoning be changed.

Mr. Spriggs informed that it would be changing into a Planned Development District. The underlining zoning would go away.

Vice Chair Haney asked would the property go away from R-1-A to PD, Planned Development?

Mr. Spriggs informed that it would change to PD, Planned Development District for the particular uses that had been described.

Vice Chair Haney asked if the property was sold in 10 years, it would still be a PD, Planned Development District, could not be commercial, other than the three uses that are listed.

Mr. Spriggs answered, "Yes".

Vice Chair Haney informed that anyone who purchased the property would have to amend the PD, Planned Development District.

Mr. Spriggs confirmed, "Yes". The same process.

Vice Chair Haney informed that the concerns around what type of business would be on site may be less. However, there is still concern that there could be vacant property. If anyone purchased the property, they would still have to go through the process to receive approval to have a different type of business.

Mr. Spriggs informed that the parking and landscaping would follow the LC-2 standards.

Vice Chair Haney informed that if there is not a PD, Planned Development standard, the LC-2 standards would be required.

Mr. Spriggs informed that the applicant had proposed increased setbacks to address proximity issues to the remaining residential in the rear of the property.

Commissioner Pearson informed that due to the proximity of the church, a liquor permit would not be allowed and there would be no need to be concerned.

Motion: The Planning and Zoning Commission move forward to Council with a negative recommendation

Made By: Commissioner Haney
Second: Commissioner Pearson

AYES: Commissioner Haney, Commissioner Pearson

NAYS: Commissioner Brown-Marshall, Commissioner O'Malley,
Commissioner Johnson Rose, Commissioner Parker,
Commissioner Brightwell

ABSTENTIONS: None

The motion failed.

Mr. Spriggs informed that the Commissioners' votes was an example of though the vote was not in the affirmative, it did not make it clear and asked if the motion failed.

Ms. Way informed that the Commission would need to restate a motion.

Vice Chair Haney informed that the motion failed.

Chair Brown-Marshall informed that the motion failed.

Motion: The Planning and Zoning Commission move forward to Council with a positive recommendation.

Made By: Commissioner Brightwell
Second: Johnson Rose

AYES: Commissioner Brown-Marshall, Commissioner O'Malley,
Commissioner Parker, Commissioner Brightwell, Commissioner
Johnson Rose

NAYS: Commissioner Haney, Commissioner Pearson,

ABSTENTIONS: None

The motion passed.



**PLANNING AND ZONING COMMISSION
FINAL REPORT**

AGENDA DATE: November 19, 2018

AGENDA ITEM SUBJECT: Greenfield Village (Vicksburg Development) –
Planned Development District

AGENDA ITEM NUMBER: 7.a.1

PROJECT PLANNER: **Jennifer Thomas Gomez, AICP**, Planning
Manager

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

Sonya Brown-Marshall, Planning and Zoning
Commission Chair

A handwritten signature in black ink, appearing to read "Sonya", is written over a horizontal line.

Sonya Brown Marshall, Chair

PERMIT NUMBER: PD1800001

PROPERTY ID: 0077-00-000-0435-907

LOCATION: The subject site is located north of Life Pointe church, south of Olympia Estates, east of Olympia Estates and Vicksburg, Village of Sedona Creek and west of Vicksburg, Village of Cumberland

RECOMMENDED ACTION:

The proposal complies with the goals of the Comprehensive Plan but not the policy contained in the Future Land Use Plan. Such policy recommends development of the tract as Single Family Residential. ***The Future Land Use map should be updated to reflect the subject site as Suburban Commercial.***

The Planning and Zoning Commission adopts this as its Final Report and forwards it to City Council with a **positive recommendation** for consideration and adoption thereof.

BACKGROUND INFORMATION:

The Commission originally considered a request by the applicant on the July 2018 agenda. At the time, the Commission expressed concern with the proposed development site plan, the number and location of certain buildings and uses in proximity to the residential areas.

Since this meeting, the applicant has met with the HOA and several community members to discuss options for development. The applicant has revised their proposed development as a result of these meetings. The analysis and recommendations included below reflect these changes.

This application has been submitted for the purpose of providing development and design standards for a mixed use development. The development has been revised to include fewer buildings. Three single-story buildings are now proposed. Two 3,000 square foot buildings, one to locate a tutoring center and the other to locate a café and a multipurpose “community” room. The third building is a proposed 7,000 square foot child care facility.

REQUIREMENTS FOR A PD DISTRICT APPLICATION (SECTION 8.2)

A. Ownership:

The applicant has submitted proof of unified control of the entire area within the proposed PD district.

B. Legal Description:

The subject site can be described as being a tract or parcel containing 5.1913 acres situated in the Elijah Roark League Survey, A-77, Fort Bend County, Texas and being out of and a part of that certain tract conveyed in substitute trustee’s deed, recorded in County Clerk File No. 2009105602, official records Fort bend County, Texas.

C. Site Plan:

A proposed site plan has been submitted which constitutes the required site plan.

D. Total acreage:

5.19 acres

E. Minimum design standards:

The applicant has complied with City standards, except as requested below in the Analysis of the Subject Site.

F. Development Schedule. The applicant has advised the development shall be completed within the required five-year timeframe pursuant to Section 8.2.D.

GENERAL SITE INFORMATION:

A. Existing Land Use and Zoning Designation:

Vacant / R-1-A, single family residential district

B. Surrounding Land Uses and Zoning Designations:

North: Olympia Estates residential subdivision / R-1-A, single family residential district

South: Life Pointe Church / SUP, Specific Use Permit #155 (Ordinance O-01-60); LC-2, local retail district

East: Olympia Estates residential subdivision / R-2, single family residential district

West: Olympia Estates residential subdivision / R-2, single family residential district

C. Zoning History:

02-21-1983: Subject site annexed by the City of Missouri City (Ordinance O-83-4).

10-17-2001: Subject site zoned R-1-A, single family residential district (Ordinance O-01-47).

Subsection 8.2.C and 8.5 – Site plan and Use regulations: As stated above, per Zoning Ordinance Section 8.2.C, Site Plan, and 8.5, Use regulations, the applicant is required to propose minimum development guidelines for the site.

A. Purpose. PD, Planned Development District No. ___ is proposed to comprise of a mixed use commercial, retail development. Improvements to the site will be designed to enhance the overall urban design and nature of the surrounding area.

B. Use regulations. In PD, Planned Development District No. ___, no building, structure, or land shall be used and no building or structure shall be hereafter erected, reconstructed, altered or enlarged unless otherwise provided in the proposed Ordinance.

The revised proposal for the development is a mix of uses to include a tutoring facility, café and multipurpose room and a childcare facility.

Future Land Use Map: The City's Future Land Use and Character map identify the subject site as being an appropriate location for single family residential.

The single family residential designation is consistent with the auto-oriented character designation. The auto-oriented character for residential uses is defined by homes being placed relatively close together and individual lots having less extensive yard and landscape areas. Moderate density housing types could be permitted within this character area provided that buffering requirements and design standards are provided to ensure compatibility and quality outcomes.

Comprehensive Plan: Goal 2 of the City’s 2017 Comprehensive Plan establishes that the more varied development should be encouraged to move the City beyond a “bedroom community” perception. This goal can be achieved by focusing on the scale and potential impact of neighborhood-oriented businesses and services near residences rather than simply restricting allowable uses.

Staff recommended: Approve the proposed mixed use development. As recommended by both the Future Land Use and Character designation as well as Goal 2.2 of the City’s Comprehensive Plan, special attention should be placed on the architectural design standards, landscaping, buffer yards between the subject site and the adjacent single family residential areas to ensure compatibility amongst the uses. The Future Land Use map should be updated to reflect the subject site as Suburban Commercial.

P&Z recommends: To approve as staff recommended.

- C. Height and area regulations.** The height and area regulations recommended below, should apply in PD, Planned Development District No. ___.

A revised development proposal has been provided to show the conceptual layout.

The development now includes fewer buildings. Three single-story buildings are proposed. Two 3,000 square foot buildings, one to locate a tutoring center and the other to locate a café and a multipurpose “community” room. The third building is a proposed 7,000 square foot child care facility.

Building setbacks are shown at 30 feet from both Vicksburg Boulevard and Truesdale Drive. Buildings are setback approximately 280 feet from the western property line adjacent to Vicksburg Village of Cumberland and over 300 feet from the northern property line.

Staff recommended: Approve the minimum building height to be a maximum of one story or 20 feet. Approve the increased setbacks to be a minimum of 280 feet from the northern and western property lines, where immediately adjacent to the residential subdivision. The provision of these standards, would generally maintain the conceptual design as provided while also allowing for an appropriate scale for a nonresidential development within this area.

P&Z recommends: To approve as staff recommended.

- D. Building regulations.** The building regulations for LC-2, local retail district should apply in PD, Planned Development District No. ____.

The LC-2, local retail district provides regulations that require articulation of building fronts and standards on lighting.

Staff recommended: Approve the LC-2, local retail district building regulations for the subject site.

P&Z recommends: To approve as staff recommended.

- E. Architectural standards.** Except as set forth herein, all buildings and structures constructed shall comply with the building codes of the City of Missouri City. Buildings and structures are required to meet the requirements of Section 7A, Architectural design standards.

The applicant has submitted revised building elevations and color elevations for consideration of an architectural design review to be included in this application. At the time of building permit application, the applicant is required to submit material and color samples for review and consistency with the approved requirements.

The applicant proposes for all buildings to meet the following minimum design standards:

- All buildings are to be 100% masonry, excluding soffits, trim, and infill areas;
- All buildings are to utilize a brick color in the red and terra cotta family
- All trim and soffit color will be white or dark bronze, or will be stained and sealed wood.

The elevations have been revised to show a pitched roof.

The applicant has submitted an elevation showing a proposed wood screen for ground mounted equipment.

Comprehensive Plan: Goal 5 of the City's 2017 Comprehensive Plan provides the City's commitment to encouraging quality design and community appearance. In particular along the City's major corridors, encourage well-planned and designed private development.

Staff recommended: Approve the proposed architectural standards provided above in addition to the City's minimum standards.

P&Z recommends: To approve as staff recommended.

- F. Trash disposal regulations.** The trash disposal regulations for the LC-2, local retail district should apply in PD, Planned Development District No. ____.

This revised site plan provides for a trash disposal location about 145 feet from the western property line. A typical dumpster screen has also been provided for

reference. The applicant has indicated that additional landscaping would be used to screen these areas.

Generally, what is depicted meets the minimum trash disposal regulations which requires trash disposal areas to be located in side of a building or to the side or rear of a property. Enclosures used for screening are required to consist of masonry with an opaque metal gate in a color either matching the enclosure or an approved trim color. The enclosure must be one foot taller than the receptacle enclosed within it.

Staff recommended: Apply the City's trash disposal regulations for the LC-2, local retail district. The location of the dumpster should not encroach into a building yard (setback).

P&Z recommends: To approve as staff recommended.

G. Outside placement, storage, sales, and services regulations. Outside placement, storage, sales, and services should be prohibited within PD, Planned Development District No. ____.

H. Landscaping regulations. The landscaping regulations for the LC-2, local retail district should apply in PD, Planned Development District No. ____.

A revised development proposal has been provided to show the conceptual layout for the development. This layout includes conceptual landscape and buffer yard areas.

A landscape plan, meeting the application requirements provided in Section 11.11 of the City's zoning ordinance is required to be submitted as part of a building permit review. The landscape plan as submitted does not meet these requirements.

The design appears to make provision for a greater amount of greenspace to be preserved along the perimeter of the site, particularly where adjacent to residential uses. The applicant proposes to install a new, 7 foot tall wood fence along the perimeter. The greenspace varies in width around the development. Landscaping is shown throughout the parking areas however does not appear to meet the City's requirements in terms of the provision of parking islands and diamonds, screening from adjacent properties or landscaping around the perimeter of parking areas.

Section 11.4.D. requires a transitional buffer yard when a nonresidential use adjoins a residential use located within a residential district and when a nonresidential use is adjacent to a collector or major thoroughfare. In each instance a minimum 20 foot buffer yard depth is required. When adjacent to a nonresidential use, Type A screening, generally including the provision of an 8 foot tall masonry wall is required. When adjacent to a collector or a major thoroughfare, Type B screening is required.

Type A and Type B screening are described as consisting of the following:

Type A screening. Screening composed of one of the following:

- a. Masonry wall fencing a minimum eight feet in height and one canopy tree per 30 linear feet of buffer yard. Such fencing shall be located along property lines unless physical constraints exist that would prohibit such placement as determined by the director of development services.
- b. Opaque or near opaque live vegetative screening year-round from the ground to a height of at least eight feet at installation with intermittent screening providing a minimum of 25 percent screening during the growing season to a height of at least 20 feet at maturity. A wood fence, a minimum of eight feet in height, shall also be located along property lines unless physical constraints exist that would prohibit such placement as determined by the director of development services.
- c. Opaque or near opaque live vegetative screening year-round within wire trellising fencing a minimum eight feet in height at installation, provided that such fencing may only be located adjacent to a nonresidential use or a nonresidential district. Such fencing shall consist of a three-dimensional welded wire trellising system designed to allow growing space for plants or landscaping to mature into a dense screening mechanism. Such fencing shall be located along property lines unless physical constraints exist that would prohibit such placement as determined by the director of development services.

Type B screening. Screening composed of a minimum of two of the following:

- a. One canopy tree per 30 linear feet of buffer yard.
- b. One understory tree per 20 linear feet of buffer yard.
- c. One shrub spaced a minimum of every 30 inches or less on center along the length of the buffer yard, or a combination of berming and shrubs which includes the minimum planting of one shrub per five linear feet of buffer yard.

Staff recommended: Apply the City's landscaping regulations for the LC-2, local retail district and require increased buffer yards, a minimum of 150 feet from the northern and western property lines, where adjacent to the single family residential district. Additionally Type A screening, including a masonry wall, should be provided instead of the wood fence as shown.

P&Z recommends: To approve as staff recommended.

- I. **Parking regulations.** The parking regulations for the LC-2, local retail district should apply in PD, Planned Development District No. ____.

J. Sign regulations. The sign regulations for the LC-2, local retail district should apply in PD, Planned Development District No. ____.

A general development proposal has been provided to show the conceptual layout for the development. This proposal indicates that monument signage is not proposed to be permitted within this development.

Staff recommended: Allow for one low profile monument sign to be placed only along Vicksburg Blvd. Although the application indicates no monument signage to be included, a future tenant and/or the developer may desire such signage after the subject site is developed. Restrictions may be placed on the location of such signage to reduce conflict with the adjacent residential areas and to allow for identification for the nonresidential uses located on the subject site. A low profile monument sign is the smallest type of monument sign permitted and restricts the height of such signage to no taller than 10 feet.

P&Z recommends: To approve as staff recommended.

K. Fence regulations. The fence regulations for the LC-2, local retail district should apply in PD, Planned Development District No. ____.

L. Ingress and egress. All driveways and off-street parking areas, including locations, should comply with the City's Infrastructure Standards.

M. Utilities. All utilities shall comply with the City's Public Infrastructure Design Standards.

- a. **Water and Sewer Service.** The subject tract is served by Fort Bend County Municipal Utility District #48
- b. **Drainage.** The subject tract is within the Mustang Bayou watershed.

N. Platting. The site is required to be platted.

-----**END OF REPORT**-----



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

APPLICATION FOR:

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

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

Date of Application:

1. Project Name:	Greenfield Village
2. Address/Location of Property:	Elijah Kork League Subdivision
3. Applicant's Name:	John Tsai
Mailing Address:	2020 Richmond Ave. #201, Houston TX 77098
Phone No.:	(832) 754-4162
Email:	jtsai@jtarstudio.com
4. Status of Applicant:	Owner <input checked="" type="radio"/> Agent <input type="radio"/> Attorney <input type="radio"/> Trustee <input type="radio"/> Corporation <input type="radio"/> Relative
(If other than Owner, submit written authorization from Owner with application.)	
5. Property Owner:	Josefina P. Serrano / Ivy Kenneth Joy L. Mirafior
Mailing Address:	3918 Town Park Lane Missouri TX 77459
Phone No.:	(713) 295-1219
Email:	childrenstalentacademy@gmail.com
6. Existing Zoning District:	R1-a
7. Total Acreage:	5.1913 acres
8. Proposed Development and Reasons for Application:	Amend existing zoning district to be a Planned Development District
9. Legal Description of the Property (If the legal description is a portion of a lot, then a metes and bound description of the tract must be submitted with application.):	FBCCF no. 2009105602 (Liberty Bankers Life Ins Comp)
10. Central Appraisal District tax identification numbers of property (Attach Paid Tax Receipts):	recently acquired property (closing document provided)
11. Do deed restrictions or restrictive covenants exist for the property? (Circle One):	YES <input type="radio"/> NO <input checked="" type="radio"/>
(If yes, submit with application.)	
12. Does this application include an Architectural Design Review? (Circle One):	YES <input checked="" type="radio"/> NO <input type="radio"/>
(If yes, see page 8, Exhibit C for materials required to be submitted.)	
FILING FEE: \$1,200.00	

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

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

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

John Tsai
 Print Name of Applicant

Josefina P. Serrano / Ivy Mirafior
 Print Name of Property Owner

Signature of Applicant

City of Missouri City, TX
 Received

Signature of Property Owner, Agent or Attorney

Last updated January 2017

JUN 21 2018 Page 6

Planning Division

Owner's Authorization of Representation

Owners: Ivy Kenneth Joy L. Mirafior
Josefina P. Serrano

Property: (5.1913 Acres in Elijah Roark League Subdivision, ABS. NO. 77)

Authorized Representative(s):

Gregory S. Black
Imperium Builders LLC.

John H. Tsai
Robert Mazza
JT Arc Studio

OWNER'S AUTHORIZATION LETTER

I/we hereby certify that I/we am/are the owner(s) of the above described property. I/we hereby authorize the Applicants listed on this application to act on my/our behalf during the processing and presentation of both the pre-development and zoning meetings. They shall be the principal contact with the City in processing this application.

jserrano 6/21/2015
Owner's Signature Date

[Signature] 6/21/18
Owner's Signature Date

Josefina P. Serrano
1st Owner's Printed Name

Ivy Kenneth Joy L. Mirafior
2nd Owner's Printed Name

City of Missouri City, TX
Received

JUN 21 2018

Planning Division

PLANNED DEVELOPEMENT PROPOSAL

GREENFIELD VILLAGE

10.1.2018

jt
arc
studio

2020 RICHMOND AVE
SUITE 201
HOUSTON, TX
77098



SITE LOCATION
GREENFIELD VILLAGE
10.1.2018

jt
arc
studio 2020 RICHMOND AVE
SUITE 201
HOUSTON, TX
77098



ADJACENT NEIGHBORHOODS AND STRUCTURES
GREENFIELD VILLAGE
10.1.2018

jt
arc
studio

2020 RICHMOND AVE
SUITE 201
HOUSTON, TX
77098

Masonry Wall

ACTIVITY FIELD /
DETENTION AREA

BUILDING C
SINGLE STORY
3000 SF
TUTORIAL CENTER

BUILDING B
SINGLE STORY
3000 SF
CAFE AND
MULTIPURPOSE ROOM

Masonry Wall

PICK UP/ DROP OFF AREA

BUILDING A
SINGLE STORY
7000 SF
DAYCARE CENTER

DUMPSTER
REF. DIAGRAM PAGE
FOR SCREENING INFO



VICKSBURG BLVD. (110' R.O.W.)

TRUESDALE DR. (100' R.O.W.)



3/256" = 1'

SITE PLAN - OVERVIEW
GREENFIELD VILLAGE
10.1.2018

T.O. WALL
7'-0" MINIMUM

GRADE
0'-0" A.F.F.



ALL SIDE ELEVATIONS

T.O. WALL
7'-0" MINIMUM

GRADE
0'-0" A.F.F.



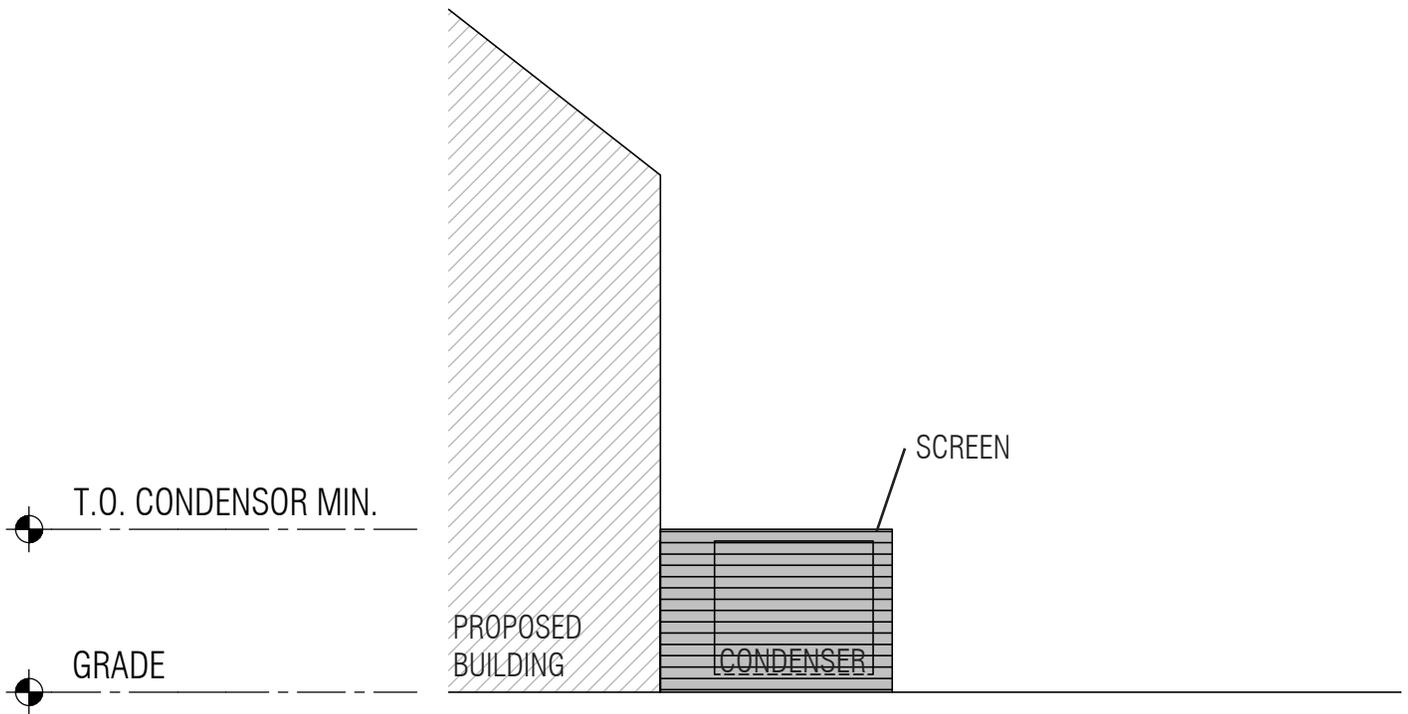
FRONT ELEVATION

PROPOSED BRICK VENEER TO
MATCH PROPOSED BUILDINGS

METAL DOORS TO BE PAINTED-
COLOR TO MATCH APPROVED
TRIM COLOR

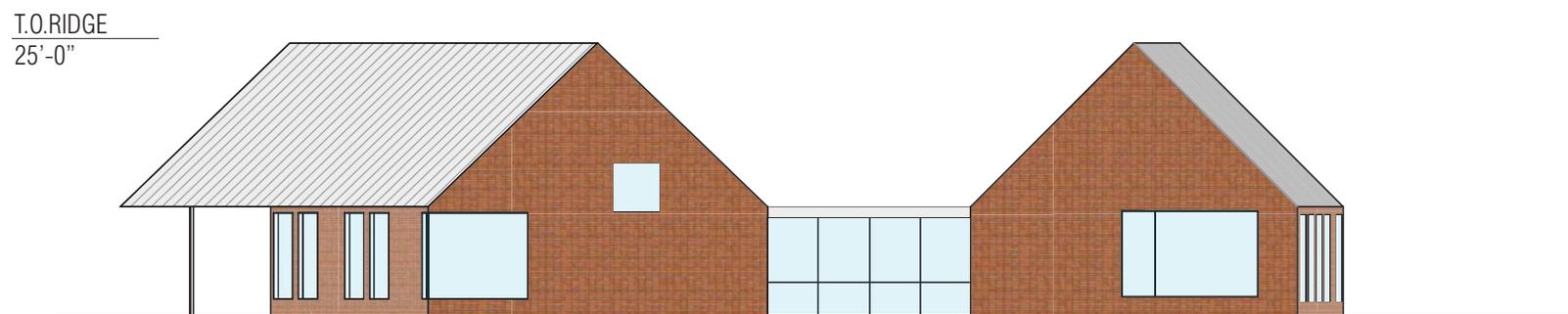
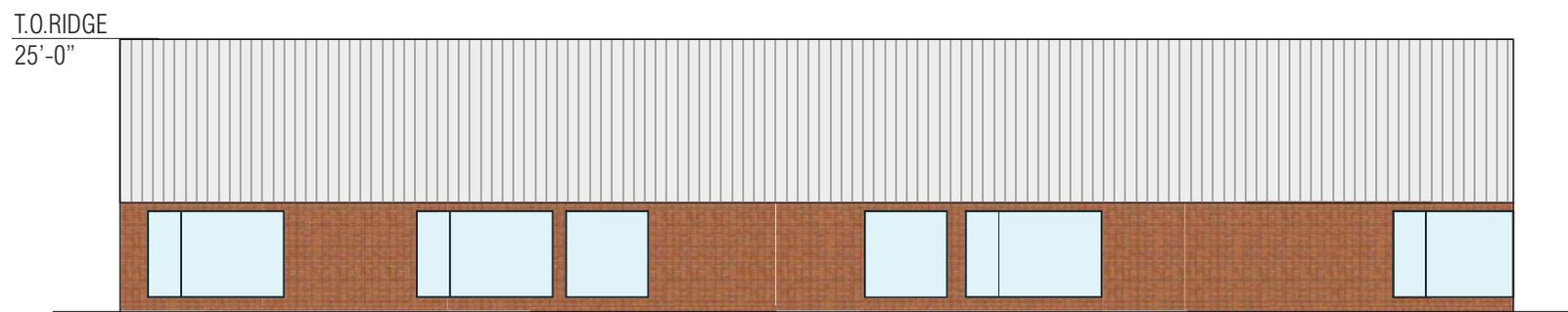
ALL PROPOSED DUMPSTERS
TO HAVE ADDITIONAL LANDSCAPING-
REFERENCE SITE PLAN

TYPICAL PROPOSED DUMPSTER SCREEN
VICKSBURG DAYCARE AND COMMERCIAL DEVELOPMENT
10.1.2018



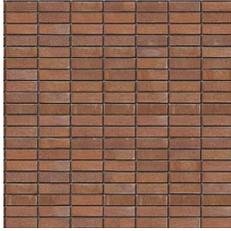
SCREEN WITHOUT PARAPET

CONDENSER UNITS PLACED ON GROUND
 SHIELDED BY SOLID WOOD SCREEN - SCREEN
 TO BE PAINTED TO MATCH APPROVED TRIM COLOR



1. ALL BUILDINGS TO BE 100% MASONRY, EXCLUDING SOFFITS, TRIM, AND INFILL AREAS
2. ALL BUILDINGS TO UTILIZE BRICK COLOR IN THE RED AND TERRA COTTA FAMILY
3. ALL TRIM AND SOFFIT COLOR WILL BE WHITE OR OR DARK BRONZE, OR WILL BE STAINED AND SEALED WOOD

BDG A ELEVATIONS - TYPICAL ELEVATION FOR PROJECT STRUCTURES
 GREENFIELD VILLAGE
 10.1.2018



DARKEST

LIGHTEST



DARK RED (BOND STACK)
WESTERN BRICK

LIGHT ORANGE
WESTERN BRICK

COLOR RANGE FOR PROPOSED MASONRY (100% WALL SURFACE)



STOREFRONT WINDOW SYSTEMS - BLACK / DARK BRONZE

STOREFRONTS TO BE BLACK / DARK BRONZE OR ANODIZED SILVER



STOREFRONT WINDOW SYSTEMS - ANODIZED SILVER



SW CAVIAR OR SIMILAR



SW PURE WHITE OR SIMILAR

TRIM TO BE BLACK / DARK BRONZE OR WHITE



ACCENT / SOFFIT WOOD PLANK - STAINED AND SEALED

ALL PROPOSED STRUCTURES TO COMPLY WITH MATERIAL BOARD





OLYMPIA ESTATES

OLYMPIA ESTATES

Subject Site

VICKSBURG
VILLAGE OF
CUMBERLAND

VICKSBURG SEDONA CREEK

Lifepointe
Community
Church

Legend

-  City Limits Line.lyr
-  Greenfield Development

1 inch = 400 feet





City of Missouri City

NOTICE OF PUBLIC HEARING

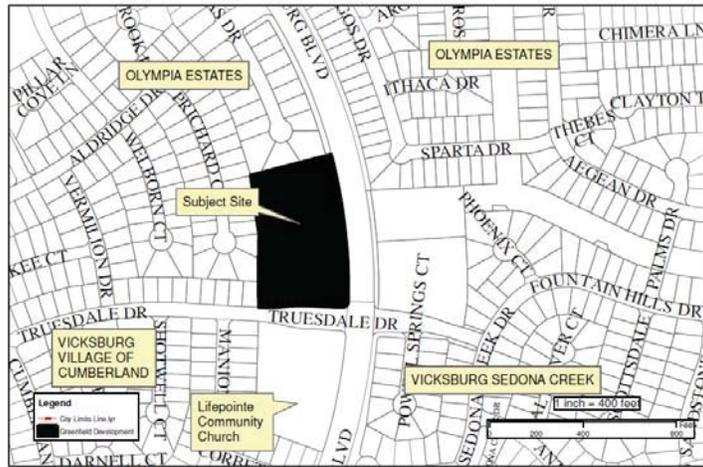
LOCATION/DATE: The City Council of the City of Missouri City will hold a public hearing on Monday, November 19, 2018, at the City Council Chambers – 2nd Floor, City Hall Building, 1522 Texas Parkway (FM-2234), Missouri City, Texas at 7:00 p.m.

PURPOSE: To receive comments for or against a request by John Tsai to rezone an approximate 5.19 acre tract of land from R-1-A single family residential district to PD, Planned Development District to allow for the development of a child care facility and certain commercial uses including but not limited to educational and professional offices, neighborhood and specialized retail uses; to consider a revised conceptual site plan; and to the extent such rezoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

SITE LOCATION: The subject site is located north of Life Pointe Church, south of Olympia Estates, east of Olympia Estates and Vicksburg, Village of Sedona Creek and west of Vicksburg, Village of Cumberland.

SITE LEGAL DESCRIPTION: The subject site can be described as being a tract or parcel containing 5.1913 acres situated in the Elijah Roark League Survey, A-77, Fort Bend County, Texas and being out of and a part of that certain tract conveyed in substitute trustee's deed, recorded in County Clerk File No. 2009105602, official records Fort Bend County, Texas.

FOR MORE INFORMATION: Additional information and a map of the subject site are available for review at City Hall, Missouri City, Texas on Monday through Friday from 8:00 a.m. to 4:00 p.m. You may call 281-403-8600 or email the Development Services





DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

**NOTICE OF 2nd PUBLIC HEARING
TO ADJOINING PROPERTY OWNERS
WITHIN 200 FEET OF PROPERTY SUBJECT TO REZONING**

DATE OF NOTICE: September 28, 2018

LOCATION/DATE: The Planning and Zoning Commission of the City of Missouri City will hold a public hearing on Wednesday, October 10, 2018, 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 John Tsai to rezone an approximate 5.19 acre tract of land from R-1-A single family residential district to PD, Planned Development District to allow for the development of a child care facility and certain commercial uses including but not limited to educational and professional offices, neighborhood and specialized retail uses; **to consider a revised conceptual site plan**; and to the extent such rezoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

SITE LOCATION: The subject site is located north of Life Pointe Church, south of Olympia Estates, east of Olympia Estates and Vicksburg, Village of Sedona Creek and west of Vicksburg, Village of Cumberland.

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DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

September 28, 2018

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:
Wednesday, October 10, 2018
City Council Chambers
2nd Floor, City Hall Building
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by John Tsai to rezone an approximate 5.19 acre tract of land from R-1-A single family residential district to PD, Planned Development District to allow for the development of a child care facility and certain commercial uses including but not limited to educational and professional offices, neighborhood and specialized retail uses; to consider a revised conceptual site plan; and to the extent such rezoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

Dear City Representatives:

I/We protest this proposed rezoning because

[Empty text box for protest reason]

I/We support this proposed rezoning because

[Empty text box for support reason]

Sincerely,

Signature

Print Name

Street Address

Subdivision

Phone Number Return to:

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

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Print Name

Signature



DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

**NOTICE OF PUBLIC HEARING
TO ADJOINING PROPERTY OWNERS
WITHIN 200 FEET OF PROPERTY SUBJECT TO REZONING**

DATE OF NOTICE: JUNE 29, 2018

LOCATION/DATE: The Planning and Zoning Commission of the City of Missouri City will hold a public hearing on Wednesday, July 11, 2018, 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 John Tsai to rezone an approximate 5.19 acre tract of land from R-1-A single family residential district to PD, Planned Development District to allow for the development of a child care facility and certain commercial uses including but not limited to educational and professional offices, specialized fitness, small food service, neighborhood and specialized retail uses, and to the extent such rezoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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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 for further information.

<p>Diocese of North America & Europe The Mar Thoma Church 2320 Merrick AVE Merrick, NY 11566-4340</p>	<p>Tricoastal Partners 08 LP C/o National Realty Consultants 4500 Bissonnet ST STE 380</p>	<p>Olympia Estates Community Association Inc c/o Crest Management Company 17171 Park ROW</p>
<p>Olympia Estates I Association Ltd c/o Raymond G Tiedje 7373 E DOUBLETREE RANCH RD STE 225</p>	<p>Lewis Eric 2723 Atlas DR Missouri City, TX 77459-6746</p>	<p>Garza Joseph F & Marianela Benitez 2727 Atlas DR Missouri City, TX 77459-6746</p>
<p>Pillai Preet & Sandhya Sivaraj 2731 Atlas DR Missouri City, TX 77459-6746</p>	<p>Holmes Alexander & Cynthia 2730 Atlas DR Missouri City, TX 77459-6745</p>	<p>Nwajei Joseph K & Philomena E 2726 Atlas DR Missouri City, TX 77459-6745</p>
<p>Williams Edmond C & Betty J 2722 Atlas DR Missouri City, TX 77459-6745</p>	<p>Dresen Karla Lavon & Christopher M 2718 Atlas DR Missouri City, TX 77459-6745</p>	<p>Herbert Brendolyn 2802 Argos DR Missouri City, TX 77459-2580</p>
<p>Puthuchirayil Ashley Abraham & Nishus Joy 6858 Bears Path LN Missouri City, TX 77459-3571</p>	<p>Rogers Connie 2810 Argos DR Missouri City, TX 77459-2580</p>	<p>Smith Fredrick 2814 Argos DR Missouri City, TX 77459-2580</p>
<p>Davis John 2818 Argos DR Missouri City, TX 77459-2580</p>	<p>Obadina Koyejo 2822 ARGOS DR Missouri City, TX 77459-2580</p>	<p>Thai Hoan Van & Kimtuyen Thai Bui 2826 Argos DR Missouri City, TX 77459-2580</p>
<p>Greenwood Latarsha 3419 Sparta DR Missouri City, TX 77459-6760</p>	<p>Vicksburg Community Association Inc c/o Principal Management Group 11000 Corporate Centre DR STE 150</p>	<p>Gaddi Saeed PO Box 2554 Stafford, TX 77497-2554</p>
<p>Bolden Grace 2802 Powell Springs CT Missouri City, TX 77459-4850</p>	<p>Lifepointe Community Church 6149 Highway 6 STE 113 Missouri City, TX 77459-4068</p>	<p>Sarah Walter & Sherry 2719 PRICHARD CT MISSOURI CITY, TX 77459-4846</p>
<p>Khosravi Javad 2215 Parkview LN Missouri City, TX 77459-4459</p>	<p>Zackory Pamela 2727 Prichard CT Missouri City, TX 77459-4846</p>	<p>Cottrell Stephanie 2731 Prichard CT Missouri City, TX 77459-4846</p>
<p>Beck David K & Vachonda 2735 Prichard CT Missouri City, TX 77459-4847</p>	<p>Klimek James & Patricia 2739 Prichard CT Missouri City, TX 77459-4847</p>	<p>NORCOM JAMES G & MARLENE H 2743 PRICHARD CT MISSOURI CITY, TX 77459-4847</p>

Pascual Sinbad Fontanilla & Josephine 2747 Prichard CT Missouri City, TX 77459-4847	Joyce Michael E & Gloria I 2751 Prichard CT Missouri City, TX 77459-4847	Moore Keilan Paul & Moniqueka 2755 Prichard CT Missouri City, TX 77459-4847
Tara Properties LLC 10661 Rockley RD Houston, TX 77099-3513	Plowden Takeisha 2758 Prichard CT Missouri City, TX 77459-4823	Edwards Rudolph 2754 Prichard CT Missouri City, TX 77459-4823
Parra Orlando & Mariela 2750 Prichard CT Missouri City, TX 77459-4823	Brown Curtis A & Kimberly A 2746 Prichard CT Missouri City, TX 77459-4823	Pham Christine 2742 Prichard CT Missouri City, TX 77459-4823
Thompson Maryevanna 2738 PRICHARD CT MISSOURI CITY, TX 77459-4823	Session Annie 2734 PRICHARD CT MISSOURI CITY, TX 77459-4822	BREWSTER BARRY & CLARISSA 2730 PRICHARD CT MISSOURI CITY, TX 77459-4822
Campbell Kwaski 2726 Prichard CT Missouri City, TX 77459-4822	Vandervoort William A & Mary L 2718 PRICHARD CT MISSOURI CITY, TX 77459-4822	Roquemore Melinda 3542 Truesdale DR Missouri City, TX 77459-4834
McNeil Darius 3538 Truesdale DR Missouri City, TX 77459-4834	Johnson Eric & Tammy A 3534 Truesdale DR Missouri City, TX 77459-4834	Griffey Rick L & Sherrie L 3530 Truesdale DR Missouri City, TX 77459-4834
Washington Pernell 3526 Truesdale DR Missouri City, TX 77459-4834	Gipson Craig A & Idette M Jones 2806 MANION DR MISSOURI CITY, TX 77459-4838	Davis Donna 2802 Manion DR Missouri City, TX 77459-4838
Dogru Investment Inc 27718 Interstate 45 N Conroe, TX 77385-8726	Gray Clarence JR & Janice Y 2807 Manion DR Missouri City, TX 77459-4813	Scisco Olga 2811 Manion DR Missouri City, TX 77459-4813
Olympia Estates Community Association Tammy McMillan, Crest Management tammy.mcmillan@crest- management.com	DEAN MARK E & MARCIA H 2815 MANION DR MISSOURI CITY, TX 77459-4813 Vicksburg	MAX CLELAND FBISD 16431 LEXINGTON BLVD SUGAR LAND TX 77479

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

Application: Greenfield Development - PD

City Council First Reading: November 19, 2018

Protest Letters Received

Name	Property Address OR Fort Bend County Account Number	Land Area (Square Feet) Within 200 Feet
Annie Sessions	2434 Prichard Ct	1,505.14
Mr. & Mrs. Walter Sarah	2719 Prichard Ct	174.18
Betty Williams	2722 Atlas Dr	5,833.10
Eric Lewis	2723 Atlas Dr	100.88
Joseph Nwajei	2726 Atlals Dr	16,557.23
Pamela Zakory	2727 Prichard Ct	7,263.65
James Klimek	2739 Prichard Ct	7,739.46
Christine Pham	2742 Prichard Ct	1,774.41
James Norcom	2743 Prichard Ct	7,496.03
Sinbad Pascual	2747 Prichard Ct	6,802.48
Orlando Parra	2750 Prichard Ct	124.25
Michael Joyce	2751 Prichard Ct	7,512.78
Keilan Moore	2755 Prichard Ct	13,348.80
Takeishou Plowden	2758 Prichard Ct	9,093.28
Clarence Gray	2807 Manion Dr	6,568.44
Pernell Washington	3526 Truesdale Dr	6,908.11
Darius McNeil	3538 Truesdale Dr	1,548.27
Total Area Represented by Protest(s):		100,350.48
Total Land Area <i>Including</i> Subject Site:		740,748.93
Subject Site <i>Only</i> Land Area:		226,076.40
Total Land Area <i>Only Within 200 Feet</i> of Subject Site:		514,672.53
Protest(s) Percentage of Land Area Within 200 Feet:		19.50%

Note: A total of 0 letters of support and 56 letters of protest have been received for the application request as of November 14, 2018.

Letters of Protest
Property Owners within 200 feet of subject property



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

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

Wednesday, July 11, 2018
City Council Chambers
2nd Floor, City Hall Building
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by John Tsai to rezone an approximate 5.19 acre tract of land from R-1-A single family residential district to PD, Planned Development District to allow for the development of a child care facility and certain commercial uses including but not limited to educational and professional offices, specialized fitness, small food service, neighborhood and specialized retail uses, and to the extent such rezoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

Dear City Representatives:

[X] I/We protest this proposed rezoning because

Commercial use

___ I/We support this proposed rezoning because

[Empty box]

Sincerely,

Annie Session
Signature

Annie Session
Print Name

2434 Frichard
Street Address

Vicksburg
Subdivision

[Redacted] Return to:

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

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Annie Session
Print Name

[Signature]
Signature

City of Missouri City, TX

Received

JUL 11 2018

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

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

Dear City Representatives:

[checked] I/We protest this proposed rezoning because

we would like to keep this a residential area

___ I/We support this proposed rezoning because

[empty box]

Sincerely, Betty Williams

Signature 2722 Athens Dr.

Street Address [redacted]

Phone Number [redacted]

Return to:

Betty Williams

Print Name LAKE OLYMPIA ESTATES

Subdivision

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

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Print Name

Signature

City of Missouri City, TX

Received

JUL 11 2018

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

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Dear City Representatives:

X I/We protest this proposed rezoning because

Does not improve the quality of life for the area
(1) Traffic problems more & larger vehicles, etc

I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely,
Edmond C. Williams

Signature
2722 ATLAS DR

Street Address

Phone Number

Edmond C. Williams

Print Name
Olympia Estates

Subdivision

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

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City of Missouri City, TX

Print Name

Signature

Received

JUL 12 2018

Planning Division

OCT 22 2018

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

September 28, 2018

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:
Wednesday, October 10, 2018
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This letter is being sent to property owners within 200' of the subject property as required by law. It is also sent to others on request.

Dear City Representatives:

I/We protest this proposed rezoning because

The unlimited non specified nature of the proposed development makes it impossible to make a informed decision. why ruin an otherwise hospitable neighborhood.

I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely,

Edmond C. Williams

Signature

2722 ATLAS DR.

Street Address

[Redacted]

Phone Number

Return to:

Edmond C. Williams

Print Name

Olympia Estates

Subdivision

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

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Print Name

Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

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

Dear City Representatives:

[X] I/We protest this proposed rezoning because

This area is a single family residential district. I want to keep it that way.

___ I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely, [Signature]

Signature 2742 PRICHARD CT.

Street Address

Phone Number [Redacted]

CHRISTINE N. PHAM

Print Name VICKSBURG

Subdivision

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

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CHRISTINE N. PHAM

Print Name

[Signature]

Signature





DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

September 28, 2018

CITY OF MISSOURI CITY, TEXAS
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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:

[check] I/We protest this proposed rezoning because

I oppose to having commercial businesses in the one single home residential area

___ I/We support this proposed rezoning because

[empty box]

Sincerely,

[Signature]

Signature

2742 Prichard Ct.

Street Address

[Redacted]

Phone Number

Return to:

CHRISTINE PHAM

Print Name

VICKSBURG

Subdivision

Development Services Department

1522 Texas Parkway

Missouri City, TX 77489

FAX (281) 208-5551

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CHRISTINE PHAM

Print Name

[Signature]

Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

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Dear City Representatives:

I/We protest this proposed rezoning because

1. Environmental (Flooding) 3. TRAFFIC FLOW
2. SAFETY/SECURITY

I/We support this proposed rezoning because

[Empty box for support reasons]

Sincerely,

Signature

Street Address

Phone Number

Return to:

[Handwritten signature]

2807 MANION DR

[Redacted address]

Print Name

Subdivision

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

CLARENCE GRAY

VICKSBURG

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Print Name

Signature

City of Missouri City, TX

Received

JUL 11 2018

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

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

Dear City Representatives:

I/we protest this proposed rezoning because

I fear this will diminish my property value.

I/we support this proposed rezoning because

Sincerely, [Signature]

DARIUS K. McNeil

Signature
3538 TRUESDALE DR.

Print Name
Vicksburg Village of Campbellland

Street Address
[Redacted]

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

Phone Number
Return to:

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DARIUS K. McNeil
Print Name

[Signature]
Signature

City of Missouri City, TX
Received

JUL 11 2018

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

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

Wednesday, July 11, 2018
City Council Chambers
2nd Floor, City Hall Building
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by John Tsai to rezone an approximate 5.19 acre tract of land from R-1-A single family residential district to PD, Planned Development District to allow for the development of a child care facility and certain commercial uses including but not limited to educational and professional offices, specialized fitness, small food service, neighborhood and specialized retail uses, and to the extent such rezoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

Dear City Representatives:

[checked] I/We protest this proposed rezoning because

DO NOT WANT INCREASED TRAFFIC, ABUNDANT COMMERCIAL PROPERTY ON HWY 6, ITS A NEIGHBORHOOD

___ I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely,

[Handwritten signature]

Signature

2723 AQUAS DR

Street Address

[Redacted]

Phone Number

Return to:

ERIC LEWIS

Print Name

OLYMPIA ESTATES

Subdivision

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

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ERIC LEWIS

Print Name

[Handwritten signature]

Signature

City of Missouri City, TX

Received

JUL 11 2018

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

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Dear City Representatives:

[check] I/we protest this proposed rezoning because

DAY CARE WOULD TAKE UP 7,000 SQ. FT OF THE 35,000 SQ FT BEING BUILT. AFTER PROPERTY IS REZONED THE LAND VALUE WOULD RISE SUBSTANTIALLY AND AFTER OWNING THE LAND FOR 3 MONTHS OWNER COULD RESSELL IT FOR A QUICK PROFIT. UNCERTAINTY OF THE REMAINING 6 BUILDINGS (28,000 SQ FT) AS TO THE TYPE OF BUSINESSES THAT COULD MOVE IN

I/we support this proposed rezoning because

Sincerely,
James Klimek
Signature
2739 PRICHARD CT.
Street Address
[redacted]
Phone Number

JAMES KLIMEK
Print Name
VICKSBURG VILLAGE OF CUMBERLAND
Subdivision
Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281) 208-5551

Return to:

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JAMES KLIMEK
Print Name
James Klimek
Signature
City of Missouri City, TX

Received
JUL 19 2018
Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

City of Missouri City, TX

Received

September 28, 2018

OCT 09 2018

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, October 10, 2018
City Council Chambers
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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,

James Klimetz
Signature
2739 Pritchard Ct.

Street Address

Phone Number

Return to:

JAMES KLIMETZ
Print Name

VICKSBURG VILLAGE OF CUMBERLAND BLOCK 4 LOT 10

Subdivision

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

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JAMES KLIMETZ
Print Name

James Klimetz
Signature

Egima Brown

From: Jim Klimek [REDACTED]
Sent: Friday, July 20, 2018 10:05 AM
To: Egima Brown
Subject: Fwd:
Attachments: FullSizeR.jpg; FullSizeR.jpg; IMG_2607.jpg; FullSizeR.jpg; FullSizeR.jpg; FullSizeR.jpg; FullSizeR.jpg; FullSizeR.jpg

----- Forwarded message -----

From: <[REDACTED]>
Date: 2018-07-20 9:34 GMT-05:00
Subject:
To: [REDACTED]

Egima,

Please see photos attached and include them with the protest letter that I dropped off yesterday. At the HOA meeting this week the owner's son was present and he stated that he is mowing the lot. As you can see by the photos the grass is about a foot and a half tall.

Their neglect of the land conditions is further evidence that they do not have the neighborhood's best interest in mind and begs the question as to how they will proceed renting the 28,000 sq ft of space they will have available for rent in addition to the 7,000 sq ft day care facility that they are proposing. The plan that was shared by the owner's representatives is that they will have about 35,000 sq ft. of space total in 7 buildings. 20% of the total will be day a care facility. The uncertainty and unknown of what type of businesses the remaining 80% will be made up of is very concerning. The request for rezoning of this parcel of lad in the middle of residential zoning should not be allowed.

Please let me know if there are any questions or if there is anyone else that I or we as neighbors should be directing our objections to.

My cell number is [REDACTED]

Thanks,
Jim Klimek

City of Missouri City, TX
Received

JUL 20 2018

Planning Division



City of Missouri City, TX
Received

JUL 21 2010

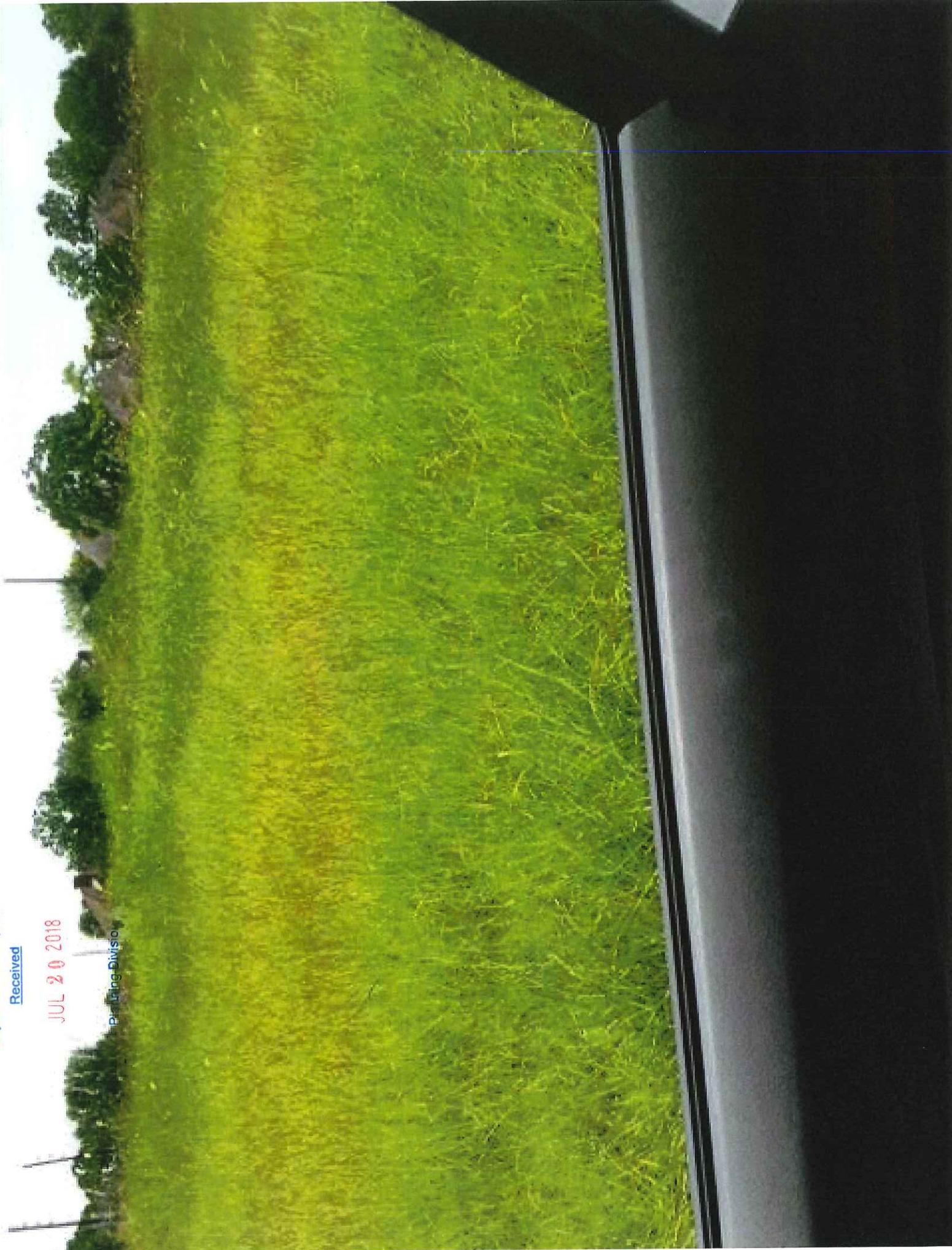
Planning Division

City of Missouri City, TX

Received

JUL 20 2018

Planning Division



City of Missouri City, TX

Received

JUL 20 2018

Planning Division

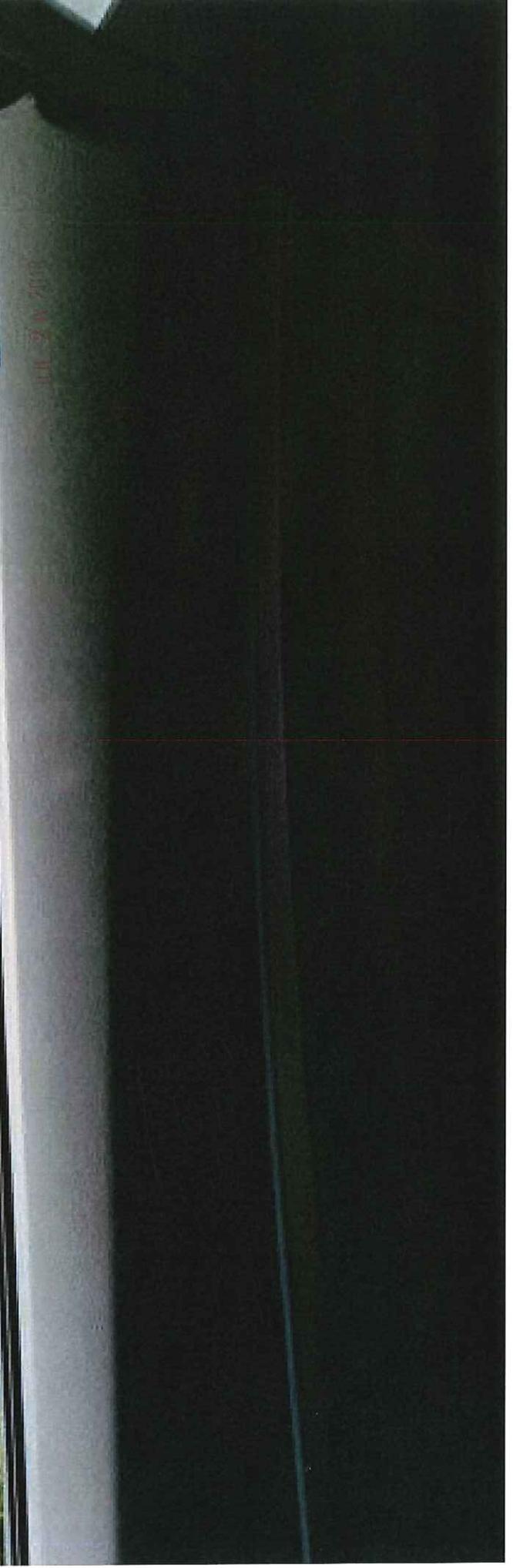




City of Florence, AL, TX

Received

JUL 2 10 25 AM

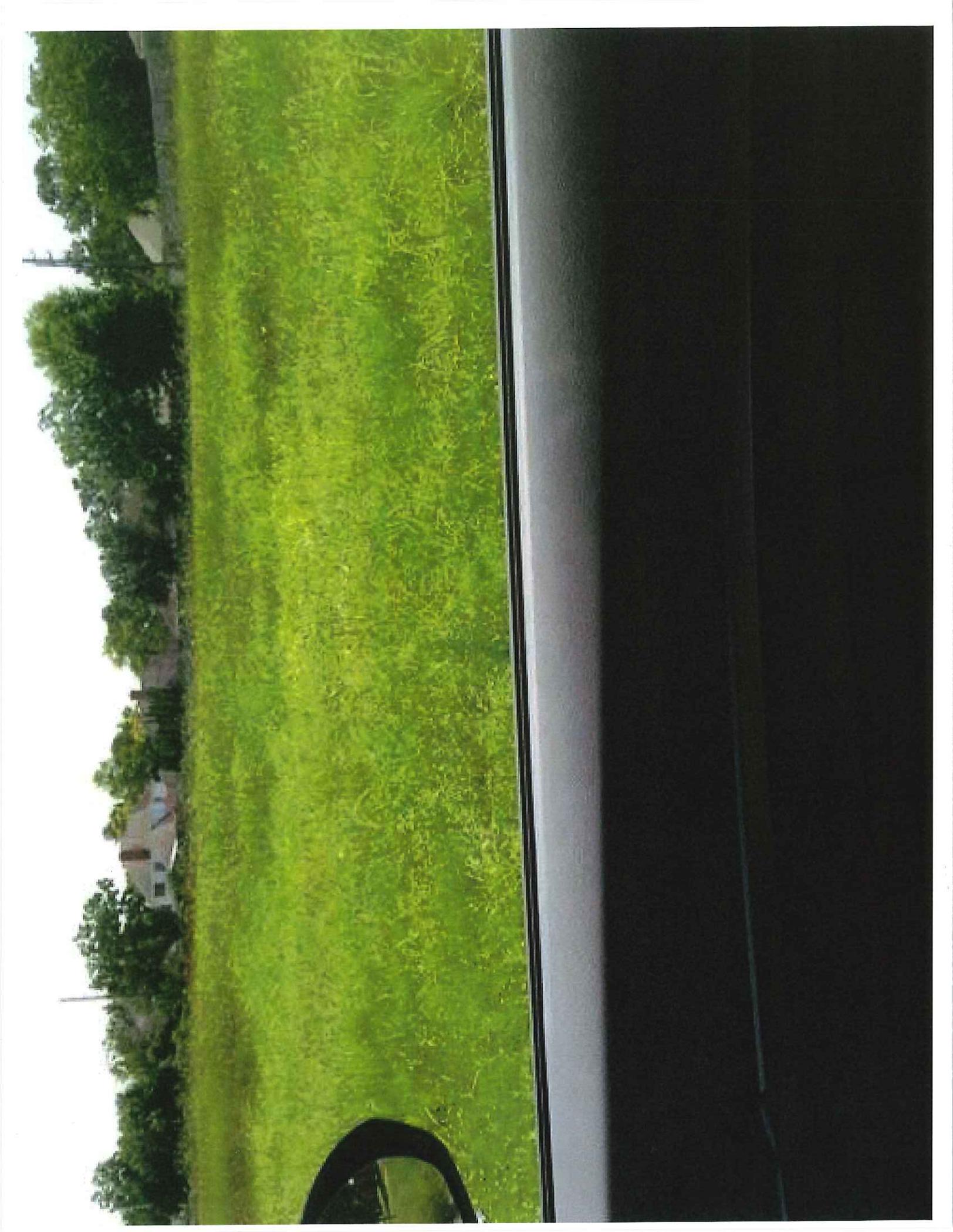


City of Missouri City, TX

Received

JUL 20 2018

Planning Division





City of Missouri City, TX

Received

JUL 20 2018

Planning Division





DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

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Dear City Representatives:



I/We protest this proposed rezoning because

We do not want a commercial business against our Backyards.

I/We support this proposed rezoning because

[Empty box for support text]

Sincerely,

James G. Norcom, III

Signature

2743 PELCHARD CT.

Street Address

[Redacted]

Phone Number

Return to:

JAMES G. NORCOM, III

Print Name

Vicksburg

Subdivision

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

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Print Name

Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

September 28, 2018

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Dear City Representatives:

I/We protest this proposed rezoning because

Purpose and proposed use of property.

I/We support this proposed rezoning because

[Empty box for support reasons]

Sincerely,
James G. Norcom
Signature

JAMES G. NORCOM
Print Name

2743 Richard Court
Street Address
[Redacted]
Phone Number

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

Return to:

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JAMES G. NORCOM, III
Print Name

James G. Norcom
Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

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Dear City Representatives:

KM IWe protest this proposed rezoning because

Keilan P. MOORE

IWe support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely, Keilan P. Moore
Signature
2755 Prichard Ct.
Street Address
[Redacted]
Phone Number

Keilan P. MOORE
Print Name
Vicksburg
Subdivision
Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281) 208-5551

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Keilan P. MOORE
Print Name
Keilan P. Moore
Signature

City of Missouri City, TX

Received

JUL 11 2018

Planning Division

JUL 03 2018



DEVELOPMENT SERVICES – PLANNING DIVISION

Planning Division

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

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Dear City Representatives:

I/We protest this proposed rezoning because

It will lower my property value. Any garbage containers outside will stink up my backyard! Noise and lighting

I/We support this proposed rezoning because Potential flooding issues to my property

Sincerely,
Michael Joyce
Signature
2751 PRICHARD CT.
Street Address
Return to:
Phone Number

MICHAEL JOYCE
Print Name
VICKSBURG
Subdivision
Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281) 208-5551

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MICHAEL JOYCE
Print Name
Signature

Higher potential for break-ins from alleyway behind any buildings.
Note: If this does pass, definitely want brick wall minimum 10' tall replacing existing wall
Dow Chemical 966-4050



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

September 28, 2018

CITY OF MISSOURI CITY, TEXAS
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Dear City Representatives:

I/We protest this proposed rezoning because

Adjoins my property which will potentially be noisy, higher probability of someone breaking into my home from development areas. Do not want trash/smells from businesses in my backyard.

I/We support this proposed rezoning because

NOTE: Should this proposal be approved fence to be replaced w/ cement wall

Sincerely, Michael Joyce
Signature
2751 PRICAARD CT.

Print Name
VICKSBURG

Street Address
[Redacted]
Phone Number

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

Return to:

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Print Name
MICHAEL JOYCE

Signature
Michael Joyce

Similar to that at church on the other corner.



DEVELOPMENT SERVICES – PLANNING DIVISION

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Dear City Representatives:

X I/We protest this proposed rezoning because

This is Residential area we would like to keep it that way.
I will business elsewhere, next to Wal-Mart in business area.

I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely,
Mr. & Mrs. Walter Sarah
Signature
2719 Prichard Ct
Street Address
[Redacted]
Phone Number

Mr. & Mrs. Walter Sarah
Print Name
Vicksburg
Subdivision
Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281) 208-5551

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Mr. & Mrs. Walter Sarah
Print Name

Mr. & Mrs. Walter Sarah
Signature

City of Missouri City, TX
Received

JUL 11 2018

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

September 28, 2018

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Dear City Representatives:

X I/We protest this proposed rezoning because

We dont want all the traffic in our Neighborhood.
We dont want all the traffic in our Neighborhood.

I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely,
Walter Sherry Sarah

Signature
2719 Prichard Ct

Street Address

Phone Number

Walter Sherry Sarah

Print Name
Vicksburg

Subdivision

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

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Walter Sherry Sarah
Print Name

Walter Sherry Sarah
Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

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MISSOURI CITY, TEXAS 77489

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Dear City Representatives:

I/We protest this proposed rezoning because

No it's going to devalue my prop

I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely,

Signature

Street

Phone Number

Print Name

Subdivision

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

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Print Name

Signature

City of Missouri City, TX

Received

JUL 11 2018

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

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Dear City Representatives:

X I/We protest this proposed rezoning because

Do not agree with our subdivision rezoning to Commercial, but keep it strictly residential, due to noise & traffic. Hwy 6 is available for that purpose.

I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely,

Signature

2750 Prichard Ct.

Street Address

Phone Number

Return to:

Orlando & Mariela Parra

Print Name

Vicksburg

Subdivision

Development Services Department

1522 Texas Parkway

Missouri City, TX 77489

FAX (281) 208-5551

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Orlando Parra

Print Name

[Signature]

Signature

City of Missouri City, TX

Received

JUL 10 2018

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

September 28, 2018

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Dear City Representatives:

[check] I/We protest this proposed rezoning because

Traffic increase, noise increase, property can be sold out to others, crime increase, property located in mid-community. Homeowner insurance will be increased if within 300 feet.

[scribble] I/We support this proposed rezoning because

[scribble]

Sincerely,

[Signature]

Orlando Parra

Signature

2750 Richard Ct.

Print Name

Vicksburg

Street Address

Subdivision

Phone Number

Return to:

Development Services Department

1522 Texas Parkway

Missouri City, TX 77489

FAX (281) 208-5551

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Orlando Parra

Print Name

[Signature]

Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

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Dear City Representatives:

I/We protest this proposed rezoning because

THIS SHOULD REMAIN A RESIDENTIAL NEIGHBORHOOD TO MAINTAIN ITS feel as a small COMMUNITY OF FAMILIES; WE ARE CLOSE ENOUGH TO STORES, GAS STATIONS, ETC. ON HWY 6. THIS HAS THE POTENTIAL TO DEVALUE PROPERTY AND INCREASE CRIME

I/We support this proposed rezoning because

Sincerely,
Pamela Zaskory
Signature
2727 PRICHARD CT
Street Address
Return to:
Phone Number

Pamela Zaskory
Print Name
VICKSBURY
Subdivision
Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281) 208-5551

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Pamela Zaskory
Print Name

Pamela Zaskory
Signature

City of Missouri City, TX
Received

JUL 11 2018

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

September 28, 2018

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:
Wednesday, October 10, 2018
City Council Chambers
2nd Floor, City Hall Building
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by John Tsai to rezone an approximate 5.19 acre tract of land from R-1-A single family residential district to PD, Planned Development District to allow for the development of a child care facility and certain commercial uses including but not limited to educational and professional offices, neighborhood and specialized retail uses; to consider a revised conceptual site plan; and to the extent such rezoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

Dear City Representatives:

[check] I/We protest this proposed rezoning because

IT DOESNT SEEM RATIONAL OR NEEDED IN OUR NEIGHBORHOOD
AFRAID OF WHAT IT MAY BECOME ON THAT CORNER IF THE
PLAN FAILS AND ITS ALREADY COMMERCIAL PROPERTY

I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely,
[Signature]
Signature
2727 Prichard CT
Street Address
[Redacted]
Phone Number

[Signature]
Print Name
Vicksburg
Subdivision
Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281) 208-5551

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[Signature]
Print Name

[Signature]
Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:
Wednesday, July 11, 2018
City Council Chambers
2nd Floor, City Hall Building
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by John Tsai to rezone an approximate 5.19 acre tract of land from R-1-A single family residential district to PD, Planned Development District to allow for the development of a child care facility and certain commercial uses including but not limited to educational and professional offices, specialized fitness, small food service, neighborhood and specialized retail uses, and to the extent such rezoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

Dear City Representatives:

I We protest this proposed rezoning because

This is a residential district not suitable for commercial agendas

I We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely,

Signature

3526 TRUESDALE DR

Street Address

Phone Number

Return to:

Print Name

Subdivision

Development Services Department

1522 Texas Parkway

Missouri City, TX 77489

FAX (281) 208-5551

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Print Name

Signature

City of Missouri City, TX

Received

JUL 11 2018

Planning Division



DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

CITY OF MISSOURI CITY, TEXAS
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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

[X] We don't agree with this proposal

I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely,

Signature

2747 Prichard Ct

Street Address

Phone Number

Sinbad Pascual

Print Name

Subdivision

Development Services Department

1522 Texas Parkway

Missouri City, TX 77489

FAX (281) 208-5551

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Print Name

SINBAD F PASCUAL

Signature

[Handwritten signature]

City of Missouri City, TX

Received

JUL 10 2018

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

CITY OF MISSOURI CITY, TEXAS
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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:

X IWe protest this proposed rezoning because

of the safety & esthetic quality of my community.

IWe support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely, [Signature]

Signature
2758 Prichard Court

Street Address

Phone Number

Return to:

Takeisha Plowden

Print Name

Vicksburg

Subdivision

Development Services Department

1522 Texas Parkway

Missouri City, TX 77489

FAX (281) 208-5551

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Takeisha Plowden

Print Name

[Signature]

Signature

City of Missouri City, TX

Received

JUL 11 2018

Planning Division

Letters of Protest

Property Owners not within 200 feet of subject property



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

CITY OF MISSOURI CITY, TEXAS
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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

This is a residential community. We did not want commercial property in between our homes. This move will damage our property value.

I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely,

[Handwritten Signature]
Signature
510 Pickett Pl Tulsa

Amanda Sisco
Print Name
Vick Stacey

Street Address

Phone Number

Return to:

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

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Amanda Sisco
Print Name

[Handwritten Signature]
Signature

City of Missouri City, TX

Received

JUL 10 2018

Planning Division



DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

City of Missouri City, TX

Received

June 28, 2018

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

JUL 14 2018

Planning Division

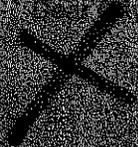
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This letter is being sent to property owners within 200' of the subject property as required by law. It is also sent to others on request.

Dear City Representatives:



I do not support the proposed rezoning because

It is a residential community. We don't want commercial property in between our homes. This will damage our property values.

AMANDA VICKSBURG

Print Name

Vicksburg

Subdivision

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

Return to:

of the public to access information that governmental bodies produce. In making this letter to the City, the personal information included can be released to the public. If you do not consent to the release of your name, please sign your name below.

Signature



DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

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

Dear City Representatives:

I/We protest this proposed rezoning because

High unwanted traffic; not required

I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely,

Signature

Street Address

Phone Number

Handwritten signature and address: Andy Ramirez, 3246 Houston Hills

Print Name

Subdivision

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

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Print Name

Signature

Handwritten signature and name: Andy Ramirez

City of Missouri City, TX

Received

JUL 11 2018

Planning Division



DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

CITY OF MISSOURI CITY, TEXAS
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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:

[checked] I/We protest this proposed rezoning because

[Handwritten: THIS WILL BRING HIGH TRAFFIC TO OUR SUBDIVISION.]

[Handwritten: UNWANTED]

___ I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely,

[Handwritten signature]

Signature

[Handwritten address: 2218 Acorn Dr.]

Street Address

[Redacted address]

Phone Number

Return to:

[Handwritten signature]

Print Name

[Handwritten: COLUMBIA ESTATES]

Subdivision

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

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Received

JUL 11 2018

Planning Division



DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

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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:

X We protest this proposed rezoning because

TRAFFIC, ABANDONED BUILDING ISSUES

We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely,

[Handwritten signature]

3322 ANTELOPE HILLS

[Redacted address]
Phone Number

BARTON N HAMPSHIRE Kim Hampshire

SEDONA CREEK

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

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City of Missouri City, TX
Received

JUL 11 2018

Planning Division



DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

CITY OF MISSOURI CITY, TEXAS
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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

[Handwritten signature: Betty R Barnes]

I/We support this proposed rezoning because

[Empty box for support reasons]

Signature

Signature

Street Address

Phone Number

Return to:

Print Name

Subdivision

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

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Print Name

Signature

City of Missouri City, TX

Received

JUL 11 2018

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

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

Dear City Representatives:

[check] I/We protest this proposed rezoning because

Commercial property can bring traffic; unknown elements into a neighborhood. No other neighborhood have gas station where there house sitr.

I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely,

[Signature]
Signature

3319 Fountain Hills Dr
Street Address

[Redacted]
Phone Number

Return to:

Brandie Nickerson
Print Name

Sedona Creek @ Vicksburg
Subdivision

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

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Print Name Signature Received
City of Missouri City, TX

JUL 11 2018

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

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

Dear City Representatives:

[check] I/We protest this proposed rezoning because

we want to maintain the quiet atmosphere of the neighborhood. MORE TRAFFIC IS NOT WANTED

___ I/We support this proposed rezoning because

[empty box]

Sincerely, [Signature]
Signature

2703 EROS LN
Street Address

[Redacted]
Phone Number

Return to:

BRENDA L. DANIELS
Print Name

OLYMPIA ESTATES
Subdivision

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

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BRENDA L. DANIELS
Print Name

[Signature]
Signature

City of Missouri City, TX

Received

JUL 11 2018

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

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

Dear City Representatives:

[X] I/We protest this proposed rezoning because

This should not be in a residential area, PLACE IN COMMERCIAL STRIP.

I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely,

[Handwritten signature: Calvin J. Coleman]

Signature

2803 Powell Spring Ct.

Street Address

Phone Number

[Handwritten name: CALVIN J. COLEMAN]

Print Name

Sedona

Subdivision

Return to:

Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
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Print Name

Signature

City of Missouri City, TX

Received

JUL 11 2018

Planning Division



DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 28, 2018

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

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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:

X I/We protest this proposed rezoning because

More traffic will not be a good thing

I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely,

[Handwritten signature]

Signature

Chris Jeffrey

Print Name

3411 Thebas ct

Street Address

Olympia Estates

Subdivision

[Redacted]

Phone Number

Return to:

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

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Print Name

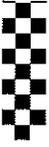
Signature

City of Missouri City, TX

Received

JUL 11 2018

Planning Division



DEVELOPMENT SERVICES -- PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

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

Dear City Representatives:

I/We protest this proposed rezoning because

ruins our neighborhood, ^{EXCESSIVE} ~~EXCESSIVE~~ traffic, noise, etc.

I/We support this proposed rezoning because

Sincerely, 

Signature
3514 Nuytes Point Lane
Street Address

Phone Number

Return to:

DENISE BLANCO

Print Name
Olympia Estates
Subdivision

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

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Print Name

Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

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

Dear City Representatives:

[X] We protest this proposed rezoning because

[Empty box for protest reason]

[] We support this proposed rezoning because

[Empty box for support reason]

Sincerely,

[Handwritten signature]

Signature

2800 Powell Springs Ct.

Street Address

[Redacted address]

Phone Number

Return to:

German L. Rivera Gomez

Print Name

Sedona Creek

Subdivision

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

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German Rivera
Print Name

[Handwritten signature]
Signature

City of Missouri City, TX

Received

JUL 11 2018

Planning Division



DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:
Wednesday, July 11, 2018
City Council Chambers
2nd Floor, City Hall Building
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by John Tsai to rezone an approximate 5.19 acre tract of land from R-1-A single family residential district to PD, Planned Development District to allow for the development of a child care facility and certain commercial uses including but not limited to educational and professional offices, specialized fitness, small food service, neighborhood and specialized retail uses, and to the extent such rezoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

Dear City Representatives:

I/We protest this proposed rezoning because

no commercial

I/We support this proposed rezoning because

[Empty box for support reasons]

Sincerely,

Signature

Print Name

Street Address

Subdivision

Phone Number

Return to:

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

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Print Name

Signature

City of Missouri City, TX

Received

JUL 11 2018

Planning Division



DEVELOPMENT SERVICES -- PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

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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:

[X] I/We protest this proposed rezoning because

this will destroy the quietness, beauty and safety of our community.

___ I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely,

[Handwritten signature]

Signature

2814 Powell Springs Ct

Street Address

Phone Number

Return to:

Gracykitty Thomas

Print Name

Vicksburg Sedona Creek

Subdivision

Development Services Department

1522 Texas Parkway

Missouri City, TX 77489

FAX (281) 208-5551

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Gracykitty Thomas
Print Name

[Handwritten signature]
Signature



DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY MISSOURI CITY, TEXAS 77489

June 29, 2018

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

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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:

[X] I/We protest this proposed rezoning because

Specific purpose unknown

___ I/We support this proposed rezoning because

[Empty box for support reasons]

Sincerely, Helen Keels

Signature

2610 Atlas Dr
Street Address

Phone Number

Return to:

Helen Keels

Print Name

Olympia Estates
Subdivision

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

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Helen Keels
Print Name

Helen Keels
Signature

City of Missouri City, TX

Received

JUL 11 2018

Planning Division



DEVELOPMENT SERVICES ~ PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:
Wednesday, July 11, 2018
City Council Chambers
2nd Floor, City Hall Building
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by John Teal to rezone an approximate 6.19 acre tract of land from R-1-A single family residential district to PD, Planned Development District to allow for the development of a child care facility and certain commercial uses including but not limited to educational and professional offices, specialized fitness, small food service, neighborhood and specialized retail uses, and to the extent such rezoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

Dear City Representatives:

I/We protest this proposed rezoning because

Why build a commercial property that could possibly go out of business and leaving our community with empty buildings that could be destroyed by kids?

I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely,

Signature

3231 Aegean Drive

Street Address

Phone Number

Return to:

Jayrod M. Lee

Print Name

Olympia Estates

Subdivision

Development Services Department

1522 Texas Parkway

Missouri City, TX 77489

FAX (281) 208-5861

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Print Name

Signature

City of Missouri City, TX

Received

JUL 11 2018

Planning Division



DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY MISSOURI CITY, TEXAS 77489

June 29, 2018

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

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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

We like this residential community and want it to stay this way. Plenty of high way 6 without involvement of our community.

I/We support this proposed rezoning because

Sincerely
Travis Fisher
Signature
3407 Beauwagard Ct.
Street Address
[Redacted]
Phone Number

TRAVIS FISHER
Print Name
VICKSBURG
Subdivision
Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281) 208-5551

Return to:

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TRAVIS FISHER
Print Name
Travis Fisher
Signature

City of Missouri City, TX
Received

JUL 11 2018



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

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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:

[check] I/We protest this proposed rezoning because

Not a geographically desirable area for businesses.

I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely,

Signature

3223 Fountain Hills

Street Address

Phone Number

Return to:

Print Name

Subdivision

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

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Print Name

Jennifer Lopez

Signature

[Handwritten signature]

City of Missouri City, TX
Received

JUL 11 2018

Planning Division



DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

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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:

X

I/We protest this proposed rezoning because

I do not want people that do not live here in the neighborhood.

I/We support this proposed rezoning because

[Empty box for support reasons]

Sincerely,

[Handwritten signature]

Signature

2502 Scottsdale Blvd

Street Address

Phone Number

Return to:

Jennifer Young

Print Name

Subdivision

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

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Jennifer Young

Print Name

[Handwritten signature]

Signature

City of Missouri City, TX

Received

JUL 11 2018

Planning Division



DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

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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 don't want the area used for retail food services

I/We support this proposed rezoning because

I like the idea of using the area for development of childcare facilities

Sincerely, [Signature]

Signature

2839 Goodman Ridge Dr

Street Address

[Redacted]

Phone Number

Return to:

John Nadolski

Print Name

Olympia Estates

Subdivision

Development Services Department

1522 Texas Parkway

Missouri City, TX 77489

FAX (281) 208-5551

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John Nadolski

Print Name

[Signature]

Signature

City of Missouri City, TX

Received

JUL 11 2018

Planning Division



DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY MISSOURI CITY, TEXAS 77489

June 29, 2018

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

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

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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:

[X] I/We protest this proposed rezoning because

OF UNWANTED FOOT TRAFFIC, VERMIN, TOO CLOSE TO PEOPLE'S HOMES

I/We support this proposed rezoning because

Sincerely,
Karla N. Lang
Signature
3603 ALDRIDGE DR.
Street Address
[REDACTED]
Phone Number

KARLA N. LANG
Print Name
VICKSBURG
Subdivision
Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281) 208-5551

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KARLA N. LANG
Print Name

[Signature]
Signature

City of Missouri City, TX
Received

JUL 17 2018

Planning Division



DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77469

June 29, 2018

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:
Wednesday, July 11, 2018
City Council Chambers
2nd Floor, City Hall Building
1522 Texas Parkway (FM 2234); 7:00 PM

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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

The building would disrupt the quiet housing

I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely
Katherine Wright
Signature

3215 Aegean Drive
Street Address

[Redacted] return to:
Phone Number

Katherine Wright
Print Name

Olympia Estates
Subdivision

Development Services Department
1522 Texas Parkway
Missouri City, TX 77469
FAX (281) 208-5551

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Print Name Signature

City of Missouri City, TX
Received

JUL 11 2018

Planning Division



DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

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City Council Chambers
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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

of the unknown

I/We support this proposed rezoning because

[Empty box for support reasons]

Sincerely, [Signature]
Signature
3227 Aeguan Dr.

[Signature]
Print Name: Keisha Fulette

Street Address
Phone Number

Return to:

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

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Print Name Signature

City of Missouri City, TX
Received

JUL 11 2018

Planning Division



DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

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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

additional traffic is not good in residential areas, and diminishes safety.

I/We support this proposed rezoning because

Sincerely,

Signature
3335 Aldridge Dr
Street Address

Lori Jansen
Print Name
Olympia Estates
Subdivision

Return to:
Phone Number

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

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Lori Jansen
Print Name

Signature

City of Missouri City, TX
Received

JUL 12 2018

Planning Division



DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

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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:

[X] We protest this proposed rezoning because

Unwanted traffic in the neighborhood

___ We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely, [Signature] Khalid Ibragimov Nilufar Dursunova
Signature Print Name

2703 Scottsdale Palms Olympia Estate
Street Address Subdivision

[Redacted] Return to: Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
Phone Number FAX (281) 208-5551

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Print Name

Signature

City of Missouri City, TX

Received

JUL 11 2018

Planning Division



DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY MISSOURI CITY, TEXAS 77489

June 29, 2018

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

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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

Handwritten: Mr. Oscar Hall = territorialization of property

I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely, [Handwritten signature]

Signature 33157 [Handwritten]

Street Address [Redacted]

Phone Number [Redacted]

Handwritten: M. Oscar Hall

Print Name

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

Return to:

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Print Name Signature

City of Missouri City, TX

Received

JUL 11 2018

Planning Division



DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

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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... (Handwritten notes: We have also seen an increase in crime since opening of late night play... We prefer to keep the neighborhood a residential area... to defer way too much traffic congestion... business of converted to a different commercial zone ie liquor store... Keep Residential Residential 10)

Sincerely, Pam Senegal
Signature
3202 Cumberbridge
Street Address
Phone Number

Pam Senegal
Print Name
Sedona Creek
Subdivision
Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281) 208-5551

Return to:

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Pam Senegal
Print Name
Signature

City of Missouri City, TX
Received
JUL 11 2018
Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

CITY OF MISSOURI CITY, TEXAS
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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:

[X] I/We protest this proposed rezoning because

It is in the middle of residences, would generate too much traffic and there are commercial areas available on Hwy 6.

___ I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely,

Patricia Batteaux (handwritten signature)

Signature

2923 Manion Dr, No City

Street Address

Phone Number

Patricia Batteaux (handwritten signature)

Print Name

Vicksburg/Lumberland

Subdivision

Return to:

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

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Patricia Batteaux (handwritten signature)

Print Name

Patricia Batteaux (handwritten signature)

Signature

City of Missouri City, TX

Receive#

JUL 10 2018

Planning Division



DEVELOPMENT SERVICES -- PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:
Wednesday, July 11, 2018
City Council Chambers
2nd Floor, City Hall Building
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by John Tsai to rezone an approximate 5.19 acre tract of land from R-1-A single family residential district to PD, Planned Development District to allow for the development of a child care facility and certain commercial uses including but not limited to educational and professional offices, specialized fitness, small food service, neighborhood and specialized retail uses, and to the extent such rezoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

Dear City Representatives:

X [We protest this proposed rezoning because

CONCERNS OF INCREASED TRAFFIC AND NO DESIRE FOR COMMERCIAL ENTITIES WITHIN OUR NEIGHBORHOOD

[We support this proposed rezoning because

Sincerely,

RAY PARKER, JR. [Signature]

Signature

Print Name

3114 SAVANNAH LN

Street Address

Phone Number

Return to:

Subdivision

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

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Print Name

RAY PARKER, JR.

Signature

[Signature]

Received

JUL 11 2018

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

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

Dear City Representatives:

[x] 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,

Sharon Stoll-Beckett

SHARON STOLL-BECKETT

Signature

3211 ANTELOPE HILLS DR.

Print Name

VICKSBURG - SEDONA CREEK

Street Address

281-983-3821

Return to:

Subdivision

Development Services Department

1522 Texas Parkway

Missouri City, TX 77489

FAX (281) 208-5551

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SHARON STOLL-BECKETT

Sharon Stoll-Beckett

Print Name

Signature

City of Missouri City, TX

Received

JUL 11 2018

Planning Division



DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

CITY OF MISSOURI CITY, TEXAS
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Dear City Representatives:

X I/We protest this proposed rezoning because

this project would bring more traffic/safety concerns into a residential area.

I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely, [Signature]

Signature
3306 Breckinridge Lane

Street Address

Phone Number

Return to:

[Signature]

Print Name
Vicksburg

Subdivision

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

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[Signature]
Print Name

[Signature]
Signature

City of Missouri City, TX
Received

JUL 10 2018

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

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

Dear City Representatives:

[checked] I/We protest this proposed rezoning because

We do not need the traffic subdivision

___ I/We support this proposed rezoning because

[empty box]

Sincerely,

Signature

Street

Phone Number

[Handwritten signature: Abel Herrera]

[Redacted address]

Print Name

Subdivision

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

[Handwritten signature: Pearl Rabell]
[Handwritten text: Olympic Estates]

Return to:

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Print Name

Signature

City of Missouri City, TX

Received

JUL 11 2018

Planning Division



DEVELOPMENT SERVICES -- PLANNING DIVISION

1522 TEXAS PARKWAY MISSOURI CITY, TEXAS 77489

June 29, 2018

CITY OF MISSOURI CITY, TEXAS
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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:

X I/We protest this proposed rezoning because

The main concerns are Property value, Traffic & Safety. Also it will affect the quietness we enjoy now.

I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely, [Signature]

Susan Alex

Signature
3307 Selene Dr

Print Name

Street Address

Subdivision

Phone Number

Return to:

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

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Susan Alex

[Signature]

Print Name

Signature

City of Missouri City, TX

Received

JUL 11 2018

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

CITY OF MISSOURI CITY, TEXAS
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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:

[X] I/We protest this proposed rezoning because

[Empty box for protest reasons]

___ I/We support this proposed rezoning because

[Empty box for support reasons]

Sincerely,
[Signature]
Signature

ROBERT STANTON
Print Name

2807 Powell Springs Ct
Street Address

Sedona Creek
Subdivision

[Redacted] Return to:
Phone Number

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

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Robert Stanton
Print Name

[Signature]
Signature
City of Missouri City, TX

Received

JUL 11 2018

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

CITY OF MISSOURI CITY, TEXAS
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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:

X I/We protest this proposed rezoning because

commercial development within the neighborhood threatens the safety, aesthetics and integrity of vicksburg.

I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely,

[Handwritten signature]

Signature

3423 Bedford Forrest Ct.

Street Address

[Redacted]

Phone Number

Return to:

Taryn Burnett

Print Name

Vicksburg

Subdivision

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

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Taryn Burnett

Print Name

[Handwritten signature]

Signature

City of Missouri City, TX

Received

JUL 11 2018

Planning Division



DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

CITY OF MISSOURI CITY, TEXAS
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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:

X I/We protest this proposed rezoning because

it's important for our neighborhood to maintain the small town feel. We are so close to a variety of comm establishments there's no need to bring that into the community. We must consider the excess traffic and exposure that a neighborhood this size can't handle plus lets not forget about potential rise in crime. I/We support this proposed rezoning because

[Empty box for support reason]

Sincerely, [Signature]
Signature

3215 ANTELOPE HILLS DRIVE
Street Address

[Redacted] Return to:
Phone Number

Tiffany Chestnut
Print Name

Sedona Creek Vicksburg
Subdivision

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

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Print Name Signature

City of Missouri City, TX
Received

JUL 11 2018

Planning Division



DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY MISSOURI CITY, TEXAS 77489

June 29, 2018

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

Dear City Representatives:

I/We protest this proposed rezoning because

Having business in the middle of a residential area will create more traffic & unwanted people as well as ruining the peaceful life of the residents there which is against the will of the citizens.

I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely,

Wanyan Chan (Signature)

WAN YAN IVY CHAN (Print Name)

3235 Aegean Dr. 77489 (Street Address)

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

Return to: [Redacted]
Phone Number

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WAN YAN IVY CHAN (Print Name)

Wanyan Chan (Signature)

City of Missouri City, TX

Received

JUL 11 2018

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

June 29, 2018

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

Dear City Representatives:

[] We protest this proposed rezoning because

William A. Vandervoort we want the
Marylee W. Vandervoort neighborhood to
remain and no

[] I/We support this proposed rezoning because

commercial building.

Sincerely,

Marylee W. Vandervoort

Signature

2718 Poichard Court

Street Address

Phone Number

[Redacted]

Return to:

Marylee W. Vandervoort
William A. Vandervoort

Print Name

Vicksburg/Cumberland

Subdivision

Development Services Department

1522 Texas Parkway

Missouri City, TX 77489

FAX (281) 208-5551

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Print Name

Signature

City of Missouri City, TX

Received

JUL 12 2018

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

September 28, 2018

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:
Wednesday, October 10, 2018
City Council Chambers
2nd Floor, City Hall Building
1522 Texas Parkway (FM 2234); 7:00 PM

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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:

X I/We protest this proposed rezoning because

Handwritten: We do not want a commercial property in the midst of our community

I/We support this proposed rezoning because

[Empty box for support reasons]

Sincerely,

Handwritten signature: Mary Lee W. Vandervoort

Signature

Handwritten address: 2718 Prichard Court

Street Address

Phone Number

[Redacted phone number]

Return to:

Handwritten name: Mary Lee W. Vandervoort

Print Name

Handwritten subdivision: Vicksburg / Cumberland

Subdivision

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

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Handwritten print name: Mary Lee W. Vandervoort

Print Name

Handwritten signature: Mary Lee W. Vandervoort

Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

City of Missouri City, TX

Received

September 28, 2018

OCT 09 2018

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

Planning Division

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Dear City Representatives:

We protest this proposed rezoning because

I DO NOT WANT A BUSINESS IN A RESIDENTIAL SUBDIVISION THE CURRENT OWNERS DOES NOT TAKE CARE OF THE VACANT LOT & THEY SURELY WILL NOT TAKE CARE OF A BUSIN PARK

We support this proposed rezoning because

Sincerely,

Signature
Melinda Roquemore

MELINDA Roquemore
Print Name
Vicksburg Village of Cumberland
Subdivision

Street Address

[Redacted]

Return to:

Phone Number

3542 Truesdale DR

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

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Print Name
MELINDA Roquemore

Signature
Melinda Roquemore



**Council Agenda Item
November 19, 2018**

7. **PUBLIC HEARINGS AND RELATED ACTIONS**
 - (b) **Public Hearings and related actions** – *There are no Public Hearings and related actions on this agenda.*

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



CITY COUNCIL AGENDA ITEM COVER MEMO

November 19, 2018

To: Mayor and City Council
Agenda Item: 9(a) Authorize the City Manager to execute a contract with RLF Angleton Properties, LLC for the purchase of mitigation bank credits for the wetlands impact of the Knight Road Extension Project
Submitted by: Scott R. Elmer, P.E., Assistant City Engineer

SYNOPSIS

Staff requests authorization for the City Manager to execute a contract with RLF Angleton Properties, LLC for the purchase of mitigation bank credits for the wetlands impact of the Knight Road Extension Project.

STRATEGIC PLAN 2019 GOALS ADDRESSED

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

BACKGROUND

The Knight Road Extension Project is currently under design with the City's design engineer Kelly R. Kaluza & Associates. The project will give residents of Sienna Plantation an alternate North/South route to connect SH6 and the Fort Bend Parkway. This project will include a new two-lane roadway from McKeever Road to the Fort Bend Parkway.

The project will require the City to obtain a US Army Corp of Engineer's (USACE) permit as the project limits will impact wetlands. The USACE permit requires applicants with an impacted project to purchase mitigation bank credits to compensate/off-set the applicant's project impacts.

USACE encourages applicants to engage with mitigation banks that are within the projects general USACE jurisdictional area. Mitigation banks are generally limited in size and availability as more development takes place within a given geographical area.

Staff along with the City's design engineer and environmental consultant investigated options with two such mitigation banks and recommend the purchase of mitigation bank credits with RLF Angleton Properties, LLC.

The City's legal department has reviewed the agreement for accuracy and is favorable to executing.

BUDGET/FISCAL ANALYSIS

Funding Source	Account Number	Project Code/Name	FY18* Funds Budgeted	FY18* Funds Available	Amount Requested
General Bond	403-58700-15-999-50086	50086/Knight Road Extension	\$3,225,000	\$2,650,025	\$52,500.00

*These funds will be rolled over into FY2019 once the year-end close out is complete.

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. Mitigation Credit Supply Agreement
2. Project location map

STAFF'S RECOMMENDATION

Staff recommends authorizing the City Manager to execute a contract with RLF Angleton Properties, LLC for the purchase of mitigation bank credits for the wetlands impact of the Knight Road Extension Project in the amount of \$52,500.

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

Scott R. Elmer, P.E., Assistant City Engineer

MITIGATION CREDIT SUPPLY AGREEMENT

THIS MITIGATION CREDIT SUPPLY AGREEMENT (this "Agreement") is made by and between RLF Angleton Properties, LLC, a Colorado limited liability company ("Bank Sponsor"), and City of Missouri City a Texas Municipality ("Buyer" and together with Bank Sponsor, the "Parties," and each a "Party") as of November, 19th 2018 (the "Effective Date").

WHEREAS, [pursuant to 40 CFR Part 230 et. seq. Guidelines for Specifications of Disposal Sites for Dredged or Fill Material and to 33 CFR Part 332 et. seq., Compensatory Mitigation for Losses of Aquatic Resources] (collectively, the "Regulations"), Bank Sponsor has established a mitigation bank known as the Columbia Bottomlands Conservancy Mitigation Bank (the "Bank"), which has been authorized by the United States Army Corps of Engineers (the "Permitting Agency") pursuant to a Mitigation Banking Instrument for Columbia Bottomlands Conservancy Mitigation Bank, Brazoria County, Texas (as amended or modified from time to time, the "Bank Instrument");

WHEREAS, Bank Sponsor is authorized to operate the Bank and to sell and transfer Functional Capacity Units (FCU), as described in the Bank Instrument and hereafter referred to as "Mitigation Credits" or Credit Suite (set of physical, biological, and chemical FCUs) hereafter referred to as "Mitigation Credit Suite", in accordance with and subject to the requirements of the Bank Instrument; and

WHEREAS, Buyer is pursuing a project (the "Project") within the service area of the Bank, which requires a permit from the Permitting Agency pursuant to the Regulations and Buyer desires to purchase Mitigation Credits.

THEREFORE, for and in consideration of the premises and the payment set forth herein, Bank Sponsor and Buyer agree to the following terms and conditions:

1. Sale of Subject Credits.

- a. Purchase/Sale. Bank Sponsor hereby agrees to sell to Buyer, and Buyer hereby agrees to buy from Bank Sponsor, 0.5 Mitigation Credit Suite on the terms, and subject to the conditions, set forth in this Agreement (the "Subject Credits").
- b. Purchase Price/Payment. The purchase price for Mitigation Credit Suite is \$105,000 per Credit Suite for a total of \$52,500 (the "Purchase Price"). Buyer agrees to pay Bank Sponsor the Purchase Price by wire transfer as directed by Bank Sponsor, in good and sufficient funds, or by other method as directed by Bank Sponsor, no later than five (5) business days after the Effective Date (the date such payment is received being the "Payment Date"). All amounts paid under this Agreement shall, when paid, be deemed to be fully earned by Bank Sponsor and non-refundable. In the event Buyer fails to pay the Purchase Price when due then: (i) Bank Sponsor shall not be required to perform hereunder and shall not be responsible for any breach, liability or damages resulting from such non-performance; and (ii) Bank Sponsor may, (x) pursue such remedies as may be available at law and in equity, (y) retain all prior payments (if any) received as liquidated damages, and/or (z) terminate this Agreement. If Bank Sponsor terminates this Agreement, Bank Sponsor shall thereafter be relieved of its responsibilities hereunder and shall have no further obligations to Buyer, Buyer shall have no right to the Subject Credits, and Bank Sponsor shall be free to sell the Subject Credits to one or more third parties.

2. Parties' Obligations.

- a. Bank Sponsor shall not be responsible in any manner for (i) determining the nature or

amount of mitigation required by the Regulations, applicable law, the Project or that will be required for approval of any permit related to the Project or otherwise, (ii) whether Buyer's mitigation needs can be satisfied by the acquisition of the Subject Credits, or (iii) compliance with the terms and conditions of any permit ultimately issued to Buyer in connection with the Project or otherwise.

- b. Bank Sponsor shall be responsible for providing the Subject Credits and ensuring compliance with Bank Sponsor's representations and warranties contained herein.
3. Application of Subject Credits to the Project. Buyer acknowledges and agrees that Bank Sponsor shall sell the Subject Credits specifically for the Project and Permit(s) to be identified by Buyer pursuant to Section 4(a), and that the Subject Credits are not transferable by Buyer. Buyer acknowledges and agrees that Bank Sponsor may, as part of the process for transferring the Subject Credits, disclose the information provided by Buyer pursuant to Section 4(a) to one or more regulatory authorities.
 4. Conveyance and Risk of Loss.
 - a. Conveyance. Buyer shall notify the Bank Sponsor in writing of the date on which Buyer will require that the Bank Sponsor convey to Buyer the Subject Credits (the "Closing Date"), which (i) must be a business day that is no sooner than two (2) business days after the Payment Date, and (ii) shall occur no later than six (6) weeks after the Effective Date. Such notice shall include the information set forth in Exhibit A. On the Closing Date, Bank Sponsor shall deliver a letter to the Buyer and Permitting Agency with such other documentation as is required by the Permitting Agency under the Bank Instrument to convey the Subject Credits to Buyer, notifying the Permitting Agency that the Subject Credits have been transferred by the Bank Sponsor to the Buyer for the Permit and the Project specified in the notice described in the first sentence of this Section 4(a). Buyer's entering into this Agreement does not give the Buyer rights to monies generated by the Bank, and further, Buyer does not obtain any rights of ownership or use of the real property associated with the Bank or any other property interests of Bank Sponsor or its affiliates. Buyer is solely responsible for the accuracy of the information provided to Bank Sponsor regarding the Project, permit number, and quantity of Mitigation Credits to be applied to the permit. Bank Sponsor shall have neither the duty to confirm the accuracy of the information provided by Buyer nor any liability for inaccurate information related to the Project and/or permit.
 - b. Risk of Loss. Subject to the terms of this Agreement, Bank Sponsor shall bear the risk of loss of the Subject Credits prior to the Closing Date.
 5. Representations and Warranties. Bank Sponsor represents and warrants to Buyer that:
 - a. Bank Sponsor is authorized by the Permitting Agency to operate the Bank and to obtain, hold, sell, and transfer Subject Credits; and
 - b. Bank Sponsor has the right to sell the Subject Credits to Buyer.
 6. Responsibility for Permits.
 - a. Buyer acknowledges and agrees that Buyer is solely responsible for the success of any permit to which the Subject Credits might be applied, and that Bank Sponsor's sole obligation hereunder is to deliver the Subject Credits as, and if, requested by Buyer in

compliance with the terms and conditions of this Agreement.

7. Notice. All notices to be sent by one Party to the other pursuant to this Agreement shall be in writing and shall be delivered or sent: (a) in person; (b) by U.S. Mail, postage prepaid and certified with return receipt requested; or (c) by nationally recognized overnight delivery service, prepaid, and addressed as set forth on the signature page. Either Party may change its address by notifying the other party in writing of the change of address. Notice shall be deemed delivered immediately, if delivered in person, or within two business days if sent by any other means set forth in this Section 7.
8. Miscellaneous.
 - a. General. Buyer's rights under this Agreement shall not be assigned or apportioned, either voluntarily or by operation of law, without the prior written consent of Bank Sponsor, which shall be in Bank Sponsor's reasonable discretion. This Agreement constitutes the entire agreement and understanding between the Parties with respect to the purchase and sale of the Subject Credits, and supersedes and replaces any prior agreements and understandings, whether oral or written, between them with respect to such matters. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of either party. This Agreement may not be changed, amended or modified except by an instrument in writing signed by both Parties. The unenforceability, invalidity, or illegality of any provision hereof shall not render any other provision unenforceable, invalid, or illegal. This Agreement is not intended to and it shall not create any partnership, joint venture, or similar arrangement between Buyer and Bank Sponsor. No term or provision of this Agreement is intended to be, or shall be, for the benefit of any person, firm, organization, or corporation not a party to this Agreement, and no such other person, firm, organization, or corporation shall have any right or cause of action hereunder.
 - b. Confidentiality. Neither this Agreement nor the terms hereof may be furnished to any third party, including the Permitting Agency and other governmental authorities, without the written consent of all Parties, except as may otherwise be required by law or a court of competent jurisdiction; provided, that the foregoing shall not prohibit the Parties from providing this Agreement or the terms hereof to their attorneys, consultants, professional advisors, and current and prospective investors and primary lenders. The terms and conditions of this paragraph shall survive any termination of this Agreement.
 - c. Governing Law. This Agreement and all matters arising out of or relating to this Agreement are governed by the laws of Texas (including its statutes of limitations, without giving effect to any conflict of laws provisions thereof). Either party may institute any legal suit, action, or proceeding arising out of or relating to this Agreement in the federal or state courts in each case located in Fort Bend County, Texas. EACH PARTY HEREBY IRREVOCABLY AND UNCONDITIONALLY: (A) CONSENTS AND SUBMITS TO THE EXCLUSIVE JURISDICTION OF THE AFOREMENTIONED COURTS; (B) WAIVES ANY OBJECTION TO THAT CHOICE OF FORUM BASED ON VENUE OR TO THE EFFECT THAT THE FORUM IS NOT CONVENIENT.
 - d. Counterparts and Authorization. This Agreement may be signed by facsimile or electronic PDF signature, which signature shall be deemed to constitute an original signature and be binding as such. This Agreement may be executed in identical counterparts, each of which when so executed and delivered will constitute an original, but all of which taken together will constitute one and the same instrument. The Parties each represent that the person signing this Agreement is duly authorized to sign this Agreement.

- e. Force Majeure. Except for the payment of monetary amounts due pursuant to Section 1 hereof, no Party shall be liable or responsible to the other Party, or deemed to have breached this Agreement, for any failure or delay in satisfy its obligations hereunder if such failure is attributable to any of the following: strikes, riots, acts of God, shortages of labor or materials, war, terrorist acts or activities, orders, laws, regulations, or restrictions, adverse determinations from the Permitting Agency or any other governmental authority, or any other causes which are beyond the reasonable control of the responsible Party.

- f. Consequential Damages. Each Party expressly agrees that the affiliates, members, partners and shareholders of any defaulting or breaching Party hereunder are not jointly, solitarily or severally liable for any costs, expenses, losses or damages arising from such Party's breach or default under this Agreement. The provisions of this paragraph shall survive the expiration or termination of this Agreement.

[Signature Pages Follow]

The Parties have executed this Agreement effective as of the date first set forth above.

RLF ANGLETON PROPERTIES, LLC, Bank Sponsor

By _____

Date _____

City of Missouri City, Buyer

By _____

Date _____

Exhibit A

Buyer Information:	City of Missouri City 1522 Texas Parkway Missouri City, Texas 77489 POC: Mark Law (979) 676-1390 mlaw@missouricity.gov
Permitting Agency: ¹	Regulatory Division, CESWG-RDE U.S. Army Corps of Engineers P.O. Box 1229 Galveston, Texas 77553-1229 409-766-3869 Phone 409-766-6301 Fax
Permit Application Number and Date:	{SWG-2018-00473}
Project Name & Location:	City of Missouri City – Knight Road Expansion and Extension
Brief Description of Impacts to be Mitigated by the Subject Credits:	Fill of forested wetlands along Knight Road in Missouri city – FCU impacts total .39 FCU physical, .43 FCU Biological, and .41 FCU Chemical

¹ Note – the body of the agreement says the permitting agency is the Corps. If that needs to be made flexible, we should add a definition for “Permitting Authority”.

TRAMMEL FRESNO RD

SH 6

HURRICANE LN

FORT BEND PKWY

SH 6

WATTS PLANTATION RD

KNIGHT RD

SIENNA PKWY

KNIGHT RD

MCKEEVER RD

Knights Rd



Map By:
GIS Division
May 2017

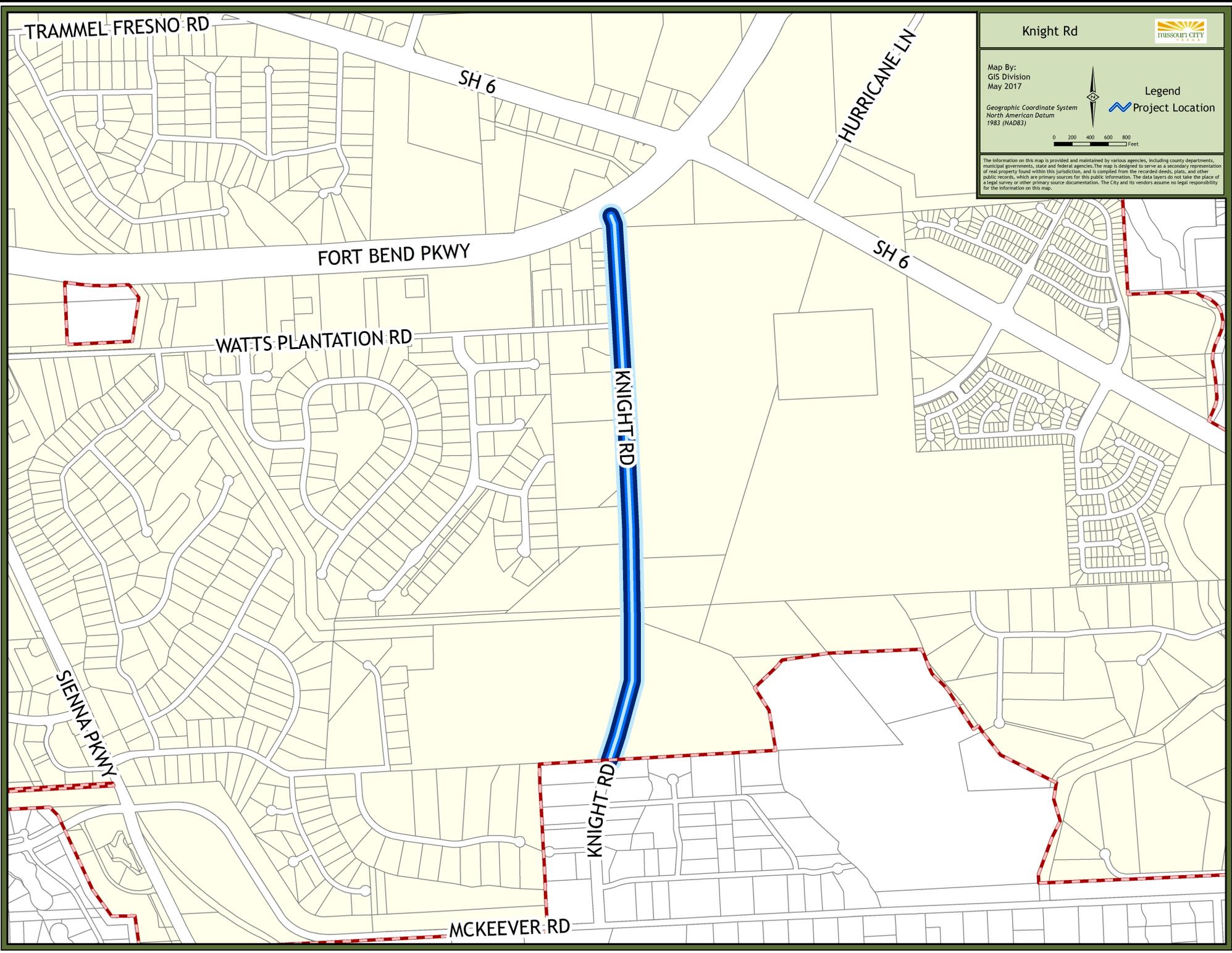
Geographic Coordinate System
North American Datum
1983 (NAD83)



Legend
Project Location



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.





**CITY COUNCIL
AGENDA ITEM COVER MEMO**

November 19, 2018

To: Mayor and City Council
Agenda Item: 10(a) Ordinance Ordering the December 8, 2018, runoff election
Submitted by: Maria Jackson, City Secretary

SYNOPSIS

This is a one-reading ordinance ordering a special runoff election for December 8, 2018, to elect a Mayor and Councilmember At Large Position 2.

BACKGROUND

Statutorily, the special runoff election must be ordered from November 9, 2018 to November 26, 2018. If the Council passes the ordinance tonight, Council is within the time constraints.

BUDGET ANALYSIS

Funding Source	Account Number	Project Code/Name	FY19 Funds Budgeted	FY19 Funds Available	Amount Requested
General Fund	101-53511-10-102	Election Expense	\$55,000	\$43,509	\$20,000 <i>(estimated)</i>

Purchasing Review:
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.

Sufficient funds have been budgeted for conducting the City's special runoff election on December 8, 2018.

Below is the total cost of contracting our election services from 2010 to present.

Year	Total Cost	Election Information
2017	\$29,983.60	November 7, 2017, General Election to elect District City Councilmembers and Special Election regarding the (7) Charter Propositions. <i>Total Expenses Include:</i> Fort Bend County Joint Election: \$18,769.55 Harris County Joint Election: \$1,657.03 Publications: \$5,143.68 Election Signs: \$280.00 Translations: \$4,133.34

2016	\$50,365.38	<p>May 7, 2016, General Election to elect a Mayor and (2) At-Large City Councilmembers (\$21,164.24)</p> <p>June 11, 2016, runoff election to elect an At-Large Position 2 City Councilmember (\$23,971.62)</p> <p><i>Total Expenses Include:</i> Election Signs: \$1,665.62 Spanish Translation: \$599.90 Publications: \$2,964</p>
2015	\$17,881.82	<p>May 9, 2015, General Election to elect District City Councilmembers</p> <p>*District C and District D races were unopposed and candidates were elected into office</p> <p>*Expenses included: transaction costs, election signs, and legal publication notice.</p>
2014	24,525.58	<p>May 10, 2014, General Election to elect a Mayor and (2) At-Large City Councilmembers and a Special Bond Election for various public improvements which pertained to drainage, transportation, facilities and public safety.</p> <p>*At-Large Position 1 race was unopposed and candidate Jerry Wyatt was elected into office.</p>
2013	\$42,903	<p>May 11, 2013, General Election to elect District City Councilmembers and Special Election regarding the (15) Charter Propositions.</p> <p>*District C and D races were unopposed; however, all district races were still on the ballot due to the Special election propositions.</p> <p>**Run-off election was held for Single member District A race.</p> <p>***Election material was translated to Spanish, Vietnamese, and Chinese.</p>
2012	\$183.82	<p>May 12, 2012, General Election to elect a Mayor and (2) At-Large City Councilmembers.</p> <p>*Missouri City May 12, 2012, was cancelled due to unopposed candidates.</p> <p>\$183.82 cost was for translation expenses.</p>
2011	\$12,664	<p>May 14, 2011, General Election to elect District City Councilmembers.</p> <p>*District B and District C races were unopposed and candidates were elected into office.</p>

ORDINANCE NO. O-18-__

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, PROVIDING FOR A SPECIAL RUNOFF ELECTION TO BE HELD ON DECEMBER 8, 2018, FOR THE PURPOSE OF ELECTING A MAYOR AND A COUNCILMEMBER-AT-LARGE, POSITION 2; PROVIDING FOR A JOINT ELECTION ON DECEMBER 8, 2018, TO BE ADMINISTERED BY FORT BEND COUNTY; PROVIDING FOR ELECTION PRECINCTS AND POLLING PLACES; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, an order canvassing the returns and declaring the results of a city officer's election held on November 6, 2018, was passed by the City Council of the City of Missouri City on November 16, 2018; and

WHEREAS, such order declared that in the race for Mayor, no candidate received a majority of the votes cast for such position; and

WHEREAS, such order declared that in the race for Councilmember-At-Large, Position 2, no candidate received a majority of the votes cast for such position; and

WHEREAS, pursuant to Article 6.03 of the Home Rule Charter of the City of Missouri City, Texas, and Chapter 2 of the Texas Election Code, a special runoff election must be held between the two candidates receiving the highest number of votes cast for such offices; and

WHEREAS, the two candidates receiving the highest number of votes for Mayor, Yolanda Ford and Allen Owen, are candidates for the office of Mayor, in a special runoff election to be held on December 8, 2018; and

WHEREAS, the two candidates receiving the highest number of votes for Councilmember-At-Large, Position 2, Chris Preston and Susan Soto, are candidates for the office of Councilmember-At-Large, Position 2, in a special runoff election to be held on December 8, 2018; 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 to this ordinance are found to be true and correct.

Section 2. *Election Order.* A special runoff election is hereby called and ordered for the 8th day of December, 2018 ("Election Day"), at which election all qualified voters residing within the corporate limits of the City of Missouri City may vote

for the purpose of electing a Mayor and a Councilmember-At-Large, Position 2, respectively, for two-year terms. Said election shall be held in accordance with the Texas Election Code.

Section 3. *Election Administrator.* For the special runoff election called and ordered for the purpose of electing a Mayor and a Councilmember-At-Large, Position 2, the Fort Bend County Elections Administrator shall act as Contracting Officer. The Fort Bend County Elections Administrator shall designate the election officials for each City precinct in Fort Bend County and Harris County, and such election officials shall conduct the City's special runoff election in accordance with the "Joint Election Agreement and Contract for Election Services" entered into by the City and Fort Bend County on September 25, 2018. The Fort Bend Elections Administrator is hereby authorized and instructed to provide and furnish all necessary election supplies for all City precincts. The official mailing address of the Fort Bend Elections Administrator is 301 Jackson Street, Richmond, Texas 77469, and the physical address is 4520 Reading Road, Suite A-400, Rosenberg, Texas 77471.

Section 4. *Election Day Polling Places and Precincts.* The Fort Bend County and Harris County precincts within Missouri City shall constitute City election precincts. The polling places for each City election precinct on Election Day shall be at the locations designated by Fort Bend County as set forth in Exhibit A, attached hereto and made a part hereof. Exhibit A may be modified to include additional or different locations designated by the Fort Bend County Elections Administrator and to conform to the Fort Bend County Joint Election Agreement and Contract.

Section 5. *Election Day Schedule.* Each polling place on Election Day shall be open from 7:00 a.m. to 7:00 p.m.

Section 6. *Early Voting Polling Places and Schedule.* Early voting by personal appearance shall be at the locations, dates, and times set forth in Exhibit B, attached hereto and made a part hereof. Exhibit B may be modified to include additional or different early voting locations, dates, and times designated by the Fort Bend County Elections Administrator and to conform to the Fort Bend County Joint Election Agreement and Contract.

Section 7. *Early voting.* The Fort Bend County Elections Administrator is hereby designated as the Early Voting Clerk. An application for an early voting ballot to be voted by mail shall be mailed to: Fort Bend County Elections Administrator, 301 Jackson Street, Richmond, Texas 77469; personally delivered to: 4520 Reading Road, Suite A-400, Rosenberg, Texas 77471; faxed to: 281-341-4418 or emailed to: vote@fortbendcountytexas.gov. If mailed, faxed, or sent by email or common carrier, an application for a voting ballot to be voted by mail, must be received no later than the later of the close of business or noon on Tuesday, November 27, 2018. If personally delivered, an application for a voting ballot to be voted by mail, must be received no later than the close of business on Wednesday, November 21, 2018.

Section 8. *Method of voting.* Voting at the election, including early voting by personal appearance, shall be by use of the electronic voting system designated by Fort Bend County and approved by the Texas Secretary of State. Early voting by mail shall be by paper ballot processed by an Early Voting Ballot Board through an electronic voting system designated by Fort Bend County and approved by the Texas Secretary of State.

Section 9. *Notice.* The City Secretary shall provide notice of the special runoff election in accordance with state law and shall provide notice of any modifications to Exhibit A and Exhibit B on the City's internet website.

Section 10. *Canvassing.* The results of the special runoff election shall be canvassed and the returns shall be declared in accordance with state law.

Section 11. *Open meeting.* It is further found and determined that sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 12. *Repeal.* 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 13. *Severability.* That if any section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to a particular set of persons or circumstances, should for any reason be held to be invalid or adjudged unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the remaining portions of this ordinance, and to such end the various portions and provisions of this ordinance are declared to be severable; and the City Council of the City of Missouri City, Texas, declares it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED on first and final reading this 19th day of November, 2018.

Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Jackson, City Secretary

E. Joyce Iyamu, City Attorney

**Runoff Election
Election Day Vote Centers
December 8, 2018**

Eligible Missouri City voters residing in Fort Bend County:

Missouri City Precinct No. 1: Those portions of Fort Bend County election Precinct Nos. 1109, 2033, 2050, 2059, 2061, 2075, 2077, 2078, 2081, 2089, 2090, 2091, 2092, 2093, 2108, 2112, 2115, 2136, 2151, 2157, 4028, 4030, 4049, 4062, 4065, and 4127 located within the City.

POLLING PLACES FOR FORT BEND COUNTY VOTERS	ADDRESS	CITY	ZIP
Elkins High School	7007 Knights Court	MISSOURI CITY	77459
Hightower High School	3333 Hurricane Lane	MISSOURI CITY	77459
Hunters Glen Elementary School	695 Independence Blvd	MISSOURI CITY	77489
Lake Olympia Marina Clubhouse	180 Island Blvd	MISSOURI CITY	77459
Lantern Lane Elementary School	3323 Mission Valley Dr	MISSOURI CITY	77459
Lexington Creek Elementary School	2335 Dulles Ave	MISSOURI CITY	77459
Missouri City Community Center	1522 Texas Parkway	MISSOURI CITY	77489
Quail Valley Elementary School	3500 Quail Village Dr	MISSOURI CITY	77459
QV Fund Office	3603 Glenn Lakes	MISSOURI CITY	77459

Those portions of Fort Bend County Precincts Nos. 1097, 1114, 1118, 2088, and 4044 falling within the boundaries of the City of Missouri City but having no Missouri City residents will have no Missouri City election day polling places.

Eligible Missouri City voters residing in Harris County:

Missouri City Precinct No. 2: That portion of Harris County election Precinct No. 506 located within the City.

POLLING PLACE FOR HARRIS COUNTY VOTERS	ADDRESS	CITY	ZIP
Fondren Park Community Center	11800 McLain Blvd	HOUSTON	77071

The portion of Harris County Precinct No. 337 falling within the boundaries of the City of Missouri City but having no Missouri City residents will have no Missouri City election day polling places.

Runoff Election Early Voting Schedule December 8, 2018

Eligible Missouri City voters residing in Fort Bend County:

Missouri City Precinct No. 1: Those portions of Fort Bend County election Precinct Nos. 1109, 2033, 2050, 2059, 2061, 2075, 2077, 2078, 2081, 2089, 2090, 2091, 2092, 2093, 2108, 2112, 2115, 2136, 2151, 2157, 4028, 4030, 4049, 4062, 4065, and 4127 located within the City.

Those portions of Fort Bend County Precincts Nos. 1097, 1114, 1118, 2088, and 4044 falling within the boundaries of the City of Missouri City but having no Missouri City residents will have no Missouri City early voting polling places.

Eligible Missouri City voters residing in Harris County:

Missouri City Precinct No. 2: That portion of Harris County election Precinct No. 506 located within the City.

The portion of Harris County Precinct No. 337 falling within the boundaries of the City of Missouri City but having no Missouri City residents will have no Missouri City early voting polling places.

Early Voting Location	Hours			
	Monday-Friday, Nov 26 - 30, 2018	Saturday, Dec. 1, 2018	Sunday, Dec 2, 2018	Monday- Tuesday, Dec 3 – 4, 2018
Missouri City Community Center 1522 Texas Pkwy. Missouri City Quail Valley Fund Office 3603 Glenn Lakes Missouri City	8:00 a.m. to 5:00 p.m.	7:00 a.m. to 7:00 p.m.	12:00 p.m. to 5:00 p.m.	7:00 a.m. to 7:00 p.m.



CONCEJO MUNICIPAL MEMORANDO DEL ORDEN DEL DÍA

19 de noviembre de 2018

Para: el alcalde y el Concejo Municipal
Orden del día: 10(a) Ordenanza que ordena la elección de segunda vuelta del 8 de diciembre de 2018
Enviado por: Maria Jackson, secretaria municipal

RESUMEN

Esta es una ordenanza de una sola lectura que ordena una elección especial de segunda vuelta para el 8 de diciembre de 2018 con el fin de elegir un alcalde y un concejal general en la posición n.º 2.

ANTECEDENTES

Por ley, la elección especial de segunda vuelta debe ordenarse en el periodo comprendido entre el 9 y 26 de noviembre de 2018. Si el Concejo aprueba la ordenanza esta noche, el Concejo está dentro de los límites de tiempo.

ANÁLISIS DEL PRESUPUESTO

Fuente de financiación	Número de cuenta	Código/nombre del proyecto	Fondos presupuesta-dos	Fondos disponibles	Monto solicitado
Fondo general	101-53511-10-102	Gastos electorales	\$55,000	\$43,509	*\$20,000 (estimado)

Revisión de adquisición:

Revisión financiera/del presupuesto: Bertha P. Alexander, Budget & Financial Reporting Manager

Nota: el cumplimiento de los requisitos del cuestionario de conflicto de intereses, si corresponde, y los requisitos de divulgación de la parte interesada (HB 1295) se ha confirmado/está pendiente dentro de los 30 días de esta acción del Concejo y antes de su ejecución.

Se han presupuestado fondos suficientes para llevar a cabo la elección especial de segunda vuelta de la Ciudad el día 8 de diciembre de 2018.

A continuación, se muestra el costo total de contratar nuestros servicios electorales desde 2010 hasta el presente.

Año	Costo total	Información electoral
2017	\$29,983.60	<p>7 de noviembre de 2017, elección general para elegir a los miembros del Concejo Municipal de distrito y elección especial con respecto a las siete (7) propuestas de la Carta.</p> <p><i>Los gastos totales incluyen:</i> Elección conjunta del condado de Fort Bend: \$18,769.55 Elección conjunta del condado de Harris: \$1,657.03 Publicación: \$5,143.68 Carteles electorales: \$280.00 Traducciones: \$4,133.34</p>
2016	\$50,365.38	<p>7 de mayo de 2016, elección general para elegir un alcalde y dos (2) miembros del Concejo Municipal de elección general (\$21,164.24)</p> <p>11 de junio de 2016, elección de segunda vuelta para elegir a un concejal general de la ciudad en la posición n.º 2 (\$23,971.62)</p> <p><i>Los gastos totales incluyen:</i> Carteles electorales: \$1,665.62 Traducción al español: \$599.90 Publicaciones: \$2,964</p> <p>7 de mayo de 2016, elección general para elegir un alcalde y dos (2) miembros del Concejo Municipal de elección general.</p>
2015	\$17,881.82	<p>9 de mayo de 2015, elección general para elegir a los miembros del Concejo Municipal de distrito</p> <p>*Las contiendas de los distritos C y D no tuvieron oposición y los candidatos fueron elegidos para el cargo.</p> <p>*Gastos incluidos: costos de transacción, carteles electorales y aviso de publicación legal.</p>
2014	\$24,525.58	<p>10 de mayo de 2014, elección general para elegir un alcalde y dos (2) miembros del Concejo Municipal de elección general, y una elección especial de bonos para diversas mejoras públicas relacionadas con drenaje, transporte, instalaciones y seguridad pública.</p> <p>* La contienda en la posición n.º 1 de elección general no tuvo oposición y el candidato Jerry Wyatt fue elegido para el cargo.</p> <p>*** El material electoral fue traducido al español.</p>
2013	\$42,903	<p>11 de mayo de 2013, elección general para elegir a los miembros del Concejo Municipal de distrito y elección especial con respecto a las quince (15) propuestas de la Carta.</p>

		<p>* Las contiendas de los distritos C y D no tuvieron oposición; sin embargo, todas las elecciones de los distritos todavía estaban en la boleta electoral debido a las propuestas de la elección especial.</p> <p>** La elección de segunda vuelta se llevó a cabo para la contienda de un solo miembro del distrito A.</p> <p>*** El material electoral fue traducido al español, vietnamita y chino.</p>
2012	\$183.82	<p>12 de mayo de 2012, elección general para elegir un alcalde y dos (2) miembros del Concejo Municipal de elección general.</p> <p>*La elección de Missouri City del 12 de mayo de 2012 fue cancelada debido a candidatos sin oposición.</p> <p>El costo de \$183.82 fue por concepto de gastos de traducción.</p>
2011	\$12,664	<p>14 de mayo de 2011, elección general para elegir a los miembros del Concejo Municipal de distrito.</p> <p>*Las contiendas de los distritos B y C no tuvieron oposición y los candidatos fueron elegidos para el cargo.</p>
2010	\$17,691	<p>8 de mayo de 2010, elección general para elegir un alcalde y dos (2) miembros del Concejo Municipal de elección general.</p> <p>*También se celebró una elección especial el 8 de mayo de 2010 para considerar dos propuestas: la adopción de una ordenanza que prohíba fumar en ciertos lugares públicos y para regular la consolidación municipal de la recolección de basura en toda la ciudad.</p>

MATERIALES COMPLEMENTARIOS

1. Ordenanza

RECOMENDACIÓN DEL PERSONAL

Adoptar esta ordenanza en su primera y última lecturas.

Aprobación del director:

Maria Jackson, secretaria municipal

ORDEN N.º O-18-__

UNA ORDENANZA DE LA CIUDAD DE MISSOURI CITY, TEXAS, QUE DISPONE UNA ELECCIÓN ESPECIAL DE SEGUNDA VUELTA A CELEBRARSE EL 8 DE DICIEMBRE DE 2018 CON EL FIN DE ELEGIR A UN ALCALDE Y A UN CONCEJAL GENERAL EN LA POSICIÓN N.º 2; QUE DISPONE UNA ELECCIÓN CONJUNTA EL 8 DE DICIEMBRE DE 2018 A SER ADMINISTRADA POR EL CONDADO DE FORT BEND; QUE DISPONE DE RECINTOS ELECTORALES Y LUGARES DE VOTACIÓN; QUE DISPONE REVOCACIÓN; QUE DISPONE SEPARABILIDAD; Y QUE CONTIENE OTRAS DISPOSICIONES RELATIVAS AL ASUNTO.

* * * * *

CONSIDERANDO QUE, el 19 de noviembre de 2018, el Consejo Municipal de la ciudad de Missouri City aprobó una orden que revisaba los votos y declaraba los resultados de una elección funcionarios de la ciudad celebrada el 6 de noviembre de 2018; y

CONSIDERANDO QUE, tal orden declaró que, en la contienda por el cargo de alcalde, ningún candidato obtuvo la mayoría de los votos emitidos para tal cargo; y

CONSIDERANDO QUE, dicha orden declaró que, en la contienda por el cargo de concejal general en la posición n.º 2, ningún candidato obtuvo la mayoría de los votos emitidos para tal cargo; y

CONSIDERANDO QUE, de conformidad con el artículo 6.03 de la Carta de Autonomía de la ciudad de Missouri City, Texas, y el capítulo 2 del Código Electoral de Texas, se debe celebrar una elección especial de segunda vuelta entre los dos candidatos que reciban el mayor número de votos emitidos para tales cargos; y

CONSIDERANDO QUE, los dos candidatos que recibieron el mayor número de votos para el cargo de alcalde, Yolanda Ford y Allen Owen, son candidatos para el cargo de alcalde en una elección especial de segunda vuelta que se celebrará el 8 de diciembre de 2018; ahora por lo tanto,

CONSIDERANDO QUE, los dos candidatos que recibieron el mayor número de votos para el cargo de concejal general en la posición n.º 2, Chris Preston y Susan Soto, son candidatos para el cargo de concejal general en la posición n.º 2 en una elección especial de segunda vuelta que se celebrará el 8 de diciembre de 2018; ahora, por lo tanto,

SEA ORDENADO POR EL CONCEJO MUNICIPAL DE LA CIUDAD DE MISSOURI CITY, TEXAS:

Sección 1. Los hechos y las declaraciones establecidos en el preámbulo de esta ordenanza se consideran verdaderos y correctos.

Sección 2. *Orden electoral.* Por la presente, se llama a una elección especial de segunda vuelta y se ordena para el 8 de diciembre de 2018 ("Día de las Elecciones"), en cuya elección todos los votantes calificados que residen dentro de los límites corporativos de la ciudad de Missouri City pueden votar con el fin de elegir a un alcalde y un concejal general en la posición n.º 2, respectivamente, por períodos de dos años. Dicha elección se celebrará de acuerdo con el Código Electoral de Texas.

Sección 3. *Administrador de Elecciones.* Para la elección especial de segunda vuelta convocada y ordenada con el fin de elegir a un alcalde y un concejal general en la posición n.º 22, el Administrador de Elecciones del condado de Fort Bend actuará como Oficial Contratante. El Administrador de Elecciones del condado de Fort Bend designará a los funcionarios electorales para cada recinto de la Ciudad en el condado de Fort Bend y el condado de Harris, y dichos funcionarios electorales llevarán a cabo la elección especial de segunda vuelta de la Ciudad de acuerdo con el "Acuerdo Electoral Conjunto y el Contrato para Servicios Electorales" por la Ciudad y el condado de Fort Bend del 25 de septiembre de 2018. Se autoriza al Administrador de Elecciones de Fort Bend y se le da instrucciones para proporcionar y suministrar todos los insumos electorales necesarios para todos los recintos de la Ciudad. La dirección de correspondencia oficial del Administrador Electoral es 301 Jackson Street, Richmond, Texas 77469, y su dirección física es 4520 Reading Road, Suite A-400, Rosenberg, Texas 77471.

Sección 4. *Lugares de votación y recintos del Día de las Elecciones.* Los recintos del condado de Fort Bend y del condado de Harris dentro de Missouri City constituirán los recintos electorales de la Ciudad. Los lugares de votación para cada recinto electoral de la Ciudad el Día de las Elecciones se ubicarán en los sitios designados por el condado de Fort Bend, tal como se establece en el Anexo A, el cual se adjunta al presente documento y forma parte de este. El Anexo A puede modificarse para incluir sitios adicionales o distintos, designados por el Administrador de Elecciones del condado de Fort Bend, y conforme al Acuerdo Electoral Conjunto y el Contrato para Servicios Electorales de dicho condado.

Sección 5. *Horarios del Día de las Elecciones.* Cada lugar de votación estará abierto de 7:00 am a 7:00 pm el Día de las Elecciones.

Sección 6. *Lugares de votación anticipada y horarios.* La votación anticipada por presentación personal se realizará en los lugares, fechas y horarios establecidos en el Anexo B, el cual se adjunta al presente documento y forma parte de este. El Anexo B puede modificarse para incluir lugares, fechas y horarios de votación anticipada adicionales o distintos, designados por el Administrador de Elecciones del condado de Fort Bend, y conforme al Acuerdo Electoral Conjunto y el Contrato para Servicios Electorales de dicho condado.

Sección 7. *Votación anticipada.* El Administrador de Elecciones del condado de Fort Bend se designa como Secretario de Votación Anticipada. La solicitud para que una boleta de votación anticipada se haga efectiva por correo se enviará por correspondencia a: Administrador de Elecciones del condado de Fort Bend, 301 Jackson Street,

Richmond, Texas 77469; entregarse personalmente en: 4520 Reading Road, Suite A-400, Rosenberg, Texas 77471; enviarse por fax al 281-341-4418; o mediante correo electrónico a vote@fortbendcountytexas.gov. Si se envía por correo, fax, correo electrónico o por un transportista general, la solicitud para recibir una boleta de votación por correspondencia debe ser admitida antes de la finalización del horario laboral o al mediodía del jueves 27 de noviembre de 2018. Si se entrega personalmente, la solicitud para recibir una boleta de votación por correspondencia debe ser admitida antes de la finalización del horario laboral el miércoles 21 de noviembre de 2018.

Sección 8. *Método de votación.* La votación en la elección, incluida la votación anticipada presencial, debe utilizar el sistema de voto electrónico designado por el condado de Fort Bend y aprobado por la Secretaría de Estado de Texas. La votación anticipada por correspondencia deberá realizarse con una boleta de papel procesada por una Junta de Votación Anticipada a través de un sistema de voto electrónico designado por el condado de Fort Bend y aprobado por la Secretaría de Estado de Texas.

Sección 9. *Notificación.* El secretario municipal deberá notificar sobre la elección según la ley estatal, así como sobre cualquier modificación a los Anexos A y B en el sitio web de la Ciudad.

Sección 10. *Escrutinio.* Los resultados de la elección especial de segunda vuelta serán escrutados y los votos declarados de conformidad con la ley estatal.

Sección 11. *Reunión a puerta abierta.* De manera adicional, se encontró y determinó que se publicó de manera adecuada una notificación por escrito de la fecha, horario, lugar y tema de esta reunión del Concejo Municipal en un lugar accesible al público del Ayuntamiento de la Ciudad, en el plazo anterior a esta reunión dispuesto por la Ley de Reuniones a Puerta Abierta, capítulo 551, Código de Gobierno de Texas, y que esta reunión ha estado abierta al público según lo requerido por la ley en todo momento durante esta Ordenanza, y que el tema de discusión de la presente se ha debatido, considerado y actuado formalmente en consecuencia. El Ayuntamiento de la Ciudad vuelve a ratificar, aprobar y confirmar esta notificación por escrito y su publicación.

Sección 12. *Revocación.* Todas las ordenanzas o cualquier parte de ellas que entre en conflicto con lo siguiente serán revocadas por la presente solo en la medida de dicho conflicto.

Sección 13. *Separabilidad.* Que si alguna sección, subsección, oración, cláusula o frase de esta Ordenanza, o su aplicación a un grupo determinado de personas o circunstancias, llegara a ser considerada no válida por cualquier motivo, o juzgada inconstitucional por un tribunal de jurisdicción competente, esta invalidez no afectará las partes restantes de esta Ordenanza, y a tal fin las distintas partes y disposiciones de esta Ordenanza se declaran separables; y el Ayuntamiento de la ciudad de Missouri City, Texas, declara haber aprobado todas y cada una de sus partes a pesar de la omisión de cualquiera de esas partes que pueda ser declarada no válida o inconstitucional, se trate bien sea de una o varias partes.

AUTORIZADO, APROBADO y ADOPTADO en la primera y última lecturas este día 19 de noviembre de 2018.

Allen Owen, alcalde

DOY FE:

APROBADO EN CUANTO A FORMA:

Maria Jackson, secretaria municipal

Joyce Iyamu, fiscal municipal

**Elección Especial de Desempate
Centros de votación para el día de las elecciones
del 8 de diciembre de 2018**

Votantes de la Ciudad de Missouri City elegibles que residan en el Condado Fort Bend:

Missouri City Precinto No. 1: Las porciones de los Precintos de elección del Condado Fort Bend Nos. 1109, 2033, 2050, 2059, 2061, 2075, 2077, 2078, 2081, 2089, 2090, 2091, 2092, 2093, 2108, 2112, 2115, 2136, 2151, 2157, 4028, 4030, 4049, 4062, 4065, y 4127 ubicados dentro de la ciudad.

LUGAR DE VOTACIÓN A TRAVÉS DEL CONDADO FORT BEND	DIRECCIÓN	CIUDAD	CÓDIGO POSTAL
Elkins High School	7007 Knights Court	MISSOURI CITY	77459
Hightower High School	3333 Hurricane Lane	MISSOURI CITY	77459
Hunters Glen Elementary School	695 Independence Blvd	MISSOURI CITY	77489
Lake Olympia Marina Clubhouse	180 Island Blvd	MISSOURI CITY	77459
Lantern Lane Elementary School	3323 Mission Valley Dr	MISSOURI CITY	77459
Lexington Creek Elementary School	2335 Dulles Ave	MISSOURI CITY	77459
Missouri City Community Center	1522 Texas Parkway	MISSOURI CITY	77489
Quail Valley Elementary School	3500 Quail Village Dr	MISSOURI CITY	77459
QV Fund Office	3603 Glenn Lakes	MISSOURI CITY	77459

Las partes del condado de Fort Bend Precinto números 1097, 1114, 1118, 2088, y 4044 de los límites de la ciudad de Missouri City pero sin los habitantes de la ciudad no tendrá Missouri City día de las elecciones locales de votación.

Votantes de la Ciudad de Missouri City elegibles que residan en el Condado Harris:

Missouri City Precinto No. 2: La porción del Precinto de elección del Condado Harris No. 506 ubicado dentro de la ciudad.

LUGAR DE VOTACIÓN A TRAVÉS DEL CONDADO HARRIS	DIRECCIÓN	CIUDAD	CÓDIGO POSTAL
Fondren Park Community Center	11802 Mclain Boulevard	HOUSTON	77071

La parte del condado de Harris Precinto número 337 de los límites de la ciudad de Missouri City pero sin los habitantes de la ciudad no tendrá Missouri City día de las elecciones locales de votación.

**Elección Especial de Desempate
Horario de votación anticipada
del 8 de diciembre de 2018**

Votantes de la Ciudad de Missouri City elegibles que residen en el Condado Fort Bend:

Missouri City Precinto No. 1: Las porciones de los Precintos de elección del Condado Fort Bend Nos. 1109, 2033, 2050, 2059, 2061, 2075, 2077, 2078, 2081, 2089, 2090, 2091, 2092, 2093, 2108, 2112, 2115, 2136, 2151, 2157, 4028, 4030, 4049, 4062, 4065, y 4127 ubicados dentro de la ciudad.

Las partes del condado de Fort Bend Precinto números 1097, 1114, 1118, 2088, y 4044 de los límites de la ciudad de Missouri City pero sin los habitantes de la ciudad no tendrá Missouri City día de las elecciones locales de votación.

Votantes de la Ciudad de Missouri City elegibles que residen en el Condado Harris:

Missouri City Precinto No. 2: La porción del Precinto de elección del Condado Harris No. 506 ubicado dentro de la ciudad.

La parte del condado de Harris Precinto número 337 de los límites de la ciudad de Missouri City pero sin los habitantes de la ciudad no tendrá Missouri City día de las elecciones locales de votación.

Lugar de Votación Anticipada	Horas			
	Lunes a Viernes, 26 al 30 de noviembre de 2018	Sábado, 1 de diciembre de 2018	Domingo, 2 de diciembre de 2018	Lunes a Martes, 3 al 4 diciembre de 2018
Missouri City Community Center 1522 Texas Pkwy. Missouri City	8:00 a.m. a 5:00 p.m.	7:00 a.m. a 7:00 p.m.	12:00 p.m. a 5:00 p.m.	7:00 a.m. a 7:00 p.m.
Quail Valley Fund Office 3603 Glenn Lakes Missouri City				



CITY COUNCIL AGENDA ITEM COVER MEMO

November 19, 2018

To: Mayor and City Council
Agenda Item: 10(b) Consideration and approval of an ordinance authorizing sale of Series 2018A Certificates of Obligation in the aggregate principal amount of \$21,000,000.
Submitted by: Sandra Clarkson, Interim Director of Financial Services

SYNOPSIS

The City has planned to sell Certificates of Obligation in the principal amount of \$21,000,000 for the purpose of constructing a regional surface water treatment plant. This debt issue will be known as City of Missouri City, Texas, Certificates of Obligation, Series 2018A.

STRATEGIC PLAN 2019 GOALS ADDRESSED

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

BACKGROUND

In response to increasing demands for improved surface water management, the City is planning to expand the existing water treatment plant. The total principal amount of these Certificates of Obligation, \$21 million, will be used to construct the needed improvements and pay professional fees related to the sale of the certificates of obligation.

In addition, this ordinance prescribes the terms of the sale that are acceptable to the City and authorizes specified officers to act on behalf of the City in relation to the sale. The parameters of the sale are outlined in Section 7.01(a) of the ordinance.

The payment of the debt will primarily be from user fees and ad valorem taxes and was factored into the estimated interest and sinking requirements of the 2018 Tax Rate (fiscal year 2019),

BUDGET ANALYSIS

Funding Source	Account Number	Project Code/Name	FY19 Funds Budgeted	FY19 Funds Available	Amount Requested
See note, below					N/A

Note: The funding source for the C.O. will be ad valorem taxation and a limited (in an amount not to exceed \$10,000) subordinate pledge of certain revenues of the waterworks and sewer system of the City.

Purchasing Review: N/A

Financial/Budget Review: N/A

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

SUPPORTING MATERIALS

1. Ordinance

STAFF'S RECOMMENDATION

Approve the ordinance authorizing the sale of Issue 2018A Certificated of Obligation in a principal amount of \$21,000,000 through a parameter sale.

Director Approval:

Sandra Clarkson CPA, Interim Director of Financial Services

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

Anthony J. Snipes, City Manager

ORDINANCE NO. O-18-__

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF MISSOURI CITY, TEXAS, CERTIFICATES OF OBLIGATION, SERIES 2018A IN THE AGGREGATE PRINCIPAL AMOUNT OF \$21,000,000; LEVYING A TAX IN PAYMENT THEREOF; AUTHORIZING THE ISSUANCE OF THE CERTIFICATES IN ACCORDANCE WITH SPECIFIED PARAMETERS; AUTHORIZING THE EXECUTION AND DELIVERY OF A PAYING AGENT/REGISTRAR AGREEMENT AND A CERTIFICATE PURCHASE AGREEMENT; APPROVING THE OFFICIAL STATEMENT; CONFIRMING THE ENGAGEMENT OF PROFESSIONALS IN CONNECTION WITH THE ISSUANCE OF THE CERTIFICATES OF OBLIGATION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND ENACTING OTHER PROVISIONS RELATING THERETO.

* * * * *

WHEREAS, under the provisions of Subchapter C, Chapter 271, Texas Local Government Code, as amended (the "Act"), the City of Missouri City, Texas, is authorized to issue certificates of obligation for the purposes specified in this Ordinance and for the payment of all or a portion of the contractual obligations for professional services, including that of engineers, attorneys, and financial advisors in connection therewith, and to sell the same for cash as herein provided; and

WHEREAS, the City is authorized to provide that such obligations will be payable from and secured by the levy of a direct and continuing ad valorem tax, within the limits prescribed by law, against all taxable property within the City, in combination with a limited pledge of a subordinate lien on the net revenues of the City's waterworks and sewer system in an amount not to exceed \$10,000 as authorized by the Act and Chapter 1502, Texas Government Code; and

WHEREAS, the City Council has found and determined that it is necessary and in the best interests of the City and its citizens that it issue such certificates of obligation authorized by this Ordinance; and

WHEREAS, pursuant to the resolution heretofore passed by this governing body, notice of intention to issue certificates of obligation of the City payable as provided in this Ordinance was published in the *Fort Bend Herald*, a newspaper of general circulation of the City in accordance with the laws of the State of Texas, which provided that the principal amount of such certificates of obligation would be in an amount not to exceed \$21,000,000 and the proceeds would be used for the purpose of paying contractual obligations to be incurred for the purposes set forth in Section 3.01 hereof; and

WHEREAS, such notice provided that the City tentatively planned to adopt an ordinance authorizing the issuance of the Certificates (as defined herein) on October 15, 2018; and

WHEREAS, the City Council was unable to authorize the issuance of the Certificates on the date set in such notice and postponed the sale of the Certificates to the date of this meeting; and

WHEREAS, no petition of any kind has been filed with the City Secretary, any member of the City Council or any other official of the City, protesting the issuance of such Certificates; and

WHEREAS, the City is a home-rule municipality that has adopted a charter under Article XI, Section 5 of the Texas Constitution, has a population in excess of 50,000 and has a principal amount of at least \$100,000,000 in a combination of outstanding long-term indebtedness and long-term indebtedness proposed to be issued, and some amount of such long-term indebtedness is rated in one of the four highest rating categories for long-term debt instruments by a nationally recognized rating agency for municipal securities without regard to the effect of any credit agreement or other form of credit enhancement entered into in connection with the obligation, and therefore qualifies as an "Issuer" under Chapter 1371 of the Texas Government Code, as amended ("Chapter 1371"); and

WHEREAS, pursuant to Section 1371.053, Texas Government Code, as amended, the City desires to delegate the authority to effect the sale of the Certificates to the Authorized Officer (hereinafter defined); and

WHEREAS, this City Council is now authorized and empowered to proceed with the issuance of said Certificates and to sell the same for cash; and

WHEREAS, the meeting at which this Ordinance is considered is open to the public as required by law, and public notice of the time, place, and purpose of said meeting was given as required by Chapter 551, Texas Government Code, as amended; now therefore,

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

ARTICLE I.

DEFINITIONS AND OTHER PRELIMINARY MATTERS

Section 1.01. Definitions.

Unless otherwise expressly provided or unless the context clearly requires otherwise in this Ordinance, the following terms shall have the meanings specified below:

"Authorized Officer" means the Mayor, City Manager, or Interim Director of Finance of the City, who are authorized to act on behalf of the City in selling and delivering the Certificates, or such other officers of the City as designated in writing.

"Bond Counsel" means Bracewell LLP.

"Business Day" means any day which is not a Saturday, Sunday or legal holiday, or day on which banking institutions in the State of Texas or the city in which the Designated Payment/Transfer Office is located are generally authorized or obligated by law or executive order to close.

"Certificate" means any of the Certificates.

"Certificates" mean the certificates of obligation authorized to be issued by Section 3.01

of this Ordinance and designated as "City of Missouri City, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2018A."

"Certificate Date" means the date designated as the initial date of the Certificates by Section 3.02(a) of this Ordinance.

"City" means the City of Missouri City, Texas.

"Closing Date" means the date of the initial delivery of and payment for the Certificates.

"Code" means the Internal Revenue Code of 1986, as amended, and with respect to a specific section thereof, such reference shall be deemed to include (a) the Regulation promulgated under such section, (b) any successor provision of similar import hereafter enacted, (c) any corresponding provision of any subsequent Internal Revenue Code and (d) the regulations promulgated under the provisions described in (b) and (c).

"Designated Payment/Transfer Office" means (i) with respect to the initial Paying Agent/Registrar named herein, its office in Dallas, Texas, or at such other location designated by the Paying Agent/Registrar and (ii) with respect to any successor Paying Agent/Registrar, the office of such successor designated and located as may be agreed upon by the City and such successor.

"DTC" means The Depository Trust Company of New York, New York, or any successor securities depository.

"DTC Participant" means brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants.

"Fiscal Year" means such fiscal year as shall from time to time be set by the City Council.

"Initial Certificate" means the initial certificate authorized by Section 3.04 of this Ordinance.

"Interest and Sinking Fund" means the interest and sinking fund established by Section 2.02 of this Ordinance.

"Interest Payment Date" means the date or dates on which interest on the Certificates is scheduled to be paid until their respective dates of maturity or prior redemption, such dates being June 15 and December 15, commencing June 15, 2019.

"MSRB" means the Municipal Securities Rulemaking Board.

"Net Revenues" means the gross revenues of the System less the expenses of operation and maintenance as said expenses are defined in Chapter 1502, Texas Government Code, as amended.

"Ordinance" as used herein and in the Certificates means this ordinance authorizing the Certificates.

"Owner" means the person who is the registered owner of a Certificate or Certificates, as shown in the Register.

"Paying Agent/Registrar" means initially The Bank of New York Mellon Trust Company, N.A., Dallas, Texas, or any successor thereto as provided in this Ordinance.

"Paying Agent/Registrar Agreement" means the Paying Agent/Registrar Agreement between the Paying Agent/Registrar and the City relating to the Certificates.

"Pricing Certificate" means a certificate or certificates to be signed by the Authorized Officer, in substantially the form attached hereto as **Exhibit C** with such variations, omissions and insertions as are approved by the Authorized Officer as indicated by his/her signature.

"Prior Lien Certificates" means any and all certificates or other obligations of the City presently outstanding or that may be hereafter issued, payable from and secured by a first lien on and pledge of the Net Revenues or by a lien on and pledge of the Net Revenues subordinate to a first lien and pledge of such Net Revenues but superior to the lien on and pledge of the Surplus Revenues made for the Certificates.

"Project" means the purposes for which the Certificates are issued as set forth in Section 3.01(a).

"Record Date" means the last business day of the month preceding such interest payment date.

"Register" means the bond register specified in Section 3.06(a) of this Ordinance.

"Regulations" means the applicable, proposed, temporary or final Treasury Regulations promulgated under the Code, or, to the extent applicable to the Code, under the Internal Revenue Code of 1954, as such regulations may be amended or supplemented from time to time.

"Representation Letter" means the Blanket Letter of Representations between the City and DTC.

"Rule" means SEC Rule 15c2-12, as amended from time to time.

"SEC" means the United States Securities and Exchange Commission.

"Special Payment Date" means the Special Payment Date prescribed by Section 3.03(b) of this Ordinance.

"Special Record Date" means the Special Record Date prescribed by Section 3.03(b) of this Ordinance.

"Surplus Revenues" means the revenues of the System in an amount not to exceed \$10,000 remaining after payment of all operation and maintenance expenses thereof, and all debt service, reserve, and other requirements in connection with the City's Prior Lien Certificates.

"System" as used in this Ordinance means the City's combined waterworks and sewer

system, including all present and future additions, extensions, replacements, and improvements thereto.

"Unclaimed Payments" means money deposited with the Paying Agent/Registrar for the payment of principal of, redemption premium, if any, or interest on the Certificates as the same becomes due and payable or money set aside for the payment of Certificates duly called for redemption prior to maturity and remaining unclaimed by the Owners of such Certificates for 90 days after the applicable payment or redemption date.

"Underwriter" means, collectively, the underwriters of the Certificates identified in Section 8.03 of this Ordinance.

Section 1.02. Findings.

The declarations, determinations and findings declared, made and found in the preamble to this Ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

Section 1.03. Titles and Headings.

The titles and headings of the Articles and Sections of this Ordinance have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof and shall never be considered or given any effect in construing this Ordinance or any provision hereof or in ascertaining intent, if any question of intent should arise.

Section 1.04. Interpretation.

(a) Unless the context requires otherwise, words of the masculine gender shall be construed to include correlative words of the feminine and neuter genders and vice versa, and words of the singular number shall be construed to include correlative words of the plural number and vice versa.

(b) This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein.

ARTICLE II.

SECURITY FOR THE CERTIFICATES; INTEREST AND SINKING FUND

Section 2.01. Tax Levy.

(a) Pursuant to the authority granted by the Texas Constitution and the laws of the State of Texas, there shall be levied and there is hereby levied for the current year and for each succeeding year thereafter while any of the Certificates or any interest thereon is outstanding and unpaid, an ad valorem tax on each one hundred dollars valuation of taxable property within the City, at a rate sufficient, within the limit prescribed by law, to pay the debt service requirements of the Certificates, being (i) the interest on the Certificates, and (ii) a sinking fund for their redemption at maturity or a sinking fund of 2% per annum (whichever amount is greater), when due and payable, full allowance being made for delinquencies and costs of collection.

(b) The ad valorem tax thus levied shall be assessed and collected each year against all property appearing on the tax rolls of the City most recently approved in accordance with law, and the money thus collected shall be deposited as collected to the Interest and Sinking Fund.

(c) Said ad valorem tax, the collections therefrom, and all amounts on deposit in or required hereby to be deposited to the Interest and Sinking Fund are hereby pledged and committed irrevocably to the payment of the principal of and interest on the Certificates when and as due and payable in accordance with their terms and this Ordinance.

(d) The City hereby covenants and agrees that the Surplus Revenues are hereby irrevocably pledged equally and ratably to the payment of the principal of and interest on the Certificates, as the same become due. The Surplus Revenues shall be deposited to the Interest and Sinking Fund at such time as the Surplus Revenues are to be applied to the payment of the Certificates. The City reserves the right to issue Prior Lien Certificates for any lawful purpose at any time, in one or more installments.

(e) If the liens and provisions of this Ordinance shall be released in a manner permitted by Article XI hereof, then the collection of such ad valorem tax may be suspended or appropriately reduced, as the facts may permit, and further deposits to the Interest and Sinking Fund may be suspended or appropriately reduced, as the facts may permit. In determining the aggregate principal amount of outstanding Certificates, there shall be subtracted the amount of any Certificates that have been duly called for redemption and for which money has been deposited with the Paying Agent/Registrar for such redemption.

Section 2.02. Interest and Sinking Fund.

(a) The City hereby establishes special funds or accounts to be designated "City of Missouri City, Texas, Certificates of Obligation, Series 2018A" Interest and Sinking Fund" (the "Interest and Sinking Fund"), said funds to be maintained at an official depository bank of the City separate and apart from all other funds and accounts of the City.

(b) Money on deposit in or required by this Ordinance to be deposited to the Interest and Sinking Fund shall be used solely for the purpose of paying the interest on and principal of the Certificates when and as due and payable in accordance with their terms and this Ordinance.

Section 2.03. Pledge of Revenues.

The Net Revenues to be derived from the operation of the System in an amount not to exceed Ten Thousand Dollars (\$10,000) are hereby pledged to the payment of the principal of and interest on the Certificates as the same come due; provided, however, that such pledge is and shall be junior and subordinate in all respects to the pledge of the Net Revenues to the payment of all outstanding obligations of the City and any obligation of the City, whether authorized heretofore or hereafter, which the City designates as having a pledge senior to the pledge of the Net Revenues to the payment of the Certificates. The City also reserves the right to issue, for any lawful purpose at any time, in one or more installments, bonds, certificates of obligation and other obligations of any kind payable in whole or in part from the Net Revenues, secured by a pledge of the Net Revenues that may be prior and superior in right to, on a parity with, or junior and subordinate to the pledge of Net Revenues securing the Certificates.

ARTICLE III.

AUTHORIZATION; GENERAL TERMS AND PROVISIONS REGARDING THE CERTIFICATES

Section 3.01. Authorization.

The City's certificates of obligation to be designated "City of Missouri City, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2018A," are hereby authorized to be issued and delivered in accordance with the Constitution and laws of the State of Texas, specifically §271.041-063, Local Government Code, V.T.C.A, as amended, and Chapter 1371, and issued in a principal amount not to exceed \$21,000,000 for the purpose of paying contractual obligations to be incurred for the following purposes, to wit: (1) construct public works, more specifically, the expansion of a surface water treatment plant, and any items related thereto, and (2) professional services rendered in connection with item (1). In addition, Certificate proceeds, which includes all of the premium generated from the sale of the Certificates, will be used to pay the costs incurred in connection with the issuance of the Certificates.

Section 3.02. Date, Denomination, Maturities, and Interest.

(a) The Certificates shall be dated the Dated Date. The Certificates shall be in fully registered form, without coupons, in the denomination of \$5,000 or any integral multiple thereof and shall be numbered separately from R-1 upward, except the Initial Certificate, which shall each be numbered T-1.

(b) The Certificates shall mature on the dates and in the principal amounts and shall bear interest at the per annum rates set forth in the Pricing Certificate.

(c) Interest shall accrue and be paid on each Certificate, respectively, until the principal amount thereof has been paid or provision for such payment has been made, from the later of (i) the Closing Date, or (ii) the most recent Interest Payment Date to which interest has been paid or provided for at the rate per annum for each respective maturity specified in the Pricing Certificate. Such interest shall be payable on each Interest Payment Date and shall be computed on the basis of a 360-day year of twelve 30-day months.

Section 3.03. Medium, Method, and Place of Payment.

(a) The principal of and interest on the Certificates shall be paid in lawful money of the United States of America.

(b) Interest on the Certificates shall be payable to the Owners as shown in the Register at the close of business on the Record Date; provided, however, that in the event of nonpayment of interest on a scheduled Interest Payment Date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date," which shall be at least 15 days after the Special Record Date) shall be sent at least five Business Days prior to the Special Record Date by United States mail, first class, postage prepaid, to the address of each Owner of a Certificate appearing

in the Register at the close of business on the last Business Day next preceding the date of mailing of such notice.

(c) Interest shall be paid by check, dated as of and mailed on the Interest Payment Date, and sent United States mail, first class, postage prepaid, by the Paying Agent/Registrar to each Owner, at the address thereof as it appears in the Register, or by such other customary banking arrangement acceptable to the Paying Agent/Registrar and the Owner; provided, however, that the Owner shall bear all risk and expense of such alternative banking arrangement. At the option of an Owner of at least \$1,000,000 principal amount of Certificates, interest may be paid by wire transfer to the bank account of such Owner on file with the Paying Agent/Registrar.

(d) The principal of each Certificate shall be paid to the Owner thereof on the due date, whether at the maturity date or the date of prior redemption thereof, upon presentation and surrender of such Certificate at the Designated Payment/Transfer Office.

(e) If the date for the payment of the principal of or interest on the Certificates is not a Business Day, then the date for such payment shall be the next succeeding Business Day, and payment on such date shall have the same force and effect as if made on the original date payment was due and no additional interest shall be due by reason of nonpayment on the date on which such payment is otherwise stated to be due and payable.

(f) Unclaimed Payments of amounts due hereunder shall be segregated in a special escrow account and held in trust, uninvested by the Paying Agent/Registrar, for the account of the Owner of the Certificates to which such Unclaimed Payments pertain. Subject to Title 6 of the Texas Property Code, any Unclaimed Payments remaining unclaimed by the Owners entitled thereto for three years after the applicable payment or redemption date shall be applied to the next payment or payments on the Certificates thereafter coming due and, to the extent any such money remains three years after the retirement of all outstanding Certificates, such money shall be paid to the City to be used for any lawful purpose. Thereafter, neither the City, the Paying Agent/Registrar, nor any other person shall be liable or responsible to any Owners of such Certificates for any further payment of such unclaimed moneys or on account of any such Certificates, subject to Title 6 of the Texas Property Code.

Section 3.04. Execution and Registration of Certificates.

(a) The Certificates shall be executed on behalf of the City by the Mayor and the City Secretary, by their manual or facsimile signatures, and the official seal of the City shall be impressed or placed in facsimile thereon. Such facsimile signatures on the Certificates shall have the same effect as if each of the Certificates had been signed manually and in person by each of said officers, and such facsimile seal on the Certificates shall have the same effect as if the official seal of the City had been manually impressed upon each of the Certificates.

(b) In the event that any officer of the City whose manual or facsimile signature appears on the Certificates ceases to be such officer before the authentication of such Certificates or before the delivery thereof, such manual or facsimile signature nevertheless shall be valid and sufficient for all purposes as if such officer had remained in such office.

(c) Except as provided below, no Certificate shall be valid or obligatory for any purpose or be entitled to any security or benefit of this Ordinance unless and until there appears

thereon the Certificate of Paying Agent/Registrar substantially in the form provided herein, duly authenticated by manual execution by an officer or duly authorized signatory of the Paying Agent/Registrar. It shall not be required that the same officer or authorized signatory of the Paying Agent/Registrar sign the Certificate of Paying Agent/Registrar on all of the Certificates. In lieu of the executed Certificate of Paying Agent/Registrar described above, the Initial Certificate delivered at the Closing Date shall have attached thereto the Comptroller's Registration Certificate substantially in the form provided in the Form of Certificates, manually executed by the Comptroller of Public Accounts of the State of Texas (the "Comptroller"), or by his duly authorized agent, which certificate is evidence that such Initial Certificate has been duly approved by the Attorney General of the State of Texas (the "Attorney General") and that it is a valid and binding obligation of the City, and has been registered by the Comptroller.

(d) On the Closing Date, one Initial Certificate representing the entire principal amount of all Certificates, payable in stated installments to the Underwriter, or its designee, executed by the manual or facsimile signatures of the Mayor and City Secretary of the City, approved by the Attorney General, and registered and manually signed by the Comptroller, will be delivered to the Underwriter or its designee. Upon payment for the Initial Certificate, the Paying Agent/Registrar shall cancel the Initial Certificate and deliver to DTC on behalf of the Underwriter one registered definitive Certificate for each year of maturity of the Certificates in the aggregate principal amount of all Certificates for such maturity, registered in the name of Cede & Co., as nominee of DTC.

Section 3.05. Ownership.

(a) The City, the Paying Agent/Registrar and any other person may treat the person in whose name any Certificate is registered as the absolute owner of such Certificate for the purpose of making and receiving payment of the principal thereof, for the further purpose of making and receiving payment of the interest thereon, and for all other purposes (except interest will be paid to the person in whose name such certificate is registered on the Record Date or Special Record Date, as applicable), whether or not such Certificate is overdue, and neither the City nor the Paying Agent/Registrar shall be bound by any notice or knowledge to the contrary.

(b) All payments made to the Owner of a Certificate shall be valid and effectual and shall discharge the liability of the City and the Paying Agent/Registrar upon such Certificate to the extent of the sums paid.

Section 3.06. Registration, Transfer and Exchange.

(a) So long as any Certificates remain outstanding, the City shall cause the Paying Agent/Registrar to keep at the Designated Payment/Transfer Office a register (the "Register") in which, subject to such reasonable regulations as it may prescribe, the Paying Agent/Registrar shall provide for the registration and transfer of Certificates in accordance with this Ordinance.

(b) The ownership of a Certificate may be transferred only upon the presentation and surrender of the Certificate at the Designated Payment/Transfer Office with such endorsement or other evidence of transfer as is acceptable to the Paying Agent/Registrar. No transfer of any Certificate shall be effective until entered in the Register.

(c) The Certificates shall be exchangeable upon the presentation and surrender thereof at the Designated Payment/Transfer Office for a Certificate or Certificates of the same maturity and interest rate and in any denomination or denominations of any integral multiple of \$5,000 and in an aggregate principal amount equal to the unpaid principal amount of the Certificates presented for exchange. The Paying Agent/Registrar is hereby authorized to authenticate and deliver Certificates exchanged for other Certificates in accordance with this Section.

(d) Each exchange Certificate delivered by the Paying Agent/Registrar in accordance with this Section shall constitute an original contractual obligation of the City and shall be entitled to the benefits and security of this Ordinance to the same extent as the Certificate or Certificates in lieu of which such exchange Certificate is delivered.

(e) No service charge shall be made to the Owner for the initial registration, subsequent transfer, or exchange for a different denomination of any of the Certificates. The Paying Agent/Registrar, however, may require the Owner to pay a sum sufficient to cover any tax or other governmental charge that is authorized to be imposed in connection with the registration, transfer, or exchange of a Certificate.

(f) Neither the City nor the Paying Agent/Registrar shall be required to issue, transfer, or exchange any Certificate called for redemption, in whole or in part, within 45 calendar days prior to the date fixed for redemption; provided, however, such limitation shall not be applicable to an exchange by the Owner of the uncalled principal balance of a Certificate.

Section 3.07. Cancellation.

All Certificates paid or redeemed before scheduled maturity in accordance with this Ordinance, and all Certificates in lieu of which exchange Certificates or replacement Certificates are authenticated and delivered in accordance with this Ordinance, shall be cancelled and proper records shall be made regarding such payment, redemption, exchange or replacement. The Paying Agent/Registrar shall dispose of cancelled Certificates in accordance with the Securities Exchange Act of 1934.

Section 3.08. Replacement Certificates.

(a) Upon the presentation and surrender to the Paying Agent/Registrar of a mutilated Certificate, the Paying Agent/Registrar shall authenticate and deliver in exchange therefor a replacement Certificate of like tenor and principal amount, bearing a number not contemporaneously outstanding. The City or the Paying Agent/Registrar may require the Owner of such Certificate to pay a sum sufficient to cover any tax or other governmental charge that is authorized to be imposed in connection therewith and any other expenses connected therewith.

(b) In the event that any Certificate is lost, apparently destroyed or wrongfully taken, the Paying Agent/Registrar, pursuant to the applicable laws of the State of Texas and in the absence of notice or knowledge that such Certificate has been acquired by a bona fide purchaser, shall authenticate and deliver a replacement Certificate of like tenor and principal amount, bearing a number not contemporaneously outstanding, provided that the Owner first:

(i) furnishes to the Paying Agent/Registrar satisfactory evidence of his or her ownership of and the circumstances of the loss, destruction or theft of such Certificate;

(ii) furnishes such security or indemnity as may be required by the Paying Agent/Registrar to save it and the City harmless;

(iii) pays all expenses and charges in connection therewith, including, but not limited to, printing costs, legal fees, fees of the Paying Agent/Registrar and any tax or other governmental charge that is authorized to be imposed; and

(iv) satisfies any other reasonable requirements imposed by the City and the Paying Agent/Registrar.

(c) If, after the delivery of such replacement Certificate, a bona fide purchaser of the original Certificate in lieu of which such replacement Certificate was issued presents for payment such original Certificate, the City and the Paying Agent/Registrar shall be entitled to recover such replacement Certificate from the person to whom it was delivered or any person taking therefrom, except a bona fide purchaser, and shall be entitled to recover upon the security or indemnity provided therefor to the extent of any loss, damage, cost or expense incurred by the City or the Paying Agent/Registrar in connection therewith.

(d) In the event that any such mutilated, lost, apparently destroyed or wrongfully taken Certificate has become or is about to become due and payable, the Paying Agent/Registrar, in its discretion, instead of issuing a replacement Certificate, may pay such Certificate if it has become due and payable or may pay such Certificate when it becomes due and payable.

(e) Each replacement Certificate delivered in accordance with this Section shall constitute an original additional contractual obligation of the City and shall be entitled to the benefits and security of this Ordinance to the same extent as the Certificate or Certificates in lieu of which such replacement Certificate is delivered.

Section 3.09. Book-Entry Only System.

(a) The definitive Certificates shall be initially issued in the form of a separate single fully registered Certificate for each maturity. Upon initial issuance, the ownership of each such Certificate shall be registered in the name of Cede & Co., as nominee of DTC, and except as provided in Section 3.10 hereof, all of the outstanding Certificates shall be registered in the name of Cede & Co., as nominee of DTC.

(b) With respect to Certificates registered in the name of Cede & Co., as nominee of DTC, the City and the Paying Agent/Registrar shall have no responsibility or obligation to any DTC Participant or to any person on behalf of whom such a DTC Participant holds an interest in the Certificates, except as provided in this Ordinance. Without limiting the immediately preceding sentence, the City and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Certificates, (ii) the delivery to any DTC Participant or any other person, other than an Owner, as shown on the Register, of any notice with respect to the Certificates, including any notice of redemption, or (iii) the payment to any DTC Participant or any other person, other than an Owner, as shown in the Register of any

amount with respect to principal of, premium, if any, or interest on the Certificates. Notwithstanding any other provision of this Ordinance to the contrary, the City and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Certificate is registered in the Register as the absolute Owner of such Certificate for the purpose of payment of principal of, premium, if any, and interest on the Certificates, for the purpose of giving notices of redemption and other matters with respect to such Certificate, for the purpose of registering transfer with respect to such Certificate, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of, premium, if any, and interest on the Certificates only to or upon the order of the respective Owners, as shown in the Register as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payment of principal of, premium, if any, and interest on the Certificates to the extent of the sum or sums so paid. No person other than an Owner, as shown in the Register, shall receive a certificate evidencing the obligation of the City to make payments of amounts due pursuant to this Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks or drafts being mailed to the registered Owner at the close of business on the Record Date, the word "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

(c) The Representation Letter previously executed and delivered by the City, and applicable to the City's obligations delivered in book entry only form to DTC as securities depository, is hereby ratified and approved for the Certificates.

Section 3.10. Successor Securities Depository; Transfer Outside Book-Entry-Only System.

In the event that the City determines that it is in the best interest of the City and the beneficial owners of the Certificates that they be able to obtain certificated Certificates, or in the event DTC discontinues the services described herein, the City shall (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Certificates to such successor securities depository; or (ii) notify DTC and DTC Participants of the availability through DTC of certificated Certificates and cause the Paying Agent/Registrar to transfer one or more separate registered Certificates to DTC Participants having Certificates credited to their DTC accounts. In such event, the Certificates shall no longer be restricted to being registered in the Register in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Owners transferring or exchanging Certificates shall designate, in accordance with the provisions of this Ordinance.

Section 3.11. Payments to Cede & Co.

Notwithstanding any other provision of this Ordinance to the contrary, so long as the Certificates are registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on such Certificates, and all notices with respect to such Certificates shall be made and given, respectively, in the manner provided in the Representation Letter of the City to DTC.

Section 3.12. Successor Securities Depository; Transfer Outside Book-Entry Only System.

In the event that the City or the Paying Agent/Registrar determines that DTC is incapable of discharging its responsibilities described herein and in the representation letter of the City to DTC, and that it is in the best interest of the beneficial owners of the Certificates that they be able to obtain certificated Certificates, or in the event DTC discontinues the services described herein, the City or the Paying Agent/Registrar shall (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Certificates to such successor securities depository or (ii) notify DTC and DTC Participants of the availability through DTC of Certificates and transfer one or more separate Certificates to DTC Participants having Certificates credited to their DTC accounts. In such event, the Certificates shall no longer be restricted to being registered in the Register in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Owners transferring or exchanging Certificates shall designate, in accordance with the provisions of this Ordinance.

Section 3.13. Payments to Cede & Co.

Notwithstanding any other provision of this Ordinance to the contrary, so long as any Certificates are registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on such Certificates, and all notices with respect to such Certificates, shall be made and given, respectively, in the manner provided in the representation letter of the City to DTC.

ARTICLE IV.

REDEMPTION OF CERTIFICATES BEFORE MATURITY

Section 4.01. Redemption Before Maturity.

The Certificates shall be subject to redemption before their scheduled maturity only as provided in this Article IV.

Section 4.02. Optional Redemption.

(a) The Certificates maturing on or after June 15, 2028 are subject to redemption at the option of the City on June 15, 2027 or on any date thereafter, in whole or in part, at a redemption price of par plus accrued interest to the date of redemption.

(b) The City, at least 45 days before the redemption date, unless a shorter period shall be satisfactory to the Paying Agent/Registrar, shall notify the Paying Agent/Registrar of such redemption date and of the principal amount of Certificates to be redeemed.

Section 4.03. Mandatory Sinking Fund Redemption.

(a) The Certificates designated as "Term Certificates" in the Pricing Certificate ("Term Certificates"), if any, are subject to scheduled mandatory redemption and will be redeemed by the City, in part, at a price equal to the principal amount thereof, without premium,

plus accrued interest to the redemption date, out of moneys available for such purpose in the Interest and Sinking Fund, on the dates and in the respective principal amounts as set forth in the Pricing Certificate.

(b) Prior to each scheduled mandatory redemption date, the Paying Agent/Registrar shall select for redemption by lot, or by any other customary method that results in a random selection, a principal amount of Term Certificates equal to the aggregate principal amount of such Term Certificates to be redeemed, shall call such Term Certificates for redemption on such scheduled mandatory redemption date, and shall give notice of such redemption, as provided in Section 3.05.

(c) The principal amount of the Term Certificates required to be redeemed on any redemption date pursuant to Section 4.03(a) shall be reduced, at the option of the City, by the principal amount of any Term Certificates which, at least 45 days prior to the mandatory sinking fund redemption date shall have been acquired by the City at a price not exceeding the principal amount of such Term Certificates plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, or shall have been redeemed pursuant to the optional redemption provisions hereof and not previously credited to a mandatory sinking fund redemption.

Section 4.04. Partial Redemption.

(a) If less than all of the Certificates are to be redeemed pursuant to Section 4.02, the City shall determine the maturity or maturities and the amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot the Certificates, or portions thereof, within such maturity or maturities and in such principal amounts for redemption at the close of business on the Business Day next preceding the date of mailing such notice.

(b) A portion of a single Certificate of a denomination greater than \$5,000 may be redeemed, but only in a principal amount equal to \$5,000 or any integral multiple thereof. If such a Certificate is to be partially redeemed, the Paying Agent/Registrar shall treat each \$5,000 portion of a Certificate as though it were a single certificate for purposes of selection for redemption.

(c) Upon surrender of any Certificate for redemption in part, the Paying Agent/Registrar, in accordance with Section 3.06 of this Ordinance, shall authenticate and deliver an exchange Certificate or Certificates in an aggregate principal amount equal to the unredeemed portion of the Certificate so surrendered, such exchange being without charge, notwithstanding any provision of Section 3.06 to the contrary.

Section 4.05. Notice of Redemption to Owners.

(a) The Paying Agent/Registrar shall give notice of any redemption of Certificates by sending notice by United States mail, first class, postage prepaid, not less than 30 days before the date fixed for redemption, to the Owner of each Certificate (or part thereof) to be redeemed, at the address shown in the Register at the close of business on the Business Day next preceding the date of mailing such notice.

(b) The notice shall state the redemption date, the redemption price, the place at which the Certificates are to be surrendered for payment, and, if less than all the Certificates

outstanding are to be redeemed, an identification of the Certificates or portions thereof to be redeemed.

(c) The City reserves the right to give notice of its election or direction to redeem Certificates under Section 4.02 conditioned upon the occurrence of subsequent events. Such notice may state (i) that the redemption is conditioned upon the deposit of moneys and/or authorized securities, in an amount equal to the amount necessary to effect the redemption, with the Paying Agent/Registrar, or such other entity as may be authorized by law, no later than the redemption date or (ii) that the City retains the right to rescind such notice at any time on or prior to the scheduled redemption date if the City delivers a certificate of the City to the Paying Agent/Registrar instructing the Paying Agent/Registrar to rescind the redemption notice, and such notice and redemption shall be of no effect if such moneys and/or authorized securities are not so deposited or if the notice is rescinded. The Paying Agent/Registrar shall give prompt notice of any such rescission of a conditional notice of redemption to the affected Owners. Any Certificates subject to conditional redemption where redemption has been rescinded shall remain Outstanding, and the rescission of such redemption shall not constitute an event of default. Further, in the case of a conditional redemption, the failure of the City to make moneys and/or authorized securities available in part or in whole on or before the redemption date shall not constitute an event of default.

(d) Any notice given as provided in this Section shall be conclusively presumed to have been duly given, whether or not the Owner receives such notice.

Section 4.06. Payment Upon Redemption.

(a) Before or on each redemption date, the City shall deposit with the Paying Agent/Registrar money sufficient to pay all amounts due on the redemption date and the Paying Agent/Registrar shall make provision for the payment of the Certificates to be redeemed on such date by setting aside and holding in trust an amount from the Interest and Sinking Fund or otherwise received by the Paying Agent/Registrar from the City and shall use such funds solely for the purpose of paying the principal of, and accrued interest on the Certificates being redeemed.

(b) Upon presentation and surrender of any Certificate called for redemption at the Designated Payment/Transfer Office on or after the date fixed for redemption, the Paying Agent/Registrar shall pay the principal of, redemption premium, if any, and accrued interest on such Certificate to the date of redemption from the money set aside for such purpose.

Section 4.07. Effect of Redemption.

(a) Notice of redemption having been given as provided in Section 4.05 of this Ordinance and, subject, in the case of an optional redemption under Section 4.02, to any conditions or rights reserved by the City under Section 4.05(c), the Certificates or portions thereof called for redemption shall become due and payable on the date fixed for redemption and, unless the City fails to make provision for the payment of the principal thereof, or accrued interest thereon, such Certificates or portions thereof shall cease to bear interest from and after the date fixed for redemption, whether or not such Certificates are presented and surrendered for payment on such date.

(b) If the City shall fail to make provision for payment of all sums due on a redemption date, then any Certificate or portion thereof called for redemption shall continue to bear interest at the rate stated on the Certificate until due provision is made for the payment of same.

ARTICLE V.

PAYING AGENT/REGISTRAR

Section 5.01. Appointment of Initial Paying Agent/Registrar.

The Bank of New York Mellon Trust Company, N.A. is hereby appointed the initial Paying Agent/Registrar for the Certificates.

The Paying Agent/Registrar Agreement submitted to this City Council, the form of which is attached hereto as **Exhibit A**, is hereby approved. The Mayor is hereby authorized to amend, complete or modify such agreement as necessary and is further authorized to execute such agreement and the City Secretary is hereby authorized to attest such agreement.

Section 5.02. Qualifications.

Each Paying Agent/Registrar shall be a commercial bank, a trust company organized under the laws of the State of Texas, or any other entity duly qualified and legally authorized to serve as and perform the duties and services of paying agent and registrar for the Certificates.

Section 5.03. Maintaining Paying Agent/Registrar.

(a) At all times while any of the Certificates are outstanding, the City will maintain a Paying Agent/Registrar that is qualified under Section 5.02 of this Ordinance. The Mayor is hereby authorized and directed to execute an agreement with the Paying Agent/Registrar specifying the duties and responsibilities of the City and the Paying Agent/Registrar. The signature of the Mayor shall be attested by the City Secretary of the City.

(b) If the Paying Agent/Registrar resigns or otherwise ceases to serve as such, the City will promptly appoint a replacement, provided, that no such resignation shall be effective until a successor Paying Agent/Registrar has been appointed and has accepted the duties of Paying Agent/Registrar for the Certificates.

Section 5.04. Termination.

The City, upon not less than sixty (60) days notice, reserves the right to terminate the appointment of any Paying Agent/Registrar by delivering to the entity whose appointment is to be terminated written notice of such termination, provided, that no such termination shall be effective until a successor Paying Agent/Registrar has been appointed and has accepted the duties of Paying Agent/Registrar for the Certificates.

Section 5.05. Notice of Change to Owners.

Promptly upon each change in the entity serving as Paying Agent/Registrar, the City will cause notice of the change to be sent to each Owner by United States mail, first class, postage prepaid, at the address thereof in the Register, stating the effective date of the change and the

name and mailing address of the replacement Paying Agent/Registrar.

Section 5.06. Agreement to Perform Duties and Functions.

By accepting the appointment as Paying Agent/Registrar and executing the Paying Agent/Registrar Agreement, the Paying Agent/Registrar is deemed to have agreed to the provisions of this Ordinance and that it will perform the duties and functions of Paying Agent/Registrar prescribed thereby.

Section 5.07. Delivery of Records to Successor.

If a Paying Agent/Registrar is replaced, such Paying Agent/Registrar, promptly upon the appointment of the successor, will deliver the Register (or a copy thereof) and all other pertinent books and records relating to the Certificates to the successor Paying Agent/Registrar.

ARTICLE VI.

FORM OF THE CERTIFICATES

Section 6.01. Form Generally.

(a) The Certificates, including the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the Certificate of the Paying Agent/Registrar, and the Assignment form to appear on each of the Certificates, (i) shall be substantially in the form set forth below, with such appropriate insertions, omissions, substitutions, and other variations as may be necessary or desirable and not prohibited by this Ordinance and the Pricing Certificate, and (ii) may have such letters, numbers, or other marks of identification (including identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including any reproduction of an opinion of counsel) thereon as, consistently herewith, may be determined by the Authorized Officer or by the officers executing such Certificates, as evidenced by their execution thereof.

(b) Any portion of the text of any Certificates may be set forth on the reverse side thereof, with an appropriate reference thereto on the face of the Certificates.

(c) The definitive Certificates, if any, shall be typewritten, photocopied, printed, lithographed, or engraved, and may be produced by any combination of these methods or produced in any other similar manner, all as determined by the officers executing such Certificates, as evidenced by their execution thereof.

(d) The Initial Certificate submitted to the Attorney General of the State of Texas may be typewritten and photocopied or otherwise reproduced.

Section 6.02. Form of the Certificates.

The form of the Certificates, including the form of the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the form of Certificate of the Paying Agent/Registrar and the form of Assignment appearing on the Certificates, shall be substantially as follows:

(a) Form of Certificates.

REGISTERED

REGISTERED

No. _____

\$ _____

United States of America
State of Texas

CITY OF MISSOURI CITY, TEXAS
COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION
SERIES 2018A

INTEREST RATE:

MATURITY DATE:

CLOSING DATE:

CUSIP NUMBER:

_____%

June 15, ____

December __, 2018

The City of Missouri City, Texas (the "City"), in Fort Bend and Harris Counties, State of Texas, for value received, hereby promises to pay to

or registered assigns, on the Maturity Date specified above, the sum of

unless this Certificate shall have been sooner called for redemption and the payment of the principal hereof shall have been paid or provided for, and to pay interest on such principal amount from the later of Closing Date or the most recent interest payment date to which interest has been paid or provided for until payment of such principal amount has been paid or provided for, at the per annum rate of interest specified above, computed on the basis of a 360-day year of twelve 30-day months, such interest to be paid semiannually on June 15 and December 15 of each year, commencing June 15, 2019.

The principal of this Certificate shall be payable without exchange or collection charges in lawful money of the United States of America upon presentation and surrender of this Certificate at the corporate trust office in Dallas, Texas (the "Designated Payment/Transfer Office"), of The Bank of New York Mellon Trust Company, N.A., as Paying Agent/Registrar, or, with respect to a successor paying agent/registrar, at the Designated Payment/Transfer Office of such successor. Interest on this Certificate is payable by check dated as of the interest payment date, and will be mailed on or before such interest payment date, by United States mail, first class, postage prepaid, by the Paying Agent/Registrar to the registered owner at the address shown on the registration books kept by the Paying Agent/Registrar, or by such other customary banking arrangements acceptable to the Paying Agent/Registrar and the person to whom interest is to be paid; provided, however, that such person shall bear all risk and expense of such other customary banking arrangements. For the purpose of the payment of interest on this Certificate, the registered owner shall be the person in whose name this Certificate is

registered at the close of business on the "Record Date," which shall be the last business day of the month preceding such interest payment date; provided, however, that in the event of nonpayment of interest on a scheduled interest payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date," which date shall be fifteen (15) days after the Special Record Date) shall be sent at least five (5) Business Days (as hereinafter defined) prior to the Special Record Date by United States mail, first class, postage prepaid, to the address of each registered owner of a Certificate appearing on the books of the Paying Agent/Registrar at the close of business on the last Business Day next preceding the date of mailing of such notice.

If the date for the payment of the principal of or interest on this Certificate is not a Business Day, the date for such payment shall be the next succeeding day which is not a Saturday, Sunday or legal holiday, or day on which banking institutions in the State of Texas or the city in which the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are generally authorized or obligated by law or executive order to close (a "Business Day"), and payment on such date shall for all purposes be deemed to have been made on the original date payment was due.

This Certificate is dated _____, 2018 and is one of a series of fully registered Certificates specified in the title hereof issued in the aggregate principal amount of \$_____¹ (herein referred to as the "Certificates"), issued pursuant to a certain ordinance of the City (the "Certificate Ordinance") and the pricing certificate executed pursuant to the Certificate Ordinance (together with the Certificate Ordinance, the "Ordinance") for the purpose of providing funds for certain projects approved by the City and to pay the costs of issuing the Certificates.

The Certificates maturing on and after June 15, 2028 are subject to redemption at the option of the City on June 15, 2027 or on any date thereafter at a price of par plus interest accrued to the date of redemption. If less than all of the Certificates are to be redeemed pursuant to an optional redemption, the City shall determine the maturity or maturities and the amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot the Certificates, or portions thereof, within such maturity or maturities and in such principal amounts, for redemption.

[Certificates maturing on June 15, 20__ (the "Term Certificates") are subject to mandatory sinking fund redemption prior to their scheduled maturity, and will be redeemed by the City, in part at a redemption price equal to the principal amount thereof, without premium, plus interest accrued to the redemption date, on the dates and in the principal amounts shown in the following schedule:

¹ Insert from Pricing Certificate.

\$ Term Certificates Maturing June 15, 20

<u>Mandatory Redemption Date</u>	<u>Principal Amount</u>
_____ (maturity)	\$ _____
	\$ _____

The Paying Agent/Registrar will select by lot or by any other customary method that results in a random selection the specific Term Certificates (or with respect to Term Certificates having a denomination in excess of \$5,000, each \$5,000 portion thereof) to be redeemed by mandatory redemption. The principal amount of Term Certificates required to be redeemed on any redemption date pursuant to the foregoing mandatory sinking fund redemption provisions hereof shall be reduced, at the option of the City, by the principal amount of any Term Certificates which, at least 45 days prior to the mandatory sinking fund redemption date (i) shall have been acquired by the City at a price not exceeding the principal amount of such Term Certificates plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, or (ii) shall have been redeemed pursuant to the optional redemption provisions hereof and not previously credited to a mandatory sinking fund redemption.]²

Notice of such redemption or redemptions shall be given by United States mail, first class, postage prepaid, not less than 30 days before the date fixed for redemption, to the registered owner of each of the Certificates to be redeemed in whole or in part. In the Ordinance, the City reserves the right in the case of an optional redemption to give notice of its election or direction to redeem Certificates conditioned upon the occurrence of subsequent events. Such notice may state (i) that the redemption is conditioned upon the deposit of moneys and/or authorized securities, in an amount equal to the amount necessary to effect the redemption, with the Paying Agent/Registrar, or such other entity as may be authorized by law, no later than the redemption date or (ii) that the City retains the right to rescind such notice at any time prior to the scheduled redemption date if the City delivers a certificate of the City to the Paying Agent/Registrar instructing the Paying Agent/Registrar to rescind the redemption notice, and such notice and redemption shall be of no effect if such moneys and/or authorized securities are not so deposited or if the notice is rescinded. The Paying Agent/Registrar shall give prompt notice of any such rescission of a conditional notice of redemption to the affected Owners. Any Certificates subject to conditional redemption where redemption has been rescinded shall remain Outstanding, and the rescission of such redemption shall not constitute an event of default. Further, in the case of a conditional redemption, the failure of the City to make moneys and/or authorized securities available in part or in whole on or before the redemption date shall not constitute an event of default.

Any notice so mailed shall be conclusively presumed to have been duly given, whether or not the registered owner receives such notice. Notice having been so given and subject, in the case of an optional redemption, to any rights or conditions reserved by the City in the notice, the Certificates called for redemption shall become due and payable on the specified redemption date, and notwithstanding that any Certificate or portion thereof has not been surrendered for payment, interest on such Certificate or portion thereof shall cease to accrue.

As provided in the Ordinance, and subject to certain limitations therein set forth, this

² Delete if Term Certificates are not issued.

Certificate is transferable upon surrender of this Certificate for transfer at the Designated Payment/Transfer Office of the Paying Agent/Registrar with such endorsement or other evidence of transfer as is acceptable to the Paying Agent/Registrar; thereupon, one or more new fully registered Certificates of the same stated maturity, of authorized denominations, bearing the same rate of interest, and for the same aggregate principal amount will be issued to the designated transferee or transferees.

Neither the City nor the Paying Agent/Registrar shall be required to issue, transfer or exchange any Certificate called for redemption, in whole or in part, within 45 calendar days prior to the date fixed for redemption; provided, however, such limitation shall not be applicable to an exchange by the owner of the uncalled principal balance of a Certificate.

The City, the Paying Agent/Registrar, and any other person may treat the person in whose name this Certificate is registered as the owner hereof for the purpose of receiving payment as herein provided (except interest shall be paid to the person in whose name this Certificate is registered on the Record Date or Special Record Date, as applicable) and for all other purposes, whether or not this Certificate be overdue, and neither the City nor the Paying Agent/Registrar shall be affected by notice to the contrary.

IT IS HEREBY CERTIFIED AND RECITED that the issuance of this Certificate and the series of which it is a part is duly authorized by law; that all acts, conditions, and things required to be done precedent to and in the issuance of the Certificates have been properly done and performed and have happened in regular and due time, form, and manner as required by law; and that ad valorem taxes upon all taxable property in the City have been levied for and pledged to the payment of the debt service requirements of the Certificates within the limit prescribed by law; that, in addition to said taxes, further provisions have been made for the payment of the debt service requirements of the Certificates by pledging to such purpose Surplus Revenues, as defined in the Ordinance, derived by the City from the operation of its combined waterworks and sewer system in an amount limited to \$10,000; that when so collected, such taxes and Surplus Revenues shall be appropriated to such purposes; and that the total indebtedness of the City, including the Certificates, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the City has caused this Certificate to be executed by the manual or facsimile signature of the Mayor of the City and countersigned by the manual or facsimile signature of the City Secretary of the City, and the official seal of the City has been duly impressed or placed in facsimile on this Certificate.

City Secretary
City of Missouri City, Texas

Mayor
City of Missouri City, Texas

[SEAL]

(b) Form of Comptroller's Registration Certificate.

The following Comptroller's Registration Certificate may be deleted from the definitive Certificates if such certificate on the Initial Certificate is fully executed.

OFFICE OF THE COMPTROLLER §
OF PUBLIC ACCOUNTS § REGISTER NO. _____
OF THE STATE OF TEXAS §

I hereby certify that there is on file and of record in my office a certificate of the Attorney General of the State of Texas to the effect that this Certificate has been examined by him as required by law, that he finds that it has been issued in conformity with the Constitution and laws of the State of Texas, and that it is a valid and binding obligation of the City of Missouri City, Texas, and that this Certificate has this day been registered by me.

Witness my hand and seal of office at Austin, Texas, _____.

Comptroller of Public Accounts
of the State of Texas

[SEAL]

(c) Form of Certificate of Paying Agent/Registrar.

The following Certificate of Paying Agent/Registrar may be deleted from the Initial Certificate if the executed Comptroller's Registration Certificate appears thereon.

CERTIFICATE OF PAYING AGENT/REGISTRAR

The records of the Paying Agent/Registrar show that the Initial Certificate of this series of Certificates was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas, and that this is one of the Certificates referred to in the within-mentioned Ordinance.

The Bank of New York Mellon Trust Company,
N.A., as Paying Agent/Registrar

Dated: _____

By: _____
Authorized Signatory

(d) Form of Assignment.

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns, and transfers unto (print or typewrite name, address and Zip Code of transferee):

(Social Security or other identifying number: _____) the within Certificate and all rights hereunder and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Certificate on the books kept for registration hereof, with full power of substitution in the premises.

Dated: _____

NOTICE: The signature on this Assignment must correspond with the name of the registered owner as it appears on the face of the within Certificate in every particular and must be guaranteed in a manner acceptable to the Paying Agent/Registrar.

Signature Guaranteed:

Authorized Signatory

(e) The Initial Certificate shall be in the form set forth in paragraphs (a), (b) and (d) of this Section, except for the following alterations:

(i) immediately under the name of the Certificate, the headings "INTEREST RATE" and "MATURITY DATE" shall both be completed with the words "As shown below" and the words "CUSIP NUMBER" deleted; and

(ii) in the first paragraph of the Certificate, the words "on the Maturity Date specified above," shall be deleted and the following will be inserted: "on June 15 in each of the years, in the principal installments and bearing interest at the per annum rates in accordance with the following schedule:

<u>Years</u>	<u>Principal Installment</u>	<u>Interest Rate</u>
--------------	----------------------------------	--------------------------

(Information to be inserted from the Officer's Pricing Certificate)

Section 6.03. CUSIP Registration.

The City may secure identification numbers through the CUSIP Global Services, which is managed on behalf of the American Bankers Association by S&P Global Market Intelligence, or another entity that provides securities identification numbers for municipal securities, and may print such numbers on the face of the Certificates. It is expressly provided, however, that the presence or absence of CUSIP numbers on the Certificates or any errors or omissions in the

printing of such number shall be of no significance or effect in regard to the legality thereof and neither the City nor Bond Counsel to the City are to be held responsible for CUSIP numbers incorrectly printed on the Certificates.

Section 6.04. Legal Opinion.

The approving legal opinion of Bond Counsel may be printed on the reverse side of or attached to each Certificate over the certification of the City Secretary of the City, which may be executed in facsimile.

Section 6.05. Statement of Insurance.

A statement relating to a municipal bond insurance policy, if any, to be issued for the Certificates may be printed on or attached to each Certificate.

ARTICLE VII.

**DELEGATION OF AUTHORITY,
SALE AND DELIVERY OF CERTIFICATE, DEPOSIT OF PROCEEDS**

Section 7.01. Sale of Certificates; Deposit of Proceeds.

(a) The Certificates shall be sold to the Underwriter in accordance with the terms of this Ordinance. As authorized by Chapter 1371, Texas Government Code, as amended, the Authorized Officer is authorized to act on behalf of the City from time to time in selling and delivering the Certificates and in carrying out the other procedures specified in this Ordinance, the price at which each of the Certificates will be sold, the number and designation of each series or subseries of Certificates to be issued, the form in which the Certificates shall be issued, the years and dates on which the Certificates will mature, the principal amount to mature in each of such years, the rate of interest to be borne by each maturity of the Certificates, the dates, prices and terms upon and at which the Certificates shall be subject to redemption prior to maturity at the option of the City and shall be subject to mandatory sinking fund redemption, and all other matters relating to the issuance, sale and delivery of the Certificates, all of which shall be specified in the Pricing Certificate; provided that the following conditions can be satisfied:

(i) the price to be paid for the Certificates shall not be less than 90% of the aggregate original principal amount of the Certificates plus accrued interest thereon from their date to their delivery;

(ii) the true interest cost for the Certificates shall not be a rate greater than 5.00%;

(iii) the aggregate principal amount of the Certificates authorized to be issued for the purposes described in Section 3.01 shall not exceed the maximum par amount described in Section 3.01; and

(iv) no Certificate shall mature more than forty (40) years from the date of delivery thereof.

(b) The Authorized Officer is authorized to, in conformity with this Ordinance, approve the terms, conditions and specifications for the sale of the Certificates in the Pricing Certificate. The Authorized Officer is further authorized to enter into the Purchase Agreement with the Underwriters conforming to the specification set forth in herein. All officers, agents and representatives of the City are hereby authorized to do any and all things necessary or desirable to satisfy the conditions set out therein and to provide for the issuance and delivery of the Certificates. The Initial Bond shall initially be registered in the name of the Senior Underwriter, as applicable, or such other entity as may be specified in the Pricing Certificate.

(c) The authority granted to the Authorized Officer under Sections 7.01(a) and 7.01(c) shall expire on a date one year from the date of this Ordinance, unless otherwise extended by the City by separate action.

(d) The Authorized Officer and all other officers of the City are authorized to take such actions, to obtain such consents or approvals and to execute such documents, agreements, certificates and receipts as they may deem necessary and appropriate in order to consummate the delivery of the Certificates, pay the costs of issuance of the Certificates, and effectuate the terms and provisions of this Ordinance.

Section 7.02. Control and Delivery of Certificates.

(a) The Mayor is hereby authorized to have control of the Initial Certificate and all necessary records and proceedings pertaining thereto pending investigation, examination, and approval of the Attorney General of the State of Texas, registration by the Comptroller and registration with, and initial exchange or transfer by, the Paying Agent/Registrar.

(b) After registration by the Comptroller, delivery of the Certificates shall be made to the Senior Underwriter under and subject to the general supervision and direction of the Mayor, against receipt by the City of all amounts due to the City under the terms of sale.

(c) All officers of the City are authorized to execute such documents, certificates and receipts and to make such elections with respect to the tax-exempt status of the Certificates, as they may deem necessary to consummate the delivery of the Certificates.

Section 7.03. Deposit of Proceeds.

Proceeds from the sale of the Certificates, together with other funds of the City, if any, shall, promptly upon receipt by the City, be applied as set out in the Pricing Certificate.

Section 7.04. Official Statement.

The form and substance of the Preliminary Official Statement and any addenda, supplement or amendment thereto, is hereby ratified and approved, and is confirmed as deemed final within the meaning and for the purposes of paragraph (b)(1) of Rule 15c2-12 under the Securities Exchange Act of 1934. The City hereby authorizes the preparation of a final Official Statement to add certain financial terms and other relevant information. The use of such final Official Statement in the reoffering of the Certificates by the Underwriter is hereby approved and authorized. The proper officials of the City are authorized to execute and deliver a certificate pertaining to such Official Statement as prescribed therein, dated as of the date of payment for and delivery of the Certificates.

ARTICLE VIII.

INVESTMENTS

Section 8.01. Investments.

(a) Money in the Interest and Sinking Fund created by this Ordinance and any of the funds to be deposited pursuant to Section 7.03(b) hereof, at the option of the City, may be invested in such securities or obligations as permitted under applicable law as in effect on the date of the investment.

(b) Any securities or obligations in which such money is so invested shall be kept and held in trust for the benefit of the Owners and shall be sold and the proceeds of sale shall be timely applied to the making of all payments required to be made from the fund from which the investment was made.

Section 8.02. Investment Income.

(a) Interest and income derived from investment of the Interest and Sinking Fund shall be credited to such fund.

(b) Interest and income derived from investment of the funds to be deposited pursuant to Section 7.03(b) hereof shall be credited to the account where deposited until the acquisition or construction of the Projects is completed and thereafter, to the extent such interest and income are present, such interest and income shall be deposited to the Interest and Sinking Fund.

Section 8.03. Engagement of Professionals.

The City Council hereby confirms the prior engagement of (1) Bracewell LLP, as Bond Counsel to the City and (2) First Southwest, a division of Hilltop Securities Inc., as Financial Advisor to the City, in connection with the issuance and sale of the Certificates, and (3) the engagement of the RBC Capital Markets, LLC (the "Senior Underwriter") and Loop Capital Markets, LLC, as underwriters, in connection with the issuance and sale of the Certificates.

ARTICLE IX.

PARTICULAR REPRESENTATIONS AND COVENANTS

Section 9.01. Payment of the Certificates.

On or before each Interest Payment Date or any redemption date for the Certificates and while any of the Certificates are outstanding and unpaid, there shall be made available to the Paying Agent/Registrar, out of the Interest and Sinking Fund, money sufficient to pay such interest on and principal of the Certificates as will accrue or mature on the applicable Interest Payment Date, maturity date or date of prior redemption. Such transfer of funds shall be made in such manner as will cause immediately available funds to be deposited with the Paying Agent/Registrar not later than the close of business on the Business Day next preceding the date of payment for the Certificates.

Section 9.02. Other Representations and Covenants.

(a) The City will faithfully perform, at all times, any and all covenants, undertakings, stipulations, and provisions contained in this Ordinance and in each Certificate; the City will promptly pay or cause to be paid the principal of and interest on each Certificate on the dates and at the places and manner prescribed in such Certificate; and the City will, at the times and in the manner prescribed by this Ordinance, deposit or cause to be deposited the amounts of money specified by this Ordinance.

(b) The City is duly authorized under the laws of the State of Texas to issue the Certificates; all action on its part for the creation and issuance of the Certificates has been duly and effectively taken; and the Certificates in the hands of the Owners thereof are and will be valid and enforceable obligations of the City in accordance with their terms.

ARTICLE X.

PROVISIONS CONCERNING FEDERAL INCOME TAX EXCLUSION

Section 10.01. Provisions Concerning Federal Income Tax.

(a) General. The City intends that the interest on the Certificates be excludable from gross income for federal income tax purposes pursuant to sections 103 and 141 through 150, inclusive, of the Code. The City covenants and agrees not to take any action, or knowingly omit to take any action within its control, that if taken or omitted, respectively, would (i) cause the interest on the Certificates to be includable in gross income, as defined in section 61 of the Code, for federal income tax purposes or (ii) result in the violation of or failure to satisfy any provision of section 103 and 141 through 150, inclusive, of the Code. In particular, the City covenants and agrees to comply with each requirement of this Article X; provided, however, that the City will not be required to comply with any particular requirement of this Article X if the City has received an opinion of nationally recognized bond counsel ("Counsel's Opinion") that (i) such noncompliance will not adversely affect the excludability of interest on the Certificates from gross income for federal income tax purposes or (ii) compliance with some other requirement will satisfy the applicable requirements of the Code, in which case compliance with such other requirement specified in such Counsel's Opinion will constitute compliance with the corresponding requirement specified in this Article X.

(b) No Private Use or Payment and No Private Loan Financing. The City covenants and agrees that it will make such use of the proceeds of the Certificates, including interest or other investment income derived from Certificate proceeds, regulate the use of property financed, directly or indirectly, with such proceeds, and take such other and further action as may be required so that the Certificates will not be "private activity bonds" within the meaning of section 141 of the Code. Moreover, the City will certify, through an authorized officer, employee or agent that, based upon all facts and estimates known or reasonably expected to be in existence on the date the Certificates are delivered, the proceeds of the Certificates will not be used in a manner that would cause the Certificates to be "private activity bonds" within the meaning of section 141 of the Code.

(c) No Federal Guarantee. The City covenants and agrees not to take any action, or knowingly omit to take any action within its control, that, if taken or omitted, respectively, would

cause the Certificates to be “federally guaranteed” within the meaning of section 149(b) of the Code, except as permitted by section 149(b)(3) of the Code.

(d) No Hedge Bonds. The City covenants and agrees not to take any action, or knowingly omit to take any action, within its control, that, if taken or omitted, respectively, would cause the Certificates to be “hedge bonds” within the meaning of section 149(g) of the Code.

(e) No Arbitrage. The City covenants and agrees that it will make such use of the proceeds of the Certificates, including interest or other investment income derived from Certificate proceeds, regulate investments of proceeds of the Certificates, and take such other and further action as may be required so that the Certificates will not be “arbitrage bonds” within the meaning of section 148(a) of the Code. Moreover, the City will certify, through an authorized officer, employee or agent that, based upon all facts and estimates known or reasonably expected to be in existence on the date the Certificates are delivered, the proceeds of the Certificates will not be used in a manner that would cause the Certificates to be “arbitrage bonds” within the meaning of section 148(a) of the Code.

(f) Arbitrage Rebate. If the City does not qualify for an exception to the requirements of section 148(f) of the Code relating to the required rebate to the United States, the City will take all steps necessary to comply with the requirement that certain amounts earned by the City on the investment of the “gross proceeds” of the Certificates (within the meaning of section 148(f)(6)(B) of the Code), be rebated to the federal government. Specifically, the City will (i) maintain records regarding the investment of the gross proceeds of the Certificates as may be required to calculate the amount earned on the investment of the gross proceeds of the Certificates separately from records of amounts on deposit in the funds and accounts of the City allocable to other bond issues of the City or moneys that do not represent gross proceeds of any bonds of the City, (ii) calculate at such times as are required by applicable Regulations, the amount earned from the investment of the gross proceeds of the Certificates that is required to be rebated to the federal government, and (iii) pay, not less often than every fifth anniversary date of the delivery of the Certificates or on such other dates as may be permitted under applicable Regulations, all amounts required to be rebated to the federal government. Further, the City will not indirectly pay any amount otherwise payable to the federal government pursuant to the foregoing requirements to any person other than the federal government by entering into any investment arrangement with respect to the gross proceeds of the Certificates that might result in a reduction in the amount required to be paid to the federal government because such arrangement results in a smaller profit or a larger loss than would have resulted if the arrangement had been at arm’s length and had the yield on the issue not been relevant to either party.

(g) Information Reporting. The City covenants and agrees to file or cause to be filed with the Secretary of the Treasury, not later than the 15th day of the second calendar month after the close of the calendar quarter in which the Certificates are issued, an information statement concerning the Certificates, all under and in accordance with section 149(e) of the Code.

(h) Record Retention. The City will retain all pertinent and material records relating to the use and expenditure of the proceeds of the Certificates until three years after the last Certificate is redeemed or paid at maturity, or such shorter period as authorized by subsequent guidance issued by the Department of the Treasury, if applicable. All records will be kept in a manner that ensures their complete access throughout the retention period. For this purpose, it

is acceptable that such records are kept either as hardcopy books and records or in an electronic storage and retrieval system, provided that such electronic system includes reasonable controls and quality assurance programs that assure the ability of the City to retrieve and reproduce such books and records in the event of an examination of the Certificates by the Internal Revenue Service.

(i) Registration. The Certificates will be issued in registered form.

(j) Deliberate Actions. The City will not take a deliberate action (as defined in section 1.141-2(d)(3) of the Regulations) that causes the Certificates to fail to meet any requirement of section 141 of the Code after the issue date of the Certificates unless an appropriate remedial action is permitted by section 1.141-12 of the Regulations, the City takes such remedial action, and the City receives a Counsel's Opinion that such remedial action cures any failure to meet the requirements of section 141 of the Code.

(k) Continuing Obligation. Notwithstanding any other provision of this Order, the City's obligations under the covenants and provisions of this Article X will survive the defeasance and discharge of the Certificates for as long as such matters are relevant to the excludability of interest on the Certificates from gross income for federal income tax purposes.

ARTICLE XI.

DISCHARGE

Section 11.01. Discharge.

The Certificates may be defeased, refunded or discharged in any manner permitted by applicable law.

ARTICLE XII.

CONTINUING DISCLOSURE UNDERTAKING

Section 12.01. Annual Reports. The City shall provide annually to the MSRB, within six (6) months after the end of each Fiscal Year, financial information and operating data with respect to the City of the general type included in the final Official Statement, being the information described in **Exhibit B** hereto. Any financial statements so to be provided shall be (i) prepared in accordance with the accounting principles described in **Exhibit B** hereto, and (ii) audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not complete within such period, then the City shall provide notice that audited financial statements are not available and shall provide unaudited financial statements for the applicable Fiscal Year to the MSRB. Thereafter, when and if audited financial statements become available, the City shall provide such audited financial statements as required to the MSRB.

(a) If the City changes its Fiscal Year, it will notify each the MSRB of the change (and of the date of the new Fiscal Year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

(b) The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document) that theretofore has been provided to the MSRB or filed with the SEC.

Section 12.02. Event Notices.

(a) The City shall provide the following to the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner, not in excess of ten (10) Business Days after the occurrence of the event, notice of any of the following events with respect to the Certificates:

- (i) principal and interest payment delinquencies;
- (ii) nonpayment related defaults, if material;
- (iii) unscheduled draws on debt service reserves reflecting financial difficulties;
- (iv) unscheduled draws on credit enhancements reflecting financial difficulties;
- (v) substitution of credit or liquidity providers, or their failure to perform;
- (vi) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notice of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Certificates, or other material events affecting the tax status of the Certificates;
- (vii) modifications to rights of holders of the Certificates, if material;
- (viii) bond calls, if material, and tender offers;
- (ix) defeasance;
- (x) release, substitution, or sale of property securing repayment of the Certificates, if material;
- (xi) rating changes;
- (xii) bankruptcy, insolvency, receivership, or similar event of the City;

Note to paragraph (xii): For the purposes of the event identified in paragraph (xii) of this section, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority

having supervision or jurisdiction over substantially all of the assets or business of the City.

- (xiii) the consummation of a merger, consolidation, or acquisition involving an City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action, or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
- (xiv) the appointment of a successor or additional paying agent/registrar or the change in the name of the paying agent/registrar, if material.

(b) The City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with Section 12.01 of this Ordinance by the time required by such Section.

(c) The City reserves the right to file all information and notices required under this Article through the facilities of DisclosureUSA or any other central post office approved by the SEC for such purpose.

Section 12.03. Limitations, Disclaimers and Amendments.

The City shall be obligated to observe and perform the covenants specified in this Article for so long as, but only for so long as the City remains an "obligated person" with respect to the Certificates within the meaning of the Rule, except that the City in any event will give notice of any redemption calls and any defeasances that cause the City to be no longer an "obligated person."

The provisions of this Article are for the sole benefit of the Owners and beneficial owners of the Certificates, and nothing in this Article, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Article and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Article or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Certificates at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE OWNER OR BENEFICIAL OWNER OF ANY CERTIFICATE OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS ARTICLE, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

(a) No default by the City in observing or performing its obligations under this Article shall constitute a breach of or default under the Ordinance for purposes of any other provisions of this Ordinance.

(b) Nothing in this Article is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

(c) The provisions of this Article may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (i) the provisions of this Article, as so amended, would have permitted an underwriter to purchase or sell Certificates in the primary offering of the Certificates in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (ii) either (A) the Owners of a majority in aggregate principal amount (or any greater amount required by any other provisions of this Ordinance that authorizes such an amendment) of the Outstanding Certificates consent to such amendment or (B) an entity or individual person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the Owners and beneficial owners of the Certificates. The provisions of this Article may also be amended from time to time or repealed by the City if the SEC amends or repeals the applicable provisions of the Rule or a court of final jurisdiction determines that such provisions are invalid, but only if and to the extent that reservation of the City's right to do so would not prevent underwriters of the initial public offering of the Certificates from lawfully purchasing or selling Certificates in such offering. If the City so amends the provisions of this Article, it shall include with any amended financial information or operating data next provided in accordance with Section 13.01 an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided.

ARTICLE XIII.

MISCELLANEOUS

Section 13.01. Changes to Ordinance.

Bond Counsel is hereby authorized to make any changes to the terms of this Ordinance if necessary or desirable to carry out the purposes hereof or in connection with the approval of the issuance of the Certificates by the Attorney General of Texas.

Section 13.02. Partial Invalidity.

If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 13.03. Repealer.

All ordinances or resolutions, or parts thereof, heretofore adopted by the City and inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 13.04. Individuals Not Liable.

No covenant, stipulation, obligation or agreement herein contained shall be deemed to be a covenant, stipulation, obligation or agreement of any member of City Council or agent or

employee of City Council or of the City in his or her individual capacity and neither the members of City Council nor any officer thereof, nor any agent or employee of City Council or of the City, shall be liable personally on the Certificates, or be subject to any personal liability or accountability by reason of the issuance thereof.

Section 13.05. Related Matters.

To satisfy in a timely manner all of the City's obligations under this Ordinance, the Mayor or Mayor Pro Tem, the City Secretary and all other appropriate officers and agents of the City are hereby authorized and directed to do any and all things necessary and/or convenient in order to consummate the delivery of the Certificates, pay the costs of issuance on the Certificates, and effectuate the terms and purposes of this Ordinance.

Section 13.06. Force and Effect.

This Ordinance shall be in full force and effect from and after its final passage, and it is so ordained.

[Signature Page Follows]

PASSED, APPROVED and ADOPTED on first and final reading this 19th day of November, 2018, with ____ members voting yes, ____ members voting no, and ____ members abstaining.

Allen Owen, Mayor

ATTEST:

Maria Jackson, City Secretary

[SEAL]

APPROVED AS TO FORM:

E. Joyce Iyamu, City Attorney

Signature Page to Ordinance

EXHIBIT A

PAYING AGENT/REGISTRAR AGREEMENT

[Attached]

EXHIBIT B

DESCRIPTION OF ANNUAL DISCLOSURE OF FINANCIAL INFORMATION

The following information is referred to in Article XII of this Ordinance.

Annual Financial Statements and Operating Data

The financial information and operating data with respect to the City to be provided annually in accordance with such Article are as specified (and included in the Appendix or other headings of the Official Statement referred to) below:

1. The portions of the financial statements of the City appended to the Official Statement as Appendix B, but for the most recently concluded Fiscal Year.

1. The quantitative financial information and operating data with respect to the City of the general type included in the main text of the Official Statement is numbered Tables 1 through 6 and 8 through 14, both inclusive.

Accounting Principles

The accounting principles referred to in such Article are the accounting principles described in the notes to the financial statements referred to in Paragraph 1 above, as such principles may be changed from time to time to comply with State law.

EXHIBIT C

FORM OF PRICING CERTIFICATE

PRICING CERTIFICATE

Re: City of Missouri City, Texas Combination Tax and Revenue Certificates of Obligation, Series 2018A (the "Certificates")

I, the undersigned [City Manager/Mayor/Interim Director of Finance] of the City of Missouri City, Texas (the "City"), do hereby make and execute this Pricing Certificate pursuant to an ordinance adopted by the City Council of the City on November 19, 2018 (the "Ordinance") authorizing the issuance of the Certificates. Capitalized terms used in this Pricing Certificate shall have the meanings given such terms in the Ordinance.

A. The Certificates shall be designated as the "Missouri City, Texas Combination Tax and Revenue Certificates of Obligation, Series 2018A" and shall be issued in the aggregate principal amount of \$_____.

C. The Closing Date of the Certificates is scheduled for December __, 2018.

D. The sale of the Certificates at the purchase price plus accrued interest to the Closing Date stated below is hereby approved.

PRINCIPAL AMOUNT \$

Plus Original Issue Premium

Less Original Issue Discount

Less Underwriter's Discount

PURCHASE PRICE \$

E. The Certificates shall bear interest from the Closing Date. The Certificates shall mature on June 15 in each of the years, in the principal installments and shall bear interest at the per annum rates set forth in the following schedule:

<u>Year</u>	<u>Principal Installment</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
_____	\$ _____	_____ %	_____	\$ _____	_____ %
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

F. The Form of Certificate as set forth in Exhibit A hereto is hereby approved.

G. The Certificates are subject to optional [and mandatory] redemption as set forth in Exhibit A.

H. The undersigned does hereby find, certify and represent that the foregoing terms of the Certificates satisfy the parameters contained in Sections 3.01 and 7.01 of the Ordinance.

I. The proceeds of the Certificates shall be applied as follows:

(i) the amount of \$_____, consisting of \$_____ principal amount of Certificates proceeds, plus \$_____ premium received from the sale of the Certificates, shall be used to pay to (1) construct public works, more specifically, the expansion of a surface water treatment plant, and any items related thereto, and (2) professional services rendered in connection with item (1);

(ii) premium received from the sale of the Certificates in the amount of \$_____ shall be used to pay the costs of issuance; and

(iii) any amounts remaining after accomplishing the above described purposes shall be deposited to the Interest and Sinking Fund.

J. The undersigned hereby finds, determines and declares that the terms of sale of the Certificates to the Underwriter are in the City's best interests and are the most advantageous reasonable attainable by the City.

[Signature Page Follows]

This Pricing Certificate for the City of Missouri City, Texas Certificates of Obligation, Series 2018A, is executed on the _____ day of _____, 2018.

Authorized Officer
City of Missouri City, Texas

Signature Page to Pricing Certificate

EXHIBIT A TO PRICING CERTIFICATE

FORM OF CERTIFICATE

[To be Added at Pricing]



CITY COUNCIL AGENDA ITEM COVER MEMO

November 19, 2018

To: Mayor and City Council
Agenda Item: 10(c) Consideration and approval of an ordinance authorizing sale of Series 2018B Certificates of Obligation in the aggregate principal amount of \$2,100,000
Submitted by: Sandra Clarkson, Interim Director of Financial Services

SYNOPSIS

The City intends to issue Certificates of Obligation in a principal amount of \$2,100,000 for construction costs associated with the purchase of water, sewer, utilities, drainage and street improvements for Lake Shore Harbour Sections Four and Five.

STRATEGIC PLAN 2019 GOALS ADDRESSED

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

BACKGROUND

This item is to authorize the sale of City of Missouri City Certificates of Obligation Series 2018B. The total principal amount, \$2.1 million, will be used to purchase water, sewer, utilities, drainage and street improvements in Lake Shore Harbour Sections Four and Five.

In addition, the ordinance prescribes the terms of the sale that are acceptable to the City and authorizes specified officers to act on behalf of the City in relation to the sale. The parameters of the sale are outlined in Section 7.01(a) of the ordinance.

The payment of the debt will be from user fees and ad valorem taxes and was factored into the estimated interest and sinking requirements of the 2018 Tax Rate (fiscal year 2019),

BUDGET ANALYSIS

Funding Source	Account Number	Project Code/Name	FY19 Funds Budgeted	FY19 Funds Available	Amount Requested
See note, below					N/A

Note: The funding source for the C.O. will be ad valorem taxation and a limited (in an amount not to exceed \$10,000) subordinate pledge of certain revenues of the waterworks and sewer system of the City.

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

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

SUPPORTING MATERIALS

1. Ordinance

STAFF'S RECOMMENDATION

Approve the ordinance authorizing the sale of Issue 2018B Certificated of Obligation in a principal amount of \$2,100,000 through at parameter sale.

Director Approval:

Sandra Clarkson CPA, Interim Director of Financial Services

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

Anthony J. Snipes, City Manager

ORDINANCE NO. O-18-__

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF MISSOURI CITY, TEXAS, CERTIFICATES OF OBLIGATION, SERIES 2018B IN THE AGGREGATE PRINCIPAL AMOUNT OF \$2,100,000; LEVYING A TAX IN PAYMENT THEREOF; AUTHORIZING THE ISSUANCE OF THE CERTIFICATES IN ACCORDANCE WITH SPECIFIED PARAMETERS; AUTHORIZING THE EXECUTION AND DELIVERY OF A PAYING AGENT/REGISTRAR AGREEMENT AND A CERTIFICATE PURCHASE AGREEMENT; APPROVING THE OFFICIAL STATEMENT; CONFIRMING THE ENGAGEMENT OF PROFESSIONALS IN CONNECTION WITH THE ISSUANCE OF THE CERTIFICATES OF OBLIGATION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND ENACTING OTHER PROVISIONS RELATING THERETO.

* * * * *

WHEREAS, under the provisions of Subchapter C, Chapter 271, Texas Local Government Code, as amended (the "Act"), the City of Missouri City, Texas, is authorized to issue certificates of obligation for the purposes specified in this Ordinance and for the payment of all or a portion of the contractual obligations for professional services, including that of engineers, attorneys, and financial advisors in connection therewith, and to sell the same for cash as herein provided; and

WHEREAS, the City is authorized to provide that such obligations will be payable from and secured by the levy of a direct and continuing ad valorem tax, within the limits prescribed by law, against all taxable property within the City, in combination with a limited pledge of a subordinate lien on the net revenues of the City's waterworks and sewer system in an amount not to exceed \$10,000 as authorized by the Act and Chapter 1502, Texas Government Code; and

WHEREAS, the City Council has found and determined that it is necessary and in the best interests of the City and its citizens that it issue such certificates of obligation authorized by this Ordinance; and

WHEREAS, pursuant to a resolution heretofore passed by this governing body, notice of intention to issue certificates of obligation of the City payable as provided in this Ordinance was published in the *Fort Bend Herald*, a newspaper of general circulation of the City in accordance with the laws of the State of Texas, which provided that the principal amount of such certificates of obligation would be in amount not to exceed \$2,100,000 and the proceeds would be used for the purpose of paying contractual obligations to be incurred for the purposes set forth in Section 3.01 hereof; and

WHEREAS, such notice provided that the City tentatively planned to adopt an ordinance authorizing the Certificates (as herein defined) on October 15, 2018; and

WHEREAS, the City Council was unable to authorize the issuance of the Certificates on the date set in such notice and postponed the sale of the Certificates to the date of this meeting; and

WHEREAS, no petition of any kind has been filed with the City Secretary, any member of the City Council or any other official of the City, protesting the issuance of such Certificates; and

WHEREAS, the City is a home-rule municipality that has adopted a charter under Article XI, Section 5 of the Texas Constitution, has a population in excess of 50,000 and has a principal amount of at least \$100,000,000 in a combination of outstanding long-term indebtedness and long-term indebtedness proposed to be issued, and some amount of such long-term indebtedness is rated in one of the four highest rating categories for long-term debt instruments by a nationally recognized rating agency for municipal securities without regard to the effect of any credit agreement or other form of credit enhancement entered into in connection with the obligation, and therefore qualifies as an "Issuer" under Chapter 1371 of the Texas Government Code, as amended ("Chapter 1371"); and

WHEREAS, pursuant to Section 1371.053, Texas Government Code, as amended, the City desires to delegate the authority to effect the sale of the Certificates to the Authorized Officer (hereinafter defined); and

WHEREAS, this City Council is now authorized and empowered to proceed with the issuance of said Certificates and to sell the same for cash; and

WHEREAS, the meeting at which this Ordinance is considered is open to the public as required by law, and public notice of the time, place, and purpose of said meeting was given as required by Chapter 551, Texas Government Code, as amended; now therefore,

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

ARTICLE I.

DEFINITIONS AND OTHER PRELIMINARY MATTERS

Section 1.01. Definitions.

Unless otherwise expressly provided or unless the context clearly requires otherwise in this Ordinance, the following terms shall have the meanings specified below:

"Authorized Officer" means the Mayor, City Manager, or Interim Director of Finance of the City, who are authorized to act on behalf of the City in selling and delivering the Certificates, or such other officers of the City as designated in writing.

"Bond Counsel" means Bracewell LLP.

"Business Day" means any day which is not a Saturday, Sunday or legal holiday, or day on which banking institutions in the State of Texas or the city in which the Designated Payment/Transfer Office is located are generally authorized or obligated by law or executive order to close.

"Certificate" means any of the Certificates.

"Certificates" mean the certificates of obligation authorized to be issued by Section 3.01

of this Ordinance and designated as "City of Missouri City, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2018B."

"Certificate Date" means the date designated as the initial date of the Certificates by Section 3.02(a) of this Ordinance.

"City" means the City of Missouri City, Texas.

"Closing Date" means the date of the initial delivery of and payment for the Certificates.

"Code" means the Internal Revenue Code of 1986, as amended, including applicable regulations, published rulings, and court decisions.

"Designated Payment/Transfer Office" means (i) with respect to the initial Paying Agent/Registrar named herein, its office in Dallas, Texas, or at such other location designated by the Paying Agent/Registrar and (ii) with respect to any successor Paying Agent/Registrar, the office of such successor designated and located as may be agreed upon by the City and such successor.

"DTC" means The Depository Trust Company of New York, New York, or any successor securities depository.

"DTC Participant" means brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants.

"Fiscal Year" means such fiscal year as shall from time to time be set by the City Council.

"Initial Certificate" means the initial certificate authorized by Section 3.04 of this Ordinance.

"Interest and Sinking Fund" means the interest and sinking fund established by Section 2.02 of this Ordinance.

"Interest Payment Date" means the date or dates on which interest on the Certificates is scheduled to be paid until their respective dates of maturity or prior redemption, such dates being June 15 and December 15, commencing June 15, 2019.

"MSRB" means the Municipal Securities Rulemaking Board.

"Net Revenues" means the gross revenues of the System less the expenses of operation and maintenance as said expenses are defined in Chapter 1502, Texas Government Code, as amended.

"Ordinance" as used herein and in the Certificates means this ordinance authorizing the Certificates.

"Owner" means the person who is the registered owner of a Certificate or Certificates, as shown in the Register.

"Paying Agent/Registrar" means initially The Bank of New York Mellon Trust Company,

N.A., Dallas, Texas, or any successor thereto as provided in this Ordinance.

"Paying Agent/Registrar Agreement" means the Paying Agent/Registrar Agreement between the Paying Agent/Registrar and the City relating to the Certificates.

"Pricing Certificate" means a certificate or certificates to be signed an the Authorized Officer, in substantially the form attached hereto as **Exhibit C** with such variations, omissions and insertions as are approved by the Authorized Officer as indicated by his/her signature.

"Prior Lien Certificates" means any and all certificates or other obligations of the City presently outstanding or that may be hereafter issued, payable from and secured by a first lien on and pledge of the Net Revenues or by a lien on and pledge of the Net Revenues subordinate to a first lien and pledge of such Net Revenues but superior to the lien on and pledge of the Surplus Revenues made for the Certificates.

"Project" means the purposes for which the Certificates are issued as set forth in Section 3.01(a).

"Record Date" means the last business day of the month preceding such interest payment date.

"Register" means the bond register specified in Section 3.06(a) of this Ordinance.

"Regulations" means the applicable, proposed, temporary or final Treasury Regulations promulgated under the Code, or, to the extent applicable to the Code, under the Internal Revenue Code of 1954, as such regulations may be amended or supplemented from time to time.

"Representation Letter" means the Blanket Letter of Representations between the City and DTC.

"Rule" means SEC Rule 15c2-12, as amended from time to time.

"SEC" means the United States Securities and Exchange Commission.

"Special Payment Date" means the Special Payment Date prescribed by Section 3.03(b) of this Ordinance.

"Special Record Date" means the Special Record Date prescribed by Section 3.03(b) of this Ordinance.

"Surplus Revenues" means the revenues of the System in an amount not to exceed \$10,000 remaining after payment of all operation and maintenance expenses thereof, and all debt service, reserve, and other requirements in connection with the City's Prior Lien Certificates.

"System" as used in this Ordinance means the City's combined waterworks and sewer system, including all present and future additions, extensions, replacements, and improvements thereto.

"Unclaimed Payments" means money deposited with the Paying Agent/Registrar for the

payment of principal of, redemption premium, if any, or interest on the Certificates as the same becomes due and payable or money set aside for the payment of Certificates duly called for redemption prior to maturity and remaining unclaimed by the Owners of such Certificates for 90 days after the applicable payment or redemption date.

“Underwriter” means, collectively, the underwriters of the Certificates identified in Section 8.03 of this Ordinance.

Section 1.02. Findings.

The declarations, determinations and findings declared, made and found in the preamble to this Ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

Section 1.03. Titles and Headings.

The titles and headings of the Articles and Sections of this Ordinance have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof and shall never be considered or given any effect in construing this Ordinance or any provision hereof or in ascertaining intent, if any question of intent should arise.

Section 1.04. Interpretation.

(a) Unless the context requires otherwise, words of the masculine gender shall be construed to include correlative words of the feminine and neuter genders and vice versa, and words of the singular number shall be construed to include correlative words of the plural number and vice versa.

(b) This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein.

ARTICLE II.

SECURITY FOR THE CERTIFICATES; INTEREST AND SINKING FUND

Section 2.01. Tax Levy.

(a) Pursuant to the authority granted by the Texas Constitution and the laws of the State of Texas, there shall be levied and there is hereby levied for the current year and for each succeeding year thereafter while any of the Certificates or any interest thereon is outstanding and unpaid, an ad valorem tax on each one hundred dollars valuation of taxable property within the City, at a rate sufficient, within the limit prescribed by law, to pay the debt service requirements of the Certificates, being (i) the interest on the Certificates, and (ii) a sinking fund for their redemption at maturity or a sinking fund of 2% per annum (whichever amount is greater), when due and payable, full allowance being made for delinquencies and costs of collection.

(b) The ad valorem tax thus levied shall be assessed and collected each year against all property appearing on the tax rolls of the City most recently approved in accordance with law, and the money thus collected shall be deposited as collected to the Interest and Sinking Fund.

(c) Said ad valorem tax, the collections therefrom, and all amounts on deposit in or required hereby to be deposited to the Interest and Sinking Fund are hereby pledged and committed irrevocably to the payment of the principal of and interest on the Certificates when and as due and payable in accordance with their terms and this Ordinance.

(d) The City hereby covenants and agrees that the Surplus Revenues are hereby irrevocably pledged equally and ratably to the payment of the principal of and interest on the Certificates, as the same become due. The Surplus Revenues shall be deposited to the Interest and Sinking Fund at such time as the Surplus Revenues are to be applied to the payment of the Certificates. The City reserves the right to issue Prior Lien Certificates for any lawful purpose at any time, in one or more installments.

(e) If the liens and provisions of this Ordinance shall be released in a manner permitted by Article XI hereof, then the collection of such ad valorem tax may be suspended or appropriately reduced, as the facts may permit, and further deposits to the Interest and Sinking Fund may be suspended or appropriately reduced, as the facts may permit. In determining the aggregate principal amount of outstanding Certificates, there shall be subtracted the amount of any Certificates that have been duly called for redemption and for which money has been deposited with the Paying Agent/Registrar for such redemption.

Section 2.02. Interest and Sinking Fund.

(a) The City hereby establishes special funds or accounts to be designated "City of Missouri City, Texas, Certificates of Obligation, Series 2018B" Interest and Sinking Fund" (the "Interest and Sinking Fund"), said funds to be maintained at an official depository bank of the City separate and apart from all other funds and accounts of the City.

(b) Money on deposit in or required by this Ordinance to be deposited to the Interest and Sinking Fund shall be used solely for the purpose of paying the interest on and principal of the Certificates when and as due and payable in accordance with their terms and this Ordinance.

Section 2.03. Pledge of Revenues.

The Net Revenues to be derived from the operation of the System in an amount not to exceed Ten Thousand Dollars (\$10,000) are hereby pledged to the payment of the principal of and interest on the Certificates as the same come due; provided, however, that such pledge is and shall be junior and subordinate in all respects to the pledge of the Net Revenues to the payment of all outstanding obligations of the City and any obligation of the City, whether authorized heretofore or hereafter, which the City designates as having a pledge senior to the pledge of the Net Revenues to the payment of the Certificates. The City also reserves the right to issue, for any lawful purpose at any time, in one or more installments, bonds, certificates of obligation and other obligations of any kind payable in whole or in part from the Net Revenues, secured by a pledge of the Net Revenues that may be prior and superior in right to, on a parity with, or junior and subordinate to the pledge of Net Revenues securing the Certificates.

ARTICLE III.

AUTHORIZATION; GENERAL TERMS AND PROVISIONS REGARDING THE CERTIFICATES

Section 3.01. Authorization.

The City's certificates of obligation to be designated "City of Missouri City, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2018B," are hereby authorized to be issued and delivered in accordance with the Constitution and laws of the State of Texas, specifically §271.041-063, Local Government Code, V.T.C.A, as amended, and Chapter 1371, and issued in the principal amount not to exceed \$1,230,000 for the purpose of paying contractual obligations to be incurred for the following purposes, to wit: (1) the construction of public works, more specifically, (i) the purchase of water, sewer, utilities, drainage and street improvements for Lake Shore Harbour Section Four; and (ii) the purchase of water, sewer, utilities, drainage and street improvements for Lake Shore Harbour Section Five; and any items related thereto, and (2) professional services rendered in connection with item (1). In addition, Certificate proceeds, which includes all of the premium generated from the sale of the Certificates, will be used to pay the costs incurred in connection with the issuance of the Certificates.

Section 3.02. Date, Denomination, Maturities, and Interest.

(a) The Certificates shall be dated the Dated Date. The Certificates shall be in fully registered form, without coupons, in the denomination of \$5,000 or any integral multiple thereof and shall be numbered separately from R-1 upward, except the Initial Certificate, which shall each be numbered T-1.

(b) The Certificates shall mature on the dates and in the principal amounts and shall bear interest at the per annum rates set forth in the Pricing Certificate.

(c) Interest shall accrue and be paid on each Certificate, respectively, until the principal amount thereof has been paid or provision for such payment has been made, from the later of (i) the Closing Date, or (ii) the most recent Interest Payment Date to which interest has been paid or provided for at the rate per annum for each respective maturity specified in the Pricing Certificate. Such interest shall be payable on each Interest Payment Date and shall be computed on the basis of a 360-day year of twelve 30-day months.

Section 3.03. Medium, Method, and Place of Payment.

(a) The principal of and interest on the Certificates shall be paid in lawful money of the United States of America.

(b) Interest on the Certificates shall be payable to the Owners as shown in the Register at the close of business on the Record Date; provided, however, that in the event of nonpayment of interest on a scheduled Interest Payment Date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date," which shall be at least 15 days after the Special Record Date) shall be sent at least five Business Days prior to the Special Record Date by United

States mail, first class, postage prepaid, to the address of each Owner of a Certificate appearing in the Register at the close of business on the last Business Day next preceding the date of mailing of such notice.

(c) Interest shall be paid by check, dated as of and mailed on the Interest Payment Date, and sent United States mail, first class, postage prepaid, by the Paying Agent/Registrar to each Owner, at the address thereof as it appears in the Register, or by such other customary banking arrangement acceptable to the Paying Agent/Registrar and the Owner; provided, however, that the Owner shall bear all risk and expense of such alternative banking arrangement. At the option of an Owner of at least \$1,000,000 principal amount of Certificates, interest may be paid by wire transfer to the bank account of such Owner on file with the Paying Agent/Registrar.

(d) The principal of each Certificate shall be paid to the Owner thereof on the due date, whether at the maturity date or the date of prior redemption thereof, upon presentation and surrender of such Certificate at the Designated Payment/Transfer Office.

(e) If the date for the payment of the principal of or interest on the Certificates is not a Business Day, then the date for such payment shall be the next succeeding Business Day, and payment on such date shall have the same force and effect as if made on the original date payment was due and no additional interest shall be due by reason of nonpayment on the date on which such payment is otherwise stated to be due and payable.

(f) Unclaimed Payments of amounts due hereunder shall be segregated in a special escrow account and held in trust, uninvested by the Paying Agent/Registrar, for the account of the Owner of the Certificates to which such Unclaimed Payments pertain. Subject to Title 6 of the Texas Property Code, any Unclaimed Payments remaining unclaimed by the Owners entitled thereto for three years after the applicable payment or redemption date shall be applied to the next payment or payments on the Certificates thereafter coming due and, to the extent any such money remains three years after the retirement of all outstanding Certificates, such money shall be paid to the City to be used for any lawful purpose. Thereafter, neither the City, the Paying Agent/Registrar, nor any other person shall be liable or responsible to any Owners of such Certificates for any further payment of such unclaimed moneys or on account of any such Certificates, subject to Title 6 of the Texas Property Code.

Section 3.04. Execution and Registration of Certificates.

(a) The Certificates shall be executed on behalf of the City by the Mayor and the City Secretary, by their manual or facsimile signatures, and the official seal of the City shall be impressed or placed in facsimile thereon. Such facsimile signatures on the Certificates shall have the same effect as if each of the Certificates had been signed manually and in person by each of said officers, and such facsimile seal on the Certificates shall have the same effect as if the official seal of the City had been manually impressed upon each of the Certificates.

(b) In the event that any officer of the City whose manual or facsimile signature appears on the Certificates ceases to be such officer before the authentication of such Certificates or before the delivery thereof, such manual or facsimile signature nevertheless shall be valid and sufficient for all purposes as if such officer had remained in such office.

(c) Except as provided below, no Certificate shall be valid or obligatory for any purpose or be entitled to any security or benefit of this Ordinance unless and until there appears

thereon the Certificate of Paying Agent/Registrar substantially in the form provided herein, duly authenticated by manual execution by an officer or duly authorized signatory of the Paying Agent/Registrar. It shall not be required that the same officer or authorized signatory of the Paying Agent/Registrar sign the Certificate of Paying Agent/Registrar on all of the Certificates. In lieu of the executed Certificate of Paying Agent/Registrar described above, the Initial Certificate delivered at the Closing Date shall have attached thereto the Comptroller's Registration Certificate substantially in the form provided in the Form of Certificates, manually executed by the Comptroller of Public Accounts of the State of Texas (the "Comptroller"), or by his duly authorized agent, which certificate is evidence that such Initial Certificate has been duly approved by the Attorney General of the State of Texas (the "Attorney General") and that it is a valid and binding obligation of the City, and has been registered by the Comptroller.

(d) On the Closing Date, one Initial Certificate representing the entire principal amount of all Certificates, payable in stated installments to the Underwriter, or its designee, executed by the manual or facsimile signatures of the Mayor and City Secretary of the City, approved by the Attorney General, and registered and manually signed by the Comptroller, will be delivered to the Underwriter or its designee. Upon payment for the Initial Certificate, the Paying Agent/Registrar shall cancel the Initial Certificate and deliver to DTC on behalf of the Underwriter one registered definitive Certificate for each year of maturity of the Certificates in the aggregate principal amount of all Certificates for such maturity, registered in the name of Cede & Co., as nominee of DTC.

Section 3.05. Ownership.

(a) The City, the Paying Agent/Registrar and any other person may treat the person in whose name any Certificate is registered as the absolute owner of such Certificate for the purpose of making and receiving payment of the principal thereof, for the further purpose of making and receiving payment of the interest thereon, and for all other purposes (except interest will be paid to the person in whose name such certificate is registered on the Record Date or Special Record Date, as applicable), whether or not such Certificate is overdue, and neither the City nor the Paying Agent/Registrar shall be bound by any notice or knowledge to the contrary.

(b) All payments made to the Owner of a Certificate shall be valid and effectual and shall discharge the liability of the City and the Paying Agent/Registrar upon such Certificate to the extent of the sums paid.

Section 3.06. Registration, Transfer and Exchange.

(a) So long as any Certificates remain outstanding, the City shall cause the Paying Agent/Registrar to keep at the Designated Payment/Transfer Office a register (the "Register") in which, subject to such reasonable regulations as it may prescribe, the Paying Agent/Registrar shall provide for the registration and transfer of Certificates in accordance with this Ordinance.

(b) The ownership of a Certificate may be transferred only upon the presentation and surrender of the Certificate at the Designated Payment/Transfer Office with such endorsement or other evidence of transfer as is acceptable to the Paying Agent/Registrar. No transfer of any Certificate shall be effective until entered in the Register.

(c) The Certificates shall be exchangeable upon the presentation and surrender thereof at the Designated Payment/Transfer Office for a Certificate or Certificates of the same

maturity and interest rate and in any denomination or denominations of any integral multiple of \$5,000 and in an aggregate principal amount equal to the unpaid principal amount of the Certificates presented for exchange. The Paying Agent/Registrar is hereby authorized to authenticate and deliver Certificates exchanged for other Certificates in accordance with this Section.

(d) Each exchange Certificate delivered by the Paying Agent/Registrar in accordance with this Section shall constitute an original contractual obligation of the City and shall be entitled to the benefits and security of this Ordinance to the same extent as the Certificate or Certificates in lieu of which such exchange Certificate is delivered.

(e) No service charge shall be made to the Owner for the initial registration, subsequent transfer, or exchange for a different denomination of any of the Certificates. The Paying Agent/Registrar, however, may require the Owner to pay a sum sufficient to cover any tax or other governmental charge that is authorized to be imposed in connection with the registration, transfer, or exchange of a Certificate.

(f) Neither the City nor the Paying Agent/Registrar shall be required to issue, transfer, or exchange any Certificate called for redemption, in whole or in part, within 45 calendar days prior to the date fixed for redemption; provided, however, such limitation shall not be applicable to an exchange by the Owner of the uncalled principal balance of a Certificate.

Section 3.07. Cancellation.

All Certificates paid or redeemed before scheduled maturity in accordance with this Ordinance, and all Certificates in lieu of which exchange Certificates or replacement Certificates are authenticated and delivered in accordance with this Ordinance, shall be cancelled and proper records shall be made regarding such payment, redemption, exchange or replacement. The Paying Agent/Registrar shall dispose of cancelled Certificates in accordance with the Securities Exchange Act of 1934.

Section 3.08. Replacement Certificates.

(a) Upon the presentation and surrender to the Paying Agent/Registrar of a mutilated Certificate, the Paying Agent/Registrar shall authenticate and deliver in exchange therefor a replacement Certificate of like tenor and principal amount, bearing a number not contemporaneously outstanding. The City or the Paying Agent/Registrar may require the Owner of such Certificate to pay a sum sufficient to cover any tax or other governmental charge that is authorized to be imposed in connection therewith and any other expenses connected therewith.

(b) In the event that any Certificate is lost, apparently destroyed or wrongfully taken, the Paying Agent/Registrar, pursuant to the applicable laws of the State of Texas and in the absence of notice or knowledge that such Certificate has been acquired by a bona fide purchaser, shall authenticate and deliver a replacement Certificate of like tenor and principal amount, bearing a number not contemporaneously outstanding, provided that the Owner first:

(i) furnishes to the Paying Agent/Registrar satisfactory evidence of his or her ownership of and the circumstances of the loss, destruction or theft of such Certificate;

(ii) furnishes such security or indemnity as may be required by the Paying Agent/Registrar to save it and the City harmless;

(iii) pays all expenses and charges in connection therewith, including, but not limited to, printing costs, legal fees, fees of the Paying Agent/Registrar and any tax or other governmental charge that is authorized to be imposed; and

(iv) satisfies any other reasonable requirements imposed by the City and the Paying Agent/Registrar.

(c) If, after the delivery of such replacement Certificate, a bona fide purchaser of the original Certificate in lieu of which such replacement Certificate was issued presents for payment such original Certificate, the City and the Paying Agent/Registrar shall be entitled to recover such replacement Certificate from the person to whom it was delivered or any person taking therefrom, except a bona fide purchaser, and shall be entitled to recover upon the security or indemnity provided therefor to the extent of any loss, damage, cost or expense incurred by the City or the Paying Agent/Registrar in connection therewith.

(d) In the event that any such mutilated, lost, apparently destroyed or wrongfully taken Certificate has become or is about to become due and payable, the Paying Agent/Registrar, in its discretion, instead of issuing a replacement Certificate, may pay such Certificate if it has become due and payable or may pay such Certificate when it becomes due and payable.

(e) Each replacement Certificate delivered in accordance with this Section shall constitute an original additional contractual obligation of the City and shall be entitled to the benefits and security of this Ordinance to the same extent as the Certificate or Certificates in lieu of which such replacement Certificate is delivered.

Section 3.09. Book-Entry Only System.

(a) The definitive Certificates shall be initially issued in the form of a separate single fully registered Certificate for each maturity. Upon initial issuance, the ownership of each such Certificate shall be registered in the name of Cede & Co., as nominee of DTC, and except as provided in Section 3.10 hereof, all of the outstanding Certificates shall be registered in the name of Cede & Co., as nominee of DTC.

(b) With respect to Certificates registered in the name of Cede & Co., as nominee of DTC, the City and the Paying Agent/Registrar shall have no responsibility or obligation to any DTC Participant or to any person on behalf of whom such a DTC Participant holds an interest in the Certificates, except as provided in this Ordinance. Without limiting the immediately preceding sentence, the City and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Certificates, (ii) the delivery to any DTC Participant or any other person, other than an Owner, as shown on the Register, of any notice with respect to the Certificates, including any notice of redemption, or (iii) the payment to any DTC Participant or any other person, other than an Owner, as shown in the Register of any amount with respect to principal of, premium, if any, or interest on the Certificates. Notwithstanding any other provision of this Ordinance to the contrary, the City and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Certificate is registered in the Register as the absolute Owner of such Certificate for the purpose

of payment of principal of, premium, if any, and interest on the Certificates, for the purpose of giving notices of redemption and other matters with respect to such Certificate, for the purpose of registering transfer with respect to such Certificate, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of, premium, if any, and interest on the Certificates only to or upon the order of the respective Owners, as shown in the Register as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payment of principal of, premium, if any, and interest on the Certificates to the extent of the sum or sums so paid. No person other than an Owner, as shown in the Register, shall receive a certificate evidencing the obligation of the City to make payments of amounts due pursuant to this Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks or drafts being mailed to the registered Owner at the close of business on the Record Date, the word "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

(c) The Representation Letter previously executed and delivered by the City, and applicable to the City's obligations delivered in book entry only form to DTC as securities depository, is hereby ratified and approved for the Certificates.

Section 3.10. Successor Securities Depository; Transfer Outside Book-Entry-Only System.

In the event that the City determines that it is in the best interest of the City and the beneficial owners of the Certificates that they be able to obtain certificated Certificates, or in the event DTC discontinues the services described herein, the City shall (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Certificates to such successor securities depository; or (ii) notify DTC and DTC Participants of the availability through DTC of certificated Certificates and cause the Paying Agent/Registrar to transfer one or more separate registered Certificates to DTC Participants having Certificates credited to their DTC accounts. In such event, the Certificates shall no longer be restricted to being registered in the Register in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Owners transferring or exchanging Certificates shall designate, in accordance with the provisions of this Ordinance.

Section 3.11. Payments to Cede & Co.

Notwithstanding any other provision of this Ordinance to the contrary, so long as the Certificates are registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on such Certificates, and all notices with respect to such Certificates shall be made and given, respectively, in the manner provided in the Representation Letter of the City to DTC.

Section 3.12. Successor Securities Depository; Transfer Outside Book-Entry Only System.

In the event that the City or the Paying Agent/Registrar determines that DTC is incapable of discharging its responsibilities described herein and in the representation letter of

the City to DTC, and that it is in the best interest of the beneficial owners of the Certificates that they be able to obtain certificated Certificates, or in the event DTC discontinues the services described herein, the City or the Paying Agent/Registrar shall (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Certificates to such successor securities depository or (ii) notify DTC and DTC Participants of the availability through DTC of Certificates and transfer one or more separate Certificates to DTC Participants having Certificates credited to their DTC accounts. In such event, the Certificates shall no longer be restricted to being registered in the Register in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Owners transferring or exchanging Certificates shall designate, in accordance with the provisions of this Ordinance.

Section 3.13. Payments to Cede & Co.

Notwithstanding any other provision of this Ordinance to the contrary, so long as any Certificates are registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on such Certificates, and all notices with respect to such Certificates, shall be made and given, respectively, in the manner provided in the representation letter of the City to DTC.

ARTICLE IV.

REDEMPTION OF CERTIFICATES BEFORE MATURITY

Section 4.01. Redemption Before Maturity.

The Certificates shall be subject to redemption before their scheduled maturity only as provided in this Article IV.

Section 4.02. Optional Redemption.

(a) The Certificates maturing on or after June 15, 2028 are subject to redemption at the option of the City on June 15, 2027 or on any date thereafter, in whole or in part, at a redemption price of par plus accrued interest to the date of redemption.

(b) The City, at least 45 days before the redemption date, unless a shorter period shall be satisfactory to the Paying Agent/Registrar, shall notify the Paying Agent/Registrar of such redemption date and of the principal amount of Certificates to be redeemed.

Section 4.03. Mandatory Sinking Fund Redemption.

(a) The Certificates designated as "Term Certificates" in the Pricing Certificate ("Term Certificates"), if any, are subject to scheduled mandatory redemption and will be redeemed by the City, in part, at a price equal to the principal amount thereof, without premium, plus accrued interest to the redemption date, out of moneys available for such purpose in the Interest and Sinking Fund, on the dates and in the respective principal amounts as set forth in the Pricing Certificate.

(b) Prior to each scheduled mandatory redemption date, the Paying Agent/Registrar shall select for redemption by lot, or by any other customary method that results in a random selection, a principal amount of Term Certificates equal to the aggregate principal amount of such Term Certificates to be redeemed, shall call such Term Certificates for redemption on such scheduled mandatory redemption date, and shall give notice of such redemption, as provided in Section 3.05.

(c) The principal amount of the Term Certificates required to be redeemed on any redemption date pursuant to Section 4.03(a) shall be reduced, at the option of the City, by the principal amount of any Term Certificates which, at least 45 days prior to the mandatory sinking fund redemption date shall have been acquired by the City at a price not exceeding the principal amount of such Term Certificates plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, or shall have been redeemed pursuant to the optional redemption provisions hereof and not previously credited to a mandatory sinking fund redemption.

Section 4.04. Partial Redemption.

(a) If less than all of the Certificates are to be redeemed pursuant to Section 4.02, the City shall determine the maturity or maturities and the amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot the Certificates, or portions thereof, within such maturity or maturities and in such principal amounts for redemption at the close of business on the Business Day next preceding the date of mailing such notice.

(b) A portion of a single Certificate of a denomination greater than \$5,000 may be redeemed, but only in a principal amount equal to \$5,000 or any integral multiple thereof. If such a Certificate is to be partially redeemed, the Paying Agent/Registrar shall treat each \$5,000 portion of a Certificate as though it were a single certificate for purposes of selection for redemption.

(c) Upon surrender of any Certificate for redemption in part, the Paying Agent/Registrar, in accordance with Section 3.06 of this Ordinance, shall authenticate and deliver an exchange Certificate or Certificates in an aggregate principal amount equal to the unredeemed portion of the Certificate so surrendered, such exchange being without charge, notwithstanding any provision of Section 3.06 to the contrary.

Section 4.05. Notice of Redemption to Owners.

(a) The Paying Agent/Registrar shall give notice of any redemption of Certificates by sending notice by United States mail, first class, postage prepaid, not less than 30 days before the date fixed for redemption, to the Owner of each Certificate (or part thereof) to be redeemed, at the address shown in the Register at the close of business on the Business Day next preceding the date of mailing such notice.

(b) The notice shall state the redemption date, the redemption price, the place at which the Certificates are to be surrendered for payment, and, if less than all the Certificates outstanding are to be redeemed, an identification of the Certificates or portions thereof to be redeemed.

(c) The City reserves the right to give notice of its election or direction to redeem Certificates under Section 4.02 conditioned upon the occurrence of subsequent events. Such

notice may state (i) that the redemption is conditioned upon the deposit of moneys and/or authorized securities, in an amount equal to the amount necessary to effect the redemption, with the Paying Agent/Registrar, or such other entity as may be authorized by law, no later than the redemption date or (ii) that the City retains the right to rescind such notice at any time on or prior to the scheduled redemption date if the City delivers a certificate of the City to the Paying Agent/Registrar instructing the Paying Agent/Registrar to rescind the redemption notice, and such notice and redemption shall be of no effect if such moneys and/or authorized securities are not so deposited or if the notice is rescinded. The Paying Agent/Registrar shall give prompt notice of any such rescission of a conditional notice of redemption to the affected Owners. Any Certificates subject to conditional redemption where redemption has been rescinded shall remain Outstanding, and the rescission of such redemption shall not constitute an event of default. Further, in the case of a conditional redemption, the failure of the City to make moneys and/or authorized securities available in part or in whole on or before the redemption date shall not constitute an event of default.

(d) Any notice given as provided in this Section shall be conclusively presumed to have been duly given, whether or not the Owner receives such notice.

Section 4.06. Payment Upon Redemption.

(a) Before or on each redemption date, the City shall deposit with the Paying Agent/Registrar money sufficient to pay all amounts due on the redemption date and the Paying Agent/Registrar shall make provision for the payment of the Certificates to be redeemed on such date by setting aside and holding in trust an amount from the Interest and Sinking Fund or otherwise received by the Paying Agent/Registrar from the City and shall use such funds solely for the purpose of paying the principal of, and accrued interest on the Certificates being redeemed.

(b) Upon presentation and surrender of any Certificate called for redemption at the Designated Payment/Transfer Office on or after the date fixed for redemption, the Paying Agent/Registrar shall pay the principal of, redemption premium, if any, and accrued interest on such Certificate to the date of redemption from the money set aside for such purpose.

Section 4.07. Effect of Redemption.

(a) Notice of redemption having been given as provided in Section 4.05 of this Ordinance and, subject, in the case of an optional redemption under Section 4.02, to any conditions or rights reserved by the City under Section 4.05(c), the Certificates or portions thereof called for redemption shall become due and payable on the date fixed for redemption and, unless the City fails to make provision for the payment of the principal thereof, or accrued interest thereon, such Certificates or portions thereof shall cease to bear interest from and after the date fixed for redemption, whether or not such Certificates are presented and surrendered for payment on such date.

(b) If the City shall fail to make provision for payment of all sums due on a redemption date, then any Certificate or portion thereof called for redemption shall continue to bear interest at the rate stated on the Certificate until due provision is made for the payment of same.

ARTICLE V.

PAYING AGENT/REGISTRAR

Section 5.01. Appointment of Initial Paying Agent/Registrar.

The Bank of New York Mellon Trust Company, N.A. is hereby appointed the initial Paying Agent/Registrar for the Certificates.

The Paying Agent/Registrar Agreement submitted to this City Council, the form of which is attached hereto as **Exhibit A**, is hereby approved. The Mayor is hereby authorized to amend, complete or modify such agreement as necessary and is further authorized to execute such agreement and the City Secretary is hereby authorized to attest such agreement.

Section 5.02. Qualifications.

Each Paying Agent/Registrar shall be a commercial bank, a trust company organized under the laws of the State of Texas, or any other entity duly qualified and legally authorized to serve as and perform the duties and services of paying agent and registrar for the Certificates.

Section 5.03. Maintaining Paying Agent/Registrar.

(a) At all times while any of the Certificates are outstanding, the City will maintain a Paying Agent/Registrar that is qualified under Section 5.02 of this Ordinance. The Mayor is hereby authorized and directed to execute an agreement with the Paying Agent/Registrar specifying the duties and responsibilities of the City and the Paying Agent/Registrar. The signature of the Mayor shall be attested by the City Secretary of the City.

(b) If the Paying Agent/Registrar resigns or otherwise ceases to serve as such, the City will promptly appoint a replacement, provided, that no such resignation shall be effective until a successor Paying Agent/Registrar has been appointed and has accepted the duties of Paying Agent/Registrar for the Certificates.

Section 5.04. Termination.

The City, upon not less than sixty (60) days notice, reserves the right to terminate the appointment of any Paying Agent/Registrar by delivering to the entity whose appointment is to be terminated written notice of such termination, provided, that no such termination shall be effective until a successor Paying Agent/Registrar has been appointed and has accepted the duties of Paying Agent/Registrar for the Certificates.

Section 5.05. Notice of Change to Owners.

Promptly upon each change in the entity serving as Paying Agent/Registrar, the City will cause notice of the change to be sent to each Owner by United States mail, first class, postage prepaid, at the address thereof in the Register, stating the effective date of the change and the name and mailing address of the replacement Paying Agent/Registrar.

Section 5.06. Agreement to Perform Duties and Functions.

By accepting the appointment as Paying Agent/Registrar and executing the Paying

Agent/Registrar Agreement, the Paying Agent/Registrar is deemed to have agreed to the provisions of this Ordinance and that it will perform the duties and functions of Paying Agent/Registrar prescribed thereby.

Section 5.07. Delivery of Records to Successor.

If a Paying Agent/Registrar is replaced, such Paying Agent/Registrar, promptly upon the appointment of the successor, will deliver the Register (or a copy thereof) and all other pertinent books and records relating to the Certificates to the successor Paying Agent/Registrar.

ARTICLE VI.

FORM OF THE CERTIFICATES

Section 6.01. Form Generally.

(a) The Certificates, including the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the Certificate of the Paying Agent/Registrar, and the Assignment form to appear on each of the Certificates, (i) shall be substantially in the form set forth below, with such appropriate insertions, omissions, substitutions, and other variations as may be necessary or desirable and not prohibited by this Ordinance and the Pricing Certificate, and (ii) may have such letters, numbers, or other marks of identification (including identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including any reproduction of an opinion of counsel) thereon as, consistently herewith, may be determined by the Authorized Officer or by the officers executing such Certificates, as evidenced by their execution thereof.

(b) Any portion of the text of any Certificates may be set forth on the reverse side thereof, with an appropriate reference thereto on the face of the Certificates.

(c) The definitive Certificates, if any, shall be typewritten, photocopied, printed, lithographed, or engraved, and may be produced by any combination of these methods or produced in any other similar manner, all as determined by the officers executing such Certificates, as evidenced by their execution thereof.

(d) The Initial Certificate submitted to the Attorney General of the State of Texas may be typewritten and photocopied or otherwise reproduced.

Section 6.02. Form of the Certificates.

The form of the Certificates, including the form of the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the form of Certificate of the Paying Agent/Registrar and the form of Assignment appearing on the Certificates, shall be substantially as follows:

(a) Form of Certificates.

REGISTERED

REGISTERED

No. _____

\$ _____

United States of America
State of Texas

CITY OF MISSOURI CITY, TEXAS
COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION
SERIES 2018B

<u>INTEREST RATE:</u>	<u>MATURITY DATE:</u>	<u>CLOSING DATE:</u>	<u>CUSIP NUMBER:</u>
_____ %	June 15, _____	December __, 2018	_____

The City of Missouri City, Texas (the "City"), in Harris & Fort Bend Counties, State of Texas, for value received, hereby promises to pay to

or registered assigns, on the Maturity Date specified above, the sum of

unless this Certificate shall have been sooner called for redemption and the payment of the principal hereof shall have been paid or provided for, and to pay interest on such principal amount from the later of Closing Date or the most recent interest payment date to which interest has been paid or provided for until payment of such principal amount has been paid or provided for, at the per annum rate of interest specified above, computed on the basis of a 360-day year of twelve 30-day months, such interest to be paid semiannually on June 15 and December 15 of each year, commencing June 15, 2019.

The principal of this Certificate shall be payable without exchange or collection charges in lawful money of the United States of America upon presentation and surrender of this Certificate at the corporate trust office in Dallas, Texas (the "Designated Payment/Transfer Office"), of The Bank of New York Mellon Trust Company, N.A., as Paying Agent/Registrar, or, with respect to a successor paying agent/registrar, at the Designated Payment/Transfer Office of such successor. Interest on this Certificate is payable by check dated as of the interest payment date, and will be mailed on or before such interest payment date, by United States mail, first class, postage prepaid, by the Paying Agent/Registrar to the registered owner at the address shown on the registration books kept by the Paying Agent/Registrar, or by such other customary banking arrangements acceptable to the Paying Agent/Registrar and the person to whom interest is to be paid; provided, however, that such person shall bear all risk and expense of such other customary banking arrangements. For the purpose of the payment of interest on this Certificate, the registered owner shall be the person in whose name this Certificate is

registered at the close of business on the "Record Date," which shall be the last business day of the month preceding such interest payment date; provided, however, that in the event of nonpayment of interest on a scheduled interest payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date," which date shall be fifteen (15) days after the Special Record Date) shall be sent at least five (5) Business Days (as hereinafter defined) prior to the Special Record Date by United States mail, first class, postage prepaid, to the address of each registered owner of a Certificate appearing on the books of the Paying Agent/Registrar at the close of business on the last Business Day next preceding the date of mailing of such notice.

If the date for the payment of the principal of or interest on this Certificate is not a Business Day, the date for such payment shall be the next succeeding day which is not a Saturday, Sunday or legal holiday, or day on which banking institutions in the State of Texas or the city in which the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are generally authorized or obligated by law or executive order to close (a "Business Day"), and payment on such date shall for all purposes be deemed to have been made on the original date payment was due.

This Certificate is dated _____, 2018 and is one of a series of fully registered Certificates specified in the title hereof issued in the aggregate principal amount of \$_____¹ (herein referred to as the "Certificates"), issued pursuant to a certain ordinance of the City (the "Bond Ordinance") and a pricing certificate executed pursuant to the Bond Ordinance (together with the Bond Ordinance, the "Ordinance") for the purpose of providing funds for certain projects approved by the City and to pay the costs of issuing the Certificates.

The Certificates maturing on and after June 15, 2028 are subject to redemption at the option of the City on June 15, 2027 or on any date thereafter at a price of par plus interest accrued to the date of redemption. If less than all of the Certificates are to be redeemed pursuant to an optional redemption, the City shall determine the maturity or maturities and the amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot the Certificates, or portions thereof, within such maturity or maturities and in such principal amounts, for redemption.

[Certificates maturing on June 15, 20__ (the "Term Certificates") are subject to mandatory sinking fund redemption prior to their scheduled maturity, and will be redeemed by the City, in part at a redemption price equal to the principal amount thereof, without premium, plus interest accrued to the redemption date, on the dates and in the principal amounts shown in the following schedule:

¹ Insert from Pricing Certificate.

\$ Term Certificates Maturing June 15, 20

<u>Mandatory Redemption Date</u>	<u>Principal Amount</u>
_____ (maturity)	\$ _____
	\$ _____

The Paying Agent/Registrar will select by lot or by any other customary method that results in a random selection the specific Term Certificates (or with respect to Term Certificates having a denomination in excess of \$5,000, each \$5,000 portion thereof) to be redeemed by mandatory redemption. The principal amount of Term Certificates required to be redeemed on any redemption date pursuant to the foregoing mandatory sinking fund redemption provisions hereof shall be reduced, at the option of the City, by the principal amount of any Term Certificates which, at least 45 days prior to the mandatory sinking fund redemption date (i) shall have been acquired by the City at a price not exceeding the principal amount of such Term Certificates plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, or (ii) shall have been redeemed pursuant to the optional redemption provisions hereof and not previously credited to a mandatory sinking fund redemption.]²

Notice of such redemption or redemptions shall be given by United States mail, first class, postage prepaid, not less than 30 days before the date fixed for redemption, to the registered owner of each of the Certificates to be redeemed in whole or in part. In the Ordinance, the City reserves the right in the case of an optional redemption to give notice of its election or direction to redeem Certificates conditioned upon the occurrence of subsequent events. Such notice may state (i) that the redemption is conditioned upon the deposit of moneys and/or authorized securities, in an amount equal to the amount necessary to effect the redemption, with the Paying Agent/Registrar, or such other entity as may be authorized by law, no later than the redemption date or (ii) that the City retains the right to rescind such notice at any time prior to the scheduled redemption date if the City delivers a certificate of the City to the Paying Agent/Registrar instructing the Paying Agent/Registrar to rescind the redemption notice, and such notice and redemption shall be of no effect if such moneys and/or authorized securities are not so deposited or if the notice is rescinded. The Paying Agent/Registrar shall give prompt notice of any such rescission of a conditional notice of redemption to the affected Owners. Any Certificates subject to conditional redemption where redemption has been rescinded shall remain Outstanding, and the rescission of such redemption shall not constitute an event of default. Further, in the case of a conditional redemption, the failure of the City to make moneys and/or authorized securities available in part or in whole on or before the redemption date shall not constitute an event of default.

Any notice so mailed shall be conclusively presumed to have been duly given, whether or not the registered owner receives such notice. Notice having been so given and subject, in the case of an optional redemption, to any rights or conditions reserved by the City in the notice, the Certificates called for redemption shall become due and payable on the specified redemption date, and notwithstanding that any Certificate or portion thereof has not been surrendered for payment, interest on such Certificate or portion thereof shall cease to accrue.

As provided in the Ordinance, and subject to certain limitations therein set forth, this Certificate is transferable upon surrender of this Certificate for transfer at the Designated

² Delete if Term Certificates are not issued.

Payment/Transfer Office of the Paying Agent/Registrar with such endorsement or other evidence of transfer as is acceptable to the Paying Agent/Registrar; thereupon, one or more new fully registered Certificates of the same stated maturity, of authorized denominations, bearing the same rate of interest, and for the same aggregate principal amount will be issued to the designated transferee or transferees.

Neither the City nor the Paying Agent/Registrar shall be required to issue, transfer or exchange any Certificate called for redemption, in whole or in part, within 45 calendar days prior to the date fixed for redemption; provided, however, such limitation shall not be applicable to an exchange by the owner of the uncalled principal balance of a Certificate.

The City, the Paying Agent/Registrar, and any other person may treat the person in whose name this Certificate is registered as the owner hereof for the purpose of receiving payment as herein provided (except interest shall be paid to the person in whose name this Certificate is registered on the Record Date or Special Record Date, as applicable) and for all other purposes, whether or not this Certificate be overdue, and neither the City nor the Paying Agent/Registrar shall be affected by notice to the contrary.

IT IS HEREBY CERTIFIED AND RECITED that the issuance of this Certificate and the series of which it is a part is duly authorized by law; that all acts, conditions, and things required to be done precedent to and in the issuance of the Certificates have been properly done and performed and have happened in regular and due time, form, and manner as required by law; and that ad valorem taxes upon all taxable property in the City have been levied for and pledged to the payment of the debt service requirements of the Certificates within the limit prescribed by law; that, in addition to said taxes, further provisions have been made for the payment of the debt service requirements of the Certificates by pledging to such purpose Surplus Revenues, as defined in the Ordinance, derived by the City from the operation of its combined waterworks and sewer system in an amount limited to \$10,000; that when so collected, such taxes and Surplus Revenues shall be appropriated to such purposes; and that the total indebtedness of the City, including the Certificates, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the City has caused this Certificate to be executed by the manual or facsimile signature of the Mayor of the City and countersigned by the manual or facsimile signature of the City Secretary of the City, and the official seal of the City has been duly impressed or placed in facsimile on this Certificate.

City Secretary
City of Missouri City, Texas

Mayor
City of Missouri City, Texas

[SEAL]

(b) Form of Comptroller's Registration Certificate. The following Comptroller's Registration Certificate may be deleted from the definitive Certificates if such certificate on the Initial Certificate is fully executed.

OFFICE OF THE COMPTROLLER §
OF PUBLIC ACCOUNTS § REGISTER NO. _____
OF THE STATE OF TEXAS §

I hereby certify that there is on file and of record in my office a certificate of the Attorney General of the State of Texas to the effect that this Certificate has been examined by him as required by law, that he finds that it has been issued in conformity with the Constitution and laws of the State of Texas, and that it is a valid and binding obligation of the City of Missouri City, Texas, and that this Certificate has this day been registered by me.

Witness my hand and seal of office at Austin, Texas, _____.

Comptroller of Public Accounts
of the State of Texas

[SEAL]

(c) Form of Certificate of Paying Agent/Registrar.

The following Certificate of Paying Agent/Registrar may be deleted from the Initial Certificate if the executed Comptroller's Registration Certificate appears thereon.

CERTIFICATE OF PAYING AGENT/REGISTRAR

The records of the Paying Agent/Registrar show that the Initial Certificate of this series of Certificates was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas, and that this is one of the Certificates referred to in the within-mentioned Ordinance.

The Bank of New York Mellon Trust Company,
N.A., as Paying Agent/Registrar

Dated: _____

By: _____
Authorized Signatory

(d) Form of Assignment.

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns, and transfers unto (print or typewrite name, address and Zip Code of transferee):

(Social Security or other identifying number: _____) the within Certificate and all rights hereunder and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Certificate on the books kept for registration hereof, with full power of substitution in the premises.

Dated: _____

NOTICE: The signature on this Assignment must correspond with the name of the registered owner as it appears on the face of the within Certificate in every particular and must be guaranteed in a manner acceptable to the Paying Agent/Registrar.

Signature Guaranteed:

Authorized Signatory

(e) The Initial Certificate shall be in the form set forth in paragraphs (a), (b) and (d) of this Section, except for the following alterations:

(i) immediately under the name of the Certificate, the headings "INTEREST RATE" and "MATURITY DATE" shall both be completed with the words "As shown below" and the words "CUSIP NUMBER" deleted; and

(ii) in the first paragraph of the Certificate, the words "on the Maturity Date specified above," shall be deleted and the following will be inserted: "on June 15 in each of the years, in the principal installments and bearing interest at the per annum rates in accordance with the following schedule:

<u>Years</u>	<u>Principal Installment</u>	<u>Interest Rate</u>
--------------	----------------------------------	--------------------------

(Information to be inserted from the Officer's Pricing Certificate)

Section 6.03. CUSIP Registration.

The City may secure identification numbers through the CUSIP Global Services, which is managed on behalf of the American Bankers Association by S&P Global Market Intelligence, or another entity that provides securities identification numbers for municipal securities, and may print such numbers on the face of the Certificates. It is expressly provided, however, that the presence or absence of CUSIP numbers on the Certificates or any errors or omissions in the

printing of such number shall be of no significance or effect in regard to the legality thereof and neither the City nor Bond Counsel to the City are to be held responsible for CUSIP numbers incorrectly printed on the Certificates.

Section 6.04. Legal Opinion.

The approving legal opinion of Bond Counsel may be printed on the reverse side of or attached to each Certificate over the certification of the City Secretary of the City, which may be executed in facsimile.

Section 6.05. Statement of Insurance.

A statement relating to a municipal bond insurance policy, if any, to be issued for the Certificates may be printed on or attached to each Certificate.

ARTICLE VII.

**DELEGATION OF AUTHORITY,
SALE AND DELIVERY OF CERTIFICATE, DEPOSIT OF PROCEEDS**

Section 7.01. Sale of Certificates; Deposit of Proceeds.

(a) The Certificates shall be sold to the Underwriter in accordance with the terms of this Ordinance. As authorized by Chapter 1371, Texas Government Code, as amended, the Authorized Officer is authorized to act on behalf of the City from time to time in selling and delivering the Certificates and in carrying out the other procedures specified in this Ordinance, the price at which each of the Certificates will be sold, the number and designation of each series or subseries of Certificates to be issued, the form in which the Certificates shall be issued, the years and dates on which the Certificates will mature, the principal amount to mature in each of such years, the rate of interest to be borne by each maturity of the Certificates, the dates, prices and terms upon and at which the Certificates shall be subject to redemption prior to maturity at the option of the City and shall be subject to mandatory sinking fund redemption, and all other matters relating to the issuance, sale and delivery of the Certificates, all of which shall be specified in the Pricing Certificate; provided that the following conditions can be satisfied:

(i) the price to be paid for the Certificates shall not be less than 90% of the aggregate original principal amount of the Certificates plus accrued interest thereon from their date to their delivery;

(ii) the true interest cost for the Certificates shall not be a rate greater than 5.00%;

(iii) the aggregate principal amount of the Certificates authorized to be issued for the purposes described in Section 3.01 shall not exceed the maximum par amount described in Section 3.01; and

(iv) no Bond shall mature more than forty (40) years from the date of delivery thereof.

(b) The Authorized Officer is authorized to, in conformity with this Ordinance, approve the terms, conditions and specifications for the sale of the Certificates in the Pricing Certificate. The Authorized Officer is further authorized to enter into the Purchase Agreement with the Underwriters conforming to the specification set forth in herein. All officers, agents and representatives of the City are hereby authorized to do any and all things necessary or desirable to satisfy the conditions set out therein and to provide for the issuance and delivery of the Certificates. The Initial Bond shall initially be registered in the name of the Senior Underwriter, as applicable, or such other entity as may be specified in the Pricing Certificate.

(c) The authority granted to the Authorized Officer under Sections 7.01(a) and 7.01(c) shall expire on a date one year from the date of this Ordinance, unless otherwise extended by the City by separate action.

(d) The Authorized Officer and all other officers of the City are authorized to take such actions, to obtain such consents or approvals and to execute such documents, agreements, certificates and receipts as they may deem necessary and appropriate in order to consummate the delivery of the Certificates, pay the costs of issuance of the Certificates, and effectuate the terms and provisions of this Ordinance.

Section 7.02. Control and Delivery of Certificates.

(a) The Mayor is hereby authorized to have control of the Initial Certificate and all necessary records and proceedings pertaining thereto pending investigation, examination, and approval of the Attorney General of the State of Texas, registration by the Comptroller and registration with, and initial exchange or transfer by, the Paying Agent/Registrar.

(b) After registration by the Comptroller, delivery of the Certificates shall be made to the Senior Underwriter under and subject to the general supervision and direction of the Mayor, against receipt by the City of all amounts due to the City under the terms of sale.

(c) All officers of the City are authorized to execute such documents, certificates and receipts and to make such elections with respect to the tax-exempt status of the Certificates, as they may deem necessary to consummate the delivery of the Certificates.

Section 7.03. Deposit of Proceeds.

Proceeds from the sale of the Certificates, together with other funds of the City, if any, shall, promptly upon receipt by the City, be applied as set out in the Pricing Certificate.

Section 7.04. Official Statement.

The form and substance of the Preliminary Official Statement and any addenda, supplement or amendment thereto, is hereby ratified and approved, and is confirmed as deemed final within the meaning and for the purposes of paragraph (b)(1) of Rule 15c2-12 under the Securities Exchange Act of 1934. The City hereby authorizes the preparation of a final Official Statement to add certain financial terms and other relevant information. The use of such final Official Statement in the reoffering of the Certificates by the Underwriter is hereby approved and authorized. The proper officials of the City are authorized to execute and deliver a certificate pertaining to such Official Statement as prescribed therein, dated as of the date of payment for and delivery of the Certificates.

ARTICLE VIII.

INVESTMENTS

Section 8.01. Investments.

(a) Money in the Interest and Sinking Fund created by this Ordinance and any of the funds to be deposited pursuant to Section 7.03(b) hereof, at the option of the City, may be invested in such securities or obligations as permitted under applicable law as in effect on the date of the investment.

(b) Any securities or obligations in which such money is so invested shall be kept and held in trust for the benefit of the Owners and shall be sold and the proceeds of sale shall be timely applied to the making of all payments required to be made from the fund from which the investment was made.

Section 8.02. Investment Income.

(a) Interest and income derived from investment of the Interest and Sinking Fund shall be credited to such fund.

(b) Interest and income derived from investment of the funds to be deposited pursuant to Section 7.03(b) hereof shall be credited to the account where deposited until the acquisition or construction of the Projects is completed and thereafter, to the extent such interest and income are present, such interest and income shall be deposited to the Interest and Sinking Fund.

Section 8.03. Engagement of Professionals.

The City Council hereby confirms the prior engagement of (1) Bracewell LLP, as Bond Counsel to the City and (2) First Southwest, a division of Hilltop Securities Inc., as Financial Advisor to the City, in connection with the issuance and sale of the Certificates, and (3) the engagement of the RBC Capital Markets, LLC (the "Senior Underwriter") and Loop Capital Markets, LLC, as underwriters, in connection with the issuance and sale of the Certificates.

ARTICLE IX.

PARTICULAR REPRESENTATIONS AND COVENANTS

Section 9.01. Payment of the Certificates.

On or before each Interest Payment Date or any redemption date for the Certificates and while any of the Certificates are outstanding and unpaid, there shall be made available to the Paying Agent/Registrar, out of the Interest and Sinking Fund, money sufficient to pay such interest on and principal of the Certificates as will accrue or mature on the applicable Interest Payment Date, maturity date or date of prior redemption. Such transfer of funds shall be made in such manner as will cause immediately available funds to be deposited with the Paying Agent/Registrar not later than the close of business on the Business Day next preceding the date of payment for the Certificates.

Section 9.02. Other Representations and Covenants.

(a) The City will faithfully perform, at all times, any and all covenants, undertakings, stipulations, and provisions contained in this Ordinance and in each Certificate; the City will promptly pay or cause to be paid the principal of and interest on each Certificate on the dates and at the places and manner prescribed in such Certificate; and the City will, at the times and in the manner prescribed by this Ordinance, deposit or cause to be deposited the amounts of money specified by this Ordinance.

(b) The City is duly authorized under the laws of the State of Texas to issue the Certificates; all action on its part for the creation and issuance of the Certificates has been duly and effectively taken; and the Certificates in the hands of the Owners thereof are and will be valid and enforceable obligations of the City in accordance with their terms.

ARTICLE X.

PROVISIONS CONCERNING FEDERAL INCOME TAX EXCLUSION

Section 10.01. Provisions Concerning Federal Income Tax.

(a) General. The City intends that the interest on the Certificates be excludable from gross income for federal income tax purposes pursuant to sections 103 and 141 through 150, inclusive, of the Code. The City covenants and agrees not to take any action, or knowingly omit to take any action within its control, that if taken or omitted, respectively, would (i) cause the interest on the Certificates to be includable in gross income, as defined in section 61 of the Code, for federal income tax purposes or (ii) result in the violation of or failure to satisfy any provision of section 103 and 141 through 150, inclusive, of the Code. In particular, the City covenants and agrees to comply with each requirement of this Article X; provided, however, that the City will not be required to comply with any particular requirement of this Article X if the City has received an opinion of nationally recognized bond counsel ("Counsel's Opinion") that (i) such noncompliance will not adversely affect the excludability of interest on the Certificates from gross income for federal income tax purposes or (ii) compliance with some other requirement will satisfy the applicable requirements of the Code, in which case compliance with such other requirement specified in such Counsel's Opinion will constitute compliance with the corresponding requirement specified in this Article X.

(b) No Private Use or Payment and No Private Loan Financing. The City covenants and agrees that it will make such use of the proceeds of the Certificates, including interest or other investment income derived from Certificate proceeds, regulate the use of property financed, directly or indirectly, with such proceeds, and take such other and further action as may be required so that the Certificates will not be "private activity bonds" within the meaning of section 141 of the Code. Moreover, the City will certify, through an authorized officer, employee or agent that, based upon all facts and estimates known or reasonably expected to be in existence on the date the Certificates are delivered, the proceeds of the Certificates will not be used in a manner that would cause the Certificates to be "private activity bonds" within the meaning of section 141 of the Code.

(c) No Federal Guarantee. The City covenants and agrees not to take any action, or knowingly omit to take any action within its control, that, if taken or omitted, respectively, would cause the Certificates to be "federally guaranteed" within the meaning of section 149(b) of the Code, except as permitted by section 149(b)(3) of the Code.

(d) No Hedge Bonds. The City covenants and agrees not to take any action, or knowingly omit to take any action, within its control, that, if taken or omitted, respectively, would cause the Certificates to be “hedge bonds” within the meaning of section 149(g) of the Code.

(e) No Arbitrage. The City covenants and agrees that it will make such use of the proceeds of the Certificates, including interest or other investment income derived from Certificate proceeds, regulate investments of proceeds of the Certificates, and take such other and further action as may be required so that the Certificates will not be “arbitrage bonds” within the meaning of section 148(a) of the Code. Moreover, the City will certify, through an authorized officer, employee or agent that, based upon all facts and estimates known or reasonably expected to be in existence on the date the Certificates are delivered, the proceeds of the Certificates will not be used in a manner that would cause the Certificates to be “arbitrage bonds” within the meaning of section 148(a) of the Code.

(f) Arbitrage Rebate. If the City does not qualify for an exception to the requirements of section 148(f) of the Code relating to the required rebate to the United States, the City will take all steps necessary to comply with the requirement that certain amounts earned by the City on the investment of the “gross proceeds” of the Certificates (within the meaning of section 148(f)(6)(B) of the Code), be rebated to the federal government. Specifically, the City will (i) maintain records regarding the investment of the gross proceeds of the Certificates as may be required to calculate the amount earned on the investment of the gross proceeds of the Certificates separately from records of amounts on deposit in the funds and accounts of the City allocable to other bond issues of the City or moneys that do not represent gross proceeds of any bonds of the City, (ii) calculate at such times as are required by applicable Regulations, the amount earned from the investment of the gross proceeds of the Certificates that is required to be rebated to the federal government, and (iii) pay, not less often than every fifth anniversary date of the delivery of the Certificates or on such other dates as may be permitted under applicable Regulations, all amounts required to be rebated to the federal government. Further, the City will not indirectly pay any amount otherwise payable to the federal government pursuant to the foregoing requirements to any person other than the federal government by entering into any investment arrangement with respect to the gross proceeds of the Certificates that might result in a reduction in the amount required to be paid to the federal government because such arrangement results in a smaller profit or a larger loss than would have resulted if the arrangement had been at arm’s length and had the yield on the issue not been relevant to either party.

(g) Information Reporting. The City covenants and agrees to file or cause to be filed with the Secretary of the Treasury, not later than the 15th day of the second calendar month after the close of the calendar quarter in which the Certificates are issued, an information statement concerning the Certificates, all under and in accordance with section 149(e) of the Code.

(h) Record Retention. The City will retain all pertinent and material records relating to the use and expenditure of the proceeds of the Certificates until three years after the last Certificate is redeemed or paid at maturity, or such shorter period as authorized by subsequent guidance issued by the Department of the Treasury, if applicable. All records will be kept in a manner that ensures their complete access throughout the retention period. For this purpose, it is acceptable that such records are kept either as hardcopy books and records or in an electronic storage and retrieval system, provided that such electronic system includes reasonable controls and quality assurance programs that assure the ability of the City to retrieve

and reproduce such books and records in the event of an examination of the Certificates by the Internal Revenue Service.

(i) Registration. The Certificates will be issued in registered form.

(j) Deliberate Actions. The City will not take a deliberate action (as defined in section 1.141-2(d)(3) of the Regulations) that causes the Certificates to fail to meet any requirement of section 141 of the Code after the issue date of the Certificates unless an appropriate remedial action is permitted by section 1.141-12 of the Regulations, the City takes such remedial action, and the City receives a Counsel's Opinion that such remedial action cures any failure to meet the requirements of section 141 of the Code.

(k) Continuing Obligation. Notwithstanding any other provision of this Order, the City's obligations under the covenants and provisions of this Article X will survive the defeasance and discharge of the Certificates for as long as such matters are relevant to the excludability of interest on the Certificates from gross income for federal income tax purposes.

ARTICLE XI.

DISCHARGE

Section 11.01. Discharge.

The Certificates may be defeased, refunded or discharged in any manner permitted by applicable law.

ARTICLE XII.

CONTINUING DISCLOSURE UNDERTAKING

Section 12.01. Annual Reports. The City shall provide annually to the MSRB, within six (6) months after the end of each Fiscal Year, financial information and operating data with respect to the City of the general type included in the final Official Statement, being the information described in **Exhibit B** hereto. Any financial statements so to be provided shall be (i) prepared in accordance with the accounting principles described in **Exhibit B** hereto, and (ii) audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not complete within such period, then the City shall provide notice that audited financial statements are not available and shall provide unaudited financial statements for the applicable Fiscal Year to the MSRB. Thereafter, when and if audited financial statements become available, the City shall provide such audited financial statements as required to the MSRB.

(a) If the City changes its Fiscal Year, it will notify each the MSRB of the change (and of the date of the new Fiscal Year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

(b) The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other

offering document) that theretofore has been provided to the MSRB or filed with the SEC.

Section 12.02. Event Notices. (a) The City shall provide the following to the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner, not in excess of ten (10) Business Days after the occurrence of the event, notice of any of the following events with respect to the Certificates:

- (i) principal and interest payment delinquencies;
- (ii) nonpayment related defaults, if material;
- (iii) unscheduled draws on debt service reserves reflecting financial difficulties;
- (iv) unscheduled draws on credit enhancements reflecting financial difficulties;
- (v) substitution of credit or liquidity providers, or their failure to perform;
- (vi) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notice of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Certificates, or other material events affecting the tax status of the Certificates;
- (vii) modifications to rights of holders of the Certificates, if material;
- (viii) bond calls, if material, and tender offers;
- (ix) defeasance;
- (x) release, substitution, or sale of property securing repayment of the Certificates, if material;
- (xi) rating changes;
- (xii) bankruptcy, insolvency, receivership, or similar event of the City;

Note to paragraph (xii): For the purposes of the event identified in paragraph (xii) of this section, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City.

- (xiii) the consummation of a merger, consolidation, or acquisition involving an City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action, or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
- (xiv) the appointment of a successor or additional paying agent/registrar or the change in the name of the paying agent/registrar, if material.

(b) The City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with Section 12.01 of this Ordinance by the time required by such Section.

(c) The City reserves the right to file all information and notices required under this Article through the facilities of DisclosureUSA or any other central post office approved by the SEC for such purpose.

Section 12.03. Limitations, Disclaimers and Amendments.

The City shall be obligated to observe and perform the covenants specified in this Article for so long as, but only for so long as the City remains an "obligated person" with respect to the Certificates within the meaning of the Rule, except that the City in any event will give notice of any redemption calls and any defeasances that cause the City to be no longer an "obligated person."

The provisions of this Article are for the sole benefit of the Owners and beneficial owners of the Certificates, and nothing in this Article, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Article and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Article or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Certificates at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE OWNER OR BENEFICIAL OWNER OF ANY CERTIFICATE OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS ARTICLE, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

(a) No default by the City in observing or performing its obligations under this Article shall constitute a breach of or default under the Ordinance for purposes of any other provisions of this Ordinance.

(b) Nothing in this Article is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

(c) The provisions of this Article may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (i) the provisions of this Article, as so amended, would have permitted an underwriter to purchase or sell Certificates in the primary offering of the Certificates in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (ii) either (A) the Owners of a majority in aggregate principal amount (or any greater amount required by any other provisions of this Ordinance that authorizes such an amendment) of the Outstanding Certificates consent to such amendment or (B) an entity or individual person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the Owners and beneficial owners of the Certificates. The provisions of this Article may also be amended from time to time or repealed by the City if the SEC amends or repeals the applicable provisions of the Rule or a court of final jurisdiction determines that such provisions are invalid, but only if and to the extent that reservation of the City's right to do so would not prevent underwriters of the initial public offering of the Certificates from lawfully purchasing or selling Certificates in such offering. If the City so amends the provisions of this Article, it shall include with any amended financial information or operating data next provided in accordance with Section 13.01 an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided.

ARTICLE XIII.

MISCELLANEOUS

Section 13.01. Changes to Ordinance.

Bond Counsel is hereby authorized to make any changes to the terms of this Ordinance if necessary or desirable to carry out the purposes hereof or in connection with the approval of the issuance of the Certificates by the Attorney General of Texas.

Section 13.02. Partial Invalidity.

If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 13.03. Repealer.

All ordinances or resolutions, or parts thereof, heretofore adopted by the City and inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 13.04. Individuals Not Liable.

No covenant, stipulation, obligation or agreement herein contained shall be deemed to be a covenant, stipulation, obligation or agreement of any member of City Council or agent or employee of City Council or of the City in his or her individual capacity and neither the members of City Council nor any officer thereof, nor any agent or employee of City Council or of the City, shall be liable personally on the Certificates, or be subject to any personal liability or accountability by reason of the issuance thereof.

Section 13.05. Related Matters.

To satisfy in a timely manner all of the City's obligations under this Ordinance, the Mayor or Mayor Pro Tem, the City Secretary and all other appropriate officers and agents of the City are hereby authorized and directed to do any and all things necessary and/or convenient in order to consummate the delivery of the Certificates, pay the costs of issuance on the Certificates, and effectuate the terms and purposes of this Ordinance.

Section 13.06. Force and Effect.

This Ordinance shall be in full force and effect from and after its final passage, and it is so ordained.

[Signature Page Follows]

PASSED, APPROVED and ADOPTED on first and final reading this 19th day of November, 2018, with ____ members voting yes, ____ members voting no, and ____ members abstaining.

Allen Owen, Mayor

ATTEST:

Maria Jackson, City Secretary

[SEAL]

APPROVED AS TO FORM:

E. Joyce Iyamu, City Attorney

Signature Page to Ordinance

EXHIBIT A

PAYING AGENT/REGISTRAR AGREEMENT

[Attached]

EXHIBIT B

DESCRIPTION OF ANNUAL DISCLOSURE OF FINANCIAL INFORMATION

The following information is referred to in Article XII of this Ordinance.

Annual Financial Statements and Operating Data

The financial information and operating data with respect to the City to be provided annually in accordance with such Article are as specified (and included in the Appendix or other headings of the Official Statement referred to) below:

1. The portions of the financial statements of the City appended to the Official Statement as Appendix B, but for the most recently concluded Fiscal Year.
1. The quantitative financial information and operating data with respect to the City of the general type included in the main text of the Official Statement is numbered Tables 1 through 6 and 8 through 14, both inclusive.

Accounting Principles

The accounting principles referred to in such Article are the accounting principles described in the notes to the financial statements referred to in Paragraph 1 above, as such principles may be changed from time to time to comply with State law.

EXHIBIT C

FORM OF PRICING CERTIFICATE

PRICING CERTIFICATE

Re: City of Missouri City, Texas Combination Tax and Revenue Certificates of Obligation, Series 2018B (the "Certificates")

I, the undersigned [City Manager/Mayor/Interim Director of Finance] of the City of Missouri City, Texas (the "City"), do hereby make and execute this Pricing Certificate pursuant to an ordinance adopted by the City Council of the City on November 19, 2018 (the "Ordinance") authorizing the issuance of the Certificates. Capitalized terms used in this Pricing Certificate shall have the meanings given such terms in the Ordinance.

A. The Certificates shall be designated as the "Missouri City, Texas Combination Tax and Revenue Certificates of Obligation, Series 2018B" and shall be issued in the aggregate principal amount of \$_____.

C. The Closing Date of the Certificates is scheduled for December __, 2018.

D. The sale of the Certificates at the purchase price plus accrued interest to the Closing Date stated below is hereby approved.

PRINCIPAL AMOUNT \$

Plus Original Issue Premium

Less Original Issue Discount

Less Underwriter's Discount

PURCHASE PRICE \$ _____

E. The Certificates shall bear interest from the Closing Date. The Certificates shall mature on June 15 in each of the years, in the principal installments and shall bear interest at the per annum rates set forth in the following schedule:

<u>Stated</u> <u>Maturity</u>	<u>Principal</u> <u>Installment</u>	<u>Interest</u> <u>Rate</u>	<u>Stated</u> <u>Maturity</u>	<u>Principal</u> <u>Installment</u>	<u>Interest</u> <u>Rate</u>
_____	\$ _____	_____ %	_____	\$ _____	_____ %
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

This Pricing Certificate for the City of Missouri City, Texas Certificates of Obligation, Series 2018B, is executed on the _____ day of _____, 2018.

Authorized Officer
City of Missouri City, Texas

Signature Page to Pricing Certificate

EXHIBIT A TO PRICING CERTIFICATE

FORM OF CERTIFICATE

[To be Added at Pricing]



CITY COUNCIL AGENDA ITEM COVER MEMO

November 19, 2018

To: Mayor and City Council
Agenda Item: 11(a) Consider appointing members to the Transportation Policy Council and the Technical Advisory Committee for the Houston-Galveston Area Council.
Submitted by: Clifford Brouhard, P.E., PTOE, Assistant Director of Public Works

SYNOPSIS

City Council is being asked to consider appointing members to the Transportation Policy Council (TPC) and the Technical Advisory Committee (TAC) for the Houston-Galveston Area Council (H-GAC) for 2019.

STRATEGIC PLAN 2019 GOALS ADDRESSED

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

BACKGROUND

The City has the opportunity to designate a representative and an alternate to serve on the TPC and the TAC. The purpose of the TAC is to coordinate development of the Regional Transportation (RTP), assist with technical tasks associated with the development of the Transportation Improvement Program (TIP), and to coordinate intermodal planning.

In the past, City Council has appointed Scott Elmer as the primary voting member for both the TPC and TAC. Staff is proposing to name the Director of Public Works/City Engineer (Shashi Kumar) as the alternate for both the TPC and TAC.

Both Scott Elmer and Shashi Kumar are agreeable to the appointments should Council so decide.

BUDGET/FISCAL ANALYSIS

There is no fiscal impact.

SUPPORTING MATERIALS

1. Resolution

STAFF'S RECOMMENDATION

Consider appointments to the TAC and TPC as recommended by staff.

Director Approval: Jessica M. Kokes

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

RESOLUTION NO. R-18-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS, SELECTING A REPRESENTATIVE AND AN ALTERNATE TO THE HOUSTON-GALVESTON AREA COUNCIL 2019 TRANSPORTATION POLICY COUNCIL; SELECTING A REPRESENTATIVE AND AN ALTERNATE TO THE HOUSTON-GALVESTON AREA COUNCIL 2019 TECHNICAL ADVISORY COMMITTEE; PROVIDING FOR REPEAL; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, the City of Missouri City, Texas (the "City"), is authorized by the Bylaws of the Houston-Galveston Area Council ("H-GAC") to select a representative and a designated alternate member to the H-GAC Transportation Policy Council; and

WHEREAS, the H-GAC Bylaws also authorize the City to select a representative and a designated alternate member to the H-GAC Technical Advisory Committee; and

WHEREAS, the City Council has determined that it is in the best interest of the residents of the City to select a representative and an alternate to the H-GAC Transportation Policy Council and to select a representative and an alternate to the H-GAC Technical Advisory Committee, to begin their terms of office at the first of January 2019; now, therefore,

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

Section 1. The facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

Section 2. The following individuals are hereby selected to be the representative and alternate of the H-GAC Transportation Policy Council for the year 2019:

REPRESENTATIVE: SCOTT ELMER, P.E.

ALTERNATE: SHASHI KUMAR, P.E.

Section 3. The following individuals are hereby selected to be the representative and alternate of the H-GAC Technical Advisory Committee for the year 2019:

REPRESENTATIVE: SCOTT ELMER, P.E.

ALTERNATE: SHASHI KUMAR, P.E.

Section 4. The Executive Director of the H-GAC shall be notified of the selection of the hereinabove named representatives and alternates.

Section 5. The officers and employees of the City are hereby authorized and directed to execute such instruments and take such actions as are consistent with the provisions of this Resolution.

Section 6. Repeal. All resolutions or parts of resolutions, if any, in conflict herewith, shall be and are hereby expressly repealed to the extent of such conflict only.

Section 7. Severability. In the event any clause, phrase, provision, sentence or part of this Resolution or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Resolution 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 part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED, APPROVED AND ADOPTED, this the 19th day of November, 2018.

Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Jackson, City Secretary

E. Joyce Iyamu, City Attorney



**Council Agenda Item
November 19, 2018**

12. CITY COUNCIL ANNOUNCEMENTS

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

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

13. CLOSED EXECUTIVE SESSION

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

14. RECONVENE

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

15. ADJOURN
