

NOTICE OF CITY COUNCIL WORKSHOP MEETING

NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS, WILL MEET IN A WORKSHOP SESSION OPEN TO THE PUBLIC AS FOLLOWS:

DATE: Tuesday, January 27, 2015

TIME: 6:00 p.m.

PLACE: Rosenberg City Hall
City Hall Council Chamber
2110 4th Street
Rosenberg, Texas 77471

PURPOSE: City Council Workshop Meeting, agenda as follows:

During a City Council Workshop, the City Council does not take final action on the agenda items and any consideration of final action will be scheduled at a Regular or Special City Council Meeting. Public comments are welcomed at Regular or Special City Council Meetings. No public comments will be received at a Workshop Meeting.

The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed below, as authorized by Title 5, Chapter 551, of the Texas Government Code.

Call to order: City Hall Council Chamber

AGENDA

1. Review and discuss the City's junked vehicle regulations, and take action as necessary to direct staff. (William Benton, Councilor)
2. Review and discuss the FY2015 Street Right-of-Way Tree Trimming Contract, and take action as necessary to direct staff. (John Maresh, Assistant City Manager of Public Services)
3. Review and discuss proposed traffic calming speed hump installation and removal policy and procedures, and take action as necessary to direct staff. (John Maresh, Assistant City Manager of Public Services)
4. Review and discuss proposed amendments to Code of Ordinances, Chapter 6, Articles XVI and XVII, regarding Parking Lot and Single-Family Residential Dwelling Standards, and take action as necessary to direct staff. (Travis Tanner, Executive Director of Community Development)
5. Review and discuss a proposed tax credit multifamily development project by Palladium Rosenberg, and take action as necessary to direct staff. (Travis Tanner, Executive Director of Community Development)
6. Review and discuss a request for statue placement in Seabourne Creek Park, and take action as necessary to direct staff. (Darren McCarthy, Parks and Recreation Director)
7. Adjournment.

[EXECUTION PAGE TO FOLLOW]

DATED AND POSTED this the _____ day of _____ 2015, at _____m.,

by _____.

Attest:
Christine Krahn, Acting City Secretary

Approved for Posting:
Robert Gracia, City Manager

Approved:
Vincent M. Morales, Jr., Mayor

Reasonable accommodation for the disabled attending this meeting will be available; persons with disabilities in need of special assistance at the meeting should contact the City Secretary at (832) 595-3340.



CITY COUNCIL COMMUNICATION

January 27, 2015

ITEM #	ITEM TITLE
1	Junked Vehicle Regulations Discussion
ITEM/MOTION	
Review and discuss the City's junked vehicle regulations, and take action as necessary to direct staff.	
FINANCIAL SUMMARY	ELECTION DISTRICT

Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

- Yes No N/A

Source of Funds: N/A

- District 1
- District 2
- District 3
- District 4
- City-wide
- N/A

SUPPORTING DOCUMENTS:**MUD #:** N/A

1. Code Excerpt – Chapter 14, Article VI – Junked Vehicles

APPROVALS**Submitted by:****William Benton/rl**

William Benton
 Councilor, At Large Position
 One

Reviewed by:

- Exec. Dir. of Administrative Services
- Asst. City Manager of Public Services
- City Attorney
- City Engineer
- (Other)

Approved for Submittal to City Council:

Robert Gracia
 City Manager

EXECUTIVE SUMMARY

This item has been included to allow for discussion regarding the City's junked vehicle regulations. An excerpt from the City's Code, Chapter 14, Article VI – Junked Vehicles, has been included for your reference.

ROSENBERG CODE OF ORDINANCES
CHAPTER 14 – HEALTH, SANITATION AND NUISANCES
ARTICLE VI. - JUNKED VEHICLES

FOOTNOTE(S):

--- (5) ---

Cross reference- Buildings and building regulations, Ch. 6; licenses and business regulations, Ch. 16; manufactured housing, mobile homes and travel trailers and parks, Ch. 17; traffic and vehicles; Ch. 28.

State Law reference- junked vehicles, V.T.C.A., Transportation Code § 683.071 et seq.

Sec. 14-111. - Definitions.

For the purpose of this article, the following words shall have the meanings ascribed to them by this section:

Antique motor vehicle shall mean a passenger car or truck that is at least thirty-five (35) years old.

Junked vehicle shall mean a vehicle that is self-propelled as defined in Section 683.071, Transportation Code, Vernon's Texas Civil Statutes, as amended, and:

- (1) Does not have lawfully attached to it:
 - a. An unexpired license plate; or
 - b. A valid motor vehicle inspection certificate;
- (2) Is wrecked, dismantled or partially dismantled, or discarded; or
- (3) Is inoperable and has remained inoperable for more than:
 - a. Seventy-two (72) consecutive hours, if the vehicle is on public property; or
 - b. Thirty (30) consecutive days, if the vehicle is on private property.

Motor vehicle collector shall mean a person who:

- (1) Owns one (1) or more antique or special interest vehicles; and
- (2) Acquires, collects, or disposes of antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore and preserve an antique or special interest vehicle for historic interest.

Special interest vehicle shall mean a motor vehicle of any age that has not been changed from original manufacturer's specifications and, because of its historic interest, is being preserved by a hobbyist.

(Ord. No. 2000-48, § 1, 11-06-00)

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 14-112. - Exceptions.

The provisions of this article applicable to junked motor vehicles shall not apply to:

- (1) Any motor vehicle in operable condition specifically adapted or constructed for racing or operation on privately owned drag strips or raceways;
- (2) Any motor vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment.

(Code 1960, § 15-27)

Sec. 14-113. - Deemed public nuisance; declared unlawful.

A junked vehicle that is located in a place where it is visible from a public place or public right-of-way is detrimental to the safety and welfare of the general public, tends to reduce the value of private property, invites vandalism, creates fire hazards, constitutes an attractive nuisance creating a hazard to the health and safety of minors, and is detrimental to the economic welfare of the city by producing urban blight adverse to the maintenance and continuing development of the city, and is a public nuisance. This section shall not apply with regard to:

- (1) A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property;
- (2) A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with a business of a licensed vehicle dealer or licensed junkyard, or that is an antique or special interest vehicle stored by a motor vehicle collector on the collector's property, if the vehicle or part and the outdoor storage area, if any, are:
 - a. Maintained in an orderly manner;
 - b. Not a health hazard; and
 - c. Screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery.

(Code 1960, § 15-28; Ord. No. 2000-48, § 2, 11-06-00)

Editor's note—

Ordinance No. 2000-48, § 2, adopted Nov. 6, 2000, amended § 14-113(2) and (3) by replacing them with new § 14-113(2). Formerly, such subsections pertained to similar provisions and derived from Code 1960, § 15-28.

State law reference— Similar provisions, V.T.C.A., Transportation Code §§ 683.072, 683.073 and 683.077.

Sec. 14-114. - Notice to owner to abate nuisance—When on occupied premises.

- (a) Whenever a public nuisance exists on public property, on occupied premises, or on the public right-of-way adjacent to occupied premises within the city in violation of section 14-113, the city manager or his designee shall send notice to the owner of the junked vehicle and the owner or occupant of the premises where the nuisance exists if on private property, or the owner or occupant of the premises adjacent to the public right-of-way on which the nuisance exists. If the post office address of the last known registered owner of the nuisance is unknown, notice may be placed on the nuisance or, if the owner is located, hand delivered. The notice shall state the following:
- (1) The nature of the public nuisance and location;
 - (2) That it must be abated and removed within ten (10) days;
 - (3) That if a hearing is desired before the removal of that vehicle or vehicle part, a request for such hearing shall be made before the expiration of the ten-day period; and
 - (4) That the owner shall request, either in person or in writing, the clerk of the municipal court to set a date and time of hearing.
- (b) The notice must be mailed, by certified mail with a five-day return requested, to the last known registered owner of the junked motor vehicle, any lienholder of record, and the owner or occupant of the private property, public property, or public right-of-way on which the public nuisance exists. If any notice is returned undelivered by the United States Post Office, official action to abate the nuisance shall be continued to a date not earlier than the 11th day after the date of return.

(Ord. No. 2000-48, § 3, 11-06-00)

Editor's note—

Ordinance No. 2000-48, § 3, adopted Nov. 6, 2000, amended § 14-114 by replacing the same with new § 14-114. Formerly, such section pertained to similar provisions and derived from Code 1960, § 15-29.

State law reference— Similar provisions, V.T.C.A., Transportation Code, § 683.075.

Sec. 14-115. - Same—When on unoccupied premises.

- (a) Whenever a public nuisance exists on unoccupied premises or on the public right-of-way adjacent to the unoccupied premises within the city in violation of section 14-113, and the owner can be found, the city manager or his designee shall send notice to the owner of the junked vehicle and the owner of the unoccupied premises where the nuisance exists if on private property, or the owner of the unoccupied premises adjacent to the public right-of-way on which the nuisance exists. If the post office address of the last known registered owner of the nuisance is unknown, notice may be placed on the nuisance or, if the owner is located, hand delivered. The notice shall state the following:

- (1) The nature of the public nuisance and location;
 - (2) That it must be abated and removed within ten (10) days;
 - (3) That if a hearing is desired before the removal of that vehicle or vehicle part, a request for such hearing shall be made before expiration of the ten-day period; and
 - (4) That the owner shall request, either in person or writing, the clerk of the municipal court to set a date and time of hearing.
- (b) The notice must be mailed, by certified mail with a five-day return requested, to the last known registered owner of the junked motor vehicle, any lienholder of record, and the owner of the unoccupied private property, or public property, or public right-of-way on which the public nuisance exists. If any notice is returned undelivered by the United States Post Office, official action to abate the nuisance shall be continued to a date not earlier than the 11th day after the date of return.

(Ord. No. 2000-48, § 4, 11-06-00)

Editor's note—

Ordinance No. 2000-48, § 4, adopted Nov. 6, 2000, amended § 14-115 by replacing the same with new § 14-115. Formerly, such section pertained to similar provisions and derived from Code 1960, § 15-30.

State law reference— Similar provisions, V.T.C.A., Transportation Code § 683.075.

Sec. 14-116. - Motor vehicle description.

Any notice requiring the removal of a vehicle or part thereof shall include a description of the vehicle and the correct identification number of the vehicle, if available at the site.

(Code 1960, § 15-31)

Sec. 14-117. - Hearing in municipal court—Preliminaries.

If a hearing is requested within ten (10) days after service of the notice, a public hearing shall be held not earlier than the 11th day after the date of the service of notice before the vehicle or vehicle part is removed. The hearing shall be held before the municipal judge.

(Ord. No. 2000-48, § 5, 11-06-00)

Editor's note—

Ordinance No. 2000-48, § 5, adopted Nov. 6, 2000, amended § 14-117 by replacing the same with new § 14-117. Formerly, such section pertained to similar provisions and derived from Code 1960, § 15-32.

State law reference— Similar provisions, V.T.C.A., Transportation Code § 683.076.

Sec. 14-118. - Same—Findings of judge; penalty.

- (a) The municipal judge shall conduct the trial brought before the municipal court and shall determine whether the defendant is in violation of section 14-113. Upon finding that the defendant is in violation of such section, the defendant shall be deemed guilty of a misdemeanor and subject to a fine in accordance with section 683.073 of the Texas Transportation Code. The municipal judge shall further order such defendant to remove and abate such nuisance within ten (10) days. If the defendant shall fail and refuse to abate or remove the nuisance, the municipal judge may issue an order directing the city manager or his designee to have the same removed, and the city manager or his designee shall take possession of the junked vehicle and remove it from the premises. The city manager or his designee shall thereafter dispose of the junked vehicle in such manner as the city council may provide.
- (b) If a trial is not requested within the ten-day period and the nuisance is not removed and abated by the persons notified, the municipal judge shall issue an order directing the city manager or his designee to have the same removed, and the city manager or his designee shall take possession of the junked motor vehicle and remove it from the premises. The city manager or his designee shall, thereafter, dispose of the junked motor vehicle in such manner as the city council may provide.

(Code 1960, § 15-33)

Sec. 14-119. - Removal—With the permission of the owner.

If, within ten (10) days after receipt of notice from the city manager or his designee to abate the nuisance as herein provided, the owner of the junked motor vehicle or owner or occupant of the premises shall give his written permission to the city manager or his designee for removal of the junked motor vehicle from the premises, the giving of such permission shall be considered compliance with the provisions of this article.

(Code 1960, § 15-34)

Sec. 14-120. - Same—From public property, occupied or unoccupied premises by court order.

If there is a junked motor vehicle on public property, or private premises that are occupied or unoccupied, or on the public right-of-way adjacent to the occupied or unoccupied premises, and the owner or occupant of the premises cannot be found and notified to remove the vehicle, then, upon a showing of facts to the municipal judge, the court may issue an order to the city manager or his designee to take possession of the junked motor vehicle and remove it. If the notice required in sections 14-114 and 14-115 is returned undelivered by the United States Post Office, then after ten (10) days from the date of return, the court may issue an order to the city manager or his designee to have the junked motor vehicle removed, and the city manager or his designee shall take possession of the vehicle and remove it. The city manager or his designee shall thereafter dispose of the junked motor vehicle in the manner provided by the city council, consistent with state law, and the vehicle shall not be reconstructed or made operable.

(Code 1960, § 15-35)

Sec. 14-121. - Disposal of junked vehicle.

- (a) If a public nuisance is not abated by the owner or occupant after notice is given in accordance with this article, official action shall be taken by the city to abate such nuisance. Junked vehicles or parts thereof may be disposed of by removal to a scrapyard, demolishers, or any suitable site operated by the city, which removal process shall be consistent with this article. A junked vehicle disposed of to a demolisher in accordance with this article must be transferred to such demolisher by a form acceptable to the state highway department. The transfer receipt must be listed on the demolisher's inventory list and surrendered to the state highway department in lieu of the certificate of title under the provision of the Texas Transportation Code, chapter 501.
- (b) After a vehicle has been removed pursuant to this article, it shall not be reconstructed or made operable by any person.
- (c) Notice shall be given to the state highway department within five (5) days after the date of removal identifying the vehicle or part thereof.

(Code 1960, § 15-36)

Sec. 14-122. - Authority to enforce.

The chief of police or his designee may enter upon private property for the purposes specified in this article to examine vehicles or parts thereof and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this article. The municipal court shall have authority to issue all orders necessary to enforce such article.

(Code 1960, § 15-37)

Secs. 14-123—14-135. - Reserved.



CITY COUNCIL COMMUNICATION

January 27, 2015

ITEM #	ITEM TITLE
2	FY2015 Tree Trimming Contract Discussion
ITEM/MOTION	
Review and discuss the FY2015 Street Right-of-Way Tree Trimming Contract, and take action as necessary to direct staff.	
FINANCIAL SUMMARY	ELECTION DISTRICT

Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

- Yes No N/A

Source of Funds:

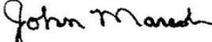
101-5022-600-6240

- District 1
- District 2
- District 3
- District 4
- City-wide
- N/A

SUPPORTING DOCUMENTS:

1. FY2010 Tree Trimming Bid Proposal
2. City Council District Map
3. District 4 Tree Trimming List - Draft

MUD #:N/A

APPROVALS		
Submitted by:	Reviewed by:	Approved for Submittal to City Council:
 John Maresh Assistant City Manager of Public Services	<input checked="" type="checkbox"/> Exec. Dir. of Administrative Services  <input type="checkbox"/> Asst. City Manager of Public Services <input type="checkbox"/> City Attorney <input type="checkbox"/> City Engineer <input type="checkbox"/> (Other)	 Robert Gracia City Manager

EXECUTIVE SUMMARY
<p>This item has been included on the Workshop Agenda to offer City Council the opportunity to discuss the FY2015 Street Right-of-Way Tree Trimming Contract. Prior to FY2010, the Public Works Department budget included sufficient funding to enter into an annual tree trimming contract that would generally cover a complete Council District. This allowed the City to trim trees throughout the entire City over a four year period. Prior to the FY2010 budget reductions, Council District 4 was the next in line for tree trimming.</p> <p>Staff anticipates relatively few changes to the program that was provided until FY2010. The street and tree list will be updated to reflect the current City Council District boundaries, which have changed since 2010.</p> <p>Staff recommends obtaining bids for the FY2015 Street Right-of-Way Tree Trimming Contract as described above. The bid proposal would be placed on a future City Council meeting Agenda for consideration and award.</p>



NOTICE TO BIDDERS

City of Rosenberg Tree Trimming – District 4 Bid No. 2010-02

Sealed bids, in triplicate, on the original forms, will be received by the City Secretary's Office of the City of Rosenberg, at 2110 Fourth Street, Rosenberg, Texas 77471, until **10:00 a.m., on Wednesday, April 7, 2010**, and all bids will be opened and publicly read in the City Council Chamber at approximately 10:00 a.m., on the same date for the award of contract for:

City of Rosenberg Tree Trimming – District 4

All bids must be submitted at the time and place in the manner prescribed above. Bids must be delivered in a sealed envelope with return address and clearly marked "Bid No. 2010-02 City of Rosenberg Tree Trimming – District 4". The bidder's firm name shall appear on the outside of the envelope.

Specifications may be obtained from the Parks & Recreation Department, 3720 Airport Avenue, Rosenberg, Texas 77471, between the hours of 7:30 a.m., and 5:30 p.m., Monday through Thursday, and 8:00 a.m., and 5:00 p.m. on Friday.

If the amount of the bid exceeds \$50,000.00, an Official Bidder's Bond signed by both the Surety and Bidder, Cashier' Check, Certified Check, or letter of credit from an FDIC insured bank in an amount equal to five percent (5%) of the total bid must accompany each proposal. Said bid security shall also serve as guarantee that the successful bidder will deliver all materials/equipment and/or services in accordance with the delivery time and specifications.

The City reserves the right to reject any and all bids or accept any bid deemed advantageous to it. Bids shall remain valid for ninety (90) days.

Linda Cernosek, City Secretary, TRMC

To obtain results, copies of the bid sheets, specifications, bidding documents or you have other questions, please contact:

City of Rosenberg

Kim Johns

Contracts Administrator

Telephone: 832-595-3960

Fax: 832-595-3961

E-mail: kimj@ci.rosenberg.tx.us

BIDDING REQUIREMENTS FOR SMALL BUSINESSES

<u>Cost of the Project</u>	<u>Current Requirements</u>
\$2,000 to \$5,000	<p>Verbal Price Quotations must be obtained. Under state law, no insurance specifically required except workers' compensation coverage; however, tort laws limit our liability to \$500,000.</p> <p><u>Insurance Requirements:</u></p> <ol style="list-style-type: none">1) No insurance requirements by the City of Rosenberg.2) No bidders' bond or cashiers' check required as bid security.
\$5,001 to \$25,000 *	<p>Written Quotations must be obtained. Under state law, no insurance specifically required except workers' compensation coverage; however, tort laws limit our liability to \$500,000.</p> <p><u>Insurance Requirements:</u></p> <ol style="list-style-type: none">1) A copy of the contractors' insurance certificate will be required with upon award of the contract, naming the City of Rosenberg as an additional insured.2) No specific insurance limits required by City of Rosenberg.3) No bidders' bond or cashiers' check required as bid security.
Over \$25,000 *	<p>Formal bids required. Under state law, no insurance specifically required except workers' compensation coverage; however, tort laws limit our liability to \$500,000.</p> <p><u>Insurance Requirements:</u></p> <ol style="list-style-type: none">1) For one time jobs, i.e., tree trimming, a one time mowing contract, etc. in excess of \$25,000*, City will require the tort limit of \$500,000 for General Liability as described below, as well as Employers' Liability Coverage. The City of Rosenberg will be named as an additional insured.2) For more significant work, i.e. infrastructure work, work which has to be engineered, etc., the City will require \$1,000,000 in General Liability coverage minimum combined single-limit General Liability coverage per occurrence and \$2,000,000 general aggregate for bodily injury and property damage coverage, as well as Employers' Liability Coverage. If the City of Rosenberg expects the work to exceed \$1,000,000 in cost, then these limits may be increased, depending on the work to be done. The City of Rosenberg will be named as an additional insured.3) Workers' Compensation coverage, as required by State Law.4) Vehicle Liability Insurance coverage will be required at the same limits as General Liability coverage for any contractor who uses his own vehicles in the course of the work (not just driving to and from, but actually in performing the work).

BIDDING REQUIREMENTS FOR SMALL BUSINESSES (continued)

Cost of the
Project

Insurance Requirements

- 5) Also required for formal bids that Employer carry Employers' Liability Coverage.
- 6) An Official Bidder's Bond signed by the Surety and Bidder, Cashier' Check, Certified Check, or letter of credit from an FDIC insured bank in an amount equal to five percent (5%) of the total cost of the project must accompany each proposal. Said bid security shall also serve as guarantee that the successful bidder will deliver all materials/equipment and/or services in accordance with the delivery time and specifications.



GENERAL SERVICES CONTRACT

This Contract (Contract) is made between the City of Rosenberg, Texas (City), and Contractor. The City and Contractor agree to the terms and conditions of this Contract, which consists of the following parts:

- I. Summary of Contract Terms
- II. Standard Contractual Provisions
- III. Special Terms and Conditions
- IV. Contract Attachments
- V. Signatures

I. Summary of Contract Terms

Contractor: _____
Description of Services: Tree Trimming – District 4
Maximum Contract Amount: _____
Length of Contract: 5 - Months
Effective Date: May 1, 2010
Renewal Date: N/A

II. Standard Contractual Provisions

A. Definitions

Contract means this Standard Services Contract.

Services means the services for which the City solicited bids or received proposals as described in this Contract.

B. Services and Payment

Contractor will furnish Services to the City in accordance with the terms and conditions specified in this Contract. Contractor will bill the City for the Services provided at intervals of at least 30 days, except for the final billing. The City shall pay Contractor for the Services in accordance with the terms of this Contract, but all payments of interest on overdue amounts, are subject to the applicable provisions of Chapter 2251 of the Government Code.

C. Termination Provisions

- (1) *City Termination for Convenience.* Under this paragraph, the City may terminate this Contract during its term at any time for the City's own convenience where the Contractor is not in default by giving written notice to Contractor. If the City terminates this Contract under this paragraph, the City will pay the Contractor for all services rendered in accordance with this Contract to the date of termination.
- (2) *Termination for Default.* Either party to this Contract may terminate this Contract as provided in this paragraph if the other party fails to comply with its term. The party alleging the default will give the other party notice of the default in writing, citing the terms of the Contract that have been breached and what action the defaulting party must take to cure the default. If the party in default fails to cure the default as specified in the notice, the party giving the notice of default may terminate this Contract by written notice to the other party, specifying the date of termination. Termination of this Contract under this paragraph does not affect the right of either party to seek remedies for breach of the Contract as allowed by law, including any damages or costs suffered by either party.
- (3) *Multi-Year Contracts and Funding.* If this Contract extends beyond the City's fiscal year in which it becomes effective or provides for the City to make any payment during any of the City's fiscal years following the City's fiscal year in which this Contract becomes effective and the City fails to appropriate funds to make any required Contract payment for that successive fiscal year, then this Contract automatically terminates at the beginning of the first day of the City's successive fiscal year of the Contract for which the City has not appropriated funds or otherwise provided for funds to make a required payment under the Contract.

D. Liability and Indemnity. Any provision of any attached contract document that limits the Contractor's liability to the City or releases the Contractor from liability to the City for actual or compensatory damages, loss, or costs arising from the performance of this Contract or that provides for contractual indemnity by one party to the other party to this Contract is not applicable or effective under this Contract. Except where and Additional Contract Document provided by the City provides otherwise, each party to this Contract is responsible for defending against and liable for paying any claim, suit, or judgment for damages, loss, or costs arising from that party's negligent acts or omissions in the performance of this Contract in accordance with applicable law. This provision does not affect the right of either party to this Contract who is sued by a third party for acts or omissions arising from this Contract to bring in the other party to this Contract as a third-party defendant as allowed by law.

- E. Assignment. The Contractor shall not assign this Contract without the prior written consent of the City.
- F. **Law Governing and Venue**. **This Contract is governed by the law of the State of Texas and a lawsuit may only be prosecuted on this Contract in a court of competent jurisdiction located in or having jurisdiction in Fort Bend County, Texas.**
- G. Entire Contract. This Contract represents the entire Contract between the City and the Contractor and supersedes all prior negotiations, representations, or contracts, either written or oral. This Contract may be amended only by written instrument signed by both parties.
- H. Independent Contractor. Contractor shall perform the work under this Contract as an independent contractor and not as an employee of the City. The City has no right to supervise, direct, or control the Contractor or Contractor's officers or employees in the means, method, or details of the work to be performed by Contractor under this Contract. The City and Contractor agree that the work performed under this Contract is not inherently dangerous, that Contractor will perform the work in a workmanlike manner, and that Contractor will take proper care and precautions to insure the safety of Contractor's officers and employees.
- I. Dispute Resolution Procedures. The Contractor and City desire an expeditious means to resolve any disputes that may arise between them regarding this Contract. If either party disputes any matter in relation to this Contract, the parties agree to try in good faith, before bringing any legal action, to settle the dispute by submitting the matter to mediation before a third party who will be selected by agreement of the parties. The parties will each pay one-half of the mediator's fees.
- J. Attorney's Fees. Should either party to this Contract bring suit against the other party for breach of contract or for any other cause relating to this Contract, neither party will seek or be entitled to an award of attorney's fees or other costs relating to the suit.
- K. Severability. If a court finds or rules that any part of this Contract is invalid or unlawful, the remainder of the Contract continues to be binding on the parties.

III. Special Terms or Conditions. None.

IV. Additional Contract Documents. The following specified documents attached to this Contract are part of this Contract, except as follows: any provision contained in any of the Contractor's Additional Contract Documents specified below that conflicts with a Contract provision.

A. Contractor's Additional Contract Document:

1. Insurance Certificate

B. City's Additional Contract Documents:

1. Bid Documents & Technical Specifications

V. Signatures. By signing below, the parties agree to the terms of this Contract:

CITY OF ROSENBERG:

CONTRACTOR:

Jack Hamlett
City Manager

By: _____

Title: _____

Date: _____

Attest: City Secretary



**Tree Trimming – District 4
Technical Specifications
Bid # 2010-02**

A. STATEMENT

1. Work consists of pruning approximately 503 trees in the District 4 area of the City of Rosenberg as defined on the enclosed map. The contractor will be responsible to trim the total number of trees within the district to the required clearance heights. No additional payment will be made if the total number of trees exceeds 503.
2. Prune all trees on the attached list to a clearance height of 12 feet over the curb and to a height of 15 feet over the center of the street.
3. The contractor is to provide an urban forester to ensure all pruning practices are performed in aesthetically pleasing manner that corresponds with ANSI A300, (American National Standard Institute) pruning guidelines.
4. All debris generated from pruning will be hauled off and legally disposed of by contractor.
5. All activities performed under this contract shall conform to the most current published American National Standards Institute, (Z133.1) standards for safe arboricultural operations.
6. It is understood and agreed that the Contractor has, by careful examination, satisfied himself as to the nature and location of the work, the conformation of the trees, ground and streets, the character, quality and quantity of the materials to be encountered, the character of equipment and facilities needed preliminary to and during the execution of the work, the general and local conditions, and all other matters which can in any way affect the work under this contract. No verbal agreement or conversation with any officer, agency or employee of the City, either before or after the execution of a contract for this project, shall affect or modify any of the terms or obligations required.

B. CONTRACT TERM

1. Contractor will schedule and complete requested tree trimming service from May 1, 2010 – September 30, 2010, within a 5 month time period.
2. Contractor shall provide a project schedule of the areas they are currently working on to the City of Rosenberg, on a weekly basis.

C. TREE CARE SERVICES

1. Contractor shall have under their employ at least one employee who holds an ISA (International Society of Arboriculture) Certification, and Contractor shall ensure that ISA Certification is maintained throughout the contract period. All work shall be performed or supervised on-site by an ISA Certified Arborist.
2. Vehicles and equipment used to perform tree care services (e.g., aerial lift, wood chipper, and support vehicles) will, to the extent feasible, be positioned on paved, gravel, or turf surfaces. When it is necessary to operate vehicles or equipment on turf or on tree root zones the Contractor shall use ground protection equipment to protect soil from compaction and turf damage.

D. CONTINUED, TREE CARE SERVICES

3. When arbor culturally appropriate, the Contractor will use disinfectant on tree cutting equipment to prevent the spread of pathogens. When arboriculturally appropriate, tree wound paint (specially formulated for this application) will be used to protect trees from the spread of pathogens.
4. Where requested, the Contractor shall install tree support systems (cables and braces) to reduce the possibility of tree failure. Installation methods and materials shall reflect the most current arboricultural practices.

E. WASTE REMOVAL

1. All wood waste and/or nonhazardous debris produced under this contract shall be removed from the job site by the Contractor the same day it is produced, unless specific alternative arrangements are made with the City of Rosenberg. The Contractor shall collect and remove all waste twigs, sawdust and leaves that have been produced as a result of a tree service activity. The Contractor shall not leave debris in City of Rosenberg dumpsters or in any non-Contractor owned dumpster. The Contractor is responsible to legally dispose of all waste/debris produced under this contract. Any costs related to the proper, legal disposal shall be considered incidental and a part of the base contract amount. The Contractor shall not sweep, blow, or otherwise dispose of any debris, or materials into any drainage facility including, but not limited; to open draining ditches, culverts, curb and gutters, and storm drains.
2. If debris could be identified as hazardous waste, Contractor must contact the City of Rosenberg for proper hazardous waste disposal procedures.

F. SITE RESTORATION

1. Damage to turf or soil depressions caused by improper operation of vehicles on soil will be the Contractors responsibility to repair.

G. SUBCONTRACTING

1. Any Contract resulting from this bid shall not be, in whole or in part, subcontracted, assigned, or otherwise transferred to any other Contractor without the prior written consent from the City of Rosenberg.
2. Contractor must abide by all terms and conditions under this Contract.

H. VEHICLE & EMPLOYEE IDENTIFICATION

1. All Contractors' Employees, while working for the City of Rosenberg, must wear a clearly displayed photo identification badge or uniform showing name of employee and/or company logo on uniform must be clearly presentable. Any identification must be provided by the Contractor at the Contractor's cost.
2. All Contractors' Vehicles must have their company logo clearly marked on vehicle.

I. SAFETY

1. Traffic control measures, proper signage and cones should be used while work is being performed by Contractor. All traffic control measures shall be in conformance with the latest requirements of the "Texas Manual on Uniform Traffic Control Devices (TMUCD)".
2. The Contractor shall at all times exercise reasonable precautions for the safety of employees and others on or near the work and shall comply with all applicable provisions of Federal, State and Municipal Safety Laws. All machinery and equipment and other physical hazards shall be guarded in accordance with the "Manual of Accident Prevention in Construction" of the Associated General Contractors of America except where incompatible with guards, safe walkways, ladders, bridges, gang planks and other safety devices. The safety precautions actually taken and their adequacy shall be the sole responsibility of the Contractors acting at his discretion as an independent contractor.
3. The Contractor shall keep and maintain a "spill-kit" with each work crew, minimum 5-gallon capacity, in order to contain and mitigate any small fuel or oil spills that may occur while prosecuting the work. The contractor shall be responsible to promptly pick up and properly dispose of any contaminated absorbent materials. Contractor shall be solely responsible for any notification requirements in accordance with Federal and State laws.

**Quote Worksheet
Tree Trimming
Bid 2010-02**

Complete Sealed Bids in triplicate, must be received by 10:00 a.m. on Wednesday, April 7, 2010.
Mailing address is 2110 4th Street, Rosenberg, TX 77471-0032.

The contractor may submit in person or by mail for consideration. The reference sheet must accompany the quote worksheet. No quotes will be considered without the completed referenced document.

The City reserves the right to request additional information or to meet with representatives from proposing organizations or individuals to discuss points in the proposal before and after submission, any and all of which may be used in forming a recommendation.

Work consists of trimming a variety of species of trees at the following locations.	Quote
	5 - month
District 4 Approximately 503 Trees	
LUMP SUM TOTALS	\$

ACCEPTANCE OF WRITTEN QUOTES:

It is understood by the undersigned that the right is reserved by the City to reject any or all written quotes for this service.

DATE: _____

BIDDER: _____

BY: _____

NAME: _____

TITLE: _____

Company's Name

BY: _____
Signature

Printed or Typed Name

Street Address

City, State & Zip Code

Area Code and Phone

ATTEST/SEAL (if a corporation):
WITNESS (if not a corporation)

BIDDER CERTIFICATION

By signature affixed, the bidder certifies that neither the bidder nor the firm, corporation, partnership, or institution represented by the bidder, or anyone acting for such firm, corporation, or institution has violated the anti-trust laws of this State, codified in Section 15.01, et seq., Texas Business and Commerce Code, or the Federal antitrust laws, nor communicated directly or indirectly the bid made to any competitor or any other person engaged in such line of business.

Bidder has examined the specifications and has fully informed themselves as to all terms and conditions. Any discrepancies or omissions from the specifications or other documents have been clarified with City representatives and noted on the bid proposal submitted.

Bidder guarantees product offered will meet or exceed specifications identified in this bid invitation. Bidders agree that the bids submitted shall remain firm for ninety (90) days following the date specified for the opening of bids.

Bidder Must Fill in and Sign:

NAME OF FIRM/COMPANY: _____

AGENTS NAME: _____

AGENTS TITLE: _____

MAILING ADDRESS: _____

CITY, STATE, ZIP: _____

AUTHORIZED SIGNATURE: _____

DATE OF BID: _____

BIDDER INFORMATION

FULL LEGAL FIRM/COMPANY NAME: _____

BUSINESS STREET ADDRESS: _____

BUSINESS MAILING ADDRESS: _____

BUSINESS TELEPHONE NUMBER: _____

BUSINESS FAX NUMBER: _____

COUNTY: _____ MINORITY OWNED: _____ #OF EMPLOYEES _____

CORPORATION: ___ PARTNERSHIP: ___ PROPRIETORSHIP: ___ L.L.C. ___ L.L.P. ___

YEAR EST. ___ NO. OF YEARS IN BUSINESS ___ FEDERAL ID NO. _____

NATURE OF BUSINESS: _____

PRINCIPALS:

NAME: _____ TITLE: _____

NAME: _____ TITLE: _____

NAME: _____ TITLE: _____

BANK REFERENCE: _____

NAME OF BANK OFFICER: _____

ADDRESS / CITY / STATE / ZIP: _____

PHONE NO: _____

BIDDER CUSTOMER / CLIENT REFERENCES

Bidders must establish the firm's work experience and abilities through a minimum of three verifiable clients within the Fort Bend County or Greater Houston area. References must be for clients with two (2) years or more successful service.

1. COMPANY NAME: _____

ADDRESS: _____

CITY / STATE / ZIP: _____

PHONE NO: _____

NAME OF CONTACT: _____

2. COMPANY NAME: _____

ADDRESS: _____

CITY / STATE / ZIP: _____

PHONE NO: _____

NAME OF CONTACT: _____

3. COMPANY NAME: _____

ADDRESS: _____

CITY / STATE / ZIP: _____

PHONE NO: _____

NAME OF CONTACT: _____

District 4

Jones Street**Scale = 5**

Address/Location	Trees needing pruning	Notes
1726	1 Live Oak	
1830	1 Water Oak	
1901	1 Pecan	
1920	1 Live Oak	
1921	1 Pine, 2 Tallows	
1938	1 Live Oak	
2009	1 Pecan	
2026	1 Ash	
2032	1 Ash	
Brembelow 3802	2 Pecans	
2210	1 Water Oak	
Junker 3802	1 Live Oak	
2302	2 Live Oaks	
2310	1 Water Oak	
2402	1 Elm	
2408	1 Elm	
Airport	1 Hackberry	
Ripple Creek 2239	1 Pine, 2 Tallows	
2238	1 Sycamore	
1803	1 Water Oak	
1615	1 Live Oak	
Avenue N	1 Live Oak, 1 Pecan	
1511	1 Live Oak	
1503	1 Water Oak	

Ripple Creek Drive

Scale = 5

Address/Location	Trees needing pruning	Notes
2226	1 Live Oak	
2220	1 Ash	
2221	1 Live Oak	
2214	1 Live Oak	
2215	1 Live Oak	
2209	1 Pecan	
2129	1 Elm	
2126	1 Ash	
2117	1 Red Oak	
2114	1 Ash	
2108	1 Water Oak	
2400 Cybrook	2 Live Oaks	
2020	1 Live Oak	
2402 Freeway Manor	1 Ash	
2403 Freeway Manor	1 Ash	
1932	1 Mulberry	
1926	1 Ash	
1921	1 Ash, 1 Live Oak	
1920	1 Sweet Gum	
1909	1 Water Oak	
1902	1 Ash, 1 Elm	

Junker Street

Scale = 4

Address/Location	Trees needing pruning	Notes
3808	1 Live Oak	
3809	1 Live Oak	
3814	1 Water Oak	
3902	3 Water Oaks	
4014	1 Ash	
4103	1 Ash	
4109	1 Ash	
4120	1 Live Oak	
4203	1 Ash	
4208	1 Live Oak	
4209	1 Chinaberry	
4215	1 Elm	
4220	1 Live Oak	
4226	1 Ash	
1709	1 Live Oak	

Brumbelow Street

Scale = 4

Address/Location	Trees needing pruning	Notes
1620	2 Pecans	
1720	2 Red Oaks	
4115	2 Live Oaks	
4014	1 Live Oak	
4008	1 Ash	
4003	2 Ash	
3903	2 Live Oaks	
3902	1 Ash	
3820	1 Live Oak	
3815	1 Live Oak	
3803	1 Live Oak	

Marilyn Street

Scale = 5

Address/Location	Trees needing pruning	Notes
3803	1 Live Oak	
3809	1 Live Oak	
3909	1 Live Oak	
3920	1 Live Oak	
3926	1 Ash	
3915	1 Ash	
1710	1 Live Oak	
1717	2 Red Oaks	
1700	1 Elm	
Across 1717	1 Live Oak	
1611	2 Live Oaks	
1605	1 Pecan, 1 Water Oak, 2 Live Oaks	
1600	1 Elm	
Second Bapt.	1 Elm	
1525	1 Pecan	

Klauke Street

Scale = 4

Address/Location	Trees needing pruning	Notes
1603	1 Tallow	
1605	1 Water Oak	
1606	1 Elm	
1609	1 Ash	
1610	1 Ash	
1703	2 Live Oaks	
1714	2 Live Oaks	
1708	1 Water Oak	
1709	1 Pecan	
1732	1 Ash	
1809	1 Water Oak, 1 Live Oak	
1902	2 Live Oaks	
Across 1902	1 Live Oak	
1910	2 Live Oaks	
1902	2 Live Oaks	
1908	1 Live Oak	
1914	1 Live Oak	
Briar Ridge 2002	1 Live Oak	

Briar Ridge Drive

Scale = 3

Address/Location	Trees needing pruning	Notes
SW Junker	2 Pines, 1 Ash, 1 Hackberry	
2127	1 Ash	
Across 2121	1 Ash	
2115	1 Live Oak, 2 Pines	
2033	1 Ash	
2032	2 Live Oaks	
2026	1 Ash	
2008	1 Tallow	
2002	1 Live Oak	
Across 1909	1 Pecan	

Freeway Manor Drive**Scale = 3**

Address/Location	Trees needing pruning	Notes
Across Calvary Bapt.	1 Elm	
2426	2 Pines	
2439	1 Ash	
2433	1 Live Oak	
2408	1 Live Oak	
2415	1 Elm	
1932 Ripple Creek	2 Cedars, 2 Water Oaks, 1 Tallow	

Laurel Street**Scale = 1**

Address/Location	Trees needing pruning	Notes
1801 Klauke	2 Live Oaks	
1732 Klauke	2 Ash	
1732 June	1 Live Oak	

Leonard Street**Scale = 1**

Address/Location	Trees needing pruning	Notes
At Marilyn	2 Live Oaks	Large limbs to be removed

Avenue O**Scale = 4**

Address/Location	Trees needing pruning	Notes
3216	1 Tallow	
3300	1 Tallow	
3501	3 Live Oaks	
3514	1 Ash	
3603	3 Live Oaks	Large limbs to be removed
3608	1 Live Oak	
3614	2 Live Oaks	
3620	1 WaterOak	
3704	1 Live Oak	
3709	1 Live Oak	
3715	3 Pines	
3808	1 Sycamore, 1 Tallow	
3820	1 Live Oak	
3819	1 Live Oak	
3838	1 Mimosa	
3844	3 Live Oaks	Large limbs to be removed

Avenue R

Scale = 4

Address/Location	Trees needing pruning	Notes
Ave O 3844	4 Live Oaks	Large limbs to be removed
1703	1 Red Oak	
1720	3 Cedars, 3 Ash	
1733	3 Live Oaks	
3715	1 Live Oak	
3709	2 Live Oaks	
3703	2 Live Oaks	Large limbs to be removed
3614	1 Yaupon, 2 Live Oak	
3514	1 Pine	
3515	1 Live Oak	
3509	1 Ash	
3421	1 Live Oak	
3420	2 Tallows	
3412	1 Live Oak	
3405	2 Pecans	
3312	1 Live Oak	
3300	1 Ash	

Avenue P

Scale = 5

Address/Location	Trees needing pruning	Notes
3715	1 Ash	
3707	1 Live Oak	
3703	2 Live Oaks, 1 Ash	
3615	1 Ash	
3609	1 Ash, 1 Tallow	
3501	3 Live Oaks	
3502	2 Live Oaks	
3433	2 Willow Oaks	
3432	2 Live Oaks	
3425	1 Water Oak	
3424	1 Willow Oak	
3421	1 Water Oak	
3416	1 Water Oak	
3413	1 Willow Oak	
3412	1 Willow Oak	
3409	1 Pecan	
3408	1 Red Oak	
3405	1 Water Oak	
3404	1 Red Oak	
3401	1 Water Oak	
3400	1 Live Oak	
3301	1 Live Oak	

Glenmeadow Drive

Scale = 5

Address/Location	Trees needing pruning	Notes
3715	1 Ash	
3707	1 Live Oak	
3703	2 Live Oaks, 1 Ash	
3615	1 Ash	
3609	1 Ash, 1 Tallow	
3501	3 Live Oaks	
3502	2 Live Oaks	
3433	2 Willow Oaks	
3432	2 Live Oaks	
3425	1 Water Oak	
3424	1 Willow Oak	
3421	1 Water Oak	
3416	1 Water Oak	
3413	1 Willow Oak	
3412	1 Willow Oak	
3409	1 Pecan	
3408	1 Red Oak	
3405	1 Water Oak	
3404	1 Red Oak	
3401	1 Water Oak	
3400	1 Live Oak	
3301	1 Live Oak	

Tobola Street

Scale = 4

Address/Location	Trees needing pruning	Notes
Ave N 3500	1 Tallow, 1 Ligustrum, 1 Water Oak	
Ave O 3501	1 Pine, 1 Cedar	
1705	2 Live Oaks	
Ave P 3501	1 Pecan, 1 Live Oak	
Ave P 3432	1 Live Oak, 1 Ash	
Ave P 3500	1 Live Oak	
Gleanmeadow 3501	1 Live Oak	
Gleanmeadow 3432	1 Live Oak	
Gleanmeadow 3502	1 Live Oak	

Rychlik Drive**Scale = 3**

Address/Location	Trees needing pruning	Notes
1	1 Hackberry	
3507	1 Live Oak	
3505	2 Crepe Myrtles	
3515	2 Live Oaks	
3525	1 Live Oak	
3603	1 Live Oak	
3613	1 Tallow	

Mahlmann Street**Scale = 2**

Address/Location	Trees needing pruning	Notes
Ave. P 3803	1 Live Oak, 1 Water Oak	
1714	1 Live Oak	
Ave. O 3802	1 Sweet Gum	
Ave. O 3805	2 Live Oaks	

Longhorn Drive**Scale = 3**

Address/Location	Trees needing pruning	Notes
3102	1 Ash	
3108	2 Ash	
312	1 Live Oak	
3121	2 Ash	
3115	1 Elm	
3123	1 Live Oak	
3027	1 Live Oak	
3015	2 Live Oaks	

Turtle Creek**Scale = 3**

Address/Location	Trees needing pruning	Notes
3002	1 Live Oak	
3008	2 Ash	
30014	2 Ash	
3020	1 Ash	
3102	1 Chinaberry, 1 Pine	
3108	1 Pine	
3130	1 Sycamore	
4202	1 Live Oak	
Longhorn 3128	1 Live Oak	
3127	3 Live Oaks	
3121	1 Ash	
3103	1 Live Oak	

Mockingbird**Scale = 1**

Address/Location	Trees needing pruning	Notes
3008	1 Ash	
3022	1 Red Oak	
3021	1 Elm	

Green Gate Drive**Scale = 1**

Address/Location	Trees needing pruning	Notes
1806	1 Ash	
1810	1 Ash	
1814	1 Live Oak	

Greenwood Drive**Scale = 2**

Address/Location	Trees needing pruning	Notes
Sandalwood 4923	1 Bradford Pear	
2109	1 Water Oak	
2001	1 Ash	
1912	1 Ash	
4613	1 Ash	

Spruce Street**Scale = 1**

Address/Location	Trees needing pruning	Notes
2001	2 Tallows	
2203	1 Ash	

Woodway Avenue**Scale = 2**

Address/Location	Trees needing pruning	Notes
4602	1 Ash	
4618	1 Water Oak	
4804	1 Ash	
4809	1 Maple	
4901	1 Tallow	
4908	1 Ash	
4909	1 Red Bud	
4917	1 Live Oak	

Sandalwood Avenue**Scale = 2**

Address/Location	Trees needing pruning	Notes
4923	2 Live Oaks	
4913	1 Ash	
4900	2 Live Oaks	
4821	1 Live Oak	
4822	1 Live Oak	
4806	2 Ash	
4801	2 Live Oaks	
4609	2 Live Oaks	

Dogwood Drive**Scale = 1**

Address/Location	Trees needing pruning	Notes
Across 4709	1 Elm	
4801	1 Ash	

Maple Circle**Scale = 1**

Address/Location	Trees needing pruning	Notes
2103	1 Elm	

Across 2103	1 Ash	
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Reading Road

Scale = 2

Address/Location	Trees needing pruning	Notes
Pool in Town Center	1 Huisache	
Across Apt.	2 Tallows, 2 Hackberries	
South of Reading Park	5 Live Oaks	

Airport Avenue

Scale = 2

Address/Location	Trees needing pruning	Notes
3808	3 Hackberries	
Across from 4111	1 Huisache	
West of Los Pinos	1 Hackberry	
Across Terry HS	1 Huisache	

Homestead Road

Scale = 1

Address/Location	Trees needing pruning	Notes
2705	1 Hackberry	
6124	1 Ash	

Allwright Avenue

Scale = 1

Address/Location	Trees needing pruning	Notes
2415	1 Red Bud	
2412	1 Ash	

Richard Street

Scale = 1

Address/Location	Trees needing pruning	Notes
2405	1 Live Oak	
2504	1 Hackberry	

Lazy Lane

Scale = 1

Address/Location	Trees needing pruning	Notes
2515	1 Live Oak	
2424	1 Ash	

Cypress Lane**Scale = 1**

Address/Location	Trees needing pruning	Notes
2736	2 Live Oaks	
2722	2 Pines	
2720	1 Live Oak	

David Street**Scale = 2**

Address/Location	Trees needing pruning	Notes
2704	2 Live Oaks	
2808	1 Live Oak	
2815	2 Live Oaks	
2916	1 Live Oak	

Telasek Street**Scale = 3**

Address/Location	Trees needing pruning	Notes
Mons 2334	1 Live Oak	
2720	1 Live Oak	
2820	2 Live Oaks	Large limbs to be removed
2903	1 Pine	
2803	2 Ash	
2715	1 Live Oak	
2703	2 Live Oaks	

Chupik Street**Scale = 1**

Address/Location	Trees needing pruning	Notes
2902	2 Live Oaks	

Mons Street**Scale = 3**

Address/Location	Trees needing pruning	Notes
Across 1821	1 Huisache	
2012	2 Cedars, 2 Tallow	
Across 2127	1 Hackberry	
s334	1 Live Oak	
David Street	1 Live Oak	
2720	1 Live Oak	

2916	1 Live Oak	
Louise Street	1 Huisache	
Elizabeth Avenue		Scale = 2

Address/Location	Trees needing pruning	Notes
1514	1 Cedar	
Vacant West of 1514	1 Pecan	
1300	2 Live Oaks	
1102	2 Water Oaks	

Bernard Avenue **Scale = 2**

Address/Location	Trees needing pruning	Notes
808	1 Water Oak	
902	1 Water Oak	
1008	1 Live Oak	
1015	1 Sycamore	

Rice Avenue **Scale = 2**

1310	1 Water Oak	
1615	2 Live Oaks	Large limbs to be removed
1707	1 Live Oak	
Across Burger King	1 Live Oak	

Callendar Street **Scale = 1**

Address/Location	Trees needing pruning	Notes
Across Subway	2 Live Oaks	Large limbs to be removed
1602	1 Pecan	

Kentucky Street **Scale = 1**

Address/Location	Trees needing pruning	Notes
3321	1 Sycamore	
3309	1 Ash	

Houston Street **Scale = 1**

Address/Location	Trees needing pruning	Notes
3313	1 Live Oak, 1 Cedar	

3409	1 Live Oak	
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Bamore Street

Scale = 2

Address/Location	Trees needing pruning	Notes
802 Bernard	1 Water Oak, 1 Live Oak, 1 Cedar	
801 Bernard	2 Live Oak, 1 Red Oak	

Grunwald Heights Road

Scale = 3

Address/Location	Trees needing pruning	Notes
917	1 Live Oak	Large limbs to be removed
Across 1124	1 Live Oak	Large limbs to be removed
221	2 Live Oaks	

West Street

Scale = 1

Address/Location	Trees needing pruning	Notes
Rice Ave. 1303	2 Live Oaks	
3219	1 Tallow	

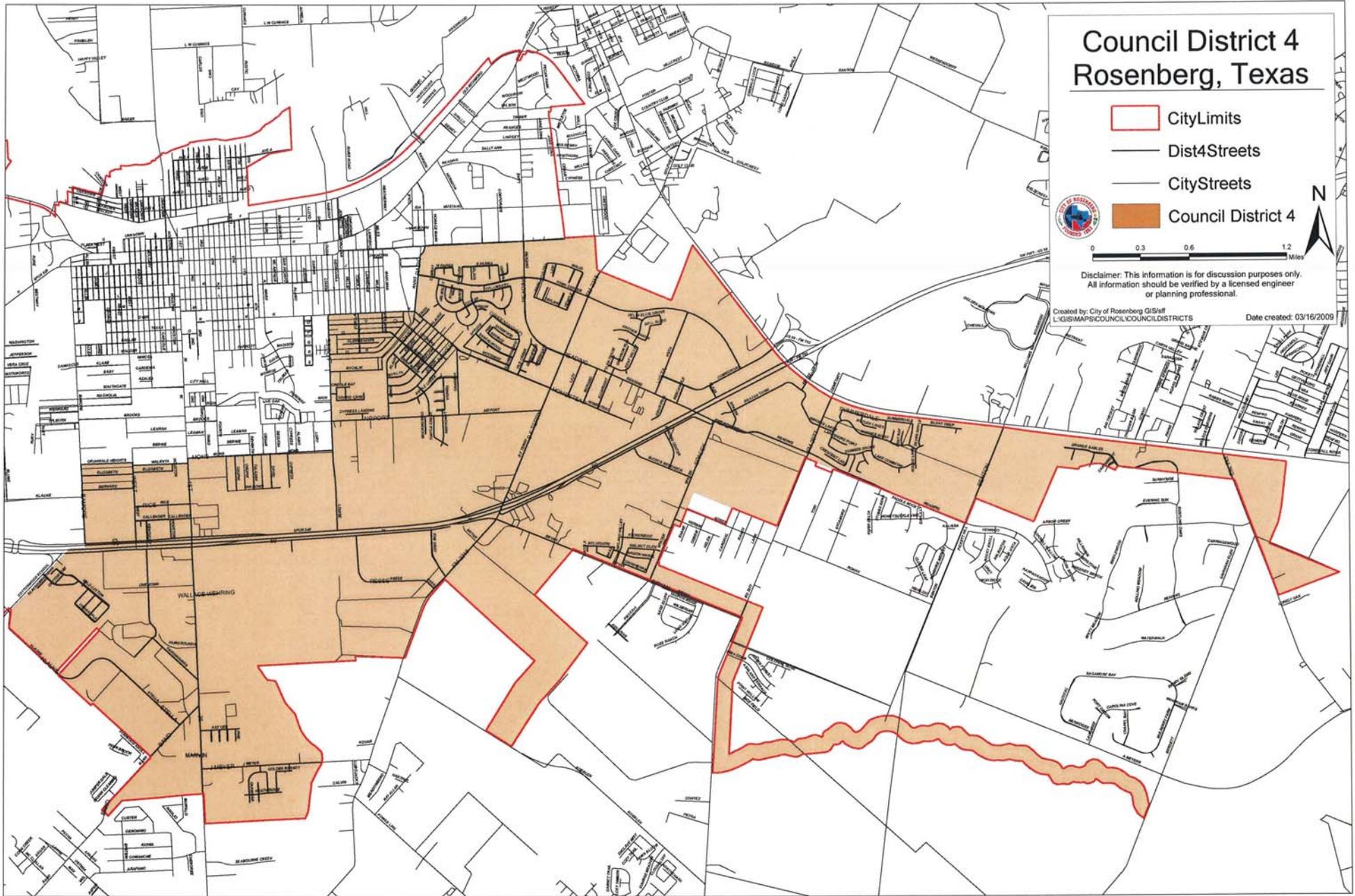
Council District 4 Rosenberg, Texas

-  CityLimits
-  Dist4Streets
-  CityStreets
-  Council District 4



Disclaimer: This information is for discussion purposes only.
All information should be verified by a licensed engineer
or planning professional.

Created by: City of Rosenberg GIS Staff
L:\GIS\MAPS\COUNCIL\COUNCILDISTRICTS Date created: 03/16/2009



Election Districts

City of Rosenberg, Texas

Election Districts

- No. 1
- No. 2
- No. 3
- No. 4

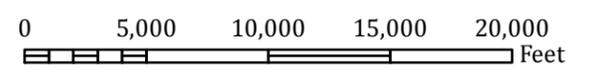
Basemap Features

- Interstate
- US Highway
- State Highway
- Farm-to-Market
- Public Road
- Railroad
- Brazos River
- Rosenberg City Limits

Certain tracts within election districts are subject to non-annexation agreements pursuant to Sections 43.035 and 212.172 of the Texas Local Government Code and therefore not eligible to vote in City elections. Those tracts are detailed in a separate exhibit, Development Agreements Map of the City of Rosenberg.

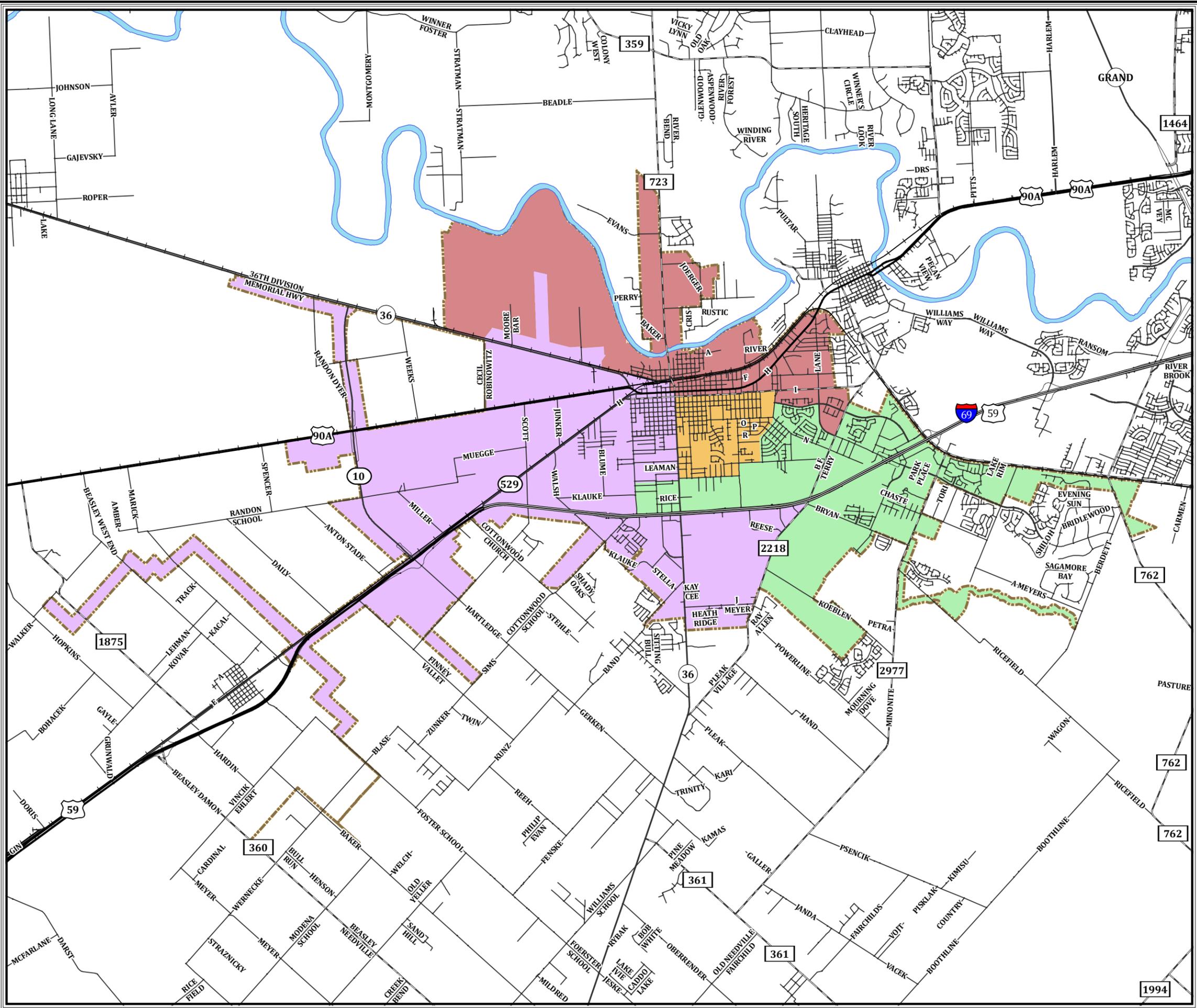


Scale:
1:90,000
or
1 Inch = 7,500 Feet



Created by: City of Rosenberg GIS - Paul M. Jones
Date Created: December 22, 2014
Original Size: 11" x 17"
K:\GIS\MAPS\City_Secretary\2014\ElectionDistricts.mxd

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of geographic features.



District 4

DRAFT

Jones Street

Scale = 5

Address/Location	Trees needing pruning	Notes
1726	1 Live Oak	
1830	1 Water Oak	
1901	1 Pecan	
1920	1 Live Oak	
1921	1 Pine, 2 Tallows	
1938	1 Live Oak	
2009	1 Pecan	
2026	1 Ash	
2032	1 Ash	
Brembelow 3802	2 Pecans	
2210	1 Water Oak	
Junker 3802	1 Live Oak	
2302	2 Live Oaks	
2310	1 Water Oak	
2402	1 Elm	
2408	1 Elm	
Airport	1 Hackberry	
Ripple Creek 2239	1 Pine, 2 Tallows	
2238	1 Sycamore	
1803	1 Water Oak	
1615	1 Live Oak	
Avenue N	1 Live Oak, 1 Pecan	
1511	1 Live Oak	
1503	1 Water Oak	

Ripple Creek Drive

Scale = 5

Address/Location	Trees needing pruning	Notes
2226	1 Live Oak	
2220	1 Ash	
2221	1 Live Oak	
2214	1 Live Oak	
2215	1 Live Oak	
2209	1 Pecan	
2129	1 Elm	
2126	1 Ash	
2117	1 Red Oak	
2114	1 Ash	
2108	1 Water Oak	
2400 Cybrook	2 Live Oaks	
2020	1 Live Oak	
2402 Freeway Manor	1 Ash	
2403 Freeway Manor	1 Ash	
1932	1 Mulberry	
1926	1 Ash	
1921	1 Ash, 1 Live Oak	
1920	1 Sweet Gum	
1909	1 Water Oak	
1902	1 Ash, 1 Elm	

Junker Street

Scale = 4

Address/Location	Trees needing pruning	Notes
3808	1 Live Oak	
3809	1 Live Oak	
3814	1 Water Oak	
3902	3 Water Oaks	
4014	1 Ash	
4103	1 Ash	
4109	1 Ash	
4120	1 Live Oak	
4203	1 Ash	
4208	1 Live Oak	
4209	1 Chinaberry	
4215	1 Elm	
4220	1 Live Oak	
4226	1 Ash	
1709	1 Live Oak	

Brumbelow Street**Scale = 4**

Address/Location	Trees needing pruning	Notes
1620	2 Pecans	
1720	2 Red Oaks	
4115	2 Live Oaks	
4014	1 Live Oak	
4008	1 Ash	
4003	2 Ash	
3903	2 Live Oaks	
3902	1 Ash	
3820	1 Live Oak	
3815	1 Live Oak	
3803	1 Live Oak	

Marilyn Street**Scale = 5**

Address/Location	Trees needing pruning	Notes
3803	1 Live Oak	
3809	1 Live Oak	
3909	1 Live Oak	
3920	1 Live Oak	
3926	1 Ash	
3915	1 Ash	
1710	1 Live Oak	
1717	2 Red Oaks	
1700	1 Elm	
Across 1717	1 Live Oak	
1611	2 Live Oaks	
1605	1 Pecan, 1 Water Oak, 2 Live Oaks	
1600	1 Elm	
Second Bapt.	1 Elm	
1525	1 Pecan	

Klauke Street

Scale = 4

Address/Location	Trees needing pruning	Notes
1603	1 Tallow	
1605	1 Water Oak	
1606	1 Elm	
1609	1 Ash	
1610	1 Ash	
1703	2 Live Oaks	
1714	2 Live Oaks	
1708	1 Water Oak	
1709	1 Pecan	
1732	1 Ash	
1809	1 Water Oak, 1 Live Oak	
1902	2 Live Oaks	
Across 1902	1 Live Oak	
1910	2 Live Oaks	
1902	2 Live Oaks	
1908	1 Live Oak	
1914	1 Live Oak	
Briar Ridge 2002	1 Live Oak	

Briar Ridge Drive

Scale = 3

Address/Location	Trees needing pruning	Notes
SW Junker	2 Pines, 1 Ash, 1 Hackberry	
2127	1 Ash	
Across 2121	1 Ash	
2115	1 Live Oak, 2 Pines	
2033	1 Ash	
2032	2 Live Oaks	
2026	1 Ash	
2008	1 Tallow	
2002	1 Live Oak	
Across 1909	1 Pecan	

Freeway Manor Drive

Scale = 3

Address/Location	Trees needing pruning	Notes
Across Calvary Bapt.	1 Elm	
2426	2 Pines	
2439	1 Ash	
2433	1 Live Oak	
2408	1 Live Oak	
2415	1 Elm	
1932 Ripple Creek	2 Cedars, 2 Water Oaks, 1 Tallow	

Laurel Street

Scale = 1

Address/Location	Trees needing pruning	Notes
1801 Klauke	2 Live Oaks	
1732 Klauke	2 Ash	
1732 June	1 Live Oak	

Leonard Street

Scale = 1

Address/Location	Trees needing pruning	Notes
At Marilyn	2 Live Oaks	Large limbs to be removed

Avenue O

Scale = 4

Address/Location	Trees needing pruning	Notes
3216	1 Tallow	
3300	1 Tallow	
3501	3 Live Oaks	
3514	1 Ash	
3603	3 Live Oaks	Large limbs to be removed
3608	1 Live Oak	
3614	2 Live Oaks	
3620	1 WaterOak	
3704	1 Live Oak	
3709	1 Live Oak	
3715	3 Pines	
3808	1 Sycamore, 1 Tallow	
3820	1 Live Oak	
3819	1 Live Oak	
3838	1 Mimosa	
3844	3 Live Oaks	Large limbs to be removed

Avenue R

Scale = 4

Address/Location	Trees needing pruning	Notes
Ave O 3844	4 Live Oaks	Large limbs to be removed
1703	1 Red Oak	
1720	3 Cedars, 3 Ash	
1733	3 Live Oaks	
3715	1 Live Oak	
3709	2 Live Oaks	
3703	2 Live Oaks	Large limbs to be removed
3614	1 Yaupon, 2 Live Oak	
3514	1 Pine	
3515	1 Live Oak	
3509	1 Ash	
3421	1 Live Oak	
3420	2 Tallows	
3412	1 Live Oak	
3405	2 Pecans	
3312	1 Live Oak	
3300	1 Ash	

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Avenue P

Scale = 5

Address/Location	Trees needing pruning	Notes
3715	1 Ash	
3707	1 Live Oak	
3703	2 Live Oaks, 1 Ash	
3615	1 Ash	
3609	1 Ash, 1 Tallow	
3501	3 Live Oaks	
3502	2 Live Oaks	
3433	2 Willow Oaks	
3432	2 Live Oaks	
3425	1 Water Oak	
3424	1 Willow Oak	
3421	1 Water Oak	
3416	1 Water Oak	
3413	1 Willow Oak	
3412	1 Willow Oak	
3409	1 Pecan	
3408	1 Red Oak	
3405	1 Water Oak	
3404	1 Red Oak	
3401	1 Water Oak	
3400	1 Live Oak	
3301	1 Live Oak	

Glenmeadow Drive

Scale = 5

Address/Location	Trees needing pruning	Notes
3715	1 Ash	
3707	1 Live Oak	
3703	2 Live Oaks, 1 Ash	
3615	1 Ash	
3609	1 Ash, 1 Tallow	
3501	3 Live Oaks	
3502	2 Live Oaks	
3433	2 Willow Oaks	
3432	2 Live Oaks	
3425	1 Water Oak	
3424	1 Willow Oak	
3421	1 Water Oak	
3416	1 Water Oak	
3413	1 Willow Oak	
3412	1 Willow Oak	
3409	1 Pecan	
3408	1 Red Oak	
3405	1 Water Oak	
3404	1 Red Oak	
3401	1 Water Oak	
3400	1 Live Oak	
3301	1 Live Oak	

Tobola Street

Scale = 4

Address/Location	Trees needing pruning	Notes
Ave N 3500	1 Tallow, 1 Ligustrum, 1 Water Oak	
Ave O 3501	1 Pine, 1 Cedar	
1705	2 Live Oaks	
Ave P 3501	1 Pecan, 1 Live Oak	
Ave P 3432	1 Live Oak, 1 Ash	
Ave P 3500	1 Live Oak	
Gleanmeadow 3501	1 Live Oak	
Gleanmeadow 3432	1 Live Oak	
Gleanmeadow 3502	1 Live Oak	

Rychlik Drive**Scale = 3**

Address/Location	Trees needing pruning	Notes
1	1 Hackberry	
3507	1 Live Oak	
3505	2 Crepe Myrtles	
3515	2 Live Oaks	
3525	1 Live Oak	
3603	1 Live Oak	
3613	1 Tallow	

Mahlmann Street**Scale = 2**

Address/Location	Trees needing pruning	Notes
Ave. P 3803	1 Live Oak, 1 Water Oak	
1714	1 Live Oak	
Ave. O 3802	1 Sweet Gum	
Ave. O 3805	2 Live Oaks	

Longhorn Drive**Scale = 3**

Address/Location	Trees needing pruning	Notes
3102	1 Ash	
3108	2 Ash	
312	1 Live Oak	
3121	2 Ash	
3115	1 Elm	
3123	1 Live Oak	
3027	1 Live Oak	
3015	2 Live Oaks	

Turtle Creek**Scale = 3**

Address/Location	Trees needing pruning	Notes
3002	1 Live Oak	
3008	2 Ash	
30014	2 Ash	
3020	1 Ash	
3102	1 Chinaberry, 1 Pine	
3108	1 Pine	
3130	1 Sycamore	
4202	1 Live Oak	
Longhorn 3128	1 Live Oak	
3127	3 Live Oaks	
3121	1 Ash	
3103	1 Live Oak	

Mockingbird**Scale = 1**

Address/Location	Trees needing pruning	Notes
3008	1 Ash	
3022	1 Red Oak	
3021	1 Elm	

Green Gate Drive**Scale = 1**

Address/Location	Trees needing pruning	Notes
1806	1 Ash	
1810	1 Ash	
1814	1 Live Oak	

Greenwood Drive**Scale = 2**

Address/Location	Trees needing pruning	Notes
Sandalwood 4923	1 Bradford Pear	
2109	1 Water Oak	
2001	1 Ash	
1912	1 Ash	
4613	1 Ash	

Spruce Street**Scale = 1**

Address/Location	Trees needing pruning	Notes
2001	2 Tallows	
2203	1 Ash	

Woodway Avenue**Scale = 2**

Address/Location	Trees needing pruning	Notes
4602	1 Ash	
4618	1 Water Oak	
4804	1 Ash	
4809	1 Maple	
4901	1 Tallow	
4908	1 Ash	
4909	1 Red Bud	
4917	1 Live Oak	

Sandalwood Avenue**Scale = 2**

Address/Location	Trees needing pruning	Notes
4923	2 Live Oaks	
4913	1 Ash	
4900	2 Live Oaks	
4821	1 Live Oak	
4822	1 Live Oak	
4806	2 Ash	
4801	2 Live Oaks	
4609	2 Live Oaks	

Dogwood Drive**Scale = 1**

Address/Location	Trees needing pruning	Notes
Across 4709	1 Elm	
4801	1 Ash	

Maple Circle**Scale = 1**

Address/Location	Trees needing pruning	Notes
2103	1 Elm	

Across 2103	1 Ash	
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Reading Road

Scale = 2

Address/Location	Trees needing pruning	Notes
Pool in Town Center	1 Huisache	
Across Apt.	2 Tallows, 2 Hackberries	
South of Reading Park	5 Live Oaks	

Airport Avenue

Scale = 2

Address/Location	Trees needing pruning	Notes
3808	3 Hackberries	
Across from 4111	1 Huisache	
West of Los Pinos	1 Hackberry	
Across Terry HS	1 Huisache	

Homestead Road

Scale = 1

Address/Location	Trees needing pruning	Notes
2705	1 Hackberry	
6124	1 Ash	

Allwright Avenue

Scale = 1

Address/Location	Trees needing pruning	Notes
2415	1 Red Bud	
2412	1 Ash	

Richard Street

Scale = 1

Address/Location	Trees needing pruning	Notes
2405	1 Live Oak	
2504	1 Hackberry	

Lazy Lane

Scale = 1

Address/Location	Trees needing pruning	Notes
2515	1 Live Oak	
2424	1 Ash	

Cypress Lane**Scale = 1**

Address/Location	Trees needing pruning	Notes
2736	2 Live Oaks	
2722	2 Pines	
2720	1 Live Oak	

David Street**Scale = 2**

Address/Location	Trees needing pruning	Notes
2704	2 Live Oaks	
2808	1 Live Oak	
2815	2 Live Oaks	
2916	1 Live Oak	

Telasek Street**Scale = 3**

Address/Location	Trees needing pruning	Notes
Mons 2334	1 Live Oak	
2720	1 Live Oak	
2820	2 Live Oaks	Large limbs to be removed
2903	1 Pine	
2803	2 Ash	
2715	1 Live Oak	
2703	2 Live Oaks	

Chupik Street**Scale = 1**

Address/Location	Trees needing pruning	Notes
2902	2 Live Oaks	

Mons Street**Scale = 3**

Address/Location	Trees needing pruning	Notes
Across 1821	1 Huisache	
2012	2 Cedars, 2 Tallow	
Across 2127	1 Hackberry	
s334	1 Live Oak	
David Street	1 Live Oak	
2720	1 Live Oak	

2916	1 Live Oak	
Louise Street	1 Huisache	
Elizabeth Avenue		Scale = 2

Address/Location	Trees needing pruning	Notes
1514	1 Cedar	
Vacant West of 1514	1 Pecan	
1300	2 Live Oaks	
1102	2 Water Oaks	

Bernard Avenue **Scale = 2**

Address/Location	Trees needing pruning	Notes
808	1 Water Oak	
902	1 Water Oak	
1008	1 Live Oak	
1015	1 Sycamore	

Rice Avenue **Scale = 2**

1310	1 Water Oak	
1615	2 Live Oaks	Large limbs to be removed
1707	1 Live Oak	
Across Burger King	1 Live Oak	

Callendar Street **Scale = 1**

Address/Location	Trees needing pruning	Notes
Across Subway	2 Live Oaks	Large limbs to be removed
1602	1 Pecan	

Kentucky Street **Scale = 1**

Address/Location	Trees needing pruning	Notes
3321	1 Sycamore	
3309	1 Ash	

Houston Street **Scale = 1**

Address/Location	Trees needing pruning	Notes
3313	1 Live Oak, 1 Cedar	

3409	1 Live Oak	
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Bamore Street

Scale = 2

Address/Location	Trees needing pruning	Notes
802 Bernard	1 Water Oak, 1 Live Oak, 1 Cedar	
801 Bernard	2 Live Oak, 1 Red Oak	

Grunwald Heights Road

Scale = 3

Address/Location	Trees needing pruning	Notes
917	1 Live Oak	Large limbs to be removed
Across 1124	1 Live Oak	Large limbs to be removed
221	2 Live Oaks	

West Street

Scale = 1

Address/Location	Trees needing pruning	Notes
Rice Ave. 1303	2 Live Oaks	
3219	1 Tallow	

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CITY COUNCIL COMMUNICATION

January 27, 2015

ITEM #	ITEM TITLE
3	Traffic Calming - Speed Hump Policy Discussion
ITEM/MOTION	
Review and discuss proposed traffic calming speed hump installation and removal policy and procedures, and take action as necessary to direct staff.	
FINANCIAL SUMMARY	ELECTION DISTRICT

Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

- Yes No N/A

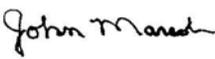
Source of Funds: N/A

- District 1
- District 2
- District 3
- District 4
- City-wide
- N/A

SUPPORTING DOCUMENTS:

1. Proposed Speed Hump Installation and Removal Policy and Procedures
2. City Council Meeting Minute Excerpt – 11-18-14
3. City Council Meeting Minute Excerpt – 05-27-14

MUD #: N/A**APPROVALS****Submitted by:**


 John Maresh
 Assistant City Manager of
 Public Services

Reviewed by:

- Exec. Dir. of Administrative Services
- Asst. City Manager of Public Services
- City Attorney
- City Engineer 
- (Other)

Approved for Submittal to City Council:


 Robert Gracia
 City Manager

EXECUTIVE SUMMARY

This item has been added to the Agenda to allow City Council the opportunity to review and discuss the proposed speed hump installation and removal policy and procedures.

Based on previous direction from City Council, staff has prepared policies and procedures regarding installation and removal of speed humps. Key points of the policy include:

- Speed hump installation request process
- Criteria to determine if a street is eligible for consideration of speed hump installation
- Notification/evidence of support criteria for property owners along segments of streets under consideration
- Speed hump location criteria
- Funding criteria
- Speed hump removal request process
- Design standards, construction and maintenance criteria
- Standardized forms

The policy includes a step-by-step procedure that defines the process beginning with the initial request from a citizen, all the way through the review and final determination that may, or may not, support the installation of speed humps based on criteria that will be applied equally to all requests.

Should City Council direct staff to move forward, the Speed Hump Policies and Procedures will be placed on a future City Council Agenda for action.

City of Rosenberg

POLICIES AND PROCEDURES

For

Traffic Calming

SPEED HUMP INSTALLATION AND REMOVAL

EFFECTIVE _____

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CITY OF ROSENBERG
POLICIES AND PROCEDURES
For
SPEED HUMP INSTALLATION AND REMOVAL
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City of Rosenberg
Policies and Procedures for Speed Hump Installation and Removal
EFFECTIVE _____

I. Authority and Scope

- A. The City Manager, or his/her designated representative issues and administrates this policy.
- B. This policy is effective immediately and retroactively to all currently active speed hump requests.
- C. The Rosenberg City Council retains the authority to install or remove speed humps for cause independent of this policy.

II. Installation of Speed Humps by Citizen Request

A. Request Process

- 1. The initial request for the installation of speed humps must originate from a resident, business, school, homeowner's association, or other entity whose property abuts the requested street segment. The requestor must be willing to act as the primary contact and take responsibility for notification and the compilation of evidence of support for their requested street should it be determined eligible. A written request should be submitted to:

City of Rosenberg
City Manager
Speed Hump Program
2110 4th Street
Rosenberg, Texas 77471

- 2. The request should identify the street and blocks where the applicant(s) desires speed humps, and the name, address, phone number and e-mail address for a contact person. Submitted segments may be divided or otherwise revised at the sole determination of the City Manager.
- 3. See **Appendix A** for a copy of the application packet for requesting the installation of speed humps.

B. Eligibility

- 1. The Public Works Director will conduct the necessary traffic engineering studies. A determination of the street's eligibility for the speed hump installation will be made in a timely manner, based on the following policy criteria:
 - a. The street may not be classified as an Arterial or a Collector.
 - b. The street may not be designated Primary Emergency Response Route.
 - c. There may be no more than one moving lane of traffic in each direction.
 - d. The street must have a speed limit of 30 mph or less.
 - e. The street must be paved prior to construction of the speed humps.

City of Rosenberg
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- f. The sum of traffic volumes for both directions must be less than 5,000 vehicles per day and more than 500 vehicles per day.
 - g. The measured 85th percentile speed must exceed the prima facie speed limit by 5 miles per hour or more in a 24-hour study period **OR** there must be three or more reported speed-related accidents within the street segment during the last twelve months of recorded data.
2. Other factors such as, but not limited to, alignment, grades, and sight distances may affect consideration for eligibility.
 3. If the street is determined not to be eligible for speed humps, the applicant(s) will be notified in writing of the reason for ineligibility.
 4. Requests for recounts will be considered following the adopted policy located in **Appendix B**. Approved recounts will occur as soon as possible and preferably within the active request round, unless circumstances indicate otherwise.
 5. A request for enforcement of the speed limit will be sent to Rosenberg Police Department for those segments that are ineligible for consideration for speed humps but where the 85th percentile speed exceeds the speed limit. This referral will include a copy of the traffic study indicating the speed and volume profiles for the segment on an hourly basis.
- C. Diversion Issue
1. In the preliminary studies of land use and petition area, probable shifts in traffic routes will be identified. In these areas, prior to the construction of speed humps along a street segment, traffic studies will be conducted along adjacent alternate routes to provide base data to document any occurrence of traffic shifts.
 2. If the adjacent alternate route is requested to be considered for speed humps at a later date, it will be considered as all other requested segments are considered. The results of the first and second study will be compared. If the segment is eligible for speed hump consideration and any increases in either traffic speeds or volumes are shown, additional consideration for those increases will be given in the funding process. Any decreases in volume or speed will not penalize the segment's consideration for funding.
- D. Notification/Evidence of Support
1. If the street is determined to be eligible for consideration, the City Manager will define the approximate speed hump location(s) on a map, which will be provided to the applicant(s) with a petition of notification on which to gather evidence of support. Notification/evidence of support must be submitted on forms produced by the City Manager or exact duplicates of it. Documents that do not include placement information will not be accepted as valid under any circumstances.
 2. The petition area will be determined by the City Manager and will include primarily those properties facing or abutting the street segment on which a speed hump is proposed to be

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located. A property will be considered a part of the petition area if its access/egress route requires traveling over existing or proposed speed humps.

3. Notification/evidence of support petitions must be completed and returned to the City Manager by the established deadline for the segment to be considered in the ranking process. There must be at least 75% of the landowners in support of the installation request in order to proceed with the review process. Requests without petitions will be considered incomplete.
4. Each property identified by the City Manager as lying within the petition area must be represented on the petition by signature. A statement of exception must be submitted by the applicant(s) explaining the absence of any property not so represented. Requests that do not account for all properties will be considered incomplete.
5. Property managers or landowner signature may be considered as approval for all units of multi-family properties of ten or more units. The manager or landowner must be properly identified on the petition form.
6. Any person who wishes to alter their indication of support on the petition form after its submittal must do so by individual letter of request to the City Manager. No such request will affect funding that has already been awarded.
7. A complete listing of all active requests may be posted on the City's web site.

E. Speed Hump Location

1. The Public Works Director will determine the final location of all speed humps according to the guidelines in these Policies and Procedures and in accordance with current engineering principles.
 - a. Speed humps will generally be placed approximately 300 to 500 feet apart. Other spacing may be used based upon engineering judgment.
 - b. A speed hump shall not be located in front of a driveway or within an intersection.
 - c. Speed humps should generally not be located within 200 feet of a traffic signal or STOP sign, or within 50 feet of an uncontrolled intersection.
 - d. Speed humps should not be located over, or contain manholes, water valves or other subsurface utilities access features.
 - e. Speed humps should not be located adjacent to fire hydrants.
 - f. For humps located near drainage inlets, the hump should be placed just downstream of the inlet. If this is not feasible, special treatment may be considered for drainage.
 - g. To improve nighttime visibility, coordinating hump location with existing or planned street lighting should be considered.
 - h. Preferences of requesters or property owners adjacent to speed hump locations will not be considered unless unique or special circumstances exist that warrant relocation. The City Manager will consider these circumstances on a case-by-case basis.

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2. Traffic control consisting of signs and markings shall be installed in accordance with **Appendix C** to advise roadway users of the presence of speed humps.
3. Any relocation of constructed speed humps at citizen's request must be approved by the City Manager and relocated at the requesting citizen's cost unless the City Manager deems that a public purpose is fulfilled by the removal. The requester must secure evidence of support by properties adjacent to both the existing, or losing, location and the proposed, or gaining, location.

F. Funding Criteria

1. Funds for speed hump installation will be determined by prorating total available funding between number of humps eligible for installation and number of humps eligible for removal.
2. A street segment's ranking score is determined by summing the following factors.
 - a. *Average Daily Traffic Factor* – The total number of vehicles traveling on the roadway where speed humps are desired will be one basis of point assignment. These vehicular volume numbers will be based on traffic counts taken by the Public Works Director. A point value is obtained by dividing the total number of vehicles by 100. If the segment of road exceeds 1,000 feet, the average of multiple counts shall be used.
Example: 1,500 total vehicles on the roadway
 $1,500/100 = 15.0$ points
 - b. *Speeding Factor* – Equals the percentage of vehicles in a 24-hour period exceeding the speed limit by 5 miles per hour or more.
 - c. *Automobile Accident Factor* – Equals one point for each reported speeding-related accident (except auto/pedestrian or auto/bicycle) occurring within the segment during the most recent 12-month period for which accident records are available. Accidents that occur at the intersection of the requested street and designated thoroughfares and collectors or at signalized intersections are not counted.
 - d. *Auto/Pedestrian or Auto/Bicycle Accident Factor* – Equals 5 points for each reported auto/pedestrian or auto/bicycle occurring within the segment during the most recent 12-month period for which accident records are available. Accidents that occur at the intersection of the requested street and designated thoroughfares and collectors or at signalized intersections are not counted.
 - e. *CD Factor* – Three points if the segment is within a neighborhood targeted for revitalization by the Community Development Division and eligible to receive CDBG and Home funds.
 - f. *Institution Factor* – Equal to five points per institution. An institution is considered a school or park within 1,000 ft of the segment.
 - g. *Absence of Sidewalks Factor* – Equal to five points if no sidewalks exist within the segment or portions of the segment. A segment or portion of a segment with a sidewalk on at least one side of the street is considered to have sidewalks.

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3. The street segment with the higher ranking score will be considered to have the higher priority. The street with the earliest application date will have the higher priority among streets with the same ranking score.

G. Cost Responsibility

1. The City will be responsible for all costs associated with design and installation of the funded speed humps.
2. A street that does not receive speed hump installation funding approval will automatically be considered in the following cycles, for a maximum of two (2) additional years (five funding cycles). After the two year time period, the request expires. Incomplete requests that later become complete within the two year limit will not receive additional time for funding consideration. A new written request may be submitted subject to the policies and procedures in effect at the time of request. Each request requires a separate and independent evidence of support petition.
3. These procedures do not preclude the City Manager from completing any eligible requests out of ranking order under certain circumstances. These include, but are not limited to, alternative funds becoming available or complementing projects, maintenance projects and/or capital improvement projects initiated during the year.
4. Private Funding
 - a. Once a street is determined to be eligible for speed hump installation, but not funded under the designated annual budget, installation may be expedited by voluntary payment of all costs. Street segments must present a notification/ evidence of support petition exhibiting a 75% or greater support factor.
 - b. Requests for a private funding estimate of cost must be made in writing to the City Manager.
 - c. Voluntary payments must be submitted in one payment for the full cost of installation, according to the cost statement provided to the applicant(s). Only certified checks, cashier's checks, or money orders made payable to the City of Rosenberg will be accepted. No partial payments will be accepted.
 - d. Upon receipt of payment of the cost, the humps will be installed no later than the next fiscal year as scheduling permits.

III. Removal of Speed Humps by Maintenance or Construction Activities

- A. Any speed hump that is fully removed during the course of publicly funded construction or maintenance activities shall be reinstalled upon completion of that activity at City expense during the next available funding cycle utilizing available funds allocated for installation and removal of speed humps.
- B. Speed humps that are partially removed or damaged during the course of publicly funded construction or maintenance activities shall be repaired or reconstructed to original conditions upon completion of those activities at City expense by the forces conducting those activities.

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- C. Any speed hump that is fully or partially removed or damaged during the course of privately funded maintenance or construction shall be reinstalled upon completed of those activities at the expense of the private constructor.
- D. The replacement of speed humps completely removed through the above actions is not automatic, but contingent upon a finding by the City Manager that the street meets the eligibility requirements in Section II.B.1.a through II.B.1.g.

IV. Removal of Speed Humps by Citizen Request

A. Request Process

- 1. Citizens may request that a street segment be reviewed for the possible removal of some or all of the existing speed humps. The City Manager must receive removal requests by currently published biannual deadlines. Written requests for reviewing street segments to consider removal of speed humps should be submitted to:

City of Rosenberg
City Manager
Speed Hump Program
2110 4th Street
Rosenberg, Texas 77471

- 2. Each request must include a name, address, phone number and e-mail address of a resident or business representative from the affected area who agrees to be the contact person. The contact person will receive all correspondence and be responsible for gathering signatures on the request for review petition. See **Appendix D** for a copy of the application packet for requesting the removal of speed humps. An application form can also be obtained from the City Manager. Each contact person must acknowledge designation by signing the request.
- 3. The request for reviewing street segments to consider removal of speed humps must originate from a resident and/or a business, school, or other entity whose property is within the affected area. The affected area will be determined by the City Manager and will include primarily those properties facing or abutting the street segment on which speed humps are located. A property will be considered part of the affected area only if the access/egress route requires traveling over existing speed humps which are being requested to be removed.

B. Eligibility

- 1. Upon written request, the City Manager will determine eligibility for removal consideration by these factors.
 - a. The request must not be a duplicate request.
 - b. The removal segment must correspond with the installation segment.

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- c. The speed humps have been in place for at least one year OR at least one year has elapsed since any previous speed hump removal occurred.

C. Notification/Evidence of Support

1. Following the determination of eligibility for a segment to be considered for hump removal, a map of the affected area will be developed and sent to the requester. Also included will be a petition form that will be used to document support for the review of the segment for possible removal of speed humps. All properties within the affected area must be accounted for, either by signature and indication of preference (in favor of review, oppose review, go with majority) or by written statement by the requester indicating why a specific property was not represented. There must be at least 75% evidence of support for review to further the process.
2. Requests with either no petition or with a petition that does not account for all properties will be considered incomplete and will not further the process. The City Manager must receive speed hump removal review petitions by currently published biannual deadlines.

D. Removal Determination

1. At the City Manager's discretion, depending on the length of the segment and the number of humps present, removal of speed humps along a segment may be considered in multiple phases. For all phases, an engineering review will be performed to determine which, if any, of the speed humps are to be removed.
2. The removal application process does not invite nor accept recommendations from requesters regarding which speed humps should or should not be removed. Based on engineering judgment, the results of the review process may recommend removal of none, some, or all of the speed humps. Factors that are considered for review may include, but are not limited to:
 - a. Existing speed hump locations and spacing
 - b. STOP/YIELD signs or traffic signals along the segment
 - c. Historical and existing traffic speed and volume information
 - d. Accident history
 - e. Presence or absence of sidewalks, schools and parks
3. If speed studies conducted along the requested segment or portions of the segment reveal the 85th percentile speed is greater than or equal to three miles per hour over the posted speed limit, then no hump removal will occur along the segment or portion of the segment represented by the study.
4. Following the removal of any speed humps, the segment may be reconsidered for additional hump removal after one year. A new request must be submitted to have a segment receive consideration for additional removal. Each phase is subject to the same requirements, policies, and procedures in effect at the time of the request, and requires separate and independent petitions.

City of Rosenberg
Policies and Procedures for Speed Hump Installation and Removal
EFFECTIVE _____

E. Funding Criteria

1. Funds for speed hump removal will be determined by prorating total available funding between number of humps eligible for installation and number of humps eligible for removal.
2. Selection of humps funded for removal will be on a first come basis, based on the date of receipt of the completed petition.

F. Cost Responsibility

1. The City is responsible for all costs associated with removal of speed humps under this process. Removal will occur during the regularly scheduled speed hump construction cycles. Private funding of approved removal is possible with 75% support for review.
2. If a request for removal is denied, the segment may not be reconsidered for at least two years unless there is a substantial change in conditions. If any request for removal is not funded after five funding cycles, the request expires. Subsequent requests to consider removal will follow the defined process for removal in effect at the same time of the request. Each request requires separate and independent petitions.

V. Design Standards, Construction, and Maintenance

- A. The Public Works Director shall prepare and maintain current design standards and installation and removal procedures for speed humps in accordance with this policy.
- B. Design and construction or removal of the speed humps and associated pavement markings and signs will be the responsibility of the Public Works Director.
- D. The City Public Works Department will maintain the speed humps and all related features.

City of Rosenberg

Speed Hump Program

2110 4th Street Rosenberg, TX 77471
Phone (832) 595-3310 Fax (832) 595-3311

General Description

The speed hump is a gentle rise and fall of pavement surface placed in the roadway to reduce the speed of vehicles. Speed humps have proven to be successful in reducing speed while allowing safe operation of the vehicle.

The following is a summary of the process for speed hump allocation and installation.

Step One: Request for Study

A request can be made by either a neighborhood or business association, by a single resident or a group of residents, or by a business located on the street requesting speed humps. Each request must include a name, address and phone number of a resident from the requested street who agrees to be the contact person. The contact person will receive all correspondence and be responsible for gathering evidence of support. Each contact person must acknowledge designation by signing the request. Written requests should be submitted to the City Manager at the above address. An application form can be obtained from the City Manager. A request may not automatically be withdrawn from consideration once a traffic study determines the street to be eligible for speed humps.

The request must be for a specific street segment and should include at least the following information:

- The requested street name
- The boundary of the street segment
- Name of contact person
- Address of contact person
- Daytime phone number and cell phone number of contact person
- E-mail address of contact person
- Signature of contact person

Do not submit petitions or other evidence of support with your request. Petitions or letters of support gathered prior to the eligibility determinations without the preliminary placement maps will not be accepted. Requests will be evaluated on a biannual schedule (page A-3), however the schedule and process do not preclude the City Manager from installing warranted speed humps when and where it is deemed necessary outside the procedures of this program.

Appendix A

Step Two: Eligibility

In order for a request to qualify for consideration, the street must meet criteria set by the City Manager. It is the responsibility of the Public Works Director to conduct traffic studies to determine if the street segment meets the following criteria:

- The street may not be classified as an Arterial or a Collector.
- The street may not be designated Primary Emergency Response Route.
- There must be no more than one moving lane of traffic in each direction.
- The street must have a speed limit of 30 mph or less.
- The street must be paved prior to construction of the speed humps.
- The sum of traffic volumes for both directions must be less than 5,000 vehicles per day and more than 500 vehicles per day.
- The measured 85th percentile speed must exceed the prima facie speed limit by 5 miles per hour or more in a 24-hour study OR there must be three or more reported speed related accidents within the street segment during the last twelve months of recorded data.

Other factors such as, but not limited to, alignments, grades and sight distances may also be evaluated.

Only those requests meeting all the eligibility requirements will proceed. If a request is denied, applicants will not be able to reapply to the speed hump program for the following two years unless there is considerable change in conditions.

All traffic counts will be scheduled during regular commuter periods unless a specific weekend problem is noted in the request.

Step Three: Level of Support

If the City Manager determines the street to be eligible, the City Manager will provide preliminary placement maps to the contact person. The contact person is encouraged to gather and present support from the community in the form of petitions from residents, landowners or businesses facing or having lot frontage on the street segment on which a speed hump is proposed to be located. There must be at least 75% of the landowners within the petition area in support of the installation request.

Petitions or letters of support gathered prior to the eligibility determinations without the preliminary placement maps will not be considered.

Step Four: Speed Hump Location

It is the responsibility of the Public Works Director to determine the final location of all speed humps in accordance with current engineering principles, however:

- Speed humps will usually be placed between 300 feet to 500 feet apart.
- A speed hump shall not be located in front of a driveway or within an intersection.

Appendix A

- Speed humps should not be located within 200 feet of a traffic signal or a STOP sign, or within 50 feet of an uncontrolled intersection.

Step Five: Prioritization

The Public Works Director will prioritize requests according to the following ranking criteria:

- Average Daily Traffic
- Speeding
- Automobile Accident
- Auto/Pedestrian or Auto/Bicycle Accident
- Community Development
- Institution
- Absence of Sidewalks

Step Six: Funding

An annual budget will be established for construction of approved projects. Projects will be scheduled for construction by priority ranking as funding permits within the established budget.

Projects may be completed, out of ranking order, if alternative funds become available or if complementing maintenance and/or capital improvement projects are initiated during the year.

Approved projects that do not receive funding in the current year will be automatically considered for 2 additional years. All projects will be re-prioritized by ranking on a biannual basis.

An eligible project may be expedited if the applicants choose to pay for 100% of the estimated cost of the installation. Expedited projects will be constructed no later than the next fiscal year following deposit of funding.

Speed Hump Program Schedule

Process Step	Round "A"	Round "B"
Deadline for request submission	April 1	October 1
Planning and eligibility determinations completed by City Manager, Preliminary placement maps and petition forms prepared by City Manager	June 1	December 1
Final date to submit evidence of support	August 1	February 1
Ranking of eligible requests for City funding	September 1	March 1
Construction begins on approved projects	October	April

City of Rosenberg

Speed Hump Program

2110 4th Street Rosenberg, TX 77471
Phone (832) 595-3310 Fax (832) 595-3311

For policy Effective _____

Request for Speed Hump Study

The following is a request for a speed hump study. Please feel free to submit this form as a formal request. Each request must contain the completed information as indicated in both Part A and Part B. The request will be processed according to the procedures detailed in the Speed Hump Program Policies and Procedures.

A. Street Study Information

Each request must provide the name of the street on which a study is requested, and the boundaries of the street segment. Traffic studies will be conducted only within the boundaries indicated. Please use streets for boundary limits, not block ranges.

Requested Street:

From:

To:

B. Contact Person Information

Each request must provide a contact person who lives on the requested street within the study area boundary. The contact person will receive all correspondence and be responsible for gathering evidence of support when requested.

Name:

Address:

City: Zip Code: Daytime Ph #:

Cell Ph#: E-Mail Address:

I agree to be the contact person for the above request. I understand that a request may not automatically be withdrawn from consideration once a traffic study determines the street to be eligible for speed humps.

Signature of Applicant: Date:

Appendix B

Recount Policy

- I. Traffic count data that is reviewed and believed to be questionable or invalid by the public works staff for any of the reasons listed below will be scheduled for a recount. This recount will occur as soon as possible and preferably within the current funding round, unless circumstances indicate otherwise.
- II. Segments that have been determined ineligible due to traffic data may be re-evaluated upon written request, by conducting another traffic survey. Those segments receiving approval to be reevaluated will be reassigned from their original application cycle to the next available application cycle. The reassigned requests will conform to the policies and procedures in effect for that funding cycle.
- III. Citizen initiated requests for recounts must be submitted in writing. These letters should clearly express specific reasons why the original count should be considered invalid. If approved, these recounts will be scheduled during the following funding round.
- IV. If it is determined through engineering judgment that the original count did not represent normal conditions and the recount does represent normal conditions, then the data gathered by the recount will be used to evaluate the need for speed humps.
 - A. The following presents some of the valid reasons to authorize a recount:
 1. Incomplete or missing data.
 2. Unusually high or low 85th percentile speeds.
 3. Failure or malfunction of the counting equipment.
 4. Relatively large proportions of large vehicles (trucks, buses, etc.) to passenger cars in the data.
 5. Relatively high percentages of “unknown” or “other” vehicle classifications in the data.
 6. Counter deployed at times and/or locations other than those specified by the requestor.
 7. Counter deployed during non-school times at locations influence by school traffic.
 8. Vandalism or deliberate influence. (This aspect is discussed in more detail below).
 9. Other similar considerations.
 - B. The following reasons require additional records or field research before a recount can be authorized:
 1. Counter deployed at a location typically bypassed by a significant portion of traffic.
 2. Counter deployed relatively close to a traffic control device (STOP sign, traffic signals, etc.) a horizontal or vertical curve, or other physical feature that could be reasonably expected to influence motorists’ behavior on the subject street segment.
 3. Construction or maintenance activities occurring in the vicinity of the deployed counter that can be reasonably expected to influence travel patterns on the subject street segment.
 4. Counter deployed during a special even that can be reasonably expected to influence travel patterns on the subject street segment.
 5. Counters deployed at or near school bus stops, commercial loading zones, frequent on-street parking locations, and other similar locations that can be reasonably

Appendix B

expected to influence travel patterns and/or motorists' behavior on the subject street segment.

6. Speed humps or other mitigation devices installed on adjacent streets after the original study that can be reasonably expected to influence travel patterns on the subject street segment.
7. Physical modification of the roadways (reconstruction, overlays, traffic signals, etc.) changes in land use (apartments, shopping centers, theaters, etc.) and other similar factors that can be reasonably expected to influence travel patterns on the subject street segment.
8. Other similar considerations.

C. The following are generally considered invalid reasons to authorize a recount:

1. Fear of accidents or incidents occurring.
2. Recent accidents or incidents that are not part of a discernible pattern of occurrence. Only those accidents or incidents reported to Rosenberg Police Department or other comparable public agency will be considered in determining if a trend exists.
3. Unspecified doubt in the validity of the study.
4. Requests for recounts to be conducted during a specified time period that can reasonably be considered part of a special event.
5. Unsupported allegations of traffic patterns being deliberately and significantly influenced by individuals or groups.
6. Other similar considerations.

V. Traffic count locations that are vandalized (tubes disconnected or cut, counter damaged or stolen, etc.) or deliberately influenced (vehicles parked on or near tubes, multiple passes across tubes, etc.) will be recounted in the following manner:

- A. A first recount will occur automatically. Consideration will be given to moving the counter to a more secure location.
- B. If the counter is vandalized or deliberately influenced during the first recount, the study will be suspended and the requester contacted and informed of the adverse occurrence. A second recount will be authorized only if assurances are secured from the requester that a resident of the street segment will closely monitor the counter. If no assurances are received, then the request is considered ineligible and may not be reconsidered for two years.
- C. If the counter is vandalized or deliberately influenced during the second recount, then the request is considered ineligible and may not be reconsidered for two years.

Appendix C

PLACEMENT OF SPEED HUMP WARNING SIGNS POLICY

- I. Speed hump warning signs shall be required to warn motorists of the presence of speed humps along a street segment. However, due to aesthetic consideration of the neighborhoods in which they are erected, the number of signs installed shall be minimized where possible.
- II. The general design, layout, and placement of the speed hump warning sign assemblies shall be in conformance with the Texas Manual on Uniform Traffic Control Devices (TMUTCD), latest version.
- III. The following guidelines shall be considered when locating and installing these signs.
 - A. A speed hump warning sign shall be installed in advance of the first speed hump in the segment for each direction of travel. No other speed hump warning signs shall be required for motorists traveling along the segment provided adequate warning is given to motorists prior to their entering the segment.
 - B. The installation of speed hump warning signs at or in advance of each speed hump along the subject segment shall not be required other than as described herein.
 - C. If a new segment of speed humps is installed abutting an existing segment, the two segments may be considered as one segment and signed as a single segment. Existing signs may be removed so as to incorporate the two segments into a single segment.

City of Rosenberg

Speed Hump Program - REMOVAL

2110 4th Street Rosenberg, TX 77471
Phone (832) 595-3310 Fax (832) 595-3311

General Description

The speed hump is a gentle rise and fall of pavement surface placed in the roadway to reduce the speed of vehicles. Speed humps have proven to be successful in reducing speed while allowing safe operation of the vehicle. However, citizens who believe the humps are not required along a street for various reasons may request the humps be considered for removal. The following is a summary of the process for speed hump removal.

Step One: Request for a Removal Study

A request can be made by either a neighborhood or business association, by a single resident or a group of residents, or by a business located on the street requesting speed humps. Each request must include a name, address and phone number of a resident from the requested street who agrees to be the contact person. The contact person will receive all correspondence and be responsible for gathering evidence of support. Each contact person must acknowledge designation by signing the request. Written requests should be submitted to the City Manager at the above address. An application form can be obtained from the City Manager. A request may not automatically be withdrawn from consideration once a traffic study determines the street to be eligible for removal of speed humps.

The request must be for a specific street segment and should include at least the following information:

- The requested street name
- The boundary of the street segment
- Name of contact person
- Address of contact person
- Daytime phone number and cell phone number of contact person
- E-mail address of contact person
- Signature of contact person

Do not submit petitions or other evidence of support with your request. Petitions or letters of support gathered prior to the eligibility determinations without the preliminary placement maps will not be accepted. Requests will be evaluated on a biannual schedule (page D-3), however the schedule and process do not preclude the City Manager from removing speed humps when and where it is deemed necessary outside the procedure of this program.

Appendix D

Step Two: Eligibility

In order for a request to qualify for consideration, the street must meet criteria set by the Public Works Director:

- The request must not be a duplicate request.
- The removal segment must correspond with the installation segment.
- The speed humps must have been in place for at least one year.

Only those requests meeting all the eligibility requirements will proceed. If a request is denied, applicants will not be able to reapply to the Speed Hump Removal Program for the following two years unless there is considerable change in conditions.

All traffic counts will be scheduled during regular commuter periods unless a specific weekend problem is noted in the request.

Step Three: Level of Support

If the City Manager determines the speed humps along a street segment to be eligible for removal consideration, the City Manager will provide existing location maps to the contact person. The contact person is encouraged to gather and present support from the community in the form of petition(s) (which are provided by the City Manager) from residents, landowners, or businesses facing or having lot frontage on the street segment where speed humps are being considered for removal. There must be at least 75% evidence of support for review to further the process. Requests with either no petition or with a petition that does not account for all properties will be considered incomplete and will not further in the process.

Petitions or letters of support gathered *prior* to the removal eligibility determinations without the existing location maps will not be considered.

Step Four: Removal Consideration Factors

The removal application process does not invite nor accept recommendations from requestors regarding which speed humps should or should not be removed. Based on engineering judgment, the results of the review process may recommend removal of none, some, or all of the speed humps. Factors that are considered for review may include, but are not limited to:

- Existing speed hump locations and spacing
- STOP/YIELD signs or traffic signals along the segment
- Historical and existing traffic speed and volume information
- Accident History
- Presence or absence of sidewalks, schools and parks

Appendix D

Step Five: Funding

Funds for speed hump removal will be determined by prorating total available funding between number of humps eligible for installation and number of humps eligible for removal. Selection of humps funded for removal will be on a first come basis, based on the date of receipt of the completed petition. Removal will occur during the regularly scheduled speed hump construction cycles. Private funding of approved removal is possible with 75% support for review.

Speed Hump Removal Program Schedule

Process Step	Round "A"	Round "B"
Deadline for removal request submission	April 1	October 1
Planning and eligibility determinations completed by City Manager, Petition area maps and petition forms prepared by City Manager	May 1	November 1
Final date to submit evidence of support	July 1	January 1
Ranking of eligible requests for City Funding	September 1	March 1
Construction begins on approved projects	October	April

City of Rosenberg

Speed Hump Program - REMOVAL

2110 4th Street Rosenberg, TX 77471
Phone (832) 595-3310 Fax (832) 595-3311

For policy effective _____

Request for Removal Study

This is a request for removing speed humps. Please feel free to submit this form as a formal request. Each request must contain the completed information as indicated in both Part A and Part B. The request will be processed according to the procedures detailed in the Speed Hump Program Policies and Procedures.

A. Street Study Information

Each request must provide the name of the street on which a study is requested, and the boundaries of the street segment. Traffic studies will be conducted only within the boundaries indicated. Please use streets for boundary limits, not block ranges.

Requested Street:

From:

To:

B. Contact Person Information

Each request must provide a contact person who lives on the requested street within the study area boundary. The contact person will receive all correspondence and be responsible for gathering evidence of support when requested.

Name:

Address:

City:

Zip Code:

Daytime Ph #:

Cell Ph#:

E-Mail Address:

I agree to be the contact person for the above request. I understand that a request may not automatically be withdrawn from consideration once a traffic study determines the street to be eligible for speed humps.

Signature of Applicant:

Date:

Appendix E

DEFINITIONS

City Engineer: the City Engineer or designated representatives.

City Manager: the City Manager or designated representatives.

Institution: a park or school that could reasonably be anticipated to generate volumes of pedestrian traffic.

Arterial or Collector: any street designated respectively as an Arterial or Collector on the City's Master Thoroughfare Plan.

Primary Emergency Response Route: any street segment designated by Rosenberg Police Department or Rosenberg Fire Department as an emergency access route.

Public Works Director: the Public Works Director or designated representatives.

Residential: any single family residence, townhouse, duplex, triplex, quadruplex, condominium, or apartment complex or any other structures used as dwelling units.

Speed Hump: a geometric design feature of a roadway, consisting of a raised area in the roadway pavement surface extending transversely across the travel way, whose primary purpose is to reduce the speed of vehicles traveling along that roadway. The base of the hump varies in width and gradually slopes to a maximum height of approximately 3 to 4 inches. Speed Cushions and Speed Tables may also be utilized for this purpose.

Speed Criteria: the speed which is 5 miles per hour (mph) over the posted or prima facie speed limit for a given street.

85th percentile speed: the measured speed at or below which 85% of vehicles are traveling.

Livable Centers Case Study (Study) for the U.S. 90A corridor. The purpose of the Study is to facilitate a revitalization plan for the Highway 90A corridor through Rosenberg.

The H-GAC Board of Directors has approved a contract with Morris Architects to facilitate the Rosenberg/U.S 90A Livable Centers Study. Representatives of Morris Architects will attend the meeting to brief City Council on the Study and answer any questions regarding same.

Key discussion points:

- Randall Malik, Economic Development Director gave an overview of the item.
- Armandina Chapa with Morris Architects provided City Council with a brief on the Study and was available to answer questions.

Questions:

Q: Who will fund the Livable Centers Study?

A: The Rosenberg Development Corporation, Houston Galveston Area Council and West Fort Bend Management District.

Q: With one-way streets how will we go to the public? How often will we get a status report?

A: With a Workshop to involve stakeholders and clients and through utility bills and the website.

Q: It needs to be reiterated what Livable Centers are so we can get good input.

A: Yes, that will be done and the northern boundary is the railroad track and Avenue H.

Q: What are Livable Centers?

A: Livable Centers are walk able, mixed-use places that provide multimodal transportation options, improve environmental quality and promote economic developments. If there is accessible retail to shoppers you keep people from driving so far.

Q: How does this intertwine with our Comprehensive Plan?

A: We wrote our Comprehensive Plan at the overall transportation plan and with new development but there will be coordination on this plan.

Q: We don't want Avenue H and I to be a direct route for all the traffic to come through Rosenberg. When will this stop, when you reach Task 6 is it over then?

A: The proposal we wrote does not want people to just speed through Rosenberg.

Q: Are you aware we are going to have buses going through?

A: Yes.

Q: Does it incorporate all of 90A?

A: This boundary was defined but they will look beyond the boundaries of Avenue H.

- No action was taken on the item.

5. REVIEW AND DISCUSS THE PROPOSED INSTALLATION OF POLE MOUNTED RADAR SPEED SIGNS ON CERTAIN STREETS WITHIN THE CITY OF ROSENBERG, AND TAKE ACTION AS NECESSARY.

Executive Summary: This Agenda item was requested to allow City Council an opportunity to discuss potential locations for the installation of pole mounted radar speed signs, and to direct staff accordingly. The following three (3) locations were submitted by Councilor Benton for consideration:

1. Grunwald Heights Boulevard;
2. Wagon Wheel Lane; and,
3. Walnut Glen Lane in the Oaks of Rosenberg.

Additionally, staff has identified the following four (4) locations for such signage at the recommendation of the Police Department:

4. Lane Drive;
5. Southgate Drive;
6. Jones Street; and,
7. J. Meyer Road.

The equipment cost is approximately \$3,800.00 per sign. The labor and equipment to install and maintain each sign is provided by the Public Works Department.

Key discussion points:

- Discussion was held regarding the proposed installation of pole mounted radar on the streets as outlined in the Executive Summary and if funding is available the addition of Callendar Street and Elizabeth Street.
- Councilor Grigar expressed concern regarding no criteria for these devices and stressed the

need to outline a criterion.

- Councilor Barta stated she would like to visit with the citizens on Wagon Wheel Lane and the two roads that lead out to Spacek Road. Residents in the Oaks of Rosenberg want speed humps and officer presence.

Questions:

Q: What were the recommendations the Police Department made for the signs based on?

A: Some were cut through roads, such as Southgate and Lane Drive. There is a high volume of pedestrian traffic and school zone. There are a lot of traffic complaints in this area.

Q: Who should these people call to complain?

A: They should call Citizens Relations and the Police Department.

Q: What criteria are speed humps based on?

A: We have to have the HOA's permission. Other items such as distance from the intersection, etc, has to be considered.

Action: Councilor Benton made a motion, seconded by Councilor Barta to approve installation of pole mounted radar speed signs on Grunwald Heights Boulevard, Wagon Wheel Lane, Walnut Glen Lane in the Oaks of Rosenberg, Lane Drive, Jones Street, Brooks Street, and Callendar Street.

Further discussion:

- Joyce Vasut, Executive Director of Administrative Services stated we have some funding for traffic calming (\$30,000). We have spent approximately \$8,000. Fourteen signs at \$4,000 each will cost \$56,000. There is \$21,000 currently in the budget.
- Robert Gracia, City Manager stated staff will have to come back with a budget adjustment before we can do this.

Upon voting – Yeses: Mayor Pro Tem McConathy, Councilors Benton and Pena. No: Councilor Grigar. Abstention: Councilor Barta.

Further discussion:

- Councilor Grigar stated he would vote for it if it were amended and some sort of generic criteria added.

Amended Motion: Councilor Grigar amended the motion, seconded by Councilor Barta to add criteria for the areas and for all future radar signs. The motion carried by a unanimous vote.

6. CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1877, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AN ADVANCE FUNDING AGREEMENT FOR BRIDGE REPLACEMENT OR REHABILITATION OFF THE STATE SYSTEM, BY AND BETWEEN THE CITY AND THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, REGARDING A PROJECT GENERALLY DESCRIBED AS REPLACEMENT OF THE W. FAIRGROUNDS ROAD BRIDGE OVER SEABOURNE CREEK.

Executive Summary: Recently, the Texas Department of Transportation (TxDOT) submitted documentation regarding replacement of the W. Fairgrounds Road bridge over Seabourne Creek utilizing the "Off-System Bridge Replacement Program" (Program). City Council previously approved Resolution No. R-1843 on August 19, 2014, and Resolution No. R-1855 on September 02, 2014, authorizing participation in the Program and to utilize the "Participation Waived" form of project agreement. The local "Participation Waived" project will consist of the improvements to add drainage capacity to the Louise Street bridge over Dry Creek.

The Advanced Funding Agreement, attached as Exhibit "A" to Resolution No. R-1877, should now be the last document required to formalize the bridge replacement project.

Staff recommends approval of Resolution No. R-1877, which will authorize the City Manager to execute the Advance Funding Agreement for Bridge Replacement of Rehabilitation Off the State System for replacement of the W. Fairgrounds Road bridge over Seabourne Creek.

Key discussion points:

- John Maresh, Assistant City Manager of Public Services read the Executive Summary.

Main Street Program was identified in the Economic Development Strategic Plan. Staff has submitted a Letter of Intent to apply for the Main Street designation, and now seeks direction on moving forward with the application process.

The deadline to apply for the Texas Main Street Program is July 31, 2014. The application process involves coordination between the business community, City staff, and downtown stakeholders. Staff recommends approval to move forward with the application process.

Key discussion points:

- Randall Malik gave a brief overview of the item and introduced Debra Drescher, State Coordinator for the Texas Main Street Program.
- Debra Drescher provided a handout to Council and reviewed the program.

Questions/Comments:

- Councilor McConathy asked who is responsible for the hiring and what that responsibility is.
- Debra Drescher stated job descriptions can be provided. They carry out the public functions of the program to focus on small business development, institute a calendar of events and oversee them. It is what you want to get out of the program. You are the employee's boss and they can report to the Economic Development Director, Planning Director or City Manager. That decision is up to Council.
- Councilor McConathy asked if this has been presented to the Rosenberg Development Corporation (RDC).
- Randall Malik stated this was discussed before he was here but it was part of the strategic plan for the RDC.
- Councilor McConathy stated there should have been some discussion for this.
- Randall Malik explained this is an application process and is funded through RDC funds, City funds, private funds and HOT tax. It is a combination of funds.
- Councilor Benton asked what the salary would be and is the position strictly used for the Program.
- Debra Drescher stated they could provide a suggested salary but there is not a set number. Yes, they will do economic development and tourism work and support what is already setup.
- Councilor Bolf stated she is excited about it and would like to know more regarding the cost and she would like it to move forward.
- Debra Drescher stated Brenham, LaGrange and Sealy are in the program and she suggested a manager could come speak about the program to provide more detail.
- Councilor Pena stated it is an excellent idea. He thinks the manager should be accountable to City Council or the City Manager. It would go out into residential areas as well.
- Randall Malik explained it is a commercial based program. A map highlighting the area was included in the packet and a few residents would be in this.
- Mayor Morales stated the Main Street Program is more flexible today. He has seen the results in Brenham and LaGrange.
- The general consensus of Council was to move forward and look at more detail of the program.
- No action was taken on the item.

2. REVIEW AND DISCUSS PROPOSED TRAFFIC CALMING POLICIES, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.

Executive Summary: This item has been added to the Agenda to allow City Council the opportunity to discuss traffic calming measures that may be needed in certain areas to improve mobility safety by reducing cut-through traffic and reduce excessive vehicular speeds on neighborhood streets.

Key discussion points:

- Councilor Benton asked Council what direction they would like to take regarding this item.
- Travis Tanner, Executive Director Community Development explained the scope for the Comprehensive Plan would look at the streets and the dates to back up the information for the areas.
- After a brief discussion by Council, Robert Gracia, City Manager recommended that during the process of approving the Comprehensive Plan calming devices be looked at as a plan city wide and what that study would provide. The areas in the City that have been identified that are of concern can be addressed immediately and we need to wait for the assessment of the entire City.
- Mayor Morales stated he likes that plan.
- No action was taken on the item.



CITY COUNCIL COMMUNICATION

January 27, 2015

ITEM #	ITEM TITLE
4	Proposed Amendments to Chapter 6, Articles XVI and XVII, Code of Ordinances Discussion
ITEM/MOTION	
Review and discuss proposed amendments to Code of Ordinances, Chapter 6, Articles XVI and XVII, regarding Parking Lot and Single-Family Residential Dwelling Standards, and take action as necessary to direct staff.	
FINANCIAL SUMMARY	
ELECTION DISTRICT	

Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

Yes No N/A

Source of Funds: N/A

- District 1
- District 2
- District 3
- District 4
- City-wide
- N/A

SUPPORTING DOCUMENTS:

MUD #: N/A

1. Draft Ordinance Amendments – Chapter 6, Articles XVI and XVII - Redlined
2. City Council Meeting Minute Excerpt – 04-22-14
3. Planning Commission Meeting Minute Excerpt – 10-15-14
4. Planning Commission Meeting Minute Excerpt – 07-16-14
5. Planning Commission Meeting Minute Excerpt – 06-18-14
6. Planning Commission Meeting Minute Excerpt – 05-21-14
7. Planning Commission Meeting Minute Excerpt – 04-24-13

APPROVALS

Submitted by:

Travis Tanner
 Travis Tanner, AICP
 Executive Director of
 Community Development

Reviewed by:

- Exec. Dir. of Administrative Services
- Asst. City Manager of Public Services
- City Attorney
- City Engineer
- (Other)

Approved for Submittal to City Council:

Robert Gracia
 Robert Gracia
 City Manager

EXECUTIVE SUMMARY

This Agenda item addresses a number of issues in Chapter 6 that have been discussed over a relatively long period of time. Staff believed the best approach would be to cover them all in one Agenda item since all proposed amendments are found under the same Chapter. Should City Council direct staff to move forward, one (1) Ordinance addressing all of the proposed amendments described below could be placed on a future Agenda for City Council's consideration.

Over the last several months, the Planning Commission (Commission) and City Council have at different times discussed a number of possible amendments to Chapter 6 of the Code of Ordinances. Chapter 6 relates to Building and Building Regulations and the proposed amendments in particular would address Parking Lot and Single-Family Residential Dwelling Standards (Articles XVI and XVII, respectively). Following is an overview of the proposed amendments, and attached are draft revisions to the Ordinance for City Council's consideration.

On April 22, 2014, City Council directed staff to research and discuss with the Commission the regulation of parking in residential yards as well as outside display of merchandise. These items were discussed by the Commission on May 21, 2014, and the Commission recommended approval of amendments to the City's existing ordinances on these matters on June 18, 2014. The ordinance amendments in question are

similar to the City of Sugar Land's ordinance (as directed by City Council) and generally provide for the following:

- No parking of vehicles in residential front yards except on improved surfaces or preexisting unimproved driveways;
- Strict limitations on outside display of merchandise (i.e., 25' setback from right-of-way, not located in parking areas, owned by the owner or lessee of the property, and not greater than ten (10) percent of the building area), with the exception of certain types of merchandise such as landscaping materials and vehicles.

Further, on July 16, 2014, the Commission received a presentation from the Texas Masonry Council explaining the benefits of masonry planning policies or ordinances requiring a minimum percentage of masonry on residential and/or nonresidential structures. The Commission had previously expressed interest in such policies, noting the amount of HardiPlank siding on homes in new subdivisions and concerns regarding maintenance. Among the benefits of masonry planning policies that were discussed were that masonry products generally are lower maintenance, result in increased home values, are more durable, and provide for more predictability of development or architectural control. That being said, on October 15, 2014, the Commission recommended approval to City Council of an Ordinance Amendment that would require homes on lots platted after the effective date of the Ordinance to generally have a minimum of seventy-five (75) percent masonry exterior. Staff has further refined the proposed amendment to seventy-five (75) percent masonry exterior for one (1) story structures and fifty (50) percent for two (2) stories and above. If adopted, this would not apply to existing subdivisions or to homes built in the Extraterritorial Jurisdiction (ETJ); it would only apply to homes constructed in future developments within the City.

Finally, the Commission has previously discussed and made recommendations to City Council regarding the Parking Lot Standards and Specifications related to parking spaces abutting public streets. The City's Ordinance currently allows for businesses with twenty-five (25) or fewer parking spaces to have spaces that back into the public right-of-way. The Commission believed, and staff concurs, that it would be in the best interest of the City from a mobility and safety standpoint to not have future parking spaces abutting the right-of-way. Existing businesses would be "grandfathered" in relation to this requirement. This also would not apply to the Downtown area. The Commission recommended approval of this proposed Amendment on April 24, 2013.

Staff is requesting direction from City Council on these proposed amendments to Chapter 6 of the Code of Ordinances.

CODE OF ORDINANCES
CHAPTER 6 – BUILDINGS AND BUILDING REGULATIONS
ARTICLE XVI. - PARKING LOT STANDARDS AND SPECIFICATIONS

Sec. 6-416.1 - Definitions.

Improved surface shall mean an area used for the parking of vehicles that is paved with asphalt or concrete.

Merchandise shall mean items for sale, not including landscaping materials, tires, vehicles, or other motorized equipment.

Unimproved driveway shall mean an area used for the parking of vehicles that is constructed of gravel, crushed stone, or other equivalent materials.

Sec. 6-416.2 - Off-street parking regulations.

It is the intent of this section to ensure that adequate off-street parking is provided.

- (1) Required off-street parking spaces should be on the same lot, tract, parcel, or premises as the use being served.
- (2) Any existing use that is enlarged, structurally altered, or remodeled to the extent of increasing or changing the use by more than fifty (50) percent as it existed at the effective date of this article shall be accompanied by off-street parking for the entire building, or use in accordance with the required off-street parking regulations set forth in the section 6-418, schedule of parking regulations. Exemption may be permitted for a business that existed prior to the passage of this ordinance and requires less than twenty-five (25) spaces, and is rebuilt due to fire, storm, or other acts of God.
- (3) Existing parking spaces may not be used to satisfy additional off-street parking requirements unless the existing spaces proposed for use in meeting the requirements of the associated use exceed the number of spaces required for the building or use for which the existing spaces are associated. All parking associated with a building or use from which the spaces are drawn must meet all requirements of this article.
- (4) Off-street parking areas shall provide parking spaces with a minimum stall width of nine (9) feet (as measured from centerline to centerline) and a minimum length of twenty (20) feet. Off-street parking spaces shall be clearly marked with striping to indicate the location of the individual spaces.
- (5) All parking and paving areas shall meet the following setbacks:
 - (a) Parking and paving areas shall be setback a minimum of ten (10) feet from any property line that abuts a street right-of-way or an access easement as defined in Article 1, of Chapter 25, Subdivisions, Section 25-1.

- (b) Parking and paving areas shall be setback a minimum of five (5) feet from any side property line. For corner lots, parking and paving areas shall provide the minimum five (5) foot setback on both interior side yards, regardless of whether one (1) yard is considered a rear yard.
- (c) There shall be no parking or paving setback on the rear of a lot. Parking spaces abutting an adjoining property line in the rear shall be provided with wheel guards or bumper guards located so that no part of a normally parking vehicle shall extend beyond the property line.
- (d) Parking and paving areas shall be setback a minimum of five (5) feet from any alley.
- (e) For interior side property lines in commercial developments with shared parking, no setback from the interior property lines are required.
- (f) Single family residential parking shall be exempt from these setback requirements.
- (g) *Nonconforming parking and paving areas:*
 - i. Parking and paving areas which are in existence on the effective date of this ordinance, and which are nonconforming as it relates to the provisions of subsection 6-416.2(5), may be repaired or renovated provided that repairs or renovations do not exceed fifty (50) percent of the replacement cost of the parking or paving area as determined by two (2) or more independent estimates from licensed contractors.
 - ii. Repairs or renovations exceeding fifty (50) percent of the replacement cost of a nonconforming parking or paving area must result in conformance with subsection 6-416.2(5).
- (6) Approval of the parking area layout and design of all off-street parking areas shall be by the planning director or such designee. The planning director or such designee shall determine that spaces provided are useable and that the circulation pattern of the area is adequate.
- (7) All off-street parking areas shall be paved with a permanent all-weather surface of asphalt concrete or Portland cement concrete approved by the planning director.
- (8) All off-street parking areas within commercial or multi-family projects shall be provided with exterior lighting, which meets the following minimum standards:
 - (a) Proper illumination shall be provided for safety, which at a minimum, shall be the equivalent of one-foot candle average of illumination throughout the parking area. In commercial parking lots, lights should be operable at a minimum of one (1) hour before the business is open to a period at least one (1) hour after the business has closed.
 - (b) All lighting shall be on a time clock or photo sensor system.

- (c) All lighting shall be designed to confine direct rays to the premises. No spill over beyond the property line shall be permitted, except onto public thoroughfares provided, however, that such light shall not cause hazard to motorists.
- (9) Access to parking areas for commercial or multi-family projects shall be provided as follows:
- (a) Two-way access driveways shall have a width of no less than twenty (20) feet nor greater than forty-four (44) feet. In cases where one-way access drives are approved, a minimum width of twelve (12) feet is required.
 - (b) The parking area shall be designed so that a vehicle within the parking area will not have to enter a public street to move from one (1) location to any other location within the parking area.
 - (c) Under no circumstances will spaces be approved that require a vehicle to back into a public right-of-way. ~~(Businesses requiring twenty-five (25) spaces or less are exempt from this provision.)~~
 - (d) This section relating to access for commercial or multi-family projects shall not be applicable for single-family residential parking requirements.
 - (e) Items "b" and "c" above shall not apply to changes in the use of, or additions to, existing buildings where the following criteria are met:
 - i. The business requires twenty-five (25) or fewer spaces overall.
 - ii. The change of use or building addition does not increase the required number of parking spaces by greater than fifty (50) percent.
- (10) Access to parking area for single-family residential units shall be provided as follows:
- i. The driveway shall be a minimum nine (9) feet wide and connect to all parking areas including garage.
 - ii. The driveway can permit a vehicle to safely back into a public right-of-way.
 - iii. The access drive may be of like material of the city street, but in no case less than an asphalt material. It does not have to match the parking space material.
 - iv. The design criteria shall be approved by the building official and be properly tied into the city street.
 - iv.v. It shall be unlawful for any person to park a motor vehicle, recreational vehicle, or trailer within the front yard of a residential property upon any surface other than an improved surface except on an unimproved driveway in existence prior to the effective date of this ordinance.
- (11) The Downtown Area, as defined in this chapter, shall be exempt from the parking regulations set forth in this article.

Sec. 6-417. - Off-street parking landscaping ~~(twenty-five spaces or more).~~

(1) All areas, except the downtown area, that are used for parking shall conform to the minimum landscaping requirements of this section.

(a) Greater than 25 spaces: Parking lots shall have open landscaped areas that are equal to but not less than ten (10) percent of the parking areas and drives in the parking area. The required area may be used as island, perimeter landscaping, or in any combination. A minimum of fifty (50) percent of the required landscaped area must be used as islands.

(b) Twenty-five (25) or fewer spaces: Landscaped areas greater than or equal to ten (10) percent of the parking areas and drives in the parking area shall be required adjoining the parking area.

~~(1)~~(2) Landscaping in the right-of-way shall be permitted subject to the approval of the planning director. Credit for up to fifty (50) percent of the minimum landscaping area requirement shall be allowed for landscaping of the street right-of-way.

~~(2)~~(3) Off-street parking areas (including loading docks, access roads and drives) that are adjacent to an area used for residential purposes may require screening by means of a six-foot wall or opaque fence, which shall be erected and maintained along the property line to provide visual screening. It shall be necessary to show all planting areas drawn to scale and all plants and trees within shall be clearly located and labeled on-site plans for development regulated by this article.

~~(3)~~(4) Landscaping areas shall be protected from vehicular encroachment by curbs or wheel stops.

~~(4)~~(5) Landscaping shall consist of a combination of such materials as grasses, groundcover, shrubs, vines, hedges, trees, or other such materials. Grasses and groundcover alone shall not constitute adequate landscaping.

~~(5)~~(6) Visibility at intersections. On a corner lot, no structure shall be erected or constructed, and no vegetation shall be planted and allowed to grow, in such a manner as to impede vision between a height of two (2) feet and eight (8) feet above the centerline grades of the intersecting streets, in the triangular area bounded by the intersecting street lines and a line joining points along said street lines twenty (20) feet from the point of their intersection.

Sec. 6-418. - Schedule of parking regulations.

Computing parking space requirements:

(1) Where a fraction of an off-street parking space greater than or equal to one-half (0.5) is required pursuant to the table below, a full parking space shall be provided.

(2) For uses not mentioned in the table below or for which the category of use is uncertain, the planning director shall determine the most appropriate equivalent

from the subsequent table. An applicant unsatisfied with the planning director's decision may make an appeal to the planning and zoning commission.

* GLA is the "gross leasable floor area".

Use	Unit	Minimum Number Spaces: Unit
Single-family residential	Dwelling unit	2:1 dwelling unit
Townhouse residential	Dwelling unit	2.5:1 dwelling unit
Duplex residential	Duplex	4 covered spaces per duplex
General office (includes banks and savings and loans)	1,000 square feet of GLA*	5:1000 square feet
General retail (under 400,000)	1,000 square feet of GLA*	5:1000 square feet
General retail (400,000 and over)	1,000 square feet of GLA*	5:1000 square feet
Fast-food eating (with or without drive-through, without table service)	1,000 square feet of GLA*	10:1,000 square feet
Restaurants and cafeterias (sit down eating with table service, without bar)	1,000 square feet of GLA*	12:1,000 square feet
Restaurants and cafeterias (sit down eating with table service, with bar)	1,000 square feet of GLA*	15:1,000 square feet
Bars, nightclubs and taverns	1,000 square feet of GLA*	20:1,000 square feet

Churches, cinemas, meeting rooms, and places of public assembly (with fixed seating)	Seats	1:4 seats
Places of public assembly (without fixed seating)	Areas of assembly	1:45 square feet
Places of assembly for elementary age children (without fixed seating)	Areas of assembly	1:650 square feet
Hospitals (acute care)	Beds	1:1 bed
Hospitals, nursing homes, assisted living (chronic care)	Beds	1:3 beds
Light manufacturing	1,000 square feet of GLA*	2:1,000 square feet
Wholesaling, warehousing, and distribution	1,500 square feet of inside storage area	1:1,500 square feet
Bowling alley	Lanes	5:1 lane
Funeral home	Seats	1:3 seats
Medical/dental clinic	1,000 square feet of GLA*	6:1,000 square feet
Hotel/motel	Rooms	1:1 room
Multifamily dwelling	1 Bedroom 2 Bedroom 3 Bedroom	4 spaces: 1 bedroom dwelling 5 spaces: 2 bedroom dwelling 6 spaces: 3 bedroom dwelling 30% of the required spaces shall be covered. (At a minimum, 10% of the total spaces shall be designated for guest parking)

Auto repair, painting, or body repair	1,000 square feet of GLA*	3:1,000 square feet of office area + 4 spaces per each bay, or one space per 600 square feet of other gross floor area
Auto wash	Use	10 minimum
Auto part sales	1,000 square feet of GLA*	3:1,000 square feet of office area + 4 spaces per each bay, or one space per 600 square feet of other gross floor area
Auto service station	Use	2 spaces per day + 2 stacking spaces per pump
Automobile/vehicle sales:		
For showroom/office	1,000 square feet of GLA*	4:1,000 square feet
For outside lot	800 square feet of lot area	1:800 square feet
Minimum, if greater than total for above	Total site	8 spaces
Self-storage/Mini-warehouse	12,000 square feet of GLA*	1:12,000 square feet

Sec. 6-419. - Special exceptions for parking and landscaping for commercial uses with frontage on Avenue H, Avenue I, and State Highway 36 only.

- (1) Upon written request of the property owner, the city council may grant a special exception to the provisions of this article, including the parking and paving setbacks required by subsection 6-416.2-(5), limited to and in accordance with the items referenced in this section.
- (2) The purpose of a special exception shall be to authorize a modification of standards applicable to development within the city, which is consistent with the

overall intent of the Code, but that requires additional review to determine whether the development with the modifications is compatible with adjoining properties and the character of the neighborhood in which the development is proposed.

- (3) An application for a special exception shall be filed only for parking and landscaping provisions contained within this article of the Code.
- (4) In granting a special exception under this article, the city council may impose such criteria and conditions as necessary to bring the property into further compliance with this article and to protect adjacent property owners.
- (5) Special exceptions shall be limited to the following:
 - (a) The property to which a special exception applies shall be no larger than one (1) acre in size.
 - i. The property to which a special exception applies shall be a property in which an improvement is upon, and not be a stand-alone, vacant property, in which no building currently exists. A vacant property adjacent to a developed property, in which the vacant tract and the developed tract are replatted into one (1) lot, shall be permitted.
 - ii. The special exception may allow for the reduction of parking requirements in an amount not exceeding twenty-five (25) percent of the parking required for that use under this article.
- (6) *Application requirements.* An application for a special exception shall be accompanied by the following:
 - (a) Completed application, as provided by the planning department.
 - (b) A statement detailing the specifics of the site, including the size of the site, the size of any buildings to be utilized, the parking spaces proposed, and any other information deemed appropriate by the planning director.
 - (c) A site plan of the subject property.
 - (d) A landscape plan showing as much conformance to the landscaping requirements as the site can accommodate.
- (7) *Application processing.*
 - (a) The planning commission shall consider an application for a special exception and make a recommendation to the city council.
 - (b) The planning department shall cause notice to be sent by regular mail before the tenth day before the date in which the special exception is considered by the city council, to each owner of real property located within two hundred (200) feet of the exterior boundary of the property in question.
 - (c) The planning department shall cause notice to be published in a newspaper of general circulation in the city before the tenth day before the date in which the special exception is considered by the city council.

- (d) The city council shall hold a public hearing and receive public comments regarding the special exception.

Sec. 6-420. - Outdoor displays of motor vehicles; paving requirements.

(1) *Definitions.*

- (a) *Motor vehicle* shall mean a self-propelled vehicle required to be registered under the Texas Transportation Code, and is designed for use on a public roadway, regardless if the motor vehicle is operable, inoperable or dismantled.
- (b) *Outdoor display area(s)* shall mean an area for the outdoor display of motor vehicles that are available for rent, sale, lease or storage.
- (c) *Residential property* means an establishment serving a single-family or household.

(2) *Outdoor display areas, paving requirements.* All outdoor display areas shall be paved with a permanent all-weather surface of asphalt concrete or Portland cement concrete approved by the planning director.

- (a) Outdoor display of motor vehicles shall not be displayed on areas that are designated for off-street parking or are included in the computation for designated off-street parking (unless the off-street parking spaces available exceed the number of spaces required for off-street parking), areas designated for landscaping, grass, dirt, gravel or other unimproved surfaces.
- (b) Display of one (1) motor vehicle for sale on residential property shall not be considered an outdoor display area for purposes of this section.
- (c) Outdoor display areas of motor vehicles that require proper screening pursuant to applicable city ordinances shall comply with screening requirements in addition to paving.
- (d) Outdoor display areas shall not encroach into the sight visibility triangle.

(3) *Outdoor display areas in existence at time of enactment of this article.* A person owning, renting, leasing, or operating an outdoor display area on the date of enactment of this article shall have a period of six (6) months from the date of enactment of this article in which to comply with the paving requirements set forth in subsection 6-417(b) of this article. This section shall only apply to outdoor display area(s) as it existed on the date of enactment of this article. Should an existing outdoor display area(s) be enlarged or expanded prior to the end of the six-month period, the entire outdoor display area(s) shall be required, at time of enlargement or expansion, to comply with subsection 6-417(b).

Sec. 6-421. - Outside display of merchandise.

Merchandise, as defined in this chapter, shall not be displayed or stored outside of a fully enclosed building, except under the following circumstances:

- (1) It is not located within 25' of the public street right-of-way;

- (2) It is not located in a drive aisle or parking space that is designated for any business at any time;
- (3) It is owned by the owner or lessee of the property on which it is displayed or stored; and
- (4) It does not occupy a contiguous area in excess of 10 percent of the floor area of the building or tenant space, whichever is less, of the business displaying or storing the merchandise.

Secs. 6-422—6-424. - Reserved.

ARTICLE XVII. - SINGLE-FAMILY AND ACCESSORY DWELLING UNITS

Sec. 6-425. - Definitions.

The following definitions shall be applicable to the terms and provisions as used in this article:

Accessory dwelling unit shall mean a subordinate structure that is located on the same lot, tract, or parcel of land as the main structure, which is incidental to the use of the main structure.

Estate lot shall mean a residential lot, tract, or parcel of land containing three (3) acres or greater.

Exterior shall mean the façade of the building not including windows or doors.

Masonry shall mean brick, stone, real stucco or a combination thereof and shall not include exterior insulation and finishing system (EIFS), hardiplank or any other material not specifically provided for in this definition.

Single-family dwelling unit shall mean a building containing one (1) dwelling unit that is designed to be occupied by one (1) family.

Sec. 6-426. - Single-family dwelling units.

- (1) There shall be only one (1) single-family dwelling unit permitted per platted lot, tract, or parcel of land.
- (2) Single-family dwellings on lots platted after the effective date of this ordinance shall consist of a minimum of:
 - (a) Seventy-five (75) percent masonry exterior for structures that are one (1) story in height
 - (b) Fifty (50) percent masonry exterior for structures that are two (2) stories and above in height

Sec. 6-4276. - Construction of accessory dwelling units.

An accessory dwelling unit shall be permitted to be constructed, in accordance with the provisions of this article, on an estate lot containing a single-family dwelling unit. An accessory dwelling unit shall not be permitted to be constructed on a lot, tract, or parcel of land containing less than three (3) acres.

Sec. 6-4286. - Restrictions on accessory dwelling units.

An accessory dwelling unit constructed on an estate lot shall be subject to the following conditions and restrictions:

- (1) An accessory dwelling unit shall not be rented or leased, under any conditions;
- (2) There shall be only one (1) accessory dwelling unit permitted on any estate lot;
- (3) An accessory dwelling unit shall not exceed two (2) stories.
- (4) There shall be only one (1) water tap, sanitary sewer tap, electrical connection, and gas connection permitted for an estate lot to serve the main structure and any accessory dwelling unit.
- (5) An accessory dwelling unit shall not be a mobile home or manufactured home.

Sec. 6-4297. - Building permit requirements for accessory dwelling units.

At the time a building permit application is submitted for the construction of an accessory dwelling unit, the applicant must submit a site plan. This requirement to provide a site plan shall be cumulative of, and in addition to, such other regulations and requirements as may be imposed under this Code.

Sec. 6-43028. - Setbacks for accessory dwelling units.

The following set back lines shall be established for all accessory dwelling units, and shall be so indicated on all site plans as delineated below:

- (1) *Front yard.* The front yard setback for an accessory dwelling unit shall be fifty (50) feet from the property line. The front yard orientation is established in accordance with the main structure.
- (2) *Side and rear yard.* The side and rear yard setbacks for an accessory dwelling unit shall be thirty (30) feet from the property line. The side and rear yard orientation is established in accordance with the main structure.
- (3) *Main dwelling.* The setback for an accessory dwelling unit from the main structure shall be ten (10) feet.

Sec. 6-43129. - Penalty.

Any person who shall violate any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to the penalty provided in Section 1-13 of this Code.

Secs. 6-4320—6-439. - Reserved.

- A copy of an invitation to a reception we will be doing with the businesses May 1st was provided to Council. This will allow staff to solicit their feedback on a three day event downtown.

Questions/Comments:

- Councilor McConathy stated it sounds good and if Council approves this we would have to budget for it. It's a great idea and she would support it.
- Councilor Benton likes the idea but we need to see what the cost would be. Is the three day event on one weekend? He would support it.
- Darren McCarthy stated the event would be held on Thursday, Friday and Saturday.
- Councilor Bolf stated she likes the idea. Would it replace the gazebo tree lighting?
- Darren McCarthy stated yes.
- Councilor Grigar agreed with it and he likes the Thursday, Friday and Saturday.
- Councilor Pena likes the idea and replacing the one day event would be a good thing.
- Councilor Euton agreed and if the downtown merchants agree with it then it would be great.
- Mayor Morales stated he is in favor of Thursday, Friday and Saturday. We need the feedback from the downtown merchants. He likes the idea of bringing it together to attract people to Rosenberg. We need to get the cost and look at doing sponsorships as well.
- No action was taken on the item.

RECESS SESSION, RECONVENE SESSION.

Mayor Morales recessed the Session at 8:18 p.m. and reconvened the Session at 8:28 p.m.

5. REVIEW AND DISCUSS MERCHANDISE PROMINENTLY DISPLAYED AT THE SITE OF SALE, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.

Executive Summary: This item has been added to the Agenda to offer City Council the opportunity to discuss regulations that might govern merchandise prominently displayed at the site of sale on a regular or long term basis.

A copy of the current Code regarding garage sales was included in the agenda packet.

Additionally, it was requested that City staff research the City of Sugar Land's ordinance related to this issue. Sugar Land's Zoning Ordinance provides for merchandise to be temporarily displayed or stored outside the Building on the same premises if the merchandise:

- Is not located on public property or within a required Parking Space or Yard;
- Is not displayed or stored outside for more than 30 consecutive days or for more than 90 days within one calendar year;
- Is owned by the owner or lessee of the building; and
- Does not occupy a contiguous area in of excess of 10% of the ground Floor Area of the Building or tenant space of the business displaying or storing the merchandise. The 10% restriction does not apply to landscaping materials for retail nurseries or lawn and garden supply stores, if displayed within a fenced area.

Key discussion points:

- Councilor Benton stated he requested this item be placed on the agenda for discussion and input from Council. There are concerns with people selling merchandise at the road and suggested requiring a setback or buffer.

Questions/Comments:

- Councilor Euton cautioned on how Council would want to handle this. There are a lot of vendors that have outdoor merchandise displays. She knows what this is geared towards and she would like to see it addressed through an existing code. She does not want to limit people from displaying wares outside.
- Councilor Pena asked if this is referring to panhandling. What is the ordinance regarding trash cans? He agrees this needs to be looked at and the trash can standards might be a

good one to go with.

- Councilor Grigar stated he has some of the same concerns Councilor Euton has. What about car lots, farmers markets, etc? He thinks this needs to be looked at and there needs to be a setback. He has a concern regarding the type of merchandise.
- Councilor Bolf agreed with Councilor Grigar. The Avenue H area looks like a full time rummage sale. She would like staff to see what can be done to get it cleaned up.
- Councilor McConathy stated the Avenue H area is what we are talking about and the resale businesses. She suggested looking for a solution within those boundaries. We are not saying we don't want resale shops. We are saying we don't want items from inside now on the front lawn and looking cluttered and not representing Rosenberg businesses. We may need to look at setbacks. It is more of a safety issue than not liking this particular business.
- Travis Tanner stated there are some restrictions we could add such as setback, amount of outside storage and require screening that would discourage that type of thing. We need clarification on if we can actually do it based on the type of item such as a resale item. We would have to investigate that before staff could bring it back to Council.
- Councilor Euton asked if we could restrict them on parking with the existing ordinances.
- Travis Tanner stated we already do that and you are not allowed to take up any required parking for the business. There are situations where we have enforced that and we try to monitor it. We don't allow items in the right-of-way and are covered in our current Ordinance.
- Councilor Euton stated she would like to see a strengthening and Code Enforcement making a priority to show they are in violation and letting the owners know they are not in compliance with parking and easements to see if that helps before we do more ordinances.
- Councilor Grigar suggested that it be limited to only a certain percentage of the wares outside the business to display. He has a concern with utilizing parking spaces for merchandise.
- Mayor Morales stated the consensus from Council is to tighten up the highlighted items as stated in the Executive Summary without adding an ordinance.
- No action was taken on the item.

6. **REVIEW AND DISCUSS A COMPREHENSIVE STOP SIGN PLAN FOR THE CITY, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: This item has been added to the Agenda to offer City Council the opportunity to discuss the potential of establishing a comprehensive stop sign plan. A copy of the applicable Code Section and examples of policies from several other cities was included in the agenda packet.

Key discussion points:

- Councilor Benton had the item placed on the agenda for discussion and input
- A brief discussion was held regarding the existing guidelines that are in place. The use of traffic calming devices in areas of the City could be beneficial.
- Staff will provide a list of types and pricing of traffic calming devices to be considered during the budget process.
- No action was taken on the item.

7. **REVIEW AND DISCUSS "LONG-TERM" PARKING OF VEHICLES IN FRONT YARDS OF AREA RESIDENCES, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: This item has been added to the Agenda to offer City Council the opportunity to discuss "long-term" parking of vehicles in front yards of area residences, and the potential addition of guidelines regarding same.

It was requested that City staff research the City of Sugar Land's ordinance related to this issue. Sugar Land prohibits the parking of vehicles on unimproved surfaces in front and side yards in residential zoning districts. There is an exception to the ordinance for cases where the vehicle has been parked on an unimproved surface prior to the effective date of the ordinance.

Key discussion points:

- Councilor Benton had the item placed on the agenda for consideration and discussion.
- A brief discussion was held on the item.
- Councilor Grigar stated the item needs to be taken to the Planning Commission for discussion.
- Mayor Morales stated there is a concern with this but not to the degree of over restricting the neighborhood. He agrees the item needs to be taken to the Planning Commission.
- The general consensus of Council was to have the Planning Commission review.
- No action was taken on the item.

8. **REVIEW AND DISCUSS PROPOSED AMENDMENT TO SECTION 6-367 OF THE CODE OF ORDINANCES PROVIDING RULES AND REGULATIONS GOVERNING THE PAINTING OF STREET NUMBERS ON CURBS, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**
Executive Summary: On April 01, 2014, City Council held discussions regarding the potential of amending the City's curb-painting regulations to include the Texas flag.

This item has been added to the agenda to offer City Council the opportunity to discuss the potential amendment of the rules and regulations governing the painting of street numbers on curbs. A copy of the current Code Section 6-367 was attached in the agenda packet.

Key discussion points:

- Councilor Benton placed the item on the agenda for consideration and discussion.
- Discussion was held and concerns expressed regarding the size of lettering and restriction to only the Texas flag.
- Lora Lenzsch reiterated the fact that it is unconstitutional to restrict it to the Texas flag. You cannot hold people criminally liable for painting other flags. The County Attorney would have to seek an Attorney General opinion on this.
- Councilor Grigar stated his intention was for staff to research it to see what kind of situation we are looking at. He expressed concern that the item was brought back by a Council Member and no backup provided. He would like to leave the ordinance the way it is currently.
- Mayor Morales stated the general consensus of Council is for staff to bring the item back with the Austin ordinance criteria. We can review this potential ordinance again after the budget process.
- No action was taken on the item.

9. **ADJOURNMENT.**

There being no further business Mayor Morales adjourned the meeting at 9:40 p.m.


Linda Cernosek, TRMC, City Secretary

11. CONSIDERATION OF AND ACTION OF PROPOSED AMENDMENTS TO CODE OF ORDINANCES, CHAPTER 6, ARTICLES I AND XVII PROVIDING FOR A MINIMUM MASONRY REQUIREMENT FOR NEW SINGLE-FAMILY RESIDENTIAL CONSTRUCTION.

Executive Summary: Potential masonry standards have been discussed at several previous Planning Commission meetings. At the July 16, 2014 meeting, representatives of the Texas Masonry Council gave a presentation on the benefits of masonry planning policies. Among the benefits they discussed were the following:

- Masonry products are lower maintenance;
- Increased home values and tax base;
- Lower cost of ownership and more advantageous from a resale standpoint;
- Results in more predictable development; and,
- Safety considerations.

Because of the West Fort Bend Management District corridors and commercial and multi-family development already being subject to masonry standards in most instances, staff and the Commission have discussed a masonry requirement for new single-family residential developments in the City (these standards could not be applied in the ETJ). Therefore, staff has created definitions and established a minimum percentage of masonry for homes constructed on lots platted after the effective date of this Ordinance. Under the proposed amendments, masonry would include brick, stone, and stucco and would exclude HardiPlank and EIFS (synthetic stucco) materials. The minimum percentage of masonry would be seventy-five (75) percent. The calculation would of course exclude windows and doors (this is covered in the definitions).

The 75 percent masonry requirement is similar to what has been negotiated for recent residential developments in Brazos Town Center. The goal is to ensure a minimum of three (3) sides masonry construction. Staff recommends that the Planning Commission recommend approval to City Council of the proposed amendments to the Code of Ordinances, Chapter 6, Article I and XVII.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.

Action Taken: Commissioner Parsons moved, seconded by Commissioner Poldrack, to recommend approval to City Council of the proposed amendments to Code of Ordinances, Chapter 6, Article I and XVII providing for a minimum masonry requirement for new single-family residential construction.

12. CONSIDERATION OF AND ACTION ON THE 2015 PLANNING COMMISSION MEETINGS AND SUBMITTAL DEADLINES CALENDER.

Executive Summary: Staff has included this item for the Planning Commission to consider and take action on the proposed 2015 Planning Commission Meetings and Submittal Deadlines Calendar (Calendar). With the change to the third Wednesday of the month, it is no longer necessary to accommodate the end of year holidays by moving the meeting date.

Staff recommends approval of the proposed Calendar as presented.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.

Action Taken: Commissioner Parsons moved, seconded by Commissioner Poldrack, to approve the 2015 Planning Commission Meetings and Submittal Deadlines Calendar. The motion carried unanimously.

13. CONSIDERATION OF AND ACTION ON THE STAFF REPORT OF CURRENT ACTIVITIES AND REQUESTS FOR FUTURE AGENDA ITEMS.

Executive Summary: The Staff Report of Current Activities consists of projects that staff is currently working on as well as other updates that are relevant to the Planning Commission. This item also allows the Planning Commission the opportunity to request the items be placed on future agendas.

- sizes.
- Mr. Kalkomey replied that no one is currently tracking lot sizes along with house starts. It would be easy if the whole development is a single lot size and all lots had built out. But in subdivisions with multiple lot sizes and ongoing development, that number is not readily available but can be generated after some research.
 - Commissioner Parsons replied that information is important for this Commission's long range plan for what this City will look like in 20-25 years.
 - Mr. Tanner replied that is something that the Comprehensive Plan Update will look at. In house, there is not adequate staff for additional reporting.
 - Commissioner Parsons stated that as part of the master plan, it is a good exercise to see where the City is and where it is going. Has the Comprehensive Plan Update been approved?
 - Councilor McConathy replied no.
 - Commissioner Poldrack stated that 50-foot lots do not necessarily indicate a starter home. The Reserve at Brazos Town Center has smaller lot sizes but have 200K homes.
 - Commissioner Parsons agreed and stated that he does not take issue with a smaller lot size if a quality home is going on it. The City does not need any more starter homes.

Action Taken: Upon voting, the motion carried unanimously by those present.

3. HEAR AND DISCUSS A PRESENTATION BY THE TEXAS MASONRY COUNCIL, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.

Executive Summary: As part of a request to discuss possible masonry requirements for single-family homes, the Planning Commission requested staff to extend an invitation to the Texas Masonry Council for a representative to make a presentation to the Commission on possible masonry standards.

Presentation Summary:

- Ms. Leila Sequeiros, Austin/San Antonio Area Government Relations Specialist, introduced herself and Mr. Tony Topping, Houston Area Government Relations Specialist with the Texas Masonry Council, to the Commissioners and made the following PowerPoint presentation:
 - **Presentation Overview**
 - Introduction to Texas Masonry Council
 - Overview of Masonry Planning Policies
 - Rosenberg's Opportunities
 - How We Can Help
 - Questions and Discussion
 - **Texas Masonry Council**
 - The Texas Masonry Council is a non-profit organization that promotes the long standing tradition of building in Texas with beautiful, durable and sustainable masonry materials.
 - We are the only organization in Texas specializing specifically in assisting communities with the development of Masonry Planning Policies.
 - We have worked with over 200 cities across Texas assisting with the development of Masonry Planning Policies.
 - Best of all, ALL OUR SERVICES ARE FREE.
 - **Masonry Planning Policies**
 - In Texas, municipalities such as Rosenberg have the lawful right to adopt local legislation to protect the health, safety and welfare of their citizens.
 - One such form of legislation is a Masonry Planning Policy.
 - Some Masonry Planning Policies come in the form of:
 - New zoning ordinances of an amendment to an existing zoning ordinance.
 - New building codes or an amendment to an existing building code.
 - Residential construction design guidelines (can include multi-family).
 - Non-residential construction guidelines (commercial construction).
 - An overlay or designated district, such as a Historical Downtown District.
 - Architectural guidelines.
 - **What is Masonry?**
 - According to the International Building Code (IBC) and International Residential Building Code (IRC), the state mandated building codes of Texas, masonry is, "a form of construction composed of brick, stone, concrete block or other materials of equal characteristics laid up unit by unit and set in mortar."
 - Although these codes define masonry, they do not require it.

- By definition, masonry does not include other inferior building materials such as fiber cement siding, stucco or synthetic stucco.
- **A Local Planning Tool**
 - **Local Decision**
 - The percentage of masonry required by the policy, and the materials that will be considered acceptable, are determined by the needs and desires of the community.
 - With a library of over 200 masonry policies in Texas, we can help guide the process and assist in crafting the details of a new policy.
- **Benefits of Masonry Policies**
 - **FACT: Masonry Products are Low Maintenance**
 - True masonry products require little to no maintenance at all.
 - Here is a picture of a Rosenberg home that is less than three years old.
 - Note the growth of mildew on the fiber cement siding.
 - Homes in this neighborhood were 25% or less true masonry.
 - **Increases the Tax Base and Home Value**
 - Masonry homes appreciate in value faster than non-brick homes. Some research shows they appreciate up to 6% in the first year alone. That means a bigger tax base and increased revenue available for cities to provide essential city services. Services that are even increasing in cost. Masonry homes very rarely depreciate in value, unlike some homes built with inferior materials such as fiber cement siding.
 - **Lower Cost of Ownership and Faster Resale**
 - Masonry homes are more energy efficient – up to 7% lower energy costs
 - Masonry homes have lower insurance premiums.
 - Lower maintenance costs:
 - No painting needed.
 - No need to replace decaying siding.
 - Looks great for decades.
 - **More Predictable Development Creating a “Sense of Place”**
 - More predictable development. Brick, stone and masonry products are such classic and traditional building materials that they lend themselves to more classic architecture styles. City leaders don’t have to worry as much about some oddball development popping up in the middle of a neighborhood. It certainly happens. Who in here wants this home built next to yours? (photo example shown of snail-shaped stucco structure painted in rainbow colors.)
 - **Brick Homes are Safer**
 - Texas Tech University built two wall systems according to the state mandated residential building code. One was built with a brick exterior and the other with fiber cement. They fired a 2x4 at the wind speed of a category 3 tornado into the walls. The 2x4 shattered upon impact with the brick wall. But the 2x4 fired at the fiber cement wall went straight through it. Imagine if a child were sleeping there when that 2x4 came flying through the wall.
- **University of Michigan Research**
 - “Found that the adoption of a masonry ordinance not only enhances the durability and aesthetic value of local properties, but it also increases the property value, tax base, and overall fiscal health of the community. In addition, the research indicates that the adoption of a masonry ordinance promotes population growth and does not significantly affect the affordability of housing or rental costs.”
- **Rosenberg’s Opportunities**
 - West Fort Bend Management District already incorporates many of these ideas into their design guidelines.
 - “Growth is coming and Rosenberg is about to grow exponentially. The question is what kind of people are going to come.” - Commissioner Mike Parsons
- **How Can We Help?**
 - Recommendations
 - Recommend that Rosenberg begin to look at creating a residential masonry ordinance.
 - Research
 - Other ordinances adopted throughout Texas
 - Connect you with communities that have them in place

- Lead workshops to help leaders make decisions
- Draft the ordinance
- All services are FREE
- **Questions and Discussion**

- Commissioner Parsons stated that this is not the first time this presentation has been made to the Planning Commission. There was a previous presentation in the last tenure with another group regarding the development of masonry requirements. Masonry requirements are integral to the successful growth of Rosenberg in the long run. It would be interesting to know which Texas cities have endorsed masonry guidelines. Our City is not zoned but it is important to add to our building codes what we foresee as the Rosenberg we want to see 25-30 years from now. We need to be progressive and ahead of the curve with what we want to see in this City.
- Ms. Sequeiros replied that a few years ago, Cedar Park was not that attractive of a city. They have put in strong masonry standards over the past few years and the difference is dramatic. Cities that did not do what was needed before growth came to their areas are now struggling. If masonry standards are not established, it will mean lower quality development.
- Commissioner Poldrack stated that he agrees with Commissioner Parsons but also feels it needs to be taken a step further and look at building standards overall and what can be done to enhance the quality of future development. Masonry is one part of that. There are other things that can be done to enhance quality of construction down the road.
- Ms. Sequeiros replied that the Texas Masonry Council has also assisted with the whole design guidelines that are not just masonry but also landscaping, setbacks, etc. We can provide some samples if you want to start working on it.
- Chairperson Pavlovsky inquired if the Texas Masonry Council had ever made a presentation to the West Fort Bend Management District (WFBMD).
- Mr. Topping replied that it was likely in the past.
- Mr. Tanner stated that the WFBMD already has stringent masonry standards – they require 80% masonry.
- Chairperson Pavlovsky stated that the more successful cities are doing things like this and thanked the representatives for coming out.
- Commissioner Parsons stated that some action is needed so we can move in this direction. He would like the Commission to make a motion to endorse this idea of masonry enhancement for the City as well as other enhancements in the building code.
- Commissioner Poldrack inquired of Councilor McConathy if City Council would be receptive to amending the design standards.
- Councilor McConathy replied that she is only one Councilor and cannot speak for the rest. She would support it.
- Mr. Tschirhart commented that the Agenda is not worded to allow specific action on this item but the Commission may direct staff to bring back an item on the next Agenda.
- Chairperson Pavlovsky thanked Ms. Sequeiros and Mr. Topping for their presentation.

No action taken.

4. CONSIDERATION OF AND ACTION ON THE STAFF REPORT OF CURRENT ACTIVITIES AND REQUESTS FOR FUTURE AGENDA ITEMS.

Executive Summary: The Staff Report of Current Activities consists of projects that staff is currently working on as well as other updates that are relevant to the Planning Commission. This item also allows the Planning Commission the opportunity to request that items be placed on future agendas.

After being tabled on May 6, 2014, the scope of the Comprehensive Plan update was discussed at the June 24, 2014 City Council Workshop Meeting. The consensus of City Council was to move forward with the project.

Additionally, given that the “Sign” Ordinance amendments pertaining to the West Fort Bend Management District (WFBMD) corridors have been completed and approved by City Council, staff is coordinating with the WFBMD for them to formally recognize the City’s regulations for freestanding sign height and size. This was discussed at the June 17, 2014 WFBMD Board Meeting. The Board directed their staff to move forward and an item will be on the July 15, 2014 WFBMD Agenda to accept the City standards for height and size.

Key Discussion:

- Mr. Tanner presented the item and reviewed the executive summary. The quarterly report that is typically presented on this Agenda will be on the next regular Agenda.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.

Action Taken: Commissioner Poldrack moved, seconded by Commissioner Phipps, to approve the Preliminary Plat of Summer Park Section Two, being a subdivision of 16.479 acres out of the Robert E. Handy Survey, A-187, in the City of Rosenberg, Fort Bend County, Texas (Fort Bend County Municipal Utility District No. 144); 64 lots, 3 blocks, 3 reserves (0.6726 acre). The motion carried unanimously by those present.

8. CONSIDERATION OF AND ACTION ON PROPOSED AMENDMENTS TO THE PARKING LOT STANDARDS AND SPECIFICATIONS REGARDING PARKING OF VEHICLES IN RESIDENTIAL FRONT YARDS AND OUTSIDE DISPLAY OF MERCHANDISE.

Executive Summary: On April 22, 2014, City Council discussed possible regulations prohibiting long-term parking in residential yards and restricting the outside display of merchandise in commercial areas. After some discussion, the consensus of City Council was to present the item to the Planning Commission for your review and recommendation.

To address these issues, Councilors requested that staff look at ordinances such as that of the City of Sugar Land. Sugar Land's Zoning Ordinance pertaining to their General Business (B-2) District provides for the following:

- Merchandise cannot be located on public property, in a required yard/setback, or in a required parking space.
- It cannot be displayed outside for more than 30 consecutive days or a total of 90 days in one (1) calendar year.
- It must be owned by the owner or lessee of the property.
- It cannot occupy an area greater than 10% of the area of the building or tenant space (the 10% restriction does not apply to landscaping materials in a fenced area).

It is important to keep in mind that certain items (e.g., landscaping materials, vehicles) should be exempted from this type of requirement. If not, it is anticipated that a similar ordinance would affect many existing businesses. The attached potential ordinance amendments exempt certain items. In order to avoid unintended consequences, other possible exemptions could be recommended by the Planning Commission. At the May 21, 2014 Planning Commission meeting, City staff discussed exempting tire sales and motorized equipment from the provisions of the ordinance. Those recommendations are incorporated in the attached ordinance amendments.

Also included in the ordinance amendments is a provision that would require parking of vehicles in residential areas to be on a paved surface, except in instances where an unimproved or gravel surface was in existence prior to the effective date of the ordinance. We believe that an exception is necessary for existing lots with unimproved drives due to the large number in existence in the City.

Staff recommends that the Planning Commission recommend approval to City Council of the proposed ordinance amendments. If recommended by the Planning Commission, this item will be placed on a future City Council Agenda.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Vice Chairperson Phipps inquired if the ownership clause is to prohibit consignment shops from displaying items.
- Mr. Tanner replied that anyone that is not an owner or lessee tenant, would not be able to display items. Only the property owner and or the tenant may display items for sale that they themselves own.
- Chairperson Pavlovsky stated that he reviewed the proposed amendments and was looking for something that prohibits on-street parking. He likes the ordinance but does not wish to add to the on-street parking issue.
- Mr. Tanner replied that there would be some Code Enforcement ramifications for these amendments. It will need to be looked at carefully to prevent any unintended consequences. Staff attempted to include an exemption similar to Sugar Land for the folks that currently have unimproved driveways. The City would not force them to pave their driveways if they are currently unimproved. But if they park in the front yard in the grass, these amendments have the potential to push those cars into the street.
- Chairperson Pavlovsky inquired how City Council feels about this issue.
- Councilor McConathy replied that Council is struggling with the same issue. There are some areas, such as 8th Street, where parking in the street creates a real safety issue. There is also Greenwood Subdivision where there already is an issue with on-street parking.
- Mr. Tanner replied that the discussion at the time was to divide up the City into areas where this would apply and not apply and that will take a good deal of time to research it.
- Commissioner Urbish stated that in areas such as Lawrence Street where the streets are wide, he would

prefer to see them park in the street than in their yards but areas like Greenwood would need to be exempted. Perhaps it could be written to apply to areas with a certain street width.

- Chairperson Pavlovsky stated that Lawrence Street does not have open ditches. There are many areas that have open ditches and for people to park on the side of the road will end up taking up much of the lane.
- Commissioner Urbish replied that parking next to an open ditch on the street is still preferable to an area with curb and gutter streets where folks are still parking in their yards.
- Chairperson Pavlovsky replied that if they park in the ditch, it can cause drainage issues. There was a bad situation in our neighborhood when LCISD built Bowie Elementary to accommodate 250 students but there are 750 students there now in portable buildings. They expanded for the students but did not do anything for traffic control. Eventually, LCISD built an internal driveway to get those cars off the street.
- Commissioner Poldrack inquired why tires and landscaping materials were excluded from these amendments.
- Mr. Tanner replied that for landscaping nurseries, there is no way they can keep their entire stock inside. That will require an exception. For tire shops, it would impact so many existing businesses that it is less intrusive to grandfather those businesses.
- Commissioner Poldrack replied that NTB, Discount Tire and Firestone do not stack tires outside. He has an issue with all the tires along the street. It is unsightly. In the past, we have discussed requiring wider residential streets. What impact, if any, would that have? Are the problem areas in the older parts of Rosenberg?
- Mr. Tanner replied that wider streets would only apply to new construction. Older subdivisions have narrower streets that do not meet current City standards.
- Commissioner Poldrack restated his support for wider street widths. The narrow streets and drive-over curbs are inviting people to park in their yards.
- Chairperson Pavlovsky inquired what it would take for the City to pass an ordinance for no parking on a street between two specific points.
- Ms. Lenzsch replied that the streets are public and you cannot really prohibit parking on a roadway. You could put it in areas for safety purposes such as visibility requirements. In residential neighborhoods, people have the right to park on the streets.
- Councilor McConathy replied that Council recently created a no parking zone on Ward Street since people were parking on the side of the street and causing a safety issue at the intersection.
- Ms. Lenzsch replied that this issue came up years ago and the biggest issue was the number of homes that could not accommodate the number of cars they had.
- Mr. Tanner added that a guest parking issue also exists.
- Ms. Lenzsch stated that there are many variables.
- Chairperson Pavlovsky inquired if the issue on Ward Street was due to the school.
- Councilor McConathy replied that it was due to a bakery on Avenue I at Ward Street. The bakery did have its own parking but as a matter of convenience, patrons would park in the street and creating a visibility issue.
- Ms. Lenzsch replied that many new developments have deed restrictions that prohibit cars from being left on the street for a specific period of time. That is another resource to consider for new developments with HOAs. Older subdivisions are the ones with the problem.
- Commissioner Poldrack stated that in addition to Greenwood, Cottonwood is another subdivision with parking issues.
- Mr. Tanner stated that there are some areas that are not so old but it is in mostly older neighborhoods. Staff can bring your recommendations to City Council and see if they want to discuss it further.

Action Taken: Vice Chairperson Phipps moved, seconded by Commissioner Urbish, to make a recommendation to City Council to approve the proposed amendments to the parking lot standards and specifications regarding parking of vehicles in residential front yards and outside display of merchandise. The motion carried unanimously by those present.

Additional Key Discussion:

- Ms. Lenzsch inquired if the Commission would like to include an exception for boats as well.
- Mr. Tanner replied that it could be included. The proposed amendments are based upon a Sugar Land ordinance.
- Ms. Lenzsch replied that it may be useful for Code Enforcement to exclude boats.
- Councilor McConathy inquired if that exception is for a business or residential.
- Mr. Tanner replied that this would apply to residential lots. It currently states that it shall be unlawful for any person to park a recreational vehicle or trailer within the yard of a residential property. It would apply to residences.

- Commissioner Poldrack inquired if the vehicle is there for more than three days, would it be considered an abandoned vehicle?
- Ms. Lenzsch replied that it would not be if on private property. It would be if it is on the street for more than 30 days.
- Councilor McConathy stated that on the commercial side, as far as advertising, we are not including boats, correct?
- Mr. Tanner replied that the amendment states that merchandise shall mean items for sale, not including landscaping materials, tires, vehicles, or other motorized equipment.
- Ms. Lenzsch replied that in the state transportation code, boats are not considered motor vehicles.

9. CONSIDERATION OF AND ACTION ON THE STAFF REPORT OF CURRENT ACTIVITIES AND REQUESTS FOR FUTURE AGENDA ITEMS.

Executive Summary: The Staff Report of Current Activities consists of projects that staff is currently working on as well as other updates that are relevant to the Planning Commission. This item also allows the Planning Commission the opportunity to request that items be placed on future agendas.

The scope of the Comprehensive Plan update project will be discussed at the June 24, 2014 City Council Workshop Meeting. The item was tabled at a previous meeting for further discussion. Additionally, given that the Sign Ordinance amendments pertaining to the West Fort Bend Management District corridors have been completed and approved by City Council, staff is coordinating with the District for them to formally recognize the City's regulations for freestanding sign height and size.

Key Discussion:

- Mr. Tanner presented the item and stated that the "Sign" Ordinance amendments were approved by Council on May 6th and staff is coordinating with the West Fort Bend Management District (WFBMD) to implement the City standards on the WFBMD corridors, as has been the plan. The WFBMD will need to amend their standards but they have directed the City to begin enforcing our standards but we are working on the formal agreement. The Comprehensive Plan Update was tabled by City Council in May for further discussion. It will be discussed at the next Council workshop meeting to determine how they want to proceed.
- Chairperson Pavlovsky inquired when the next Planning Commission meeting takes place.
- Mr. Tanner replied that it would be July 16th.
- Commissioner Poldrack requested an Agenda item to discuss building standards for single family residences. What is the masonry requirement for a single family house?
- Mr. Tanner replied that the City does not have masonry standards for single family. There may be some deed restrictions that require it. The City has an Agreement for Brazos Town Center where they agreed to include 51% masonry construction in order to have 50-foot lots. City-wide, there is no requirement. We do have masonry requirements for multi-family and structures in the WFBMD for commercial construction.
- Commissioner Poldrack inquired if it would be unreasonable to establish a City standard of 51% masonry for single family?
- Mr. Tanner replied that would not be unreasonable. It would be a policy decision of the Commission and City Council. We do have the Texas Masonry Council who will come to a meeting to make a presentation if that is something the Commission would like.
- Commissioner Poldrack stated that he would like to see nicer homes in the City that have more masonry.
- Brief discussion was held on what constitutes masonry and if hardiplank siding would be considered masonry.
- Mr. Tanner stated that if the City wrote an ordinance on masonry requirements, you would be able to define what masonry is. Some cities include hardiplank and some cities do not. It is a choice.
- Commissioner Poldrack stated that hardiplank is fine but he prefers not to have homes that are 98% hardiplank with just a few bricks. He would like to see better construction.
- Chairperson Pavlovsky stated that he agrees with Commissioner Poldrack.
- Mr. Tanner stated that one thing to keep in mind, the planned subdivisions are vested. This would be for new construction.
- Councilor McConathy stated that this requirement should apply only to new subdivisions.
- Chairperson Pavlovsky stated that there is a house going up on Brooks Street that has very little masonry. This house is built about four feet off the ground; it is well done and looks good. But it is wood.
- Mr. Tanner stated that there are many examples of nice homes that do not have a lot of masonry but brick does offer architectural control. From an aesthetic viewpoint, hardiplank does require more maintenance and needs to be painted and that is not an issue with brick.
- Chairperson Pavlovsky requested that Mr. Tanner set up a presentation from the Texas Masonry Council for

in the greater City of Rosenberg.

Action Taken: Upon voting, the motion carried unanimously.

4. REVIEW AND DISCUSS OUTSIDE DISPLAY OF MERCHANDISE IN COMMERCIAL PARKING LOTS, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.

Executive Summary: On April 22, 2014, City Council discussed possible restrictions on the outside display of merchandise. Staff believes this issue could potentially be addressed in the "Parking" Ordinance and therefore should come before the Planning Commission.

To address this issue, Councilors requested that staff look at ordinances such as that of the City of Sugar Land, which is attached for reference. Sugar Land's Zoning Ordinance pertaining to their General Business (B-2) district provides for the following:

- Merchandise cannot be located on public property, in a required yard/setback, or in a required parking space.
- It cannot be displayed outside for more than 30 consecutive days or a total of 90 days in one (1) calendar year.
- It must be owned by the owner or lessee of the property.
- It cannot occupy an area greater than 10% of the area of the building or tenant space (the 10% restriction does not apply to landscaping materials in a fenced area).

It is important to keep in mind that certain items (e.g., landscaping materials, vehicles) should be exempted from this type of requirement. If not, it is anticipated that a similar ordinance would affect many existing businesses. The attached potential ordinance amendments exempt certain items. In order to avoid unintended consequences, other possible exemptions could be discussed by the Planning Commission.

If the Planning Commission believes this is a priority, the ordinance amendments prepared by staff could be recommended to City Council for future adoption following a thorough review. Input from the Planning Commission is requested for this Agenda item.

Key Discussion:

- Mr. Tanner presented the item and reviewed the executive summary. We are seeking a recommendation to take to Council. Are there any modifications on the setbacks or percentage of building area or any other exemptions that may be needed?
- Chairperson Pavlovsky replied on the 10% rule, the Lamar Plaza shopping center, 4310 Avenue H, periodically they will set up a tent for a flower shop or other use.
- Mr. Tanner replied that something like that would likely fit into this ordinance. Staff was directed to look at the City of Sugar Land's zoning on this type of issue and they typically allow that sort of thing.
- Chairperson Pavlovsky inquired about the golf cart dealer on SH36. Golf carts would be considered a vehicle.
- Mr. Tanner replied that vehicles such as golf carts, tractors, etc. may need an exception. Staff can investigate that further.
- Commissioner Parsons stated he was going to state the same. If cars are allowed, all motorized vehicles should be allowed. The other question is if it will be retrofitted to them? Will they still be able to put their golf carts out there?
- Mr. Tanner replied that if we do an exception for motorized vehicles, golf carts would be included.
- Commissioner Urbish stated that on a personal note, he sells creosote poles at his business and would not be able to move them inside. He is not actively selling them but storing them on the property. He is sure that there are other businesses that have outdoor storage, such as AT&T.
- Councilor McConathy replied that this was not their intent to restrict outdoor storage. Yours is a part of your business. We are focused on items for sale.
- Commissioner Urbish replied that his poles would meet the 10% requirement as well as the setback requirement where they are now. He can see what Council is trying to do.
- Chairperson Pavlovsky inquired if Council was looking at more flea market type establishments.
- Councilor McConathy replied yes.
- Commissioner Poldrack inquired if we can restrict the number of days they are allowed to have

outdoor displays for sale?

- Mr. Tanner replied that he does not think that will work since the business Council has in mind only has their items out there on a temporary basis. But even if it is temporary, there are those that do not like the visual effect.
- Commissioner Poldrack inquired if we can restrict them to two or three displays per year.
- Mr. Tanner replied that we could. That is what Sugar Land does.
- Commissioner Poldrack replied that would be a tool to stop this action. Would garage sales fall under this?
- Commissioner Urbish replied that garage sales are already limited to three times per year but that does not stop them from doing it more often.
- Commissioner Poldrack inquired why Code Enforcement has not put a stop to that.
- Commissioner Urbish replied that it is on the weekend.
- Commissioner Poldrack replied that there should be a swing shift so Code Enforcement will be present on the weekends. It seems to him that we have some tools to work with but they stay in the tool box.
- Commissioner Parsons replied that it is an enforcement and penalty issue. As we have said, if speed limits are not enforced, people will speed. This is the same case.
- Mr. Tanner stated that one challenge we have is that we only have two Code Enforcement officers that deal with the whole City and while what we are discussing is an issue, they deal with more fundamental health and safety issues. It could be that if they can catch these issues in the field proactively they will but in many cases it is on a complaint basis.
- Chairperson Pavlovsky stated that the tire stores that have tires outside 24/7 could be a tremendous health issue when we get some rain.
- Mr. Tanner replied that he brings up tire shops because those are the types of businesses that may be affected by these regulations.
- Commissioner Parsons stated that in regards to Code Enforcement, if folks will report issues, Code can go and check on it but complaints do not get people to mow their lawn.
- Commissioner Casias inquired if staff is asking for tweaks to this recommendation and then you will return with a draft ordinance, correct? She agrees this is something that needs to be looked at.
- Mr. Tanner replied yes.
- Chairperson Pavlovsky stated, in regards to tire shops, he does not have a recommendation on handling them but he does not think it is the safest thing to have all those tires outside so far as health is concerned. There must be a demand for these tires because these places are still in business. They pay taxes and all but how to we address it?
- Commissioner Poldrack stated that he agrees with Chairperson Pavlovsky but the aesthetics of the City need to change.
- Commissioner Parsons replied that if one drives up SH 36, what we need is another convenience store or gas station that will close, yet we are building them.
- Commissioner Poldrack inquired if outdoor displays of tires are necessary to effectively sell tires.
- Commissioner Urbish replied that many of them have tire storage out back but they remove them fairly often these days. They are not saving them. If you wish to advertise, put one tire in front of your shop with a sign or something.
- Commissioner Poldrack stated that the tire shop next to Walgreens has a huge inventory of used tires but you hardly see them on the outside.
- Mr. Tanner replied that one thought would be to put them behind a building or a fence if they are going to be outside.

Action Taken: Commissioner Casias moved, seconded by Commissioner Urbish, to direct staff to return with a full ordinance and more information to the next regular meeting.

5. REVIEW AND DISCUSS THE PARKING OF VEHICLES ON UNIMPROVED SURFACES IN RESIDENTIAL FRONT YARDS, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.

Executive Summary: On April 22, 2014, City Council discussed possible regulations prohibiting long-term parking in residential yards. After some discussion, the consensus of City Council was to present the item to the Planning Commission for your review and recommendation.

Attached are staff recommendations for an ordinance amendment if Commissioners concur and believe this

item is a priority. The amendment would require parking of vehicles to be on a paved surface, except in instances where an unimproved or gravel surface was in existence prior to the effective date of the ordinance. We believe that an exception is necessary for existing lots with unimproved drives due to the large number in existence in the City.

Staff believes this item should be reviewed carefully and welcomes recommendations from the Planning Commission to avoid potential issues with enforcement. It is believed that the attached ordinance would affect a number of properties within the City Limits even if parking on existing, unimproved drives is permitted.

Key Discussion:

- Mr. Tanner presented the item and reviewed the executive summary.
- Commissioner Parsons inquired what is meant by "long term parking". Did we not have an ordinance pertaining to used car lots?
- Mr. Tanner replied that this is not for car lots, it is for residential.
- Commissioner Parsons inquired what is meant by prohibiting long term parking in residential areas.
- Mr. Tanner replied that was the language on the Agenda item requested by Council. He thinks that this would apply if we want to do an ordinance for anything parked on the grass in a residential area being a violation.
- Chairperson Pavlovsky inquired if anything in these regulations would force people not to park on their property but to park on the side of the street.
- Mr. Tanner replied that it could. In some of the subdivisions, there are driveways with multiple vehicles and that could generate more on-street parking. For residences with unimproved driveways, this would not affect them as we cannot insist they pave. An increase in on-street parking could be an unintended consequence and Council did discuss that aspect as well.
- Commissioner Parsons stated that there are some residential areas that already have full driveways and cars parked on both sides of the street. They have to put them someplace. We do need to do something about our parking. One would be to come to an agreement on an ordinance that will increase the width of our streets to allow people to park on both sides of the street and still have room for emergency access. That is not going to stop it if there are ten adults living in a house and they each have a car.
- Commissioner Urbish stated that on Lawrence Street, it is 39 feet from curb to curb and you can go there right now and see people with two tires up in the grass.
- Commissioner Parsons replied that those people should be ticketed. If they are ticketed and made to pay, they will not do it again.
- Commissioner Urbish replied that the street is very wide and there is no reason for parking in the grass.
- Commissioner Parsons stated that he likes that this is being discussed because it is a degradation to the City to see all the cars parked in yards.
- Commissioner Poldrack stated that the City allows drive over curbs. Does that not encourage people to drive their yards?
- Mr. Tanner replied that he does not believe it encourages people. One could drive onto the grass from the driveway, too.
- Chairperson Pavlovsky agreed that he believes some regulation is needed however it should not encourage parking on the streets. There is too much of that already. Unless we can find the right language to prevent that, he thinks it will be detrimental to what we are trying to accomplish. Trailer parks require two spaces per trailer in off-street parking. When some of these parks were still coming in, there was language built in to prevent on-street parking.
- Mr. Tanner replied that the biggest challenge for this is the existing unimproved drives.
- Commissioner Poldrack inquired if the front setback is adequate to fit two cars into.
- Mr. Tanner replied that it depends on the width of the driveway and the length of the cars but he does not believe so. It takes about 18-20 feet per vehicle but they also have their garage to park in.
- Commissioner Poldrack replied that it would not be unreasonable to have two parking spaces in front of your garage, for single or double lane driveways.
- Commissioner Parsons stated that he could fit two Tahoes from his garage door to the curb.
- Councilor McConathy replied that some have an issue with blocking the sidewalks in that space.
- Commissioner Parsons replied that this goes back to enforcement. When one buys a house, it is bought as is and if the family has four kids, some day that will be six cars. There is a problem in the

old neighborhoods and maybe there is something we can do there.

- Mr. Tanner stated that this grandfathering runs with the land and if there is an unimproved driveway in place, they may continue to park on it. We cannot require someone to pave their driveway.

Action Taken: Commissioner Parsons moved, seconded by Vice Chairperson Phipps, that staff continues to investigate and bring back an Ordinance for review by the Planning Commission. The motion carried unanimously.

6. CONSIDERATION OF AND ACTION ON THE STAFF REPORT OF CURRENT ACTIVITIES AND REQUESTS FOR FUTURE AGENDA ITEMS.

Executive Summary: The Staff Report of Current Activities consists of projects that staff is currently working on as well as other updates that are relevant to the Planning Commission. This item also allows the Planning Commission the opportunity to request that items be placed on future agendas.

At the May 6th City Council meeting, City Council adopted the "Sign" Ordinance revisions applicable to State Highway 36 and Avenues H and I that have been in progress for several months. The approved Ordinance is attached for Commissioners' reference. The Professional Services Agreement for the Comprehensive Plan update was also presented to City Council. It was tabled for further/future discussion at a Workshop.

Key Discussion:

- Mr. Tanner stated that the Sign Ordinance amendments that we have been working on for years were finally approved at the May 6th City Council Meeting and we are coordinating with the WFBMD for those regulations to take effect. The professional services agreement for the Comprehensive Plan was brought to Council and it was tabled for further discussion at a Workshop.
- Commissioner Parsons inquired if this is for the update of the 1995 plan and when did this project start?
- Mr. Tanner replied that it is for the same update and this project started about a year ago as far as scoping and the selection process.
- Commissioner Parsons stated that he honestly believes that we need a comprehensive plan and we need to figure it out soon.

No action taken.

7. ANNOUNCEMENTS.

Commissioner Urbish stated that the Business Assistance Grant Program Review Committee has met three times and they have awarded three grants. There is another one that will have some questions but if anyone knows of any businesses on Avenue H that need improvement, please refer them to this program.

8. ADJOURNMENT.

There being no further business, Chairperson Pavlovsky adjourned the Rosenberg Planning Commission meeting at 4:41 p.m.


Renée LeLaurin
Secretary II

containing 46 lots and three reserves in one block, out of the R. H. Earnest Survey, A-388, Fort Bend County, Texas. The motion carried unanimously by those present.

4. CONSIDERATION OF AND ACTION ON AMENDMENTS TO THE CODE OF ORDINANCES, CHAPTER 6, ARTICLE XVI (PARKING LOT STANDARDS AND SPECIFICATIONS), RELATING TO BUSINESSES REQUIRING TWENTY-FIVE (25) OR FEWER SPACES.

Executive Summary: The City of Rosenberg's Parking Lot Standards and Specifications (Code of Ordinances, Ch. 6, Art. XVI) provide for a number of exemptions for businesses requiring twenty-five (25) or fewer total parking spaces. Revisiting these exemptions was ranked as the first of five (5) priorities by the Planning Commission. Staff's analysis of the exemptions was presented to the Commission on December 19, 2012. Specifically, modifications to the following were discussed:

1. Businesses requiring twenty-five (25) or fewer spaces are exempt from the requirement that public rights-of-way generally not be used to pull in and out of parking spaces.
2. Businesses requiring twenty-five (25) or fewer spaces are exempt from interior parking lot landscaping requirements.

Regarding the first of the above exemptions, the use of public rights-of-way by parking lots of businesses with twenty-five (25) or fewer spaces can potentially be eliminated for new development due to its potential to negatively impact safety and traffic flow. Staff is proposing an amendment (see attached) whereby all new parking lots must have on-site maneuvering areas and public rights-of-way can therefore not be used as such. Existing buildings requiring twenty-five (25) or fewer spaces would be grandfathered under the current Ordinance. As identified in the attached redlined Code excerpt, these types of businesses would lose grandfathered status if a change in use or building addition increases their parking requirement by fifty (50) percent.

Regarding the second of the above exemptions, there is clearer reasoning behind the exemption from internal landscaping requirements. Specifically, when there are a small number of parking spaces, it generally results in only one or two rows of parking, which is not enough to accumulate internal landscaping or islands in a parking lot. Following discussion by the Commission in December 2012, staff believes that smaller parking lots can still have minimum landscaping requirements; therefore, staff has proposed that parking lots with twenty-five (25) or fewer spaces have landscaped areas greater than or equal to ten (10) percent of the parking area adjoining the parking area. As discussed in December, it should be noted that with the relatively new landscape setback requirements, all new developments are likely to meet the ten (10) percent requirement with or without any additional changes to the Ordinance.

Staff recommends that the Planning Commission recommend approval to City Council of the attached amendments to the Code of Ordinances, Chapter 6, Article XVI (Parking Lot Standards and Specifications), Sections 6-416 and 6-417, relating to businesses requiring twenty-five (25) or fewer spaces.

Key Discussion:

- Mr. Tanner presented the item and stated that in addition to dimensions for parking spaces, the current code has minimum provisions for parking lot landscaping. It does provide for exemptions for businesses requiring 25 or fewer parking spaces. For these exempted parking lots, the public right-of-way (ROW) may be used as maneuvering area to pull in and out of a parking lot and the parking spaces may be adjacent to the street. These small lots are also not required to provide interior landscaping. This issue was identified as a priority of the Planning Commission and was discussed at the December meeting. That discussion included the use of public ROWs for maneuvering and the negative impact on traffic flow. Without an amendment to this ordinance, a new development could potentially come in and use the public ROW to back in and out of the parking spaces. Staff is proposing to remove this exemption but allow for existing businesses to be grandfathered until such a point as the business has a change of 50% or more in the use or in the demand for parking in terms of the building addition. For the landscaping exemption, businesses with 25 spaces or less are exempt from the minimum landscaping requirements. Currently, the requirements relate to interior lot landscaping and with only one or two rows of parking, it is virtually impossible to accommodate interior landscaping. Staff is proposing the equivalent amount of landscaping around the perimeter of the parking lot.
- Chairperson Pavlovsky requested clarification on use of public ROW for entering and exiting

- parking spaces.
- Mr. Tanner replied that anytime a parking space is directly adjacent to the street, then the street is used as a maneuvering aisle for the parking lot. Current existing businesses are allowed to do this if they require 25 spaces or fewer.
- Chairperson Pavlovsky inquired if an alley could be used for maneuvering.
- Mr. Tanner replied that the current ordinance does not speak directly to alleys but an alley is a public ROW and would apply to that as well.
- Mr. Kalkomey replied that new businesses are not allowed to develop with access to alleys.
- Commissioner Casias inquired if her business, which is currently a small insurance office that uses Avenue H to back out and pull in to the parking spaces, were to redevelop into a bakery, would they no longer be allowed to use Avenue H for maneuvering space?
- Mr. Tanner replied that for a bakery, they would probably be grandfathered as that does not increase the demand for parking by more than 50%.
- Commissioner Casias stated that many of the comparable ordinances in other cities are more zoning specific. We should be doing zoning before we do parking.
- Commissioner Parsons stated that he does not disagree, but zoning has been put to the voters twice and did not pass. These amendments are an excellent compromise.
- Vice Chairperson Sulak stated that he is very happy with the amendments. Everything that he was concerned about and wanted to see is in there – it takes care of older businesses and regulates new growth.

Action Taken: Commissioner Parsons moved, seconded by Commissioner Phipps, to recommend approval to City Council of the proposed amendments to the Code of Ordinances, Chapter 6, Article XVI (Parking Lot Standards and Specifications), relating to businesses requiring twenty-five (25) or fewer spaces.

Additional Discussion:

- Vice Chairperson Sulak inquired if all the items the Commission had previously discussed were included in the amendments.
- Mr. Tanner replied that landscaping and the use of public ROW for maneuvering were the two main requests.
- Vice Chairperson Sulak inquired how the 10% landscaping requirement compares to other cities.
- Mr. Tanner replied that it is very similar. With the parking lot setbacks, most will meet the 10% landscaping requirements.
- Vice Chairperson Sulak stated that he likes these amendments but the next step should be a landscaping ordinance that is more than just grass. In Section 6-417(e), it basically just says grass and ground cover alone do not constitute adequate landscaping. So what does? We should be more specific.
- Commissioner Parsons replied that he does not disagree but when talking about small spaces, we should have some expert opinions about what can and cannot grow in those small spaces.
- Mr. Tanner replied that overhead utilities and irrigation requirements will be something to keep in mind for landscaping requirements.

Action Taken: Upon voting, the motion carried unanimously by those present.

5. REVIEW AND DISCUSS A STAFF REPORT ON DEVELOPMENT ACTIVITY IN THE FIRST QUARTER OF 2013.

Executive Summary: City staff has compiled data for lots platted and residences constructed in the City and its Extraterritorial Jurisdiction (ETJ) for the first three (3) months of 2013. There has been a significant increase in the number of lots platted and house starts compared to previous months and compared to the first quarter of 2012 in particular.

Platting Activity:

We have seen 528 new single-family residential lots proposed in plats through March of 2013. For the same time period in 2012, only 89 lots had been platted. Since the issue of lot sizes is frequently discussed with the Planning Commission, it is important to note that approximately 68% of these 528 new lots have been sixty feet or greater in width. Only 16% have been fifty-foot lots. Of the lots platted, 293 have been in the ETJ versus 235 in the City. Of these lots platted, 191 (36%) have been in Summer Lakes and 173 (33%) have been in Sunrise Meadow.



CITY COUNCIL COMMUNICATION

January 27, 2015

ITEM #	ITEM TITLE
5	Proposed Palladium Tax Credit Multifamily Development Discussion
ITEM/MOTION	
Review and discuss a proposed tax credit multifamily development project by Palladium Rosenberg, and take action as necessary to direct staff.	
FINANCIAL SUMMARY	ELECTION DISTRICT

Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

- Yes No N/A

Source of Funds: N/A

- District 1
- District 2
- District 3
- District 4
- City-wide
- N/A

SUPPORTING DOCUMENTS:**MUD #:** N/A

1. Palladium Correspondence - 01-05-15

APPROVALS		
Submitted by:	Reviewed by:	Approved for Submittal to City Council:
<i>Travis Tanner</i>	<input type="checkbox"/> Exec. Dir. of Administrative Services	<i>Robert Gracia</i>
Travis Tanner, AICP	<input type="checkbox"/> Asst. City Manager of Public Services	Robert Gracia
Executive Director of	<input type="checkbox"/> City Attorney	City Manager
Community Development	<input type="checkbox"/> City Engineer	
	<input type="checkbox"/> (Other)	

EXECUTIVE SUMMARY
Palladium USA, a multifamily residential developer, has requested the opportunity to discuss with City Council a proposed tax credit multifamily development. It is staff's understanding that the project would be in the Extraterritorial Jurisdiction (ETJ) and not in the City Limits; however, they will potentially be requesting City Council's support for the project, hence the discussion item on the Agenda. At this time, specific plans for the project have not been submitted. As staff understands it, the project would be located on property bounded by FM 2977, Tori, Rohan and Reading Roads immediately outside of the City Limits.



January 5, 2015

Honorable Vincent Morales, Jr.
Mayor
City of Rosenberg
2110 4th Street
Rosenburg, TX 77471

Dear Mayor Morales:

Palladium Rosenberg, Ltd. is making an application for 2015 Housing Tax Credits with the Texas Department of Housing and Community Affairs for the Palladium Rosenberg apartment home community located on the south side of FM 2977 between Reading and Rohan Roads, Rosenberg ETJ, Fort Bend County, Texas. This new construction is an apartment community on one site, and comprised of approximately 180 units of which approximately 144 will be for incomes at or below 60% of the area median income and the remaining will be market rate.

There will be a public hearing to receive public comment on the proposed development. Information regarding the date, time, and location of that hearing will be disseminated at least 30 days prior to the hearing date on the Department's website (<http://www.tdhca.state.tx.us/multifamily/communities.htm>) for competitive HTC applications where the Department is the issuer.

Palladium Rosenberg, Ltd. and its representatives look forward to working with you and discussing the proposed development in further detail.

Should you have any questions regarding the above request please feel free to contact me at (972) 774-4435 or via email at rcombs@palladiumusa.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ryan Combs', with a long horizontal line extending to the right.

Ryan Combs
Vice President
Palladium USA
13455 Noel Road
Suite, 1000
Dallas, TX 75240
Phone: 972-774-4435



CITY COUNCIL COMMUNICATION

January 27, 2014

ITEM #	ITEM TITLE
6	Statue Request in Seabourne Creek Park Discussion
ITEM/MOTION	

Review and discuss a request for statue placement in Seabourne Creek Park, and take action as necessary to direct staff.

FINANCIAL SUMMARY	ELECTION DISTRICT
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Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

- Yes No N/A

Source of Funds: N/A District 1 District 2 District 3 District 4 City-wide N/A**SUPPORTING DOCUMENTS:**

1. Council Meeting Minute Excerpt – 11-18-14
2. Council Meeting Minute Excerpt – 08-19-14
3. Parks and Recreation Board Meeting Draft Minute Excerpt – 12-18-14

MUD #: N/A**APPROVALS****Submitted by:**


 Darren McCarthy
 Parks and Recreation
 Director

Reviewed by:

- Exec. Dir. of Administrative Services
- Asst. City Manager of Public Services
- City Attorney
- City Engineer
- Exec. Dir. of Support Services *ST*

Approved for Submittal to City Council:


 Robert Gracia
 City Manager

EXECUTIVE SUMMARY

On December 18, 2014, at the regularly scheduled Parks and Recreation Board (Board) meeting, staff presented a statue request from Ms. Joan Williams McLeod. Ms. McLeod had previously addressed City Council on August 19, 2014, with a request that half of the six (6) acres of land previously donated by her family be returned. The City Attorney and City Council presented reasons why abandoning the property is a difficult process. Ms. McLeod revisited City Council on November 18, 2014, with an alternate request that a statue by guest artist Eric Kaposta be placed in Seabourne Creek Park to honor her family for donating land. Ms. McLeod also requested for the City to pay for all costs associated with the proposed statue with the monies received from the pipeline crossing the park. Recognition for the donation of land was not written into the family's Agreement, which expired one (1) year ago. The Board reviewed the meeting minutes of City Council and after some discussion, the Board unanimously recommended that a walking trail be named after the family.

Staff has placed this item on the Agenda to receive City Council's input on the Board recommendation that a walking trail being named after the Williams family to honor the family's prior donation of land to Seabourne Creek Park.

additional \$2 million in the Certificates of Deposit Account Registry Service (CDARS) for a six (6) month period to ensure liquidity and increase diversification. CDARS are also safe since they are FDIC insured.

Staff recommends acceptance of the Quarterly Investment Report for the quarter ended September 30, 2014.

D. CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1875, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, BUDGET AMENDMENT 15-02 IN THE AMOUNT OF \$12,000.00 FOR POLICE DEPARTMENT TRAINING AND ROSENBERG CHRISTMAS NIGHTS DINNER.

Executive Summary: As part of the Rosenberg Christmas Nights, the City is selling tickets for an evening dinner/theatre event. The ticket sales will be considered revenue by the City and offsetting expenses will be recorded to pay those providing the dinner and entertainment. This budget adjustment allows for the recording of revenues and offsetting expenses for the Rosenberg Christmas Nights Dinner/Theatre event in the amount of \$6,000.

This budget adjustment also provides \$6,000 for ethics training expense for the Rosenberg Police Department. Federal Forfeiture revenues from Fund Balance will be used to cover this cost.

Budget Amendment 15-02 is included as Exhibit "A" to Resolution No. R-1875. Staff recommends approval of Resolution No. R-1875 as presented.

Action: Councilor Benton made a motion, seconded by Councilor Grigar to approve the Consent Agenda Items A through D. The motion carried by a unanimous vote of those present.

REGULAR AGENDA

2. REVIEW AND DISCUSS A PRESENTATION BY ARTIST ERIC KAPOSTA REGARDING PROPOSED SCULPTURE ADDITIONS TO SEABOURNE CREEK PARK, AND TAKE ACTION AS NECESSARY.

Executive Summary: Ms. Joan Williams McLeod has requested an opportunity to propose the addition of sculpture(s) to Seabourne Creek Park. Ms. McLeod has invited artist Eric Kaposta to make a presentation to City Council regarding this proposal.

Key discussion points:

- Ms. Joan Williams McLeod gave a brief outline of proposed sculpture additions to Seabourne Creek Park.
- Eric Kaposta, 6109 W. 9th. Street, Houston, Texas provided a brochure of the work he does.
- Mayor Pro Tem McConathy thanked both Ms. McLeod and Eric Kaposta for the information. An item will be added to a future workshop for discussion regarding sculpture additions at Seabourne Creek Park.
- No action was taken on the item.

3. CONSIDERATION OF AND ACTION ON PRESENTATION BY KIMBERLY BROWN, EXECUTIVE DIRECTOR, REGARDING THE HOUSING AUTHORITY OF THE CITY OF ROSENBERG ANNUAL REPORT FOR FISCAL YEAR ENDED SEPTEMBER 30, 2014.

Executive Summary: The Housing Authority of the City of Rosenberg is mandated by US Department of Housing and Urban Development (HUD) to make an annual report to the Rosenberg City Council. Kimberly Brown, Executive Director, requested to be placed on the City Council Agenda in order to present the Fiscal Year ending September 30, 2014, Report to the Mayor and City Council.

Key discussion points:

- Kimberly Brown, Executive Director of the Housing Authority of the City of Rosenberg gave an annual report for Fiscal Year ended September 30, 2014.
- Mayor Pro Tem McConathy thanked Ms. Brown for the presentation.
- No action was taken on the item.

4. REVIEW AND DISCUSS A PRESENTATION BY MORRIS ARCHITECTS REGARDING THE LIVABLE CENTERS STUDY, AND TAKE ACTION AS NECESSARY.

Executive Summary: The Houston-Galveston Area Council (H-GAC) has selected Rosenberg for a

Staff recommends the acceptance of the Quarterly Financial Reports and the Investment Report for the third quarter of Fiscal Year 2014.

Key discussion points:

- Joyce Vasut, Executive Director of Administrative Services gave an overview of the item.

Questions:

- Q: What was the percentage for TEXPOOL?
- A: TEXPOOL is at 59% and the cutoff is 55% within the individual pool. We have evened the pools.

Action: Councilor Bolf made a motion, seconded by Councilor McConathy to approve the Quarterly Financial Report and Quarterly Investment Report for quarter ending June 30, 2014. The motion carried by a unanimous vote of those present.

2. **HEAR AND DISCUSS A PRESENTATION REGARDING A PROPOSED EAGLE SCOUT PROJECT TO BUILD OWL NESTING BOXES FOR SEABOURNE CREEK NATURE PARK, AND TAKE ACTION AS NECESSARY.**

Executive Summary: On July 24, 2014, Zachary Lawrence of Troop 1656 presented a proposed Eagle Scout Project (Project) to be placed in Seabourne Creek Nature Park to the Parks and Recreation Board (Board). After reviewing his presentation regarding the proposal to build owl nesting boxes, the Board unanimously recommended the Project plan for approval as presented.

Staff recommends approval of the proposed Eagle Scout Project at Seabourne Creek Nature Park based upon Zachary Lawrence's presentation and the recommendation of the Parks and Recreation Board.

Key discussion points:

- Darren McCarthy, Director of Park and Recreation introduced Zachary Lawrence.
- Zachary Lawrence of Scout Troop 1656 presented his project to build owl nesting boxes for Seabourne Creek Nature Park.
- Council thanked him for his hard work and project.

Action: Councilor McConathy made a motion, seconded by Councilor Bolf to approve a proposed Eagle Scout Project to build owl nesting boxes for Seabourne Creek Nature Park. The motion carried by a unanimous vote of those present.

3. **Item No. 3 was tabled.**

HEAR AND DISCUSS A PRESENTATION REGARDING A PROPOSED EAGLE SCOUT PROJECT TO RESTORE BLEACHERS FOR SUNSET PARK, AND TAKE ACTION AS NECESSARY.

Executive Summary: On July 24, 2014, Joshua Garcia, Troop 1000 presented a proposed Eagle Scout Project (Project) to be placed in Sunset Park to the Parks and Recreation Board (Board). After reviewing his presentation regarding the proposal to restore bleachers, the Board unanimously recommended the Project plan for approval as presented.

Staff recommends approval of the proposed Eagle Scout Project at Sunset Park based upon Joshua Garcia's presentation and the recommendation of the Parks and Recreation Board.

Action: Councilor Benton made a motion, seconded by Councilor McConathy to table the item regarding a proposed Eagle Scout Project to restore bleachers for Sunset Park. The motion carried by a unanimous vote of those present.

4. **HEAR AND DISCUSS A CITIZEN REQUEST TO ADDRESS CITY COUNCIL REGARDING A PREVIOUS DONATION OF CERTAIN PROPERTY FOR USE AS PARKLAND, AND TAKE ACTION AS NECESSARY.**

Executive Summary: Ms. Joan Williams McLeod has requested an opportunity to address City Council regarding a certain six (6) acres of land donated by her family approximately twenty (20) years ago for parkland use.

Key discussion points:

- Ms. Joan Williams McLeod, Galveston, Texas addressed Council regarding the park land she and

her mother donated. She had a letter from the Farm Bureau regarding an eminent domain they passed that no profit is to be made off the land donated or under eminent domain. That was her legal point. The City has been putting hay on it and made some profit. This was in the last twenty years and those twenty years expired last Christmas. She expressed her concern with the pipeline that came through this spring and the Boy Scouts use of the park. She asked that one-half of the land be given back to her. She does not think anything should be built on it or the Boy Scouts should play on it or use it.

- When they bought the land from General Homes, they were in bankruptcy. She was afraid she would lose her agricultural exemption and she and her mother donated the land to the City with the understanding that they might name some of it after the Williams. She thinks that Seabourne Park is a good name for the park but it would have been nice to have a walking trail or something named after her family.
- Mayor Morales asked with Council's permission to defer this to our Attorney because there are some legal issues and our Attorney should address them.
- Scott Tschirhart, Attorney for the City addressed Ms. McLeod and stated it sounds like you are asking this Council to abandon a part of the property back to you. There is a procedure in the City Code on abandonment in Section 24-1. Before the Council would have any power to do what you are asking to do you really would have to go through this process. It involves submitting a petition to abandon the property and requires a reason for it, a survey plat, written consent of all the landowners around, etc. The problem is a little different because it is a park now. This City can't abandon a piece of park property so easily as an unused roadway. Both the Texas Government Code Section 15.02.55A and the Local Government Code say that we would have to put it up for election and the majority of the voters in that election would have to vote to divest the City of that park property or any portion. Even if the voters said we could sell this property it would have to be sold on competitive bid.
- Ms. McLeod referenced an article regarding eminent domain passed by Rick Perry that says you cannot make profit off of eminent domain property or property that has been given to you. You can't sell it. TxDOT can't take land from me and make a profit on it.
- Scott Tschirhart stated he is very familiar with the statute and has litigated several cases involving that and has one in district court in another county now. Unfortunately, this donation was made long before that law was passed and it does not apply to this property.
- Councilor Benton suggested that Council be allowed to consult with legal counsel to work this out.
- Mayor Morales stated we need to take this under advice of legal counsel.

5. **HOLD FIRST PUBLIC HEARING TO CONSIDER COMMENTS RELATING TO THE PROPOSED AD VALOREM TAX RATE FOR THE FISCAL YEAR BEGINNING OCTOBER 01, 2014, AND ENDING SEPTEMBER 30, 2015, AND TAKE ACTION AS NECESSARY.**

Executive Summary: Chapter 26 of the Property Tax Code requires that taxing units comply with Truth-in-Taxation laws during the tax rate adoption process. These laws were designed to make taxpayers aware of tax rate proposals and to provide an avenue for comment. On Saturday, August 09, 2014, City Council set two (2) public hearing dates for Tuesday, August 19, 2014, at 7:00 p.m., and Tuesday, August 26, 2014, at 6:00 p.m., to receive public comment regarding the proposed Ad Valorem Tax Rate for the fiscal year beginning October 1, 2014, and ending September 30, 2015.

The required notice was published in the newspaper on August 12, 2014, to give the public the proper notification.

The Truth-in-Taxation laws also require that at each public hearing, the governing body must announce the date, time and place of the meeting at which it will vote on the tax rate. The meeting to vote on the tax rate has been set for Tuesday, September 02, 2014, at 7:00 p.m., at the Rosenberg City Hall Council Chamber at 2110 4th Street, Rosenberg, Texas 77471.

Key discussion points:

- Joyce Vasut, Executive Director of Administrative Services read the Executive Summary regarding the item.
- Mayor Morales open the public hearing at 7:33:12 p.m., There were no speakers. He closed the public hearing at 7:33:24 p.m.

6. **HOLD FIRST PUBLIC HEARING TO CONSIDER COMMENTS RELATING TO FISCAL YEAR 2014-2015 PROPOSED BUDGET, WHICH INCLUDES THE CITY OF ROSENBERG'S CAPITAL IMPROVEMENT PLAN (CIP), AND TAKE ACTION AS NECESSARY.**

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use of the concession stand; however, the Rosenberg National Little League (RNLL) Agreement states that the RNLL has sole use of the concession stand. Darren's recommendation to the board was to either extend the Roughnecks' contract to meet the contract renewal date of the Little League agreement for the Roughnecks to be able to negotiate use of the concession stand or for the Roughnecks to bring in outside vendors.

ACTION: Teresa Bailey made a motion, seconded by Stanley Kucherka, to extend the agreement, with changes, through 2016 to coincide with the agreement in place for Rosenberg National Little League (RNLL). The motion carried unanimously by a vote of those present.

3. CONSIDERATION OF AND ACTION ON PROPOSED SCULPTURE ADDITIONS TO SEABOURNE CREEK PARK AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.

Key Discussion: Darren McCarthy, Parks and Recreation Director, presented the board with a civilian's complaint brought to City Council on two different occasions about park land her family donated over twenty years ago. Ms. Joan Williams McCloud requested City Council to give back half of the six (6) acres to the family. After Council explained the process of abandoning property back, Ms. McCloud revisited Council with adding a statue to the park to honor the family's donation and that the statue be paid with the monies received from pipeline crossing the park. Darren mentioned Ms. McCloud was outside of the twenty (20) year term and that when she met with him, she stated the City had verbally agreed to name something in the park after her father. Darren showed the board the small corner where the pipeline runs through the donated land. Jeff Trinker, also mentioned to the board that even a small statue would not be covered by the monies gained from the pipeline. Darren recommends naming something in the park after the Williams' family, such as a walking trail. Teresa Bailey mentioned possibly naming the park road into the sports complex after the family.

ACTION: Rudy Guerrero made a motion, seconded by Julia Worley, to name a walking trail after the Williams family. The motion carried unanimously by a vote of those present.

4. REVIEW AND DISCUSS PARK LAND DEDICATION FUND NO. 221 – ANALYSIS OF REVENUES, EXPENDITURES, AND PAVILION AND ATHLETIC FIELD FEE REPORTS FOR THE MONTH OF NOVEMBER 2014.

Key Discussion: Darren McCarthy, Parks and Recreation Director, notified the board that funds continue to come in from the city. Directing the board to the third page of the Parkland Dedication Fund, Darren noted that \$150,000 for restroom renovations in Macario Garcia Park were set aside and plans will be brought to the next board meeting for discussion. He also mentioned the new playground equipment for Harwood Park was \$19,709, leaving a remaining balance of \$137,990 for park improvements. The shade structures will be reflected on the next report.

Darren presented Board Members with the following Rental Summary Report:

- Pavilion rentals for the month of November totaled \$828.00
- Field rentals for the month of November totaled \$37.50
- Gazebo rentals for the month of November totaled \$400.00

ACTION: Teresa Bailey, Parks and Recreation Board Chairman, asked to continue on if there were no other questions or comments.

6. ANNOUNCEMENTS

Key Discussion: Darren McCarthy, Parks and Recreation Director, announced the local Punt, Pass, and Kick (PPK) winner, Kelly Eng, had yet another victory at the PPK Team Championship on November 30, 2014, at NRG Stadium. Kelly and her mother live in Sugar Land, but they come out to the Rosenberg PPK event every year, because they like the friendly environment. Darren also mentioned the article about Rosenberg Christmas Nights (RCN) in the Chronicle on December 12, 2014. The very successful event, visited by over 2,000 people, will definitely become a tradition.

ITEM 7

Adjournment.