NOTICE OF REGULAR COUNCIL MEETING

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

DATE: Tuesday, January 07, 2014

TIME: 7:00 p.m.

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

PURPOSE: Regular City Council Meeting, agenda as follows:

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

Invocation and Pledge of Allegiance. (Reverend Deborah Prihoda, First Assembly of God, Rosenberg)

GENERAL COMMENTS FROM THE AUDIENCE.
Citizens who desire to address the City Council with comments of a general nature will be received at this time. Each speaker is limited to three (3) minutes. In accordance with the Texas Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.

COMMENTS FROM THE AUDIENCE FOR CONSENT AND REGULAR AGENDA ITEMS.
Citizens who desire to address the City Council with regard to matters on the Consent Agenda or Regular Agenda will be received at the time the item is considered. Each speaker is limited to three (3) minutes. Comments or discussion by the City Council Members will only be made at the time the agenda item is scheduled for consideration. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.

CONSENT AGENDA

1. Review of Consent Agenda.
All Consent Agenda items listed are considered to be routine by the City Council and may be enacted by one (1) motion. There will be no separate discussion of Consent Agenda items unless a City Council Member has requested that the item be discussed, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Regular Agenda.

   A. Consideration of and action on Regular Meeting Minutes for December 03, 2013. (Cernosek)

   B. Consideration of and action on Resolution No. R-1743, a Resolution in support of the Brazos River Authority application for flood protection planning grant assistance filed with the Texas Water Development Board. (Maresh)

   C. Consideration of and action on Resolution No. R-1744, a Resolution amending the Personnel Policies and Procedures Manual, Section 11.00 Holidays. (Olmeda)

REGULAR AGENDA

2. Hold public hearing concerning the amendment of land use assumptions and a capital improvements plan and the imposition of impact fees for the water and wastewater utilities. (Maresh)

3. Consideration of and action on Ordinance No. 2014-01, an Ordinance amending the Code of Ordinances by deleting Exhibits A, B, C, D, and E as referenced in Sections 29-267, 29-268, and 29-270 of Division 1, Section 29-301 of Division 2, and Section 29-321 of Division 3 of Article VI of Chapter 29 and substituting therefor new Exhibits A, B, C, D, and E concerning water and wastewater impact fees; adopting an updated service area map; adopting updated land use assumptions; adopting revised maximum and effective impact fees; adopting revised water and wastewater improvements plans; providing for conflicts; providing a severability clause and providing an effective date. (Maresh)

4. Consideration of and action on Resolution No. R-1745, a Resolution authorizing the City Manager to negotiate and execute, for and on behalf of the City, an Agreement for Engineering Design Services for the Phase I of the Rosenberg Business Park Improvements Project, by and between the City and IDS Engineering Group, in the amount of $285,000. (Fielder)

5. Consider motion to adjourn for Executive Session.

6. Hold Executive Session for consultation with City Attorney to seek or receive advice on legal matters regarding pending or contemplated litigation pursuant to Section 551.071 of the Texas Government Code.

7. Adjourn Executive Session, reconvene into Regular Session, and take action as necessary as a result of Executive Session.

8. Review and discuss Electro Purification, LLC, applications and Agreement, and take action as necessary. (Maresh)

9. Announcements.

10. Adjournment.

[EXECUTION PAGE TO FOLLOW]

DATED AND POSTED this the _____ day of _____ 2014, 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.

General Comments from the Audience:

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Comments from the Audience for Consent and Regular Agenda Items:

Citizens who desire to address the City Council with regard to matters on the Consent Agenda or Regular Agenda will be received at the time the item is considered. Each speaker is limited to three (3) minutes. Comments or discussion by the City Council Members will only be made at the time the agenda item is scheduled for consideration. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.

ITEM 1

Review of Consent Agenda.

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ITEM A

Minutes:

1. **City Council Workshop Meeting Minutes – December 03, 2013**

CITY OF ROSENBERG
REGULAR COUNCIL MEETING MINUTES
DRAFT

On this the 3rd day of December, 2013, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Regular Session, in the Rosenberg City Hall Council Chamber, located at 2110 4th Street, Rosenberg, Texas.

PRESENT

Vincent M. Morales, Jr.	Mayor
William Benton	Councilor at Large, Position 1
Cynthia McConathy	Councilor at Large, Position 2
Jimmie J. Pena	Councilor, District 1
Susan Euton	Councilor, District 2
Dwayne Grigar	Councilor, District 3
Amanda Bolf	Councilor, District 4

STAFF PRESENT

Robert Gracia	City Manager
Linda Cernosek	City Secretary
John Maresh	Assistant City Manager
Jeff Trinker	Assistant to the City Manager
Lora Lenzsch	City Attorney
Charles Kalkomey	City Engineer
Joyce Vasut	Finance Director
Matt Fielder	Economic Development Director
Dallis Warren	Interim Police Chief
Wade Goates	Fire Chief
Travis Tanner	Planning Director
Tommy Havelka	Police Officer
Angela Fritz	Communications Director
Kaye Supak	Executive Assistant

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

INVOCATION AND PLEDGE OF ALLEGIANCE.
Pastor Dave Hodges, Grace Community Bible Church, Richmond gave the invocation and led the pledge of allegiance to the flag.

PRESENTATION OF PROCLAMATION PROCLAIMING DECEMBER 7, 2013, AS TOYS FOR TOTS DAY IN THE CITY OF ROSENBERG.
Mayor Morales presented a Proclamation Proclaiming December 7, 2013, as Toys for Tots Day in the City of Rosenberg.

GENERAL COMMENTS FROM THE AUDIENCE.
Citizens who desire to address the City Council with comments of a general nature will be received at this time. Each speaker is limited to three (3) minutes. In accordance with the Texas Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.

COMMENTS FROM THE AUDIENCE FOR CONSENT AND REGULAR AGENDA ITEMS.
Citizens who desire to address the City Council with regard to matters on the Consent Agenda or Regular Agenda will be received at the time the item is considered. Each speaker is limited to three (3) minutes. Comments or discussion by the City Council Members will only be made at the time the agenda item is scheduled for consideration. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.

CONSENT AGENDA

1. **REVIEW OF CONSENT AGENDA.**
All Consent Agenda items listed are considered to be routine by the City Council and may be enacted by one (1) motion. There will be no separate discussion of Consent Agenda items unless a City Council Member has requested that the item be discussed, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Regular Agenda.

   A. **CONSIDERATION OF AND ACTION ON REGULAR MEETING MINUTES FOR NOVEMBER 19, 2013.**

   B. **CONSIDERATION OF AND ACTION ON AN AMENDING REPLAT OF SHELTON SUBDIVISION, BEING 3.59 ACRES OUT OF THE J.D. VERMILLION SURVEY, A-340 IN THE CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS, SAID 3.59 ACRE TRACT OF LAND BEING AN AMENDING REPLAT OF THE SHELTON SUBDIVISION RECORDED IN SLIDE NO. 2107A OF THE FORT BEND COUNTY MAP RECORDS.**
Executive Summary: The Amending Replat of Shelton Subdivision is a plat consisting of 3.59 acres and two (2) reserves. The property is located on the south side of Reese Road, west of FM 2218. The purpose of the Replat is to move the south property line of Reserve "A" approximately forty-two (42) feet to the north. Both properties are developed and the Replat would make the property line consistent with the existing fence line.

   In accordance with Section 25-40 of the "Subdivision" Ordinance and Chapter 212 of the Texas Local Government Code (requirements for amending plats), the proposed plat does not increase the number of lots or involve more than four (4) lots. The relatively minor nature of the plat allows for an abbreviated approval process in which it only must be approved by City Council and is not reviewed by the Planning Commission.

   The original Plat of Shelton Subdivision is attached for reference. The proposed Replat is not in conflict with any City regulations. Staff recommends approval of the Amending Replat of Shelton Subdivision.

   Action: Councilor McConathy made a motion, seconded by Councilor Bolf to approve Items A and B on the Consent Agenda. The motion carried by a unanimous vote.

REGULAR AGENDA

2. **HOLD PUBLIC HEARING ON A SPECIAL EXCEPTION REQUESTED BY THE BURGER BARN, GENERALLY LOCATED AT 1101 DAMON STREET, ROSENBERG, TEXAS.**
Executive Summary: The City's Code of Ordinances, Section 6-419, allows for Special Exceptions to the parking and landscaping requirements for properties fronting on Avenues H and I and State Highway 36. City staff has received a Special Exception request that meets the criteria identified in the Ordinance. The property is located at 1101 Damon Street and the project is discussed in greater detail in the subsequent Agenda item. In addition to meeting the other requirements outlined in the Ordinance, a public hearing must be held on the request before it is considered by City Council.
Per the Ordinance, all owners of property within 200 feet must be notified by mail and the notice

must be published in the newspaper, each of which must be done more than ten (10) days before the hearing date. Copies of the newspaper notice and the letter to property owners were included in the agenda packet for reference. Both of these requirements have been met at this time and the purpose of this Agenda item is to hold a public hearing and receive public comments regarding the Special Exception.

Key discussion points:

- Travis Tanner, Planning Director gave an overview of the item regarding the public hearing on a Special Exception requested by the Burger Barn, generally located at 1101 Damon Street.

Mayor Morales opened the public hearing at 7:11:01 p.m. There were no speakers and Mayor Morales closed the public hearing at 7:11:11 p.m.

3. **CONSIDERATION OF AND ACTION ON A SPECIAL EXCEPTION REQUESTED BY THE BURGER BARN, GENERALLY LOCATED AT 1101 DAMON STREET, ROSENBERG, TEXAS.**

Executive Summary: The Burger Barn has applied for a Special Exception for 1101 Damon Street. The subject property consists of two (2) lots at the southeast corner of Avenue I and Damon as seen in the attached vicinity map. The proposed Special Exception relates to the ten (10) foot parking setback requirement from the street right-of-way. The applicant is proposing to use the site as a restaurant, which will require twenty (20) parking spaces based on the building size of approximately 2,000 square feet. Getting twenty (20) parking spaces on the site will require a lesser parking setback. They will maintain a parking g setback from the right-of-way of approximately five (5) feet, and they are proposing to offset the loss of the required parking setback with landscaping above and beyond the City's requirements as shown in their site plan.

Section 6-419 of the Code of Ordinances allows for Special Exceptions to the parking and landscaping requirements for property fronting on Avenues H and I and State Highway 36. The property meets the criteria as described in the Code. Specifically, the following requirements have been met:

1. The property to which a Special Exception applies shall be no larger than one (1) acre in size.
2. 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.
3. 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.

Additionally, City Council's consideration of this item requires the review and recommendation of the Planning Commission and a public hearing, as discussed in the previous Agenda item. The applicant has been cooperative throughout the process and the development would be an improvement to this location. Staff believes any impact of losing the 10-foot parking setback is sufficiently offset by the proposed landscaping, which again is above and beyond what the City typically requires and more than what is provided at most other sites in the vicinity. The Planning Commission recommended approval of the Special Exception on November 20, 2013. At print time, a draft minute excerpt from the Planning Commission meeting was not available for inclusion with this item.

Staff recommends approval of the proposed Special Exception subject to the site plan.

Key discussion points:

- Mayor Morales opened the item up for discussion.
- Councilor Pena stated when people start asking for variances he looks at whether it will create a problem regarding safety or danger in someone getting hurt. When we give variances we have to be fair to everyone else. We can make decisions at a local government that can change and alter how we form our City. We have to be fair to people asking for special considerations and others will be looking in the future for special considerations. Whatever decision we make on Council we are making it with an open

mind. We can make decisions that benefit the people especially with small business coming in and we can help in our permitting and other areas. Even though we have guide lines and set rules pertaining to electrical or others they are not to be changed. It would behoove us to help a small business come into town and give them an opportunity to help us create a better economy.

- Councilor Grigar stated it appears to meet all the requirements for the variance. Does this exception follow the parcel of land if Burger Barn moves somewhere else? The site triangle looks like the beginning of the parking lot is at 15'. Is there a 15' site triangle?
- Travis Tanner stated the exception will stay with the parcel. There should be a 20' site triangle that comes from the intersection (as was pointed out on the screen) there should be good clearance. The 20' starts at the intersection of the street.
- Councilor Bolf asked if the owners know about the TxDOT project in the criss-cross. Travis Tanner stated yes.
- Councilor Benton stated he has no problem. If we do too many variances, then we might need to change the ordinance. Travis Tanner stated this is very specific to these properties on Avenues H and I and Highway 36. Council created that to address the fact these properties are tight.
- Councilor McConathy stated she is happy to see this property redeveloped and revitalized.

Action: Councilor Benton made a motion, seconded by Councilor McConathy to approve a Special Exception requested by the Burger Barn, generally located at 1101 Damon Street, Rosenberg, Texas. The motion carried by a unanimous vote.

4. **HEAR AND DISCUSS A REPORT REGARDING THE STATUS OF COLLECTIONS FOR DELINQUENT TAXES, FINES, AND MOWING AND DEMOLITION LIENS, AND TAKE ACTION AS NECESSARY.**

Executive Summary: Mr. Mike Darlow from Perdue, Brandon, Fielder, Collins & Mott, LLP, has provided information on the status of collection efforts for the City of Rosenberg. Mr. Darlow will be available at the City Council meeting to discuss collection efforts and answer any questions.

This report is presented for City Council's information and to allow for any questions about the process. No action is required on this report.

Key discussion points:

- Mike Darlow from Perdue, Brandon, Fielder, Collins & Matt, LLP, gave a report regarding the status of collections for delinquent taxes, fines and mowing and demolition liens.
- Pie charts were shown with the various collections.
- No action was taken on the item.

5. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1728, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A CONTRACT, BY AND BETWEEN THE CITY AND PERDUE, BRANDON, FIELDER, COLLINS AND MOTT, L.L.P., FOR THE COLLECTION OF DELINQUENT TAXES.**

Key discussion points: The City's current Contract for delinquent tax collection services is with Perdue, Brandon, Fielder, Collins & Mott, LLP. The current two-year Contract will expire on January 31, 2014. There are no changes recommended to the current Contract, therefore, services would continue without any changes. The Contract, attached as Exhibit "A" to Resolution No. R-1728, has been reviewed by the Finance staff and the City Attorney and are acceptable to both parties.

Staff recommends approval of Resolution No. R-1728.

Key discussion points:

- Joyce Vasut, Finance Director read the Executive Summary regarding Resolution No. R-1728.

Questions/Comments:

- Councilor Benton stated when you don't pay your taxes there is a lot of interest and court costs. Once it goes to court can you negotiate the cost?
- Mike Darlow stated there is no negotiation of that amount regardless of the particular reason why that property owner did not pay. Their fee is a part of the total they pay. The 20% collection penalty imposed on the delinquent tax payer is paid by the delinquent tax payer, not the City. That amount is not negotiable. It is part of the total sum that a property owner has to pay in order to get their law suit dismissed or their account to show a zero balance.

Action: Councilor Benton made a motion, seconded by Councilor Euton to approve Resolution No. R-1728, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Contract, by and between the City and Perdue, Brandon, Fielder, Collins and Mott, L.L.P., for the collection of delinquent taxes. The motion carried by a unanimous vote.

6. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1729, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A CONTRACT, BY AND BETWEEN THE CITY AND PERDUE, BRANDON, FIELDER, COLLINS AND MOTT, L.L.P., FOR THE COLLECTION OF DELINQUENT MOWING ASSESSMENTS.**
Executive Summary: The City's current Contract for delinquent mowing assessment collection services is with Perdue, Brandon, Fielder, Collins and Mott, L.L.P. The current two-year Contract will expire on January 31, 2014. There are no changes recommended to the current Contract; therefore, services would continue without any changes. The Contract, attached to Resolution No. R-1729 as Exhibit "A", has been reviewed by the Finance staff and the City Attorney and are acceptable to both parties.

Staff recommends approval of Resolution No. R-1729.

Key discussion points:

- Joyce Vasut read the Executive Summary regarding Resolution No. R-1729.
- Councilor Benton suggested going out to bid for these services in the future.

Action: Councilor McConathy made a motion, seconded by Councilor Benton to approve Resolution No. R-1729, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Contract, by and between the City and Perdue, Brandon, Fielder, Collins and Mott, L.L.P., for the collection of delinquent mowing assessments. The motion carried by a unanimous vote.

7. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1730, A RESOLUTION ACCEPTING AND APPROVING THE INVESTMENT POLICY OF THE CITY OF ROSENBERG.**
Executive Summary: The Public Funds Investment Act (PFIA) and the City's Investment Policy (Policy), require the Policy to be reviewed annually by the Finance/Audit Committee and the City Council.

The Policy, attached to Resolution No. R-1730 as Exhibit "A", and the most recent quarterly Investment Report are included for your review. The Policy has been reviewed by staff and by the Finance/Audit Committee at the November 18, 2013 meeting. No changes are recommended at this time.

In accordance with the PFIA and the City's Investment Policy, a copy of the most recent training certificate and the disclosure statement was included with the agenda documentation.

City Staff and the Finance/Audit Committee's recommend approval of the Resolution No. R-1730, approving the Investment Policy for the City of Rosenberg.

Key discussion points:

- Joyce Vasut read the Executive Summary regarding Resolution No. R-1730.

Questions/Comments:

- Councilor Euton commented that we are slightly out of compliance in the way we are invested now but we can only change that once a year.
- Joyce Vasut stated we are no longer out of compliance. The next quarterly report will show that we are in compliance. It takes time to move some money to CDs.

Action: Councilor Benton made a motion, seconded by Councilor McConathy to approve Resolution No. R-1730, a Resolution accepting and approving the Investment Policy of the City of Rosenberg. The motion carried by a unanimous vote.

8. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2013-45, AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY ADDING TO SECTION 28-71 OF DIVISION 4 OF ARTICLE II OF CHAPTER 28 THEREOF, A NEW PRIMA FACIE SPEED LIMIT OF FORTY (40) MILES PER HOUR ALONG J. MEYER ROAD BETWEEN SILVER STONE LANE AND FM 2218; AND REPEALING THE PRIMA FACIE SPEED LIMIT OF THIRTY (30) MILES PER HOUR ALONG J. MEYER ROAD BETWEEN SILVER STONE LANE AND FM 2218; MAKING CERTAIN FINDINGS; AUTHORIZING THE PLACEMENT OF SPEED LIMIT SIGNS ALONG SUCH STREET; PROVIDING A PENALTY IN AN AMOUNT OF NOT LESS THAN $1.00 OR MORE THAN $200.00 FOR VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.**

Executive Summary: A speed limit study was conducted along J. Meyer Road between October 14, 2013, and October 21, 2013, to determine the existing traffic speeds. Under the direction of the City Engineer, Charles Kalkomey, a traffic engineer with Jones & Carter, Inc., reviewed the results of traffic speeds and other factors such as the roadway conditions, driveway connections, road shoulders, surrounding land uses, and the accident records during the last three (3) year period in order to prepare the following recommended speed limits along J. Meyer Road:

- J. Meyer Road between Silver Stone Lane and FM 2218 – forty (40) miles per hour.
- J. Meyer Road between SH 36 and Silver Stone Lane – thirty (30) miles per hour.

The Speed Limit Study Report prepared by Jones & Carter, Inc., is included for review. Page 4 of the report includes a map that identifies the speed zone locations. Staff recommends approval of Ordinance No. 2013-45, establishing the aforementioned speed limits along J. Meyer Road.

Key discussion points:

- John Maresh read the Executive Summary regarding Ordinance No. 2013-45.
- Lora Lenzsch, City Attorney stated the Transportation Code recommends certain speed zones and TxDOT provides a standard that recommends the speed limit. The cost of a traffic speed study is $600.00.

Questions/Comments:

- Councilor Bolf commented she is sorry we had to waste money but the citizens wanted to raise the speed limit.
- Councilor Grigar stated he does not think of it as a waste of money to back up what the citizens want. He thinks it is a good idea and a traffic study is always a good way to go.

Action: Councilor Benton made a motion, seconded by Councilor McConathy to approve Ordinance No. 2013-45, an Ordinance amending the Code of Ordinances by adding to Section 28-71 of Division 4 of Article II of Chapter 28 thereof, a new prima facie speed limit of forty (40) miles per hour along J. Meyer Road between Silver Stone Lane and FM 2218; and repealing the prima facie speed limit of thirty (30) miles per hour along J. Meyer Road between Silver Stone Lane and FM 2218; making certain findings; authorizing the placement of speed limit signs along such street; providing a penalty in an amount of not less than $1.00 or more than $200.00 for violation of any provision hereof; and providing for severability. The motion carried by a unanimous vote.

9. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1727, A RESOLUTION AUTHORIZING ACCEPTANCE OF A PROPOSAL FOR A TRAFFIC SIGNAL WARRANT STUDY**

AT THE INTERSECTION OF BAMORE ROAD AND FM 1640 (AVENUE I), BY AND BETWEEN THE CITY AND IDC ENGINEERING, INC., IN THE AMOUNT OF $7,154.00.

Executive Summary: On May 07, 2013, City Council approved Resolution No. R-1657 for the Engineering Services Agreement (Agreement) for the Bamore Road, Phase IV Project. At that time, it was not known if the Texas Department of Transportation (TxDOT) would require traffic warrant studies at the intersections of Bamore Road at Spur 529 and FM 1640 (Avenue I). Therefore, the work tasks for the traffic signal warrant studies were not authorized in the Agreement. Since that time, IDC Engineering, Inc., (IDC) has been able to develop intersection layouts, and both IDC and City staff have been able to meet with TxDOT to review and discuss the proposed improvements to Bamore Road. TxDOT staff has determined that a Traffic Signal Warrant Study will be required for the FM 1640 (Avenue I) intersection only. IDC has prepared a proposal that includes all work necessary to prepare, evaluate and make a final determination regarding the necessity of a traffic signal at this intersection.

Staff recommends approval of Resolution No. R-1727, as presented, with the proposal from IDC for a Traffic Signal Warrant Study at the intersection of Bamore Road and FM 1640 (Avenue I) in the amount of $7,154.00 attached as Exhibit "A".

Key discussion points:

- John Maresh read the Executive Summary regarding Resolution No. R-1727.

Questions/Comments:

- Councilor McConathy stated the Executive Summary has an amount of $7,154.00 and referenced Attachment A which shows the total cost as $6,500. What is the difference?
- John Maresh stated Attachment A from IDC is $7,154.00. Attachment B is a subcontractor that IDC is using. That is the difference in IDC's portion of the work. That total is $7,154.00.
- Councilor Benton stated FM 1640 is Avenue I and is a TxDOT road, is that correct. John Maresh stated yes.
- Councilor Benton stated if it is a TxDOT road why we would pay for a study. John Maresh stated because we are doing improvements to Bamore Road and going from the two lane to three lane section it is a requirement of TxDOT. Since we are doing improvements and an expansion to Bamore Road they are requiring the warrant study.
- Councilor Benton asked who would pay for the signal.
- Larry Janik with IDC explained if a signal is found to be warranted and because it is a city project then the City would pay for it. It will depend on whether it is warranted or not. If it is not warranted TxDOT will not allow you to put up a signal. If you don't do the study TxDOT will not allow you to connect to their road to improve the road connections. Signal cost is approximately $100,000 to $150,000.
- Councilor Benton asked what would have to be done if the signal is not there.
- Larry Janik explained we would have to terminate the three lane improvements south of the intersection; then transition to the existing intersection.
- Councilor Bolf stated it is a lot for a study but if we don't do the study we cannot widen the road per TxDOTs guidelines and TxDOT can demand the study but does not have to pay for any of it, is that correct.
- John Maresh stated yes.

Action: Councilor Benton made a motion, seconded by Councilor Bolf to table the item for discussion at a workshop meeting. ***The motion failed by a vote of 3 to 4 as follows: Yeses: Councilors Benton, McConathy and Bolf. Noes: Mayor Morales, Councilors Pena, Euton and Grigar.***

Action: Councilor Euton made a motion, seconded by Councilor Pena to approve Resolution No. R-1727, a Resolution authorizing acceptance of a Proposal for a Traffic Signal Warrant Study at the intersection of Bamore Road and FM 1640 (Avenue I), by and between the City and IDC Engineering, Inc., in the amount of $7,154.00. ***The motion passed by a vote of 4 to 3 as follows:***

Yeses: Mayor Morales, Councilors Pena, Euton, and Grigar. Noes: Councilors Benton, McConathy and Bolf.

10. **CONSIDERATION OF AND ACTION ON TRAFFIC CONTROL DEVICE RECOMMENDATIONS IN THE SUBURBAN ESTATES SUBDIVISION, BASED UPON RESULTS OF THE TRAFFIC STUDY.**

Executive Summary: In late August 2013, the intersection of Homestead Road at FM 2218 was reopened to traffic. Since that time, a traffic study has been conducted to evaluate the traffic patterns on Homestead Road and the Suburban Estates Subdivision as a whole.

The City Engineer will review the results of the traffic analysis and recommendations for consideration by City Council.

Key discussion points:

- John Maresh, Assistant City Manager read the Executive Summary regarding the traffic control device recommendations in the Suburban Estates Subdivision, based upon results of the traffic study.
- ***The following speakers addressed Council, as follows:***
- ***Carol Moore, 5914 Homestead Road***. I am here tonight to discuss the completed traffic study on Suburban Estates and a couple of streets on the south side of the City. These two streets can be compared to Homestead Road.
- Jones and Carter Traffic Study, Page 3, Table 2 – the traffic count collected on November 11, 2013, stated that five percent of vehicles are traveling faster than 31 to 34 miles per hour. In Table 3 of the Study it was determined that forty percent of the traffic is cut through traffic.
- Page 4, Table 4 entitled Trip Generation Volume – a subdivision comparable to our neighborhood, their comparison was seventy homes and twenty mobile homes, should have a volume of 770 vehicles over at 24 hour period. The most recent study stated the traffic volume yield a total entering and existing volume in our area of 1,552 vehicles in a 24 hour period, which is approximately twice the 770 total vehicles projected based on existing land use.
- In my opinion, 1,552 vehicles are an excessive amount of traffic on a residential neighborhood street in a 24 hour period. If five percent of the 1,552 vehicles are speeding that calculates to 77 cars speeding through in a 24 hour period.
- Please keep in mind that approximately eight students walk on Homestead Road to Terry High School each morning and evening. It takes only one speeding vehicle to injure a group of students.
- I visited the south side of Rosenberg off of Highway 36. I drove on Dallas Street north to George Street. There were seven stop signs on Dallas Street. The stop signs were at the following streets starting with Houston, Carlisle, Mulcahy, Brazos, West, Frost and George Street. One block north of Dallas Street is Texas Avenue and it also had seven stop signs at the same intersections. I feel very certain that Homestead Road has a greater amount of traffic than these two streets. Why is it so difficult to get three stop signs on Homestead Road? The most recent traffic study did reveal what I already knew that half of the traffic is cut through traffic and cars are speeding through. I have complained about this to City Council the past two years.
- The study recommended several different ways to different traffic calming measures. I'm hopeful Council will adopt one of the following calming measures mentioned in the study.
- Should the City spend more money on another traffic study? My opinion is that Suburban Estates is in a position where the City should implement one or more of the traffic calming measures now. In closing, I would like to wish each of you a very Merry Christmas and a Happy and Prosperous New Year.
- ***Kay Carnahan, 2425 Allwright Street, Rosenberg, addressed Council, as follows:***
- Honorable Mayor and Council, I have spoken several times before Council and have never thanked you for your service to the City. I really appreciate what you do every day for us.

- I agree with everything that Carol Moore just said. We also had testimony in past Council meetings on this issue, that the streets in Suburban Estates did not meet the TxDOT standards for a thoroughfare. If that much traffic is using them they don't meet the standards. Our streets have no curbs or sidewalks and as a resident in this neighborhood I've heard continuously over the past two years my neighbors concerns about keeping our neighborhood a safe place where we can safely walk and interact with our neighbors I thank you for the temporary relief given during the construction on FM 2218.
- I would ask that as you continue to encourage the development of Rosenberg, and many of these developments have brought more traffic through our neighborhood, that you take measures to insure that our neighborhood stays safer and continues to be a place we can enjoy.

Questions/Comments:

- Council members reviewed a traffic analysis from October and November. The analysis indicated cut-through traffic varied between 17 percent and 66 percent and a 47 percent average.
- The general consensus of Council was that the area needs some relief.
- Some concern was expressed on setting precedence for the area and concern with other neighborhoods wanting the same for their neighborhoods.
- Four studies have been conducted on Homestead Road since 2011. This year's data reflects traffic after the completion of the FM 2218 construction project and Homestead Road's reopening on August 12.
- Discussion was held regarding the addition of stop signs and lowering the speed limit to 25 mph.
- Charles Kalkomey, City Engineer stated that stop signs are not a recognized traffic calming mechanism. The conditions by engineering guidelines don't warrant putting multi-way stop signs. You can put them in if you want to do that but it does not come with an engineering recommendation.

Action: Councilor Benton made a motion, seconded by Councilor McConathy to install stop signs at Allwright, Lazy Lane, and Richard Streets and reduce the speed limit to twenty-five (25) miles per hour. The motion carried by a unanimous vote.

11. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2013-46, AN ORDINANCE PROVIDING FOR APPROVAL OF AN EXPANSION TO THE TERRITORY OF FORT BEND COUNTY MUD NO. 167 OF FORT BEND COUNTY, TEXAS, TO INCLUDE THAT AREA WITHIN THE CORPORATE LIMITS OF THE CITY OF ROSENBERG, TEXAS, AS FURTHER PROVIDED FOR HEREIN; AND MAKING CERTAIN FINDINGS OF FACT AND OTHER CONCLUSIONS AS HEREIN SET OUT.**

Executive Summary: The developer of the Rosenberg Business Park, Fuller Realty Partners (Developer), wishes to dissolve Municipal Utility District No. 150 (MUD No. 150). The 182-acre tract the Developer owns is located within MUD No. 150. MUD No. 150 has never sold bonds or imposed a property tax, and was created to facilitate the residential subdivision originally planned for the property. However, certain infrastructure was constructed by another property owner (Rosenberg F.M. 2218, Ltd.) located in MUD No. 150. That property is the 13.8385 acres located between F.M. 2218 and the U.S. Highway 59 Frontage Road, and split by Bryan Road. MUD No. 150 has an obligation to Rosenberg F.M. 2218, Ltd. to reimburse this developer for the cost of the infrastructure. The reimbursement was to take place once development has occurred and a property tax was established by MUD No. 150. Bonds could then be sold to accommodate the reimbursement.

Attorneys for the Developer and MUD No. 150 have proposed a solution whereby the 13.8385 acres is annexed into MUD No.167 (Brazos Town Center), and these obligations could be addressed through MUD No. 167 when development occurs. MUD No. 150 would then be dissolved and all remaining obligations settled by the Developer. All parties have consented to the

arrangement and the last remaining step before the formal annexation (addition of the site into MUD No. 167) is approval by the City. There would be no financial impact to the City.

Staff has reviewed the documentation and found it to be in compliance with applicable City ordinances. Attachments to the November 11, 2013, correspondence from David Oliver will be available for review in the City Secretary's Office in advance of the meeting. Staff recommends approval of Ordinance No. 2013-46, consenting to the annexation of the 13.8385acre tract by Fort Bend County Municipal Utility District No. 167.

Key discussion points:

- Matt Fielder gave an overview of the item regarding Ordinance No. 2013-46.

Action: Councilor McConathy made a motion, seconded by Councilor Benton to approve Ordinance No. 2013-46, an Ordinance providing for approval of an expansion to the territory of Fort Bend County Mud No. 167 of Fort Bend County, Texas, to include that area within the corporate limits of the City of Rosenberg, Texas, as further provided for herein; and making certain findings of fact and other conclusions as herein set out. The motion carried by a unanimous vote.

12. **CONSIDER MOTION TO ADJOURN FOR EXECUTIVE SESSION.**
Action: Councilor Euton made a motion, seconded by Councilor McConathy to adjourn for Executive Session. The motion carried by a unanimous vote.

13. **HOLD EXECUTIVE SESSION FOR CONSULTATION WITH CITY ATTORNEY TO SEEK OR RECEIVE ADVICE ON LEGAL MATTERS REGARDING PENDING OR CONTEMPLATED LITIGATION PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE; AND, FOR DELIBERATIONS ON THE APPOINTMENT OF POLICE CHIEF PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE.**
An Executive Session was held for consultation with City Attorney to seek or receive advice on legal matters regarding pending or contemplated litigation pursuant to Section 551.071 of the Texas Government Code; and, for deliberations on the appointment of Police Chief pursuant to Section 551.074 of the Texas Government Code.

14. **ADJOURN EXECUTIVE SESSION, RECONVENE INTO REGULAR SESSION, AND TAKE ACTION AS NECESSARY AS A RESULT OF EXECUTIVE SESSION.**
Mayor Morales adjourned the Executive Session and reconvened into Regular Session at 9:16 p.m. Action was taken on the item for appointment of Police Chief pursuant to Section 551.074 of the Texas Government Code. That assessment being between two firms to conduct the practical assessment of the final candidates for the Police Chief position. The Waters Consulting Group, Inc. and Steve Griffith Consulting were presented to Council in Executive Session.

Action: Councilor McConathy made a motion, seconded by Councilor Bolf to approve Steve Griffith Consulting to conduct the practical assessment of the final candidates for the Police Chief position. The motion carried by a unanimous vote.

15. **ANNOUNCEMENTS.**
- Gazebo lighting Wednesday night, December 4, 2013.
- Christmas in Rosenberg Saturday, December 7, 2013.
- Channel 13 Food Drive Friday, December 6, 2013, at Terry High School.

16. **ADJOURNMENT.**
There being no further business Mayor Morales adjourned the meeting at 9:20 p.m.

_____
Linda Cernosek, TRMC, City Secretary

CITY COUNCIL COMMUNICATION

January 07, 2014

ITEM #	ITEM TITLE
B	**Resolution No. R-1743 - Support for Brazos River Authority Flood Protection Planning Grant Assistance**

ITEM/MOTION

Consideration of and action on Resolution No. R-1743, a Resolution in support of the Brazos River Authority application for flood protection planning grant assistance filed with the Texas Water Development Board.

FINANCIAL SUMMARY

Annualized Dollars:

[ ] One-time
[ ] Recurring
[X] N/A

Budgeted:

[ ] Yes [ ] No [X] N/A

Source of Funds: N/A

ELECTION DISTRICT

[ ] District 1
[ ] District 2
[ ] District 3
[ ] District 4
[ ] City-wide
[X] N/A

MUD #: N/A

SUPPORTING DOCUMENTS:

1. Resolution No. R-1743

APPROVALS

Submitted by:

John Maresh
Assistant City Manager

Reviewed by:

[ ] Finance Director
[ ] City Attorney
[ ] City Engineer
[ ] Assistant City Manager
[ ] (Other)

Approved for Submittal to City Council:

Robert Gracia
City Manager

EXECUTIVE SUMMARY

The Brazos River Authority (BRA) has requested a Resolution of support from cities along the Brazos River for their flood planning assistance grant application to the Texas Water Development Board. Should the grant be awarded to the BRA, a Flood Protection Planning Study would be conducted to identify viable solutions for flood control. The Resolution does not commit the City of Rosenberg to provide any funding towards the study.

The attached Resolution No. R-1743 is being presented to allow City Council the opportunity to support the BRA in their endeavor to identify and enhance flood control options along the Brazos River. Staff recommends approval of Resolution No. R-1743 a presented.

RESOLUTION NO. R-1743

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, IN SUPPORT OF THE BRAZOS RIVER AUTHORITY APPLICATION FOR FLOOD PROTECTION PLANNING GRANT ASSISTANCE FILED WITH THE TEXAS WATER DEVELOPMENT BOARD.

* * * * *

WHEREAS, the Brazos River Authority (BRA), desires to develop a basin-wide Flood Protection Planning Study for the lower Brazos River, understanding that the river and its tributaries drain areas within the City of Rosenberg; and,

WHEREAS, the City of Rosenberg, Texas, recognizes that the proposed planning does not duplicate existing projects with the exception of updating existing flood protection plans; and,

WHEREAS, BRA will provide project management and in-kind services, if the grant is awarded, to assist with the financing of the Flood Protection Planning Study and any improvements as agreed; and,

WHEREAS, the City of Rosenberg Texas will work with BRA to pursue implementation of viable solutions identified through the proposed planning effort and may, at the City Council's sole discretion, determine to pursue and identify potential sources of funding for implementation of viable solutions; and,

WHEREAS, BRA recognizes that by approval of this Resolution, the City of Rosenberg does not commit any funding, or other related services that may be necessary to conduct the study; and,

WHEREAS, the City of Rosenberg is currently participating in the National Flood Insurance Program making flood insurance available for all insurable structures in their respective incorporated and unincorporated areas; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROSENBERG:

Section 1. The City Council of the City of Rosenberg hereby authorizes support of the BRA application to the Texas Water Development Board for flood protection planning grant assistance.

PASSED, APPROVED, AND RESOLVED this _____ day of _____ 2014.

ATTEST: **APPROVED:**

_____ _____

Linda Cernosek, **CITY SECRETARY** Vincent M. Morales, Jr., **MAYOR**

CITY COUNCIL COMMUNICATION

January 07, 2014

ITEM #	ITEM TITLE
C	**Resolution No. R-1744 – Amending the Personnel Policies and Procedures Manual, Section 11.00 Holidays**

ITEM/MOTION

Consideration of and action on Resolution No. R-1744, a Resolution amending the Personnel Policies and Procedures Manual, Section 11.00 Holidays.

FINANCIAL SUMMARY

Annualized Dollars:

[ ] One-time
[ ] Recurring
[X] N/A

Budgeted:

[ ] Yes [ ] No [X] N/A

Source of Funds: N/A

ELECTION DISTRICT

[ ] District 1
[ ] District 2
[ ] District 3
[ ] District 4
[ ] City-wide
[X] N/A

SUPPORTING DOCUMENTS:

MUD #: N/A

1. Personnel Policies and Procedures Manual, Section 11.00 Holidays - Redlined
2. Resolution No. R-1744
3. Survey of Paid Observed Holidays

APPROVALS

Submitted by:

Lisa Olmeda
Human Resources Director

Reviewed by:

[ ] Finance Director
[ ] City Attorney
[ ] City Engineer
[ ] Assistant to the City Manager
[ ] (Other)

Approved for Submittal to City Council:

Robert Gracia
City Manager

EXECUTIVE SUMMARY

The City of Rosenberg full-time employees currently observes the following paid official holidays:

New Year's Day	Fort Bend County Fair Day
Memorial Day	Thanksgiving Day
Good Friday	Friday following Thanksgiving Day
Independence Day	Christmas Day
Labor Day	Two (2) Personal Days

Any other holidays designated by the City Council

A survey of other municipalities in our area shows that eighteen (18) of nineteen (19) cities polled offer Christmas Eve as an official paid holiday, Designating one (1) Personal holiday for Christmas Eve would allow full-time employees to observe the following paid official holidays:

New Year's Day	Thanksgiving Day
Memorial Day	Friday following Thanksgiving Day
Good Friday	Christmas Eve
Independence Day	Christmas Day
Labor Day	One (1) Personal Day
Fort Bend County Fair Day	Any other holidays designated by the City Council

Should City Council approve, Resolution No. R-1744 would amend the Personnel Policies and Procedures Manual, Section 11.00 Holidays as presented.

11.00 HOLIDAYS

11.01 OFFICIAL HOLIDAYS

The following are paid official holidays for all regular employees of the City:

New Year's Day
Memorial Day
Good Friday
Independence Day
Labor Day
Fort Bend County Fair Day
Any other holidays designated by the City Council.

Thanksgiving Day
Friday following Thanksgiving Day
Christmas Eve
Christmas Day
~~Two~~One (~~2~~1) Personal Day~~s~~

Holiday pay shall not be accrued leave.

When a holiday falls on a Saturday, the preceding Friday will be considered a holiday. When a holiday falls on a Sunday, the following Monday will be considered a holiday.

Holiday pay will be compensated in accordance with the employee's week schedule. Employees working Monday – Friday 8:00 a.m. – 5:00 p.m. will be compensated at a rate of 8 hours per holiday. Employees working 9/80 work schedule will be compensated at a rate of 9 hours per holiday observed Monday - Thursdays and 8 hours per holiday observed Fridays. Employees working four days a week with 10 hours a day will be compensated at a rate of 10 hours per holiday observed. Firefighters will be compensated at a rate of 12 hours per holiday observed.

Employees assigned to a 9/80 work schedule. Should an employee's "Friday off" coincide with a City designated holiday, that employee will receive a Personal Day as compensation. As with other Personal Days, this day will not be carried over into the next calendar year. An exception will be allowed when a Personal Day is earned for the New Year's Day designated holiday that falls on an employee's "Friday off." An employee will be allowed to carry over a Personal Day earned in those years.

The Personal Day~~s~~ will require prior written approval of the department head and may be used in ½ day increments.

In order to be eligible for the Personal Day~~s~~, employees must have successfully completed their orientation period. Public safety employees will be eligible for the Personal Day~~s~~ after 6 months of employment.

RESOLUTION NO. R-1744

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AMENDING THE PERSONNEL POLICIES AND PROCEDURES MANUAL, SECTION 11.00 HOLIDAYS.

* * * * *

WHEREAS, the City of Rosenberg, Texas (the "City") deems it necessary and proper and in the best interests of both the current and future employees to amend the observed holidays for the City of Rosenberg; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROSENBERG:

Section 1. That the amendments to the Personnel Policies and Procedures Manual, Section 11.00 Holidays be adopted and implemented as proposed by designating one (1) of two (2) Personal Days for December 24th of each year, thereby increasing the number of official City holidays and decreasing the number of Personal Days for full-time employees to one (1).

Section 2. That said Section be in effect as of January 07, 2014.

Section 3. That a copy of the Personnel Policies and Procedures Manual be on file with the City Secretary and Human Resources Director, including the amendments to same as implemented in Section 11.00 Holidays.

Section 4. That a copy of such amended Section 11.00 Holidays is attached hereto as Exhibit "A" and made a part hereof for all purposes.

PASSED, APPROVED, AND RESOLVED this ___ day of _____ 2014.

ATTEST: **APPROVED:**

_____ _____

Linda Cernosek, **CITY SECRETARY** Vincent M. Morales, Jr., **MAYOR**

11.00 HOLIDAYS

11.01 OFFICIAL HOLIDAYS

The following are paid official holidays for all regular employees of the City:

New Year's Day
Memorial Day
Good Friday
Independence Day
Labor Day
Fort Bend County Fair Day
Thanksgiving Day
Friday following Thanksgiving Day
Christmas Eve
Christmas Day
One (1) Personal Day
Any other holidays designated by the City Council.

Holiday pay shall not be accrued leave.

When a holiday falls on a Saturday, the preceding Friday will be considered a holiday. When a holiday falls on a Sunday, the following Monday will be considered a holiday.

Holiday pay will be compensated in accordance with the employee's week schedule. Employees working Monday – Friday 8:00 a.m. – 5:00 p.m. will be compensated at a rate of 8 hours per holiday. Employees working 9/80 work schedule will be compensated at a rate of 9 hours per holiday observed Monday - Thursdays and 8 hours per holiday observed Fridays. Employees working four days a week with 10 hours a day will be compensated at a rate of 10 hours per holiday observed. Firefighters will be compensated at a rate of 12 hours per holiday observed.

Employees assigned to a 9/80 work schedule. Should an employee's "Friday off" coincide with a City designated holiday, that employee will receive a Personal Day as compensation. As with other Personal Days, this day will not be carried over into the next calendar year. An exception will be allowed when a Personal Day is earned for the New Year's Day designated holiday that falls on an employee's "Friday off." An employee will be allowed to carry over a Personal Day earned in those years.

The Personal Day will require prior written approval of the department head and may be used in ½ day increments.

In order to be eligible for the Personal Day, employees must have successfully completed their orientation period. Public safety employees will be eligible for the Personal Day after 6 months of employment.

Survey of Paid Observed Holidays

	Rosenberg	Bastrop	Baytown	Bellaire	Cleveland	Fort Bend	Friendswood	Harris County	Houston	Katy	Lake Jackson	Meadows Place	Missouri City	Pearland	Richmond	Sealy	Stafford	Sugar Land	Texas City	Victoria
New Year's Day	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Martin Luther King Day		X	X		X	X	X	X	X		X		X		X	X		X	X	
President's Day					X					X	X						X			
Good Friday	X	X	X		X	X	X	X		X	X	X	X	X	X	X	X	X	X	X
Memorial Day	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Independence Day	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Labor Day	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Fort Bend County Fair Day	X					X									X					
Thanksgiving Day	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Friday following Thanksgiving Day	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Christmas Eve		X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	(*)	X	X
Christmas Day	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Texas Independence Day		X																		
Veteran's Day		X			X	X	X		X						X	X				X
Sept 11 Remembrance Day														X	X					X
Washington's Birthday							X													
Columbus Day							X													
One (1) Personal Day			X				X	X	X			X	X					X		
Two (2) Personal Days	X			X													X			
Total	**11**	**12**	**10**	**10**	**12**	**12**	**14**	**11**	**11**	**10**	**11**	**10**	**11**	**10**	**13**	**11**	**12**	**11**	**10**	**11**

***City Manager designates Christmas Eve as the floating holiday when Christmas falls on a Tuesday or Friday. This allows the employees Monday or Thursday off. If Christmas falls on a Monday or Thursday, he designate a "Boxing Day" (the day after Christmas) as a holiday to give employees Tuesday or Friday off.**

Of the 19 cities surveyed, 18 have designated Christmas Eve as a holiday.

CITY COUNCIL COMMUNICATION

January 07, 2014

ITEM #	ITEM TITLE
2	**Public Hearing Concerning Amendment of Water/Wastewater Impact Fees**

ITEM/MOTION

Hold public hearing concerning the amendment of land use assumptions and a capital improvements plan and the imposition of impact fees for the water and wastewater utilities.

FINANCIAL SUMMARY		ELECTION DISTRICT
Annualized Dollars: [ ] One-time [ ] Recurring [X] N/A	**Budgeted:** [ ] Yes [ ] No [X] N/A **Source of Funds:** N/A	[ ] District 1 [ ] District 2 [ ] District 3 [ ] District 4 [X] City-wide [X] ETJ

SUPPORTING DOCUMENTS:

MUD #: ETJ MUDs

1. Resolution No. R-1721 – 11-19-13
2. Water/Wastewater Impact Fee Advisory Task Force Recommendation -11-01-13
3. City Council Meeting Minute Excerpt – 11-19-13

APPROVALS

Submitted by:	Reviewed by:	Approved for Submittal to City Council:
John Maresh Assistant City Manager	[X] Finance Director [ ] Assistant City Manager [X] City Attorney ***LJL/rlm*** [ ] City Engineer [ ] (Other)	Robert Gracia City Manager

EXECUTIVE SUMMARY

On November 19, 2013, City Council approved Resolution No. R-1721 calling a public hearing during the Regular City Council Meeting on January 07, 2014, concerning the amendment of land use assumptions and a capital improvements plan and the imposition of impact fees for the water and wastewater utilities. During the November 26, 2013 City Council Workshop, Mickey Fishbeck with Rimrock Consulting, presented the Water/Wastewater Impact Fee Update. A copy of the Water/Wastewater Impact Fee Update is included in your packet with the next Agenda item. The Water/Wastewater Impact Fee Advisory Task Force Committee has submitted a written recommendation to the City Council as required by Chapter 395 of the Local Government Code. A copy of said recommendation is attached. The public hearing is also required by Chapter 395 of the Local Government Code to provide any member of the public the right to appear and present evidence for or against the update.

Upon conclusion of the public hearing, City Council may consider adoption of the updated system wide Water/Wastewater Impact Fee Ordinance No. 2014-01 as the next Agenda item.

RESOLUTION NO. R-1721

A RESOLUTION CALLING A PUBLIC HEARING TO BE HELD DURING THE REGULAR CITY COUNCIL MEETING ON TUESDAY, JANUARY 07, 2014, AT 7:00 P.M., IN THE ROSENBERG CITY HALL COUNCIL CHAMBER LOCATED AT 2110 4TH STREET, ROSENBERG, TEXAS, TO RECEIVE PUBLIC COMMENT CONCERNING THE AMENDMENT OF LAND USE ASSUMPTIONS AND A CAPITAL IMPROVEMENTS PLAN AND THE IMPOSITION OF IMPACT FEES FOR THE WATER AND WASTEWATER UTILITIES.

* * * * *

WHEREAS, the City Council of the City of Rosenberg has appointed an Advisory Committee, as per the provisions of Chapter 395 of the Texas Local Government Code, to guide the development of planning, land use, capital improvements plan and impact fee information for the existing and future water and wastewater utilities; and,

WHEREAS, the Advisory Committee has reviewed and recommended the amendment of land use assumptions and a capital improvements plan and the imposition of impact fees for the water and wastewater utilities; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROSENBERG:

Section 1. The City Council of the City of Rosenberg hereby adopts by Resolution a call for a public hearing to be held during the regular City Council meeting on Tuesday, January 07, 2014, at 7:00 p.m., in the Rosenberg City Council Chambers at 2110 4th Street, Rosenberg, Texas. The purpose of this public hearing is to receive public comment concerning the amendment of land use assumptions and a capital improvements plan and the imposition of impact fees for the water and wastewater utilities.

Section 2. Public notice of such hearing will be made at least thirty (30) days in advance of the hearing according to legal criteria set forth in Chapter 395.055 of the Texas Local Government Code.

PASSED, APPROVED, AND RESOLVED this 19th day of November, 2013.

ATTEST:

CITY OF ROSENBERG, TEXAS

Linda Cernosek, TRMC, **City Secretary**

APPROVED:

Vincent M. Morales, Jr., **Mayor**

November 01, 2013

Honorable Mayor and City Council
City of Rosenberg
2110 4th Street
Rosenberg, Texas 77471

RE: Recommendation to Revise the Water and Wastewater Impact Fees in the City of Rosenberg

Dear Honorable Mayor and City Council:

On October 21, 2013, the Water/Wastewater Impact Fee Advisory Task Force (Task Force) met to review an updated report on the current land use assumptions, Capital Improvement Plan, and a recommended change to the water impact fee and wastewater impact fee based upon the updated data.

The Task Force recommends that the impact fees for Equivalent Single-Family Connection (ESFC), based on water meter size, for the City of Rosenberg be updated as follows:

	Current Fee:	Recommended Fee:
Water Impact Fee:	$3,215.86	$3,471.27
Wastewater Impact Fee:	$1,317.89	$1,234.17
Total Impact Fees:	$4,533.75	$4,705.44

A complete copy of the current and recommended fee schedules for all water meter sizes are attached.

Additionally, the Task Force recommends a public hearing be held to receive comment on the recommended water/wastewater impact fees on January 07, 2014, at a Regular City Council Meeting, in compliance with state requirements.

Sincerely,

Karl Baumgartner

Karl Baumgartner
Chairperson, Water/Wastewater Impact Advisory Task Force

KB/JM/rlm

attach: Ordinance No. 2008-50 Exhibit C Excerpt – Maximum Impact Fees for Various Water Meter Sizes
Water/Wastewater Impact Fee Update Report Excerpt – Table 14

xc: Robert Gracia, Interim City Manager
John Maresh, Assistant City Manager
Joyce Vasut, Finance Director
Charles A. Kalkomey, P.E., City Engineer

Ordinance No. 2008-50
Excerpt of Exhibit "C"

CURRENT FEE

MAXIMUM IMPACT FEES FOR VARIOUS WATER METER SIZES
CITY OF ROSENBERG

METER TYPE	METER SIZE	MULTIPLIER	MAXIMUM IMPACT FEE		
			WATER	SEWER	BOTH
SIMPLE	5/8" x 3/4"	1.0	$3,215.86	$1,317.89	$4,533.75
SIMPLE	3/4"	1.5	$4,823.79	$1,976.84	$6,800.63
SIMPLE	1"	2.5	$8,039.65	$3,294.73	$11,334.38
SIMPLE	1-1/2"	5.0	$16,079.30	$6,589.45	$22,668.75
SIMPLE	2"	8.0	$25,726.88	$10,543.12	$36,270.00
COMPOUND	2"	8.0	$25,726.88	$10,543.12	$36,270.00
TURBINE	2"	10.0	$32,158.60	$13,178.90	$45,337.50
COMPOUND	3"	16.0	$51,453.76	$21,086.24	$72,540.00
TURBINE	3"	24.0	$77,180.64	$31,629.36	$108,810.00
COMPOUND	4"	25.0	$80,396.50	$32,947.25	$113,343.75
TURBINE	4"	42.0	$135,066.12	$55,351.38	$190,417.50
COMPOUND	6"	50.0	$160,793.00	$65,894.50	$226,687.50
TURBINE	6"	92.0	$295,859.12	$121,245.88	$417,105.00
COMPOUND	8"	80.0	$257,268.80	$105,431.20	$362,700.00
TURBINE	8"	160.0	$514,537.60	$210,862.40	$725,400.00
COMPOUND	10"	115.0	$369,823.90	$151,557.35	$521,381.25
TURBINE	10"	250.0	$803,965.00	$329,472.50	$1,133,437.50
TURBINE	12"	330.0	$1,061,233.80	$434,903.70	$1,496,137.50

TABLE 14
MAXIMUM IMPACT FEES FOR VARIOUS WATER METER SIZES
CITY OF ROSENBERG

METER TYPE	METER SIZE	MULTIPLIER	MAXIMUM IMPACT FEE		
			WATER	SEWER	BOTH
SIMPLE	5/8" x 3/4"	1.000	$3,471.27	$1,234.17	$4,705.44
SIMPLE	3/4"	1.500	$5,206.91	$1,851.26	$7,058.17
SIMPLE	1"	2.500	$8,678.18	$3,085.43	$11,763.61
SIMPLE	1-1/2"	5.000	$17,356.35	$6,170.85	$23,527.20
SIMPLE	2"	8.000	$27,770.16	$9,873.36	$37,643.52
COMPOUND	2"	8.000	$27,770.16	$9,873.36	$37,643.52
TURBINE	2"	10.000	$34,712.70	$12,341.70	$47,054.40
COMPOUND	3"	16.000	$55,540.32	$19,746.72	$75,287.04
TURBINE	3"	24.000	$83,310.48	$29,620.08	$112,930.56
COMPOUND	4"	25.000	$86,781.75	$30,854.25	$117,636.00
TURBINE	4"	42.000	$145,793.34	$51,835.14	$197,628.48
COMPOUND	6"	50.000	$173,563.50	$61,708.50	$235,272.00
TURBINE	6"	92.000	$319,356.84	$113,543.64	$432,900.48
COMPOUND	8"	80.000	$277,701.60	$98,733.60	$376,435.20
TURBINE	8"	160.000	$555,403.20	$197,467.20	$752,870.40
COMPOUND	10"	115.000	$399,196.05	$141,929.55	$541,125.60
TURBINE	10"	250.000	$867,817.50	$308,542.50	$1,176,360.00
TURBINE	12"	330.000	$1,145,519.10	$407,276.10	$1,552,795.20

as follows: ***Yeses: Mayor Morales, Councilors McConathy, Pena, Grigar and Bolf. Noes: Councilors Benton and Euton.***

3. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1721, A RESOLUTION CALLING A PUBLIC HEARING TO BE HELD DURING THE REGULAR CITY COUNCIL MEETING ON TUESDAY, JANUARY 07, 2014, AT 7:00 P.M., IN THE ROSENBERG CITY HALL COUNCIL CHAMBER LOCATED AT 2110 4TH STREET, TO RECEIVE PUBLIC COMMENT CONCERNING THE AMENDMENT OF LAND USE ASSUMPTIONS AND A CAPITAL IMPROVEMENTS PLAN AND THE IMPOSITION OF IMPACT FEES FOR THE WATER AND WASTEWATER UTILITIES.**

Executive Summary: Chapter 395.052 of the Local Government Code requires the City to update the land use assumptions and capital improvements plan at least every five (5) years. The current water/wastewater impact fee Ordinance No. 2008-50 was adopted on December 16, 2008. Therefore staff has been preparing the five (5) year update with the consulting team that developed the impact fees in 2008. On October 21, 2013, the Water/Wastewater Impact Fee Advisory Task Force Committee (Task Force Committee) took action recommending the City Council consider adopting the maximum allowable impact fee. A presentation on the amendments to the land use assumptions, capital improvements plan and the imposition of impact fees for the water/wastewater utilities will be made during the November 26, 2013 City Council Workshop. The proposed maximum water and wastewater impact fees are based upon system-wide land use assumptions. Therefore, the impact fees would be applied equally to all applicable properties located throughout the City Limits and the Extraterritorial Jurisdiction (ETJ). Chapter 395 of the Local Government Code also contains the provision requiring the City Council to take action to establish the public hearing date. The hearing will provide any member of the public the right to appear at the hearing and present evidence for or against the updated plan and proposed fee. Notice of the public hearing must be published in the newspaper at least thirty (30) days before the hearing date. In addition, the Task Force Committee is required to submit written comments on the proposed impact fees no later than five (5) business days before the date of the public hearing. Within thirty (30) days after the date of the public hearing, the City Council shall approve or disapprove the imposition of the impact fee.

Staff recommends adoption of Resolution No. R-1721, calling the public hearing on Tuesday, January 07, 2014, at 7:00 p.m.

Key discussion points:

- John Maresh, Assistant City Manager/Utilities Director read the Executive Summary regarding Resolution No. R-1721.

Questions/Comments:

- Councilor Benton stated he discussed these fees on adding an extra sprinkler meter. How much is the cost to add a basic sprinkler?
- John Maresh stated $3,215.86 is the impact fee. That is another connection to the system.
- Councilor Benton asked why is costs to add a simple sprinkler meter to a home that has been paying a water bill for seventy years.
- John Maresh stated that is another connection to the system and is the potential usage or demand on the water system. That is what the impact fee is designed to do. Every time there is a new meter added this impact fee covers that cost for the capital improvements required to provide water.
- Councilor Benton stated this water that comes through a sprinkler meter is not free water. Why do people have to pay for the water meter if they pay for the water too? He does not see the fairness in that.
- John Maresh stated that is the fees and is based on a per meter charge. Ultimately, you as a City Council have the final authority regarding the fees adopted.
- Councilor Benton stated he can see new hook ups but not residences that have been in here. He can understand a shopping center but not a few residences and small churches.
- John Maresh stated it is based on a per meter connection based on that meter size what the demand is in our water system to be able to provide water service for that additional meter.
- Councilor Benton stated we discussed waiving the hook up fee for the people we annexed for water.
- John Maresh stated he does not recall that. The connection fee and the impact fee are two separate items. There is a tap fee or connection fee. That is the cost of the meter and our time it takes in labor and material to install that meter. The impact fee is the cost for the capital improvements that water wells, water distribution lines, and storage tanks – those capital improvements that have to be constructed to provide that level service. There are TCEQ minimum requirements. We have to have a certain amount of capacity and that is what this impact fee is to

pay for every new meter that is connected that's the portion of improvements that will be required to keep us in compliance with the TCEQ regulations.

- Councilor Pena asked if any of the funds are refundable.
- John Maresh stated he will have to look at the ordinance. He thinks there is a limitation if they are not spent within ten years on a project. It is based on first in and first out.

Action: Councilor Benton made a motion, seconded by Councilor McConathy to approve Resolution No. R-1721, a Resolution calling a public hearing to be held during the Regular City Council Meeting on Tuesday, January 07, 2014, at 7:00 p.m., in the Rosenberg City Hall Council Chamber located at 2110 4th Street, to receive public comment concerning the amendment of land use assumptions and a capital improvements plan and the imposition of impact fees for the water and wastewater utilities. The motion carried by a unanimous vote.

4. ***James Fitzsimmons, Custom Sweeping, 4502 Cedar Hill Drive, addressed Council regarding Item No. 4.***

- We missed the bid opening a few weeks ago for the city streets bidding. We were a few minutes late. However; we are currently sweeping your streets and we are very dedicated to your City. We appreciate the work. We have been on and off for about three years. Last year we did not have the contract. Another company was awarded the contract. They left the curbs and gutters a mess. We came in and cleaned them up. I'm sure you have noticed their trucks are probably kicking up more dirt than they are picking up. We have swept for many surrounding municipalities, Sugar Land, League City, and Friendswood so we know what it takes to get the job done and we are committed to your City. We will send out the same employees every time and they know the ins and outs of the City. They know the ups and downs. The other company may not get you the same employees every time and I think there is a lot of quality there we are committed to. Sweeping is also direct correlation to street flooding as William Benton pointed out to me. We recently purchased a $250,000 truck for this contract and others. We have the top notch equipment. We know we can give you more than the current company. We value your contract and we want to take this opportunity to continue working with you and we hope you will consider our bid again to continue service. We want to thank you for your time and hope you will consider us.

CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1722, A RESOLUTION AWARDING BID NO. 2013-27 FOR STREET SWEEPING SERVICES; AND, AUTHORIZING THE INTERIM CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, A GENERAL SERVICES CONTRACT RELATED THERETO, AND/OR ALL NECESSARY DOCUMENTATION REGARDING SAME.

Executive Summary: On Wednesday, November 06, 2013, bids were received and opened for the City of Rosenberg (City) Street Sweeping Services Contract. One (1) bid was received. The bid documents were published in the newspaper, placed on the City's website and staff also emailed bid documents to five (5) contractors.

A summary of the bid was included in the agenda packet for review. Sweeping Services of Texas – Operating LP, submitted the only bid in the base amount of $66,389.04 for a one (1) year term. Sweeping Services of Texas – Operating LP, was previously awarded this Contract under the name of Waste Partners of Texas, dba Mr. Dirt for a two (2) year term from September 01, 2010, through August 31, 2012, and the work was performed in an acceptable manner. The FY2014 Budget allocated $70,000.00 for the Street Sweeping Services Contract.

Staff recommends approval of Resolution No. R-1722, awarding Bid No. 2013-27 to Sweeping Services of Texas – Operating LP, in the amount of $66,389.04 for the Street Sweeping Services Contract for a one (1) year term effective December 01, 2013; and authorizing the Interim City Manager to negotiate and execute all required documentation.

Key discussion points:

- John Maresh read the Executive Summary regarding Resolution No. R-1722.

Questions/Comments:

- Councilor Euton asked if Custom Sweeping was emailed this contract.
- John Maresh stated yes.
- Councilor Pena asked if everything was done in the legal aspect.
- John Maresh stated yes.
- Councilor Benton stated he is elated we are getting street sweeping in parts of town that are

CITY COUNCIL COMMUNICATION

January 07, 2014

ITEM #	ITEM TITLE
3	**Ordinance No. 2014-01 - Updating the Water and Wastewater Impact Fee Ordinance**

ITEM/MOTION

Consideration of and action on Ordinance No. 2014-01, an Ordinance amending the Code of Ordinances by deleting Exhibits A, B, C, D, and E as referenced in Sections 29-267, 29-268, and 29-270 of Division 1, Section 29-301 of Division 2, and Section 29-321 of Division 3 of Article VI of Chapter 29 and substituting therefor new Exhibits A, B, C, D, and E concerning water and wastewater impact fees; adopting an updated service area map; adopting updated land use assumptions, adopting revised maximum and effective impact fees; adopting revised water and wastewater improvements plans; providing for conflicts; providing a severability clause and providing an effective date.

FINANCIAL SUMMARY

Annualized Dollars:

[ ] One-time
[ ] Recurring
[X] N/A

Budgeted:

[ ] Yes [ ] No [X] N/A

Source of Funds: N/A

ELECTION DISTRICT

[ ] District 1
[ ] District 2
[ ] District 3
[ ] District 4
[X] City-wide
[X] ETJ

MUD #: ETJ MUDs

SUPPORTING DOCUMENTS:

1. Ordinance No. 2014-01
2. Water and Wastewater Impact Fee Update – October 2013
3. Water/Wastewater Impact Fee Comparison Survey

APPROVALS

Submitted by:

John Maresh
Assistant City Manager

Reviewed by:

[X] Finance Director
[X] City Attorney ***LJL/rlm***
[ ] City Engineer
[ ] Assistant City Manager
[ ] (Other)

Approved for Submittal to City Council:

Robert Gracia
City Manager

EXECUTIVE SUMMARY

The final step in the process to complete the five (5) year update to the water and wastewater impact fees is the adoption of an Ordinance that includes the updated land use assumptions, capital improvements plan and both the maximum and effective water and wastewater impact fees. The fees are based upon system-wide land use assumptions and would be applied equally to all applicable properties located throughout the City Limits and Extraterritorial Jurisdiction. The fees are based upon living unit equivalents (LUE's) utilizing the water meter size. The Impact Fee Advisory Task Force Committee reviewed the updates as prepared by the consulting team and recommended adoption of the maximum fees in the amounts of $3,471.27 for water and $1,234.17 for wastewater, based upon a 5/8" X 3/4" water meter for a LUE. Using the maximum fees, the total fee amount for a single-family residential home using this size water meter would be $4,705.44. The fees for larger water meters are adjusted upwards based upon a nationally recognized standard that is published by the American Water Works Association (AWWA). A copy of said recommendation was provided in the previous Agenda item for the public hearing. It should also be noted the Effective Impact Fee Schedule included under Exhibit "C" does round down the maximum fee to the nearest dollar, or $0.50. Therefore, the effective impact fee for water is $3,471.00 and $1,234.00 for sewer making the total amount $4,705.00 based upon a 5/8" X 3/4" water meter. An impact fee comparison survey from other area cities has also been included in the packet for reference.

The City Attorney has prepared Ordinance No. 2014-01 and staff recommends adoption of the Ordinance as presented.

ORDINANCE NO. 2014-01

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROSENBERG, TEXAS, BY DELETING EXHIBITS A, B, C, D, AND E AS REFERENCED IN SECTIONS 29-267, 29-268, AND 29-270 OF DIVISION 1, SECTION 29-301 OF DIVISION 2, AND SECTION 29-321 OF DIVISION 3 OF ARTICLE VI OF CHAPTER 29 AND SUBSTITUTING THEREFOR NEW EXHIBITS A, B, C, D, AND E CONCERNING WATER AND WASTEWATER IMPACT FEES; ADOPTING AN UPDATED SERVICE AREA MAP; ADOPTING UPDATED LAND USE ASSUMPTIONS; ADOPTING REVISED MAXIMUM AND EFFECTIVE IMPACT FEES; ADOPTING REVISED WATER AND WASTEWATER IMPROVEMENTS PLANS; PROVIDING FOR CONFLICTS; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Rosenberg, pursuant to Chapter 395 of the Texas Local Government Code, adopted a Water and Wastewater Impact Fee Ordinance (Article VI of Chapter 29 of the City's Code of Ordinances) on December 16, 2008; and,

WHEREAS, Chapter 395 provides procedures for updating land use assumptions, capital improvements plans and impact fees; and,

WHEREAS, Chapter 395, requires a City imposing an impact fee to update the land use assumptions and capital improvements plans at least every five years; and,

WHEREAS, pursuant to Chapter 395, the City retained qualified professionals to prepare land use assumptions, and water and wastewater improvements plans to calculate impact fees; and,

WHEREAS, in accordance with the requirements of Chapter 395, notice has been published, public hearings held and written recommendations prepared and

received by qualified professionals concerning the revised land use assumptions and impact fees for water improvements plan and wastewater improvements plan; and,

WHEREAS, the City Council finds that it is in the best interest of the citizens of the City to adopt the following: revised service area map; revised land use assumptions, revised maximum and effective impact fees; revised water improvements plan, revised wastewater improvements plan; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ROSENBERG:

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

Section 2.

A. **Service Area Map**. The service area map for the City of Rosenberg is hereby updated as provided for in Section 29-267 of the City of Rosenberg Code of Ordinances, by replacing Exhibit "A" of Ordinance No. 2008-50 with Exhibit "A" of this amendatory ordinance, which updates the service area map for the City, and which is attached hereto and incorporated herein by reference as if fully set forth.

B. **Land Use Assumptions**. The land use assumptions for the City of Rosenberg are hereby updated, as provided in Section 29-268 of the City of Rosenberg Code of Ordinances, by replacing Exhibit "B" of Ordinance No. 2008-50 with Exhibit "B" of this amendatory ordinance, which updates the land use assumptions for the City, and which is attached hereto and incorporated herein by reference as if fully set forth.

C. **Impact Fees**. The maximum and effective impact fees for the City of Rosenberg are hereby updated, as provided in Section 29-270 of the City of Rosenberg Code of Ordinances, by replacing Exhibit "C" of Ordinance No. 2008-50 with Exhibit "C" of this amendatory ordinance, which updates the maximum and effective impact fees for the City, and which is attached hereto and incorporated herein by reference as if fully set forth.

D. **Water Improvements Plan**. The water improvements plan for the City of Rosenberg is hereby updated, as provided in Section 29-301 of the City of Rosenberg Code of Ordinances, by replacing Exhibit "D" of Ordinance No. 2008-50 with Exhibit "D" of this amendatory ordinance, which updates the water improvements plan for the City, and which is attached hereto and incorporated herein by reference as if fully set forth.

E. **Wastewater Improvements Plan**. The wastewater improvements plan for the City of Rosenberg is hereby updated, as provided in Section 29-321 of the City of Rosenberg Code of Ordinances, by replacing Exhibit "E" of Ordinance No. 2008-50 with Exhibit "E" of this amendatory ordinance, which updates the wastewater improvements plan for the City, and which is attached hereto and incorporated herein by reference as if fully set forth.

Section 3. This Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City. This Ordinance shall not operate to repeal or affect any other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other ordinances are hereby repealed.

Section 4. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Rosenberg, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 5. This ordinance shall be effective from and after January 07, 2014.

PASSED AND APPROVED by a vote of _____ "ayes" in favor and _____ "noes" against on this first and final reading in full compliance with the provisions of Section 3.10 of the Charter of the City of Rosenberg on the _____ day of _____, 2014.

ATTEST:

_____
Linda Cernosek**, City Secretary**

APPROVED:

_____
Vincent M. Morales, Jr., **Mayor**

APPROVED AS TO FORM:

_____
Lora Jean D. Lenzsch**, City Attorney**

EXHIBIT A
SERVICE AREA MAP

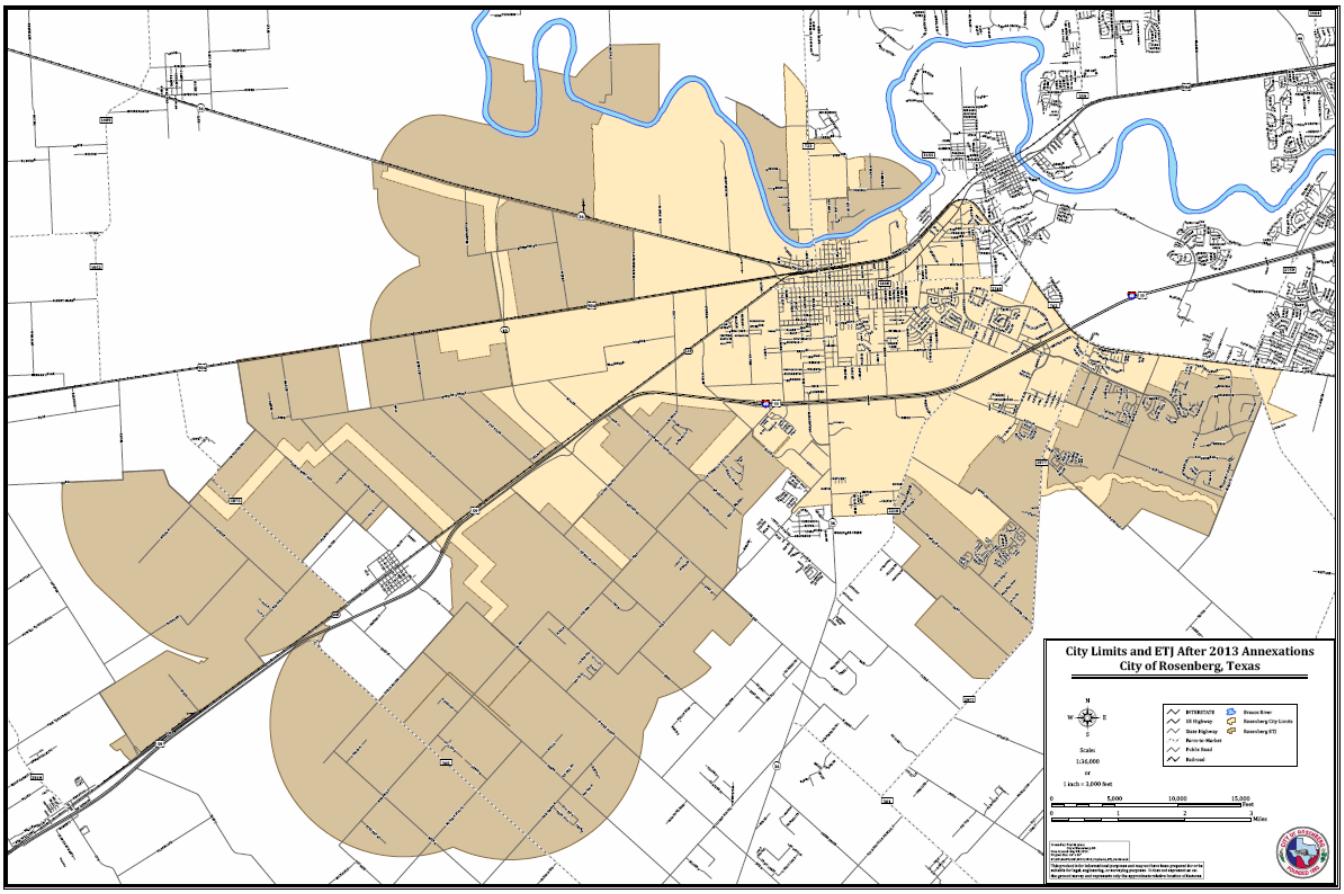
City Limits and ETJ After 2013 Annexations
City of Rosenberg, Texas
N
W
E
S
Scale:
1:36,000
or
1 inch = 3,000 feet
INTERSTATE
US Highway
State Highway
Farm to Market
Public Road
Railroad
Brazos River
Rosenberg City Limits
Rosenberg ETJ
0
5,000
10,000
15,000
Feet
0
1
2
3
Miles

EXHIBIT B
LAND USE ASSUMPTIONS

TABLE 1
POPULATION AND LAND USE PROJECTIONS FOR THE CITY OF ROSENBERG
(INCLUDES CITY LIMITS AND ETJ)

LAND USE	2013		2018		Full Buildout		LAND USE ACRES PER 100 POPULATION
	ACRES	%	ACRES	%	ACRES	%	
Single-Family Residential	12,508	18.10%	15,010	21.72%	42,957	62.17%	26.3
Multi-Family	150	0.22%	180	0.26%	515	0.75%	0.3
Commercial	2,094	3.03%	2,513	3.64%	7,192	10.41%	4.4
Industrial	1,946	2.82%	2,336	3.38%	6,683	9.67%	4.1
Public	3,422	4.95%	4,106	5.94%	11,752	17.01%	7.2
Undeveloped	48,980	70.88%	44,955	65.06%	0	0.00%	
TOTAL ACREAGE	***69,100***	***100.00%***	***69,100***	***100.00%***	***69,100***	***100.00%***	***42.3***
Population	47,533		57,201		163,247		
Water Service Population	35,434		42,641		163,247		
Sewer Service Population	31,505		37,912		163,247		
Water LUEs	16,769		20,179		77,254		
Sewer LUEs	14,909		17,941		77,254		
Population per Urban Acres	2.36		2.37		2.36		
Population per Total Acres	0.69		0.83		2.36		

Source: City of Rosenberg, May 20, 2013. Land Use & Population Projections.docx.

EXHIBIT C
MAXIMUM AND EFFECTIVE IMPACT FEES

TABLE 13
DERIVATION OF MAXIMUM WATER AND WASTEWATER DEVELOPMENT FEES
THROUGH THE EQUITY RESIDUAL MODEL

UTILITY / FACILITY TYPE	CONSTRUCTION COSTS	ALTERNATIVE ADJUSTMENT		MAXIMUM FEE AMOUNT		HIGHER OF A or B
		A Rate Credit	B 50% Adjustment *	A Rate Credit	B 50% Adjustment *	
WATER UTILITY						
Supply	$2,630.47	$65.69	$1,315.24	$2,564.78	$1,315.24	$2,564.78
Pumping	$177.72	$0.00	$88.86	$177.72	$88.86	$177.72
Treated Ground Storage	$65.09	$2.32	$32.55	$62.77	$32.55	$62.77
Treated Elevated Storage	$202.82	$1.66	$101.41	$201.16	$101.41	$201.16
Major Transmission	$459.07	$0.58	$229.54	$458.49	$229.54	$458.49
CIP/Study Costs	$6.35	$0.00	$3.18	$6.35	$3.18	$6.35
Subtotal Water	***$3,541.52***	***$70.25***	***$1,770.76***	***$3,471.27***	***$1,770.76***	***$3,471.27***
WASTEWATER UTILITY						
Treatment	$685.74	$77.31	$342.87	$608.43	$342.87	$608.43
Pumping	$176.64	$0.00	$88.32	$176.64	$88.32	$176.64
Major Collection	$454.72	$12.77	$227.36	$441.95	$227.36	$441.95
CIP/Study Costs	$7.15	$0.00	$3.57	$7.15	$3.57	$7.15
Subtotal Wastewater	***$1,324.25***	***$90.08***	***$662.12***	***$1,234.17*** [a]	***$662.12*** [a]	***$1,234.17*** [a]
TOTAL WATER AND WASTEWATER UTILITIES	***$4,865.77***	***$160.33***	***$2,432.89***	***$4,705.44*** [a]	***$2,432.89*** [a]	***$4,705.44*** [a]

* Totals may not add due to rounding.
(a) Feepayers requiring construction of additional new lift stations will also be charged the cost of their prorata share of the facilities.

TABLE 14
MAXIMUM IMPACT FEES FOR VARIOUS WATER METER SIZES
CITY OF ROSENBERG

METER TYPE	METER SIZE	MULTIPLIER	MAXIMUM IMPACT FEE		
			WATER	SEWER	BOTH
SIMPLE	5/8" x 3/4"	1.000	$3,471.27	$1,234.17	$4,705.44
SIMPLE	3/4"	1.500	$5,206.91	$1,851.26	$7,058.17
SIMPLE	1"	2.500	$8,678.18	$3,085.43	$11,763.61
SIMPLE	1-1/2"	5.000	$17,356.35	$6,170.85	$23,527.20
SIMPLE	2"	8.000	$27,770.16	$9,873.36	$37,643.52
COMPOUND	2"	8.000	$27,770.16	$9,873.36	$37,643.52
TURBINE	2"	10.000	$34,712.70	$12,341.70	$47,054.40
COMPOUND	3"	16.000	$55,540.32	$19,746.72	$75,287.04
TURBINE	3"	24.000	$83,310.48	$29,620.08	$112,930.56
COMPOUND	4"	25.000	$86,781.75	$30,854.25	$117,636.00
TURBINE	4"	42.000	$145,793.34	$51,835.14	$197,628.48
COMPOUND	6"	50.000	$173,563.50	$61,708.50	$235,272.00
TURBINE	6"	92.000	$319,356.84	$113,543.64	$432,900.48
COMPOUND	8"	80.000	$277,701.60	$98,733.60	$376,435.20
TURBINE	8"	160.000	$555,403.20	$197,467.20	$752,870.40
COMPOUND	10"	115.000	$399,196.05	$141,929.55	$541,125.60
TURBINE	10"	250.000	$867,817.50	$308,542.50	$1,176,360.00
TURBINE	12"	330.000	$1,145,519.10	$407,276.10	$1,552,795.20

TABLE 14
EFFECTIVE (COLLECTED) IMPACT FEES FOR VARIOUS WATER METER SIZES
CITY OF ROSENBERG

METER TYPE	METER SIZE	MULTIPLIER	EFFECTIVE (COLLECTED) IMPACT FEE		
			WATER	SEWER	BOTH
SIMPLE	5/8" x 3/4"	1.000	$3,471.00	$1,234.00	$4,705.00
SIMPLE	3/4"	1.500	$5,206.50	$1,851.00	$7,057.50
SIMPLE	1"	2.500	$8,677.50	$3,085.00	$11,762.50
SIMPLE	1-1/2"	5.000	$17,355.00	$6,170.00	$23,525.00
SIMPLE	2"	8.000	$27,768.00	$9,872.00	$37,640.00
COMPOUND	2"	8.000	$27,768.00	$9,872.00	$37,640.00
TURBINE	2"	10.000	$34,710.00	$12,340.00	$47,050.00
COMPOUND	3"	16.000	$55,536.00	$19,744.00	$75,280.00
TURBINE	3"	24.000	$83,304.00	$29,616.00	$112,920.00
COMPOUND	4"	25.000	$86,775.00	$30,850.00	$117,625.00
TURBINE	4"	42.000	$145,782.00	$51,828.00	$197,610.00
COMPOUND	6"	50.000	$173,550.00	$61,700.00	$235,250.00
TURBINE	6"	92.000	$319,332.00	$113,528.00	$432,860.00
COMPOUND	8"	80.000	$277,680.00	$98,720.00	$376,400.00
TURBINE	8"	160.000	$555,360.00	$197,440.00	$752,800.00
COMPOUND	10"	115.000	$399,165.00	$141,910.00	$541,075.00
TURBINE	10"	250.000	$867,750.00	$308,500.00	$1,176,250.00
TURBINE	12"	330.000	$1,145,430.00	$407,220.00	$1,552,650.00

EXHIBIT D
WATER IMPROVEMENTS PLAN

TABLE 2
ASSUMPTIONS USED IN IMPACT FEE CALCULATION
WATER UTILITY

FACTOR	VALUE	RATIONALE
WATER DEMAND ASSUMPTIONS:		
Peak Day Demand	409	gallons per capita daily
Persons per LUE	2.11	
Supply (Peak Day)	409	gallons/capita/daily
	864	gallons/LUE/daily (TCEQ Requirement)
Booster Pump Facilities (Peak Hr w/ Largest Pump Out of Service)	409	gallons/capita/daily
	864	gallons/LUE/daily (TCEQ Requirement)
Total Storage Facilities	95	gallons/capita
	200	gallons/LUE (TCEQ Requirement)
Elevated Storage Facilities	47	gallons/capita
	100	gallons/LUE (TCEQ Requirement)
Major Transmission	1,022	gallons/capita/daily
	2,160	gallons/LUE/daily (TRC Engineers)
FUTURE BONDING ASSUMPTIONS:		
Soft Costs	2.00%	of principal
Interest Rate	4.50%	annually, according to Joyce Vasut, City of Rosenberg
Term	20	years, according to Joyce Vasut, City of Rosenberg

TABLE 5
METER COUNT AND ESTIMATION OF SERVICE UNITS EQUIVALENT
WATER UTILITY
CITY OF ROSENBERG

METER SIZE Excluding Residential and Wholesale Master Meters	LUEs PER METER (a)	RETAIL, EXC. RES. MASTER METERS		WHOLESALE (Behind Master Meter)		TOTAL LUEs
		METERS	SUBTOTAL LUEs	METERS	SUBTOTAL LUEs	
5/8" and 3/4"	1.000	8,400	8,400	1,347	1,347	
3/4"	1.500		0		0	
1"	2.500	320	800	5	13	
1-1/4,1-1/2	5.000	129	645	1	5	
2"	8.000	527	4,216	16	128	
3"	16.000	30	480		0	
4"	25.000	16	400	1	25	
6"	50.000	3	150		0	
8"	80.000	2	160		0	
10"	115.000		0		0	
12"	330.000		0		0	
Total		9,427	15,251	1,370	1,518	16,769
Population per LUE						2.11

(a) Derived from AWWA C700-C703 standards for continuous rated flow performance of meters scaled to 5/8" meter.
(b) Source: City of Rosenberg, #4 Active Meters.xlsx", 2013; for wholesale - Luis Garza, July 18 2013.

TABLE 6
ESTIMATED SERVICE DEMAND BY FACILITY TYPE
WATER UTILITY

FACILITY TYPE/LAND USE	VOLUME		
	2013	**2018**	**BUILDOUT**
AVERAGE DEMAND (MGD) (a):	14.488	17.435	66.747
Gallons per LUE daily	864	864	864
TOTAL SERVICE UNITS (b)	***16,769***	***20,179***	***77,254***
WATER SUPPLY MGD (c):			
Estimated Demand	14.488	17.435	66.747
Existing Capacity (g)	12.464	12.464	12.464
Excess/(Deficiency)	***-2.024***	***-4.971***	***-54.283***
PUMPING MGD (d)			
Estimated Demand	14.488	17.435	66.747
Existing Capacity (g)	24.013	24.013	24.013
Excess/(Deficiency)	***9.525***	***6.578***	***-42.734***
GROUND STORAGE MG: (e)			
Estimated Demand	1.677	2.018	7.725
Existing Capacity (g)	3.866	3.866	3.866
Excess/(Deficiency)	2.189	1.848	-3.859
ELEVATED STORAGE MG: (f)			
Estimated Demand	1.677	2.018	7.725
Existing Capacity (g)	1.850	1.850	1.850
Excess/(Deficiency)	0.173	-0.168	-5.875

(a) Average demand = 409 gals/capita/daily
864 gallons/LUE/daily

(b) 2013 LUE's based on count of equivalent meters. 2018 LUE's determined by 2013 persons per LUE:
LUE = 2.11 persons.

(c) Capacity Demand = 409 gals/capita/daily
864 gallons/LUE/daily

(d) Capacity Demand = 409 gals/capita/daily
864 gallons/LUE/daily

(e) Capacity Demand = 95 gals/capita/daily
200 gallons/LUE/daily

(f) Capacity Demand = 47 gals/capita/daily
100 gallons/LUE/daily

(g) Existing Capacity details are contained in **TABLE 8**

TABLE 8
CIP INVENTORY AND COSTING
WATER UTILITY

FACILITY TYPE / NAME	TOTAL CONSTRUCTION COST	FACILITY CAPACITY (mgd or gals)				2013-2018	
		TOTAL	CURRENT CUSTOMERS	2013-2018 GROWTH	POST-2018 GROWTH	CAPITAL COST	COST PER LUE (a)
WATER SUPPLY							
EXISTING FACILITIES			AVE. MGD				
Water Well No. 3	$0	0.576	0.576	0.000	0.000	$0	
Water Well No. 4	$65,300	0.613	0.613	0.000	0.000	$0	
Water Well No. 5A	$822,176	2.592	2.592	0.000	0.000	$0	
Water Well No. 6	$27,000	2.448	2.448	0.000	0.000	$0	
Water Well No. 7	$0	2.621	2.621	0.000	0.000	$0	
Water Well No. 8	$484,500	1.022	1.022	0.000	0.000	$0	
Water Well No. 9 (Reading Road)	$934,650	2.592	2.592	0.000	0.000	$0	
Subtotal Existing Supply	***$2,333,626***	***12.464***	***12.464***	***0.000***	***0.000***	***$0***	
FUTURE FACILITIES							
Water Plant No. 5 (Well No. 9A)	$1,395,000	2.592	1.012	0.573	1.007	$308,385	
Water Plant No. 10 (Well No. 10)	$1,181,000	2.592	1.012	0.574	1.006	$261,533	
Alternate Water Plant	$14,000,000	3.000	0.000	1.800	1.200	$8,400,000	
Subtotal Future Supply	***$16,576,000***	***8.184***	***2.024***	***2.947***	***3.213***	***$8,969,919***	
TOTAL WATER SUPPLY	***$18,909,626***	***20.648***	***14.488***	***2.947***	***3.213***	***$8,969,919***	***$2,630.47***
PUMPING							
EXISTING FACILITIES			PEAK MGD				
Water Plant No. 1	$20,000	1.189	1.189	0.000	0.000	$0	
Water Plant No. 2	$125,000	4.032	3.630	0.402	0.000	$12,463	
Water Plant No. 3	$158,592	2.880	2.880	0.000	0.000	$0	
Water Plant No. 4	$76,000	4.320	3.620	0.700	0.000	$12,315	
Water Plant No. 5	$100,000	1.152	0.576	0.250	0.326	$21,701	
Water Plant No. 5 Expansion	$1,392,373	1.080	0.000	0.250	0.830	$322,309	
Water Plant No. 6	$500,000	9.360	2.592	0.345	6.423	$18,429	
Subtotal Existing Pumpage	***$2,371,965***	***24.013***	***14.487***	***1.947***	***7.579***	***$387,217***	
FUTURE FACILITIES							
Water Plant No. 7	$726,000	2.448	0.000	0.500	1.948	$148,284	
Water Plant No. 10	$731,333	5.184	0.000	0.500	4.684	$70,538	
Subtotal Future Pumpage	***$1,457,333***	***7.632***	***0.000***	***1.000***	***6.632***	***$218,822***	
TOTAL WATER PUMPAGE	***$3,829,298***	***31.645***	***14.487***	***2.947***	***14.211***	***$606,039***	***$177.72***

TABLE 8
CIP INVENTORY AND COSTING
WATER UTILITY

FACILITY TYPE / NAME	TOTAL CONSTRUCTION COST	FACILITY CAPACITY (mgd or gals)				2013-2018	
		TOTAL	CURRENT CUSTOMERS	2013-2018 GROWTH	POST-2018 GROWTH	CAPITAL COST	COST PER LUE (a)
GROUND STORAGE							
EXISTING FACILITIES			MG				
Water Plant No. 2	$177,800	1.000	0.460	0.057	0.483	$10,135	
Water Plant No. 3	$104,220	1.000	0.460	0.057	0.483	$5,941	
Water Plant No. 4	$350,000	1.000	0.460	0.114	0.426	$39,900	
Water Plant No. 5	$595,000	0.566	0.033	0.000	0.533	$0	
Water Plant No. 6	$400,000	0.300	0.264	0.036	0.000	$48,000	
Subtotal Existing Facilities	***$1,627,020***	***3.866***	***1.677***	***0.264***	***1.925***	***$103,975***	
FUTURE FACILITIES							
Water Plant No. 6	$1,400,000	0.700	0.000	0.026	0.674	$51,333	
Water Plant No. 7	$401,000	0.270	0.000	0.026	0.244	$38,120	
Water Plant No. 10	$1,111,000	1.000	0.000	0.026	0.974	$28,516	
Subtotal Future Facilities	***$2,912,000***	***1.970***	***0.000***	***0.077***	***1.893***	***$117,969***	
TOTAL GROUND STORAGE	***$4,539,020***	***5.836***	***1.677***	***0.341***	***3.818***	***$221,944***	***$65.09***
ELEVATED STORAGE							
EXISTING FACILITIES			MG				
Water Plant No. 1	$332,283	0.150	0.150	0.000	0.000	$0	
Water Plant No. 3	$159,028	0.200	0.200	0.000	0.000	$0	
Elevated Storage Tank No. 3	$90,222	0.500	0.500	0.000	0.000	$0	
Water Plant No. 4	$142,495	1.000	0.827	0.057	0.116	$8,122	
Subtotal Existing Facilities	***$724,028***	***1.850***	***1.677***	***0.057***	***0.116***	***$8,122***	
FUTURE FACILITIES							
Water Plant No. 6 (FM 2977)	$2,435,500	1.000	0.000	0.244	0.756	$594,262	
Water Plant No. 10	$2,231,000	1.000	0.000	0.040	0.960	$89,240	
Subtotal Future Facilities	***$4,666,500***	***2.000***	***0.000***	***0.284***	***1.716***	***$683,502***	
TOTAL ELEVATED STORAGE	***$5,390,528***	***3.850***	***1.677***	***0.341***	***1.832***	***$691,624***	***$202.82***

TABLE 8
CIP INVENTORY AND COSTING
WATER UTILITY

FACILITY TYPE / NAME	TOTAL CONSTRUCTION COST	FACILITY CAPACITY (mgd or gals)				2013-2018	
		TOTAL	CURRENT CUSTOMERS	2013-2018 GROWTH	POST-2018 GROWTH	CAPITAL COST	COST PER LUE (a)
MAJOR TRANSMISSION LINES							
EXISTING FACILITIES			MGD				
Hwy. 36 - Albis to Walnut St. (12")	$150,000	2.538	0.709	0.020	1.810	$1,162	
Ave. I - City Limit to Austin St. (12")	$57,300	2.538	0.709	0.020	1.810	$444	
Lane Drive - Ave. I to Westwood Dr. (12")	$29,700	2.538	0.709	0.020	1.810	$230	
Reading Rd. - Ave. I to Water Plant #6 (12")	$70,200	2.538	0.709	0.020	1.810	$544	
Town Center Blvd. - Radio Lane to Commercial Dr. (12")	$70,200	2.538	0.709	0.020	1.810	$544	
SH 36 - Albis to Walnut St. (12")	$34,000	2.538	0.709	0.020	1.810	$263	
FM 2218 - US 59 to Richmond Interconnect (12")	$58,800	2.538	0.709	0.020	1.810	$455	
Vista Dr. - Town Center Blvd. to Reading Rd. (12")	$34,800	2.538	0.709	0.020	1.810	$270	
Commercial Dr. - Vista Dr. to Town Center Blvd. (12")	$33,600	2.538	0.709	0.020	1.810	$260	
Access Rd. Home Depot - Vista Dr. to Town Center Blvd. (12")	$24,000	2.538	0.709	0.020	1.810	$186	
Spacek Rd. - US 59 to Byran Rd. (12")	$265,338	2.538	0.709	0.275	1.554	$28,750	
Reading Center - US 59 to Spacek Rd. (12")	$22,800	2.538	0.709	0.020	1.810	$177	
Spacek Rd. - Reading Rd. to Brazos Crossing (12")	$12,800	2.538	0.709	0.020	1.810	$99	
Brazos Crossing - Spacek Rd. to Winding Lakes Lane (12")	$83,000	2.538	0.709	0.020	1.810	$643	
Winding Lakes Lane - Brazos Crossing to FM 2977 (12")	$11,000	2.538	0.709	0.020	1.810	$85	
FM 2977 - Reading Rd. to FM 762 (12")	$40,000	2.538	0.709	0.020	1.810	$310	
Winding Lakes Lane - FM 2977 to Summer Night (12")	$11,000	2.538	0.709	0.020	1.810	$85	
Summer Night - Winding Lakes Lane to Summer Shore (12")	$9,900	2.538	0.709	0.020	1.810	$77	
Summer Shore - Summer Night to Summer Mist (12")	$14,300	2.538	0.709	0.020	1.810	$111	
Summer Mist - Summer Shore to Reading Rd. (12")	$13,200	2.538	0.709	0.020	1.810	$102	
Reading Rd. - FM 2977 to Reading Rd. (16")	$165,000	4.512	1.260	0.275	2.977	$10,057	
US 59 - Bamore Rd. to FM 2218 (12")	$162,000	2.538	0.709	0.275	1.554	$17,553	
Ave. N - Radio Lane to Alamo St. (12")	$23,400	2.538	0.709	0.020	1.810	$181	
Alamo St. - Ave. N to Water Plant #2 (12")	$4,200	2.538	0.709	0.020	1.810	$33	
SH 36 - US 59 to J. Meyer Rd. (12")	$84,000	2.538	0.709	0.020	1.810	$651	
Band Rd. - SH 36 to City Limit (12")	$54,000	2.538	0.709	0.020	1.810	$418	
Bamore Rd. - Ave I to Wild Cotton Rd. (12")	$200,000	2.538	0.709	0.020	1.810	$1,549	
Grunwald Heights Blvd. - Bamore Rd. to Water Plant #3 (12")	$7,200	2.538	0.709	0.020	1.810	$56	
Magnolia Dr. - Bamore Rd. to Elevated Tank (12")	$8,400	2.538	0.709	0.020	1.810	$65	
Spur 529 - Bamore Rd. to City Limit (12")	$66,000	2.538	0.709	0.020	1.810	$511	
Rude Rd. - Spur 529 to US 90A (12")	$19,200	2.538	0.709	0.020	1.810	$149	
Seatex Ltd - US 90A to SH 36 (12")	$20,400	2.538	0.709	0.020	1.810	$158	
Walnut St. - SH 36 to Willow (12")	$16,000	2.538	0.709	0.020	1.810	$124	
Willow - Walnut to Ave. D (12")	$11,000	2.538	0.709	0.020	1.810	$85	
Austin St. - Ave. I to Water Plant #2 (12")	$9,000	2.538	0.709	0.020	1.810	$70	
Ave. I - Bamore Rd. to 2nd St. (12")	$22,800	2.538	0.709	0.020	1.810	$177	
Airport - FM 2218 to Louise St. (12")	$40,500	2.538	0.709	0.020	1.810	$314	
J. Meyer Rd. - SH 36 to MUD 147E (12")	$48,000	2.538	0.709	0.020	1.810	$372	
Bryan Rd. - Spacek to FM 2977 (16")	$93,000	4.512	1.260	0.275	2.977	$5,668	
FM 2977 - Bryan Rd. to Irby Cobb (16")	$45,000	4.512	1.260	0.275	2.977	$2,743	
Irby Cobb - FM 2977 to East (16")	$180,000	4.512	1.260	0.276	2.976	$11,011	
Rohan Rd. - Grand Rapids to Tori (12")	$134,750	2.538	0.709	0.020	1.810	$1,044	
Cottonwood Church Rd. - Water Plant #5 to US 59 (12")	$12,000	2.538	0.709	0.020	1.810	$93	
US 59 - Cottonwood Church Rd. to Spur 529 (12")	$13,200	2.538	0.709	0.020	1.810	$102	
Bryan Road - Dry Creek to Spacek Rd. (12")	$312,661	2.538	0.709	0.020	1.810	$2,422	
Louise Street - US 59 to Ave. N (12")	$351,520	2.538	0.709	0.020	1.810	$2,723	
Reading Road - Benton Rd. to East (12")	$386,413	2.538	0.709	0.020	1.810	$2,993	
Spur 529 US Hwy 59 to City Limit (12")	$843,839	2.538	0.709	0.020	1.810	$6,536	
Subtotal Existing Facilities	***$4,379,421***	***129.720***	***36.221***	***2.477***	***91.022***	***$102,652***	

TABLE 8
CIP INVENTORY AND COSTING
WATER UTILITY

FACILITY TYPE / NAME	TOTAL CONSTRUCTION COST	FACILITY CAPACITY (mgd or gals)				2013-2018	
		TOTAL	CURRENT CUSTOMERS	2013-2018 GROWTH	POST-2018 GROWTH	CAPITAL COST	COST PER LUE (a)
FUTURE FACILITIES							
Alternate Water Transmission Lines (42", 36", 30" & 24")	$5,495,200	31.023	0.000	1.800	29.223	$318,840	
US Hwy 59-Spur 529 to Bamore Road (12")	$953,000	2.538	0.000	0.313	2.225	$117,529	
US 59 (Reading Road to Dry Creek to Bryan Rd) (8")	$53,000	1.128	0.000	0.313	0.815	$14,707	
US Hwy 90A-Spur 10 to Rude Road (12")	$1,584,000	2.538	0.000	0.313	2.225	$195,348	
West Distribution Line along Spur 10 (16")	$3,159,000	4.512	0.000	0.313	4.199	$219,142	
Water Plant #7 to FM 2218 to US Hwy 59 (16")	$1,601,000	4.512	0.000	0.313	4.199	$111,062	
Water Plant #4 South to US Hwy 59 to Louise St. to FM 2218 (12")	$635,000	2.538	0.000	0.313	2.225	$78,312	
Benton Road to Reading Road to Irby Cobb Blvd. (16")	$857,000	4.512	0.000	0.313	4.199	$59,451	
North Distribution Line along SH 36 from NW Water Plant (16")	$3,624,000	4.512	0.000	0.313	4.199	$251,399	
Water Plant #5 to Cottonwood Church Rd Loop (12")	$1,238,550	2.538	0.000	0.020	2.518	$9,760	
Rohan Rd to Reading Rd along Benton (12" and 16")	$371,100	2.538	0.000	0.313	2.225	$45,766	
FM 2977 Water Line Extension (16")	$592,000	4.512	0.000	0.316	4.196	$41,461	
Subtotal Future Facilities	***$20,162,850***	***67.401***	***0.000***	***4.953***	***62.448***	***$1,462,775***	
TOTAL TRANSMISSION LINES	***$24,542,271***	***197.121***	***36.221***	***7.430***	***153.470***	***$1,565,427***	***$459.07***
TOTALS	***$57,210,743***					***$12,054,953***	***$3,535.17***

(a) Assumes the following gals to LUE conversion facto

Supply:	864 gals daily
Pumpage:	864 gals daily
Ground Storage:	100 gals
Elevated Storage:	100 gals
Transmission:	2,160 gals daily

TABLE 11
CATEGORIZATION OF UTILITY DEBT
WATER UTILITY

FACILITY TYPE / NAME		BOND ISLUE			FACILITY CAPACITY		TOTAL DEBT PRINCIPAL PER CURRENT LUE
		ISSUANCE DATE	ISSUANCE AMOUNT (a)	REMAINING PRINCIPAL	TOTAL	FOR CURRENT CUSTOMERS	
WATER SUPPLY							
Water Well No. 9 (Reading Road)	Refunding	2010	$660,535	$103,209	2.592	2.592	$6.15
Water Plant No. 5 (Well No. 9A)	CO	2012	$843,517	$801,341	2.592	1.012	$18.66
Water Plant No. 5 (Well No. 9A)	CO	2013	$569,865	$550,870	2.592	1.012	$12.83
Water Plant No. 10 (Well No. 10)		Prospective	$1,204,620	$1,204,620	2.592	1.012	$28.05
Alternate Water Plant		Prospective	$14,280,000	$14,280,000	3.000	0.000	$0.00
Subtotal Supply			***$17,558,538***	***$16,940,040***			***$65.69***
PUMPING							
Water Plant No. 5 Expansion	CO	2012	$1,432,849	$1,361,207	1.080	0.000	$0.00
Water Plant No. 7		Prospective	$740,520	$740,520	2.448	0.000	$0.00
Water Plant No. 10		Prospective	$745,960	$745,960	5.184	0.000	$0.00
Subtotal Pumping			***$1,486,480***	***$1,486,480***			***$0.00***
GROUND STORAGE							
Water Plant No. 5	CO	2012	$612,297	$581,682	0.566	0.033	$2.02
Water Plant No. 6	Refunding	2010	$282,688	$44,170	0.300	0.264	$2.32
Water Plant No. 6		Prospective	$1,428,000	$1,428,000	0.700	0.000	$0.00
Water Plant No. 7		Prospective	$409,020	$409,020	0.270	0.000	$0.00
Water Plant No. 10		Prospective	$1,133,220	$1,133,220	1.000	0.000	$0.00
Subtotal Ground Storage			***$3,252,928***	***$3,014,410***			***$2.32***
ELEVATED STORAGE							
Water Plant No. 1	Refunding	2010	$178,196	$27,843	0.150	0.150	$1.66
Water Plant No. 6 (FM 2977)		Prospective	$2,484,210	$2,484,210	1.000	0.000	$0.00
Water Plant No. 10		Prospective	$2,231,000	$2,231,000	1.000	0.000	$0.00
Subtotal Elevated Storage			***$4,893,406***	***$4,743,053***			***$1.66***
MAJOR TRANSMISSION							
Reading Road Water	Refunding	2010	$207,225	$32,379	100.0%	27.9%	$0.54
Reading Road Water	Refunding	2010	$15,904	$2,485	1.000	0.279	$0.04
Alternate Water Transmission Lines (42", 36", 30" & 24")		Prospective	$5,605,104	$5,605,104	31.023	0.000	$0.00
US Hwy 59-Spur 529 to Bamore Road (12")		Prospective	$972,060	$972,060	2.538	0.000	$0.00
US 59 (Reading Road to Dry Creek to Bryan Rd) (8")		Prospective	$54,060	$54,060	1.128	0.000	$0.00
US Hwy 90A-Spur 10 to Rude Road (12")		Prospective	$1,615,680	$1,615,680	2.538	0.000	$0.00
West Distribution Line along Spur 10 (16")		Prospective	$3,222,180	$3,222,180	4.512	0.000	$0.00
Water Plant #7 to FM 2218 to US Hwy 59 (16")		Prospective	$1,633,020	$1,633,020	4.512	0.000	$0.00
Water Plant #4 South to US Hwy 59 to Louise St. to FM 2218 (12")		Prospective	$647,700	$647,700	2.538	0.000	$0.00
Benton Road to Reading Road to Irby Cobb Blvd. (16")		Prospective	$874,140	$874,140	4.512	0.000	$0.00
North Distribution Line along SH 36 from NW Water Plant (16")		Prospective	$3,696,480	$3,696,480	4.512	0.000	$0.00
Water Plant #5 to Cottonwood Church Rd Loop (12")		Prospective	$1,263,321	$1,263,321	2.538	0.000	$0.00
Rohan Rd to Reading Rd along Benton (12" and 16")		Prospective	$378,522	$378,522	2.538	0.000	$0.00
FM 2977 Water Line Extension (16")		Prospective	$603,840	$603,840	4.512	0.000	$0.00
Subtotal Transmission Lines			***$20,789,236***	***$20,600,971***			***$0.58***
WATER OUTSTANDING DEBT TOTAL			***$47,980,587***	***$46,784,954***			***$70.25***

(a) Assume financing parameter: 4.50% interest & 20 years & bonding costs of 2.0% over construction costs.
(b) Including soft costs.

2010 Refunding issue refunded 1998 and 2000 issues.

EXHIBIT E
WASTEWATER IMPROVEMENTS PLAN

TABLE 3
ASSUMPTIONS USED IN IMPACT FEE CALCULATION
WASTEWATER UTILITY

FACTOR	VALUE	RATIONALE
WASTEWATER DEMAND ASSUMPTIONS:		
Average day demand	120	gals/capita/daily
Persons per LUE	2.11	
Wastewater Treatment Facilities (Average Day)	120	gallons/capita/daily
	254	gallons/LUE/daily (TRC Engineers)
Wastewater Pumping Facilities (Existing Customers)	571	gallons/capita/daily
	1,207	gallons/LUE/daily (TRC Engineers)
Wastewater Pumping Facilities (2013-2018 Growth)	365	gallons/capita/daily
	770	gallons/LUE/daily (TRC Engineers)
FUTURE BONDING ASSUMPTIONS:		
Soft Costs	2.00%	of principal
Interest Rate	4.50%	annually, according to Joyce Vasut, City of Rosenberg
Term	20	years, according to Joyce Vasut, City of Rosenberg

TABLE 7
ESTIMATED SERVICE DEMAND BY FACILITY TYPE
WASTEWATER UTILITY

FACILITY TYPE/LAND USE	VOLUME		
	2013	2018	BUILDOUT
AVERAGE FLOW (MGD) (a):	3.787	4.557	19.623
Gallons per LUE daily	254	254	254
TOTAL LUE'S (b)	***14,909***	***17,941***	***77,254***
WASTEWATER TREATMENT AVERAGE MGD (c):			
Estimated Demand	3.787	4.557	19.623
Existing Capacity (e)	6.550	6.550	6.550
Excess/(Deficiency)	***2.763***	***1.993***	***-13.073***
WASTEWATER PUMPING (d):			
Estimated Demand	18.000	20.335	93.269
Existing Capacity (e)	39.169	39.169	39.169
Excess/(Deficiency)	***21.170***	***18.834***	***-54.099***

(a) Average flow = 254 gallons/LUE/daily

(b) Same number of persons per LUE as water.

(c) Capacity Demand = 120 gals/capita/daily
254 gallons/LUE/daily

(d) Capacity Demand (Existing Customers) = 571 gals/capita/daily
1,207 gallons/LUE/daily

Capacity Demand (2013-2018 New Customers) = 365 gals/capita/daily
770 gallons/LUE/daily

(e) Existing Capacity details are contained in **TABLE 9**

TABLE 9
CIP INVENTORY AND COSTING
WASTEWATER UTILITY

FACILITY TYPE / NAME	TOTAL CONSTRUCTION COST	FACILITY CAPACITY (mgd or gals)				2013-2018	
		TOTAL	CURRENT CUSTOMERS	2013-2018 GROWTH	POST-2018 GROWTH	CAPITAL COST	COST PER LUE (a)
TREATMENT							
EXISTING FACILITIES			AVG MGD				
WWTP No. 1A	$2,361,311	2.000	1.475	0.080	0.445	$94,452	
WWTP No. 2	$1,185,408	3.000	2.139	0.460	0.401	$181,763	
WWTP No. 2 Expansion	$11,758,281	1.500	0.166	0.230	1.104	$1,802,936	
WWTP No. 3	$275,000	0.050	0.006	0.000	0.044	$0	
Subtotal Existing Facilities	***$15,580,000***	***6.550***	***3.786***	***0.770***	***1.994***	***$2,079,151***	
FUTURE FACILITIES							
Subtotal Future Facilities	***$0***	***0.000***	***0.000***	***0.000***	***0.000***	***$0***	
TOTAL WASTEWATER TREATMENT	***$15,580,000***	***6.550***	***3.786***	***0.770***	***1.994***	***$2,079,151***	***$685.74***

TABLE 9
CIP INVENTORY AND COSTING
WASTEWATER UTILITY

FACILITY TYPE / NAME	TOTAL CONSTRUCTION COST	FACILITY CAPACITY (mgd or gals)				2013-2018	
		TOTAL	CURRENT CUSTOMERS	2013-2018 GROWTH	POST-2018 GROWTH	CAPITAL COST	COST PER LUE (a)
PUMPING							
EXISTING FACILITIES			MGD				
Lift Station No. 1 (1820 3rd Street)	$120,636	1.807	0.500	0.150	1.157	$10,013	
Lift Station No. 2 (3600 Avenue F)	$297,450	10.080	3.229	0.083	6.769	$2,449	
Lift Station No. 3 (1002 Wilson Drive)	$111,450	1.728	1.645	0.083	0.000	$5,385	
Lift Station No. 4 (1814 Jones Street)	$245,321	1.584	1.584	0.000	0.000	$0	
Lift Station No. 5 (1115 Avenue D)	$62,000	0.540	0.540	0.000	0.000	$0	
Lift Station No. 6 (406 Mulchay Street)	$30,000	0.079	0.079	0.000	0.000	$0	
Lift Station No. 7 (2615 Mons Avenue)	$75,000	2.088	0.651	0.000	1.437	$0	
Lift Station No. 8 (3102 West Street)	$398,000	1.800	0.796	0.000	1.004	$0	
Lift Station No. 9 (2311 Avenue B)	$138,000	0.360	0.360	0.000	0.000	$0	
Lift Station No. 10 (1911 Avenue A)	$67,550	0.118	0.118	0.000	0.000	$0	
Lift Station No. 11 (2809 B. F. Terry Boulevard)	$405,000	3.456	0.752	0.150	2.554	$17,578	
Lift Station No. 12 (4431 Airport Avenue)	$2,168	0.000	0.000	0.000	0.000		
Lift Station No. 13 (4120 Airport Avenue)	$10,000	0.072	0.072	0.000	0.000	$0	
Lift Station No. 14 (2811 Airport Avenue)	$85,950	1.248	1.000	0.248	0.000	$17,073	
Lift Station No. 15 (2119 Avenue B)	$392,000	2.131	1.035	0.000	1.096	$0	
Lift Station No. 16 (1900 FM 2218)	$40,000	2.808	0.840	0.150	1.818	$2,137	
Lift Station No. 17 (100 Rude Road)	$50,000	0.292	0.292	0.000	0.000	$0	
Lift Station No. 18 (451 Hwy 36 West)	$10,000	0.101	0.101	0.000	0.000	$0	
Lift Station No. 19 (5630 Bryan Road)	$96,956	1.001	1.001	0.000	0.000	$0	
Lift Station No. 20 (3301 Vista Ridge)	$100,000	0.792	0.334	0.000	0.458	$0	
Lift Station No. 21 (1205 Spur 529)	$210,600	0.504	0.504	0.000	0.000	$0	
Lift Station No. 22 (2102 First Street)	$1,600	0.072	0.072	0.000	0.000	$0	
Lift Station No. 23 (1302 Cotton Wood School Road)	$310,000	1.162	1.050	0.112	0.000	$29,899	
Lift Station No. 24 (7707 Reading Road)	$506,283	1.152	0.334	0.000	0.818	$0	
Lift Station No. 25 (2230 J. Meyer Road)	$330,313	0.720	0.720	0.000	0.000	$0	
Lift Station No. 26 (5028 Bryan Road)	$25,000	0.058	0.058	0.000	0.000	$0	
Lift Station No. 27 (Brazos Town Center Lift Station)	$471,000	1.742	0.333	0.759	0.650	$205,170	
North Benton Road Lift Station	$361,235	0.693	0.000	0.000	0.693	$0	
South Benton Road Lift Station	$642,189	0.980	0.000	0.000	0.980	$0	
Subtotal Existing Facilities	***$5,595,701***	***39.169***	***18.000***	***1.736***	***19.434***	***$289,705***	
FUTURE FACILITIES							
Lift Station No. 11 Upgrade	$250,000	1.800	0.000	0.200	1.600	$27,778	
Lift Station No. 19 Upgrade	$1,892,800	2.311	0.000	0.200	2.111	$163,794	
Lift Station (US Hwy 59/Spur 10)	$469,000	1.728	0.000	0.200	1.528	$54,282	
Localized Lift Stations	(b)						
Subtotal Future Facilities	***$2,611,800 (b)***	***5.839***	***0.000***	***0.600***	***5.239***	***$245,854 (b)***	
TOTAL WASTEWATER PUMPAGE	***$8,207,501 (b)***	***45.008***	***18.000***	***2.336***	***24.673***	***$535,559 (b)***	***$176.64 (a,b)***

TABLE 9
CIP INVENTORY AND COSTING
WASTEWATER UTILITY

FACILITY TYPE / NAME	TOTAL CONSTRUCTION COST	FACILITY CAPACITY (mgd or gals)				2013-2018	
		TOTAL	CURRENT CUSTOMERS	2013-2018 GROWTH	POST-2018 GROWTH	CAPITAL COST	COST PER LUE (a)
MAJOR COLLECTION LINES							
EXISTING FACILITIES			MGD				
Basin 1							
Damon - Ave. H to Old Richmond Rd. (12")	$43,200	1.015	0.259	0.000	0.756	$0	
Old Richmond Rd. - Damon to 8th Street (12")	$71,100	1.015	0.259	0.000	0.756	$0	
8th Street - Old Richmond Rd. to Ave. E (15")	$21,375	1.586	0.259	0.000	1.327	$0	
Ave. E - 8th Street to 7th Street (15")	$13,500	1.586	0.259	0.000	1.327	$0	
7th Street - Ave. E to Ave. D (15")	$10,125	1.586	0.259	0.000	1.327	$0	
Ave. D - 7th to 5 1/2 St. (15")	$19,125	1.586	0.259	0.000	1.327	$0	
5 1/2 St. - Ave. D to Lift Station #15 (15")	$36,000	1.586	0.259	0.000	1.327	$0	
Houston St. - Ave. I to Walnut (12")	$45,000	1.015	0.259	0.000	0.756	$0	
Walnut - Houston to 1st St. (12")	$10,800	1.015	0.259	0.000	0.756	$0	
1st St. - Walnut to Ave. B (12")	$46,800	1.015	0.259	0.000	0.756	$0	
Ave. B - 1st St. to 1 1/2 St. (12")	$4,500	1.015	0.259	0.000	0.756	$0	
1 1/2 St. - Ave. B to Ave. A (12")	$10,800	1.015	0.259	0.000	0.756	$0	
Ave. A - 1 1/2 St. to Lift Station #15 (12")	$42,300	1.015	0.259	0.000	0.756	$0	
Ave. D - 1 1/2 St. to 3rd St. (15")	$307,000	1.586	0.259	0.000	1.327	$0	
5th St. - Ave. K to Ave. D (12")	$92,700	1.015	0.259	0.000	0.756	$0	
5th St. - Ave. D to Lift Station #15 (15")	$224,536	1.586	0.259	0.000	1.327	$0	
Ave. M - 2 1/2 to 5th St. (24")	$59,400	4.061	0.259	0.000	3.802	$0	
5th Street - Ave. M to Lift Station #15 (24")	$293,400	4.061	0.259	0.000	3.802	$0	
Basin 2							
Airport - Graeber to alley between Alamo/Lory (12")	$58,800	1.015	0.651	0.000	0.364	$0	
Alley between Alamo/Lory - Airport to Mons Ave. (12")	$11,340	1.015	0.651	0.000	0.364	$0	
Mons Ave. - Alley to Lift Station #7 (12")	$10,500	1.015	0.651	0.000	0.364	$0	
Mons Ave. - Cedar Lane to SH 36 (21")	$51,450	3.109	0.500	0.250	2.359	$4,137	
4th Street - Main to Parrott (12")	$22,680	1.015	0.500	0.050	0.465	$1,117	
Easement - Parrott to Lift Station #1 (12")	$8,400	1.015	0.500	0.050	0.465	$414	
Basin 3							
Reading Rd. - Apartments to Herndon (12")	$13,680	1.015	1.015	0.000	0.000	$0	
Herndon - Reading Rd. to US 90A (12")	$3,240	1.015	1.015	0.000	0.000	$0	
US 90A - Herndon to Cole (15")	$19,350	1.586	1.586	0.000	0.000	$0	
US 90A - Cole to Lift Station #2 (18")	$49,680	2.284	2.214	0.071	0.000	$1,544	
Ave. H - Silverado to Lift Station #2 (12")	$10,800	1.015	1.015	0.000	0.000	$0	
Miles - South of Ave. I to Ave. H (12")	$15,840	1.015	1.015	0.000	0.000	$0	
Pleasant Gully - South of Ave. I to Ave. H (12")	$24,480	1.015	1.015	0.000	0.000	$0	

TABLE 9
CIP INVENTORY AND COSTING
WASTEWATER UTILITY

FACILITY TYPE / NAME	TOTAL CONSTRUCTION COST	FACILITY CAPACITY (mgd or gals)				2013-2018	
		TOTAL	CURRENT CUSTOMERS	2013-2018 GROWTH	POST-2018 GROWTH	CAPITAL COST	COST PER LUE (a)
Basin 4							
Spacek Rd. - US 59 to Lift Station #19 (12")	$291,780	1.015	0.501	0.270	0.245	$77,616	
Bryan Rd. - US 59 to 2400' East (21")	$50,820	3.109	0.500	0.270	2.339	$4,413	
Summer Shore - Lake Commons to Blue Lake Drive (15")	$12,100	1.586	0.167	0.110	1.309	$839	
Summer Crest Dr. - Summer Shore to Lift Station #24 (18")	$28,600	2.284	0.334	0.110	1.840	$1,377	
Winding Lake - FM 2977 to Summer Night (12")	$16,940	1.015	0.167	0.110	0.738	$1,836	
Summer Night - Winding Lake to Summer Shore (12")	$26,620	1.015	0.167	0.110	0.738	$2,885	
Summer Shore - Summer Night to Summer Crest Dr. (12")	$36,300	1.015	0.167	0.110	0.738	$3,934	
Town Center Blvd. - Commercial to access Home Depot (12")	$9,900	1.015	0.167	0.000	0.848	$0	
Home Depot - Town Center Blvd. to Lift Station #20 (15")	$30,525	1.586	0.167	0.000	1.419	$0	
Vista - Town Center Blvd. to 600' South (12")	$11,220	1.015	0.167	0.000	0.848	$0	
Vista - 600' South to Lift Station #20 (15")	$12,375	1.586	0.167	0.000	1.419	$0	
Town Center Blvd. - Reserve to FM 2218 (15")	$25,575	1.586	0.150	0.110	1.326	$1,774	
Town Center Blvd. - Village Ct Dr to Reading Rd (15")	$42,075	1.586	0.400	0.110	1.076	$2,918	
Town Center Blvd. - Reading Rd. to Section 5 Detention (18")	$19,800	2.284	0.600	0.220	1.464	$1,907	
Town Center Blvd. - Section 5 Detention to FM 2218 (21")	$19,635	3.109	0.600	0.220	2.289	$1,389	
Lane Dr. - Mustang to Ave. I (12")	$15,180	1.015	0.200	0.110	0.705	$1,645	
Reading Rd. - Ave. I to Town Center Blvd. (12")	$13,200	1.015	0.200	0.110	0.705	$1,431	
East Town Center Sect. 1 - Dry Creek to Town Center Blvd. (12")	$17,160	1.015	0.400	0.110	0.505	$1,860	
FM 2218 - Town Center Blvd. to Lift Station #16 (21")	$18,480	3.109	0.840	0.210	2.059	$1,248	
Greenwood - Red Bud North to Ave. N (12")	$11,220	1.015	0.326	0.170	0.519	$1,879	
Alley between Allwright & Richard - Reading Rd to Homestead (12")	$14,520	1.015	0.326	0.170	0.519	$2,432	
FM 2218 - Ave. N to Lift Station #11 (12")	$7,920	1.015	0.426	0.170	0.419	$1,327	
FM 2218 - Talberts to Lift Station #11 (12")	$30,360	1.015	0.326	0.170	0.519	$5,085	
Bryan Rd. - Roseranch to Lift Station #19 (18")	$46,530	2.284	0.501	0.000	1.784	$0	
Basin 5							
Southeast Trunk Sewer - FM 2218 to WWTP #2 (42"-54")	$2,350,758	20.558	5.465	0.868	14.225	$99,254	
US 59 - Bamore to Fairgrounds Rd. (12")	$21,120	1.015	1.015	0.000	0.000	$0	
Fairgrounds Rd. - US 59 to WWTP #2 (12")	$13,860	1.015	1.015	0.000	0.000	$0	
SH 36 - US 59 to Southeast Trunk Sewer (30")	$46,200	6.345	2.733	0.434	3.179	$3,160	
Southeast Trunk Sewer - SH 36 to WWTP #2 (36")	$63,360	9.137	2.733	0.434	5.970	$3,010	
J. Meyer Rd. - Park Thicket to Lift Station #25 (12")	$8,580	1.015	0.360	0.000	0.655	$0	
J. Meyer Rd. - Silverstone to Lift Station #25 (12")	$5,280	1.015	0.360	0.000	0.655	$0	
J. Meyer Rd. - School to SH 36 (18")	$8,910	2.284	0.720	0.434	1.130	$1,693	
SH 36 - J. Meyer Rd. to Band Rd. (18")	$255,233	2.284	1.720	0.434	0.130	$48,499	
SH 36 - Band Rd. to Fairgrounds Rd. (24")	$255,233	4.061	2.733	0.434	0.894	$27,277	
SH 36 - Fairgrounds Rd. to Southeast Trunk Sewer (30")	$255,233	6.345	2.733	0.434	3.178	$17,458	
Band Rd. - Stella to SH 36 (12")	$10,560	1.015	1.013	0.000	0.002	$0	
SH 36 - J. Meyer Rd. to South (15")	$193,537	1.586	1.000	0.000	0.586	$0	

TABLE 9
CIP INVENTORY AND COSTING
WASTEWATER UTILITY

FACILITY TYPE / NAME	TOTAL CONSTRUCTION COST	FACILITY CAPACITY (mgd or gals)				2013-2018	
		TOTAL	CURRENT CUSTOMERS	2013-2018 GROWTH	POST-2018 GROWTH	CAPITAL COST	COST PER LUE (a)
Basin 6							
Bamore - Ave. I to South of Wilburn (12")	$64,260	1.015	0.300	0.000	0.715	$0	
Blume - Spur 529 to Seabourne Creek (12")	$58,860	1.015	0.300	0.000	0.715	$0	
Connector - Blume to Bamore (15")	$37,125	1.586	0.300	0.000	1.286	$0	
Bamore - South of Wilburn to Grunwald Hts Blvd (15")	$15,525	1.586	0.600	0.000	0.986	$0	
Grunwald Hts. Blvd. - Bamore to West (15")	$24,975	1.586	0.600	0.000	0.986	$0	
West - Grunwald Hts. Blvd. to Lift Station #8 (15")	$17,550	1.586	0.700	0.000	0.886	$0	
West - Bernie to Grunwald Hts. Blvd. (12")	$3,780	1.015	0.100	0.000	0.915	$0	
West - US 59 to Walenta (12")	$29,565	1.015	0.500	0.050	0.465	$1,456	
Walenta - West to SH 36 (18")	$32,400	2.284	0.500	0.050	1.734	$709	
Spur 529 - City Limits to Lift Station #21 (12")	$2,400	1.015	0.504	0.000	0.511	$0	
Rude Rd. - US 90A to Lift Station #17 (12")	$13,500	1.015	0.292	0.000	0.723	$0	
North of RR - Rude Rd. to 800' West (12")	$4,320	1.015	0.292	0.000	0.723	$0	
Harley Davidson - Bamore to Lift Station #8 (12")	$129,488	1.015	0.096	0.000	0.919	$0	
SH 36 - Mons to Walenta (21")	$3,780	3.109	0.500	0.330	2.279	$401	
SH 36 - Walenta to US 59 (30")	$98,550	6.345	0.500	0.330	5.515	$5,126	
Basin McDonald's							
WWTP #3 to US 59 (12")	$18,000	1.015	0.038	0.000	0.977	$0	
US 59 to Spur 529 (12")	$6,000	1.015	0.038	0.000	0.977	$0	
Basin X							
Louise Street - Halfway from Airport to Mons (12")	$117,173	1.015	0.000	0.330	0.685	$38,096	
Louise Street - Mons to US 59 (15")	$117,173	1.586	0.000	0.330	1.256	$24,380	
Louise Street - US 59 to Southeast Trunk Sewer (15")	$117,173	1.586	0.000	0.330	1.256	$24,380	
Subtotal Existing Facilities	***$6,860,197***	***172.886***	***54.710***	***8.613***	***109.564***	***$419,907***	
FUTURE FACILITIES							
Sewer - Spacek Rd -US 59 to Bryan Rd (15", 21" & 24")	$1,135,000	3.046	0.501	0.700	1.845	$260,834	
Sewer - Spur 10 -WWTP #5 to SH 36 (24" & 54")	$4,380,000	6.218	0.000	0.350	5.868	$246,542	
Sewer - Spur 10-WWTP #5 to US Hwy 59 (24", 36", & 42")	$3,808,000	9.137	0.000	0.350	8.787	$145,868	
Sewer - FM Hwy 2218 South of US Hwy 59 (12")	$587,000	1.015	0.000	0.350	0.665	$202,414	
Sewer - WWTP #2 to Cottonwood School Road (18")	$673,000	2.284	0.000	0.350	1.934	$103,130	
Subtotal Future Facilities	***$10,583,000***	***21.700***	***0.501***	***2.100***	***19.099***	***$958,789***	
TOTAL COLLECTION LINES	***$17,443,197***	***194.586***	***55.211***	***10.713***	***128.663***	***$1,378,696***	***$454.72***
WASTEWATER CONSTRUCTION COST TOTAL	***$41,230,698***					***$3,993,406***	***$1,317.10***

(a) Assumes the following gals to LUE conversion facto

Treatment:	254 gals daily
Pumpage:	1,207 gals daily (Existing Customers)
	770 gals daily (2013-2018 New Customers)
Collection:	1,207 gals daily

TABLE 12
CATEGORIZATION OF UTILITY DEBT
WASTEWATER UTILITY

FACILITY TYPE / NAME		BOND ISLUE			FACILITY CAPACITY		TOTAL DEBT PRINCIPAL PER CURRENT LUE
		ISSUANCE DATE	ISSUANCE AMOUNT (a)	REMAINING PRINCIPAL	TOTAL	FOR CURRENT CUSTOMERS	
TREATMENT							
Trailer Mounted Centrifuge for WWTP 1A, 2	Refunding	2010	$58,454	$9,134	5.000	3.614	$0.44
WWTP No. 2 Expansion, First Phase	CO	2006	$4,565,000	$3,575,000	1.500	0.166	$26.54
WWTP No. 2 Expansion, Second Phase	CO	2007	$4,570,000	$3,820,000	1.500	0.166	$28.36
WWTP No. 2 Expansion, Final Phase	CO	2008	$3,545,000	$2,960,000	1.500	0.166	$21.97
Subtotal Wastewater Treatment			***$12,738,454***	***$10,364,134***			***$77.31***
PUMPING							
Lift Station No. 11 Upgrade		Prospective	$255,000	$255,000	1.800	0.000	$0.00
Lift Station No. 19 Upgrade		Prospective	$1,930,656	$1,930,656	2.311	0.000	$0.00
Lift Station (US Hwy 59/Spur 10)		Prospective	$478,380	$478,380	1.728	0.000	$0.00
Subtotal Wastewater Pumping			***$2,664,036***	***$2,664,036***			***$0.00***
MAJOR COLLECTION							
Sewer - Spacek Rd -US 59 to Bryan Rd (15", 21" & 24")		Prospective	$1,157,700	$1,157,700	3.046	0.501	$12.77
Sewer - Spur 10 -WWTP #5 to SH 36 (24" & 54")		Prospective	$4,467,600	$4,467,600	6.218	0.000	$0.00
Sewer - Spur 10-WWTP #5 to US Hwy 59 (24", 36", & 42")		Prospective	$3,884,160	$3,884,160	9.137	0.000	$0.00
Sewer - FM Hwy 2218 South of US Hwy 59 (12")		Prospective	$598,740	$598,740	1.015	0.000	$0.00
Sewer - WWTP #2 to Cottonwood School Road (18")		Prospective	$686,460	$686,460	2.284	0.000	$0.00
Subtotal Wastewater Collection			***$10,794,660***	***$10,794,660***			***$12.77***
WASTEWATER OUTSTANDING DEBT TOTAL			***$26,197,150***	***$23,822,830***			***$90.08***

(a) Assume financing parameter: 4.50% interest & 20 years & bonding costs of 2.0% over construction costs.
(b) Including soft costs.

2010 Refunding issue refunded 1998 and 2000 issues.

RIMROCK

Consulting Company

WATER AND WASTEWATER IMPACT FEE UPDATE

The City of Rosenberg, Texas

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D13-0248.01

WATER AND WASTEWATER IMPACT FEE UPDATE

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WATER AND WASTEWATER IMPACT FEE UPDATE

The City of Rosenberg

1.0 INTRODUCTION

The 70th Texas Legislature passed Senate Bill 336 (subsequently Chapter 395 of the Local Government Code) regulating various types of utility fees, defined in the legislation as "impact fees". Such fees include not only traditional impact fees, but also lot, acreage, frontage and other typical utility fees, as well as facility dedication requirements. The legislation laid out very specific requirements for the technical development of impact fees as well as the procedures necessary for enactment of impact fee programs. Rosenberg initiated its program of water and wastewater impact fees in 2008. This report represents an update of these programs (as required by Chapter 395 every five years) midway through the 2008-2018 planning period.

Section 2.0 of this report contains the technical data which is the basis for the 2013-2018 fee calculation: land use and planning data, unit usage statistics and capital improvements plan. Actual fee calculation is shown in ***Section 3.0***. That discussion presents a particular fee development model -- the Equity Residual Model -- which responds to the requirements of Chapter 395 and constitutional issues. ***Section 4.0*** contains recommendations from the consultants and the Advisory Committee. ***Section 5.0*** contains a copy of Chapter 395 of the Texas Local Government Code, and ***Section 6.0*** contains various administrative documents such as resolutions, public notices, public information packets, etc.. Finally, references are provided in ***Section 7.0***.

2.0 TECHNICAL BASIS FOR FEE CALCULATION

This chapter presents water and wastewater impact fee technical development.

2.1 LAND USE AND PLANNING ASSUMPTIONS

Chapter 395 requires the following in the land use and planning assumptions:

- Definition of the service area
- Projections in changes in land uses, densities, intensities and population within the service area for the next 10 years and full buildout
- Land use assumptions differentiated by at least residential, commercial and industrial land uses

The following sections provide a discussion of these assumptions.

2.1.1 Service Area Definition

Figure 2-1 illustrates the impact fee service area for both fees, which is the City and its extraterritorial jurisdiction (ETJ). The service areas represent the general geographic basis for planning the utility capital improvement programs, used to formulate the fees.

2.1.2 Land Use Assumptions

Table 2-1 shows current and projected land use assumptions for the impact service area. City Staff calculated the approximate current acreages of land uses for residential, commercial and industrial land uses as well as various other land uses. Existing wholesale customers, the municipal utility districts (MUDs) served by the City, are also included in the land use assumptions.

Since the City does not serve the entirety of properties within the service area, City Staff determined the “service population” for each utility, which is the figure used for utility service planning and CIP development.

Figure 2-1: Impact Fee Service Area

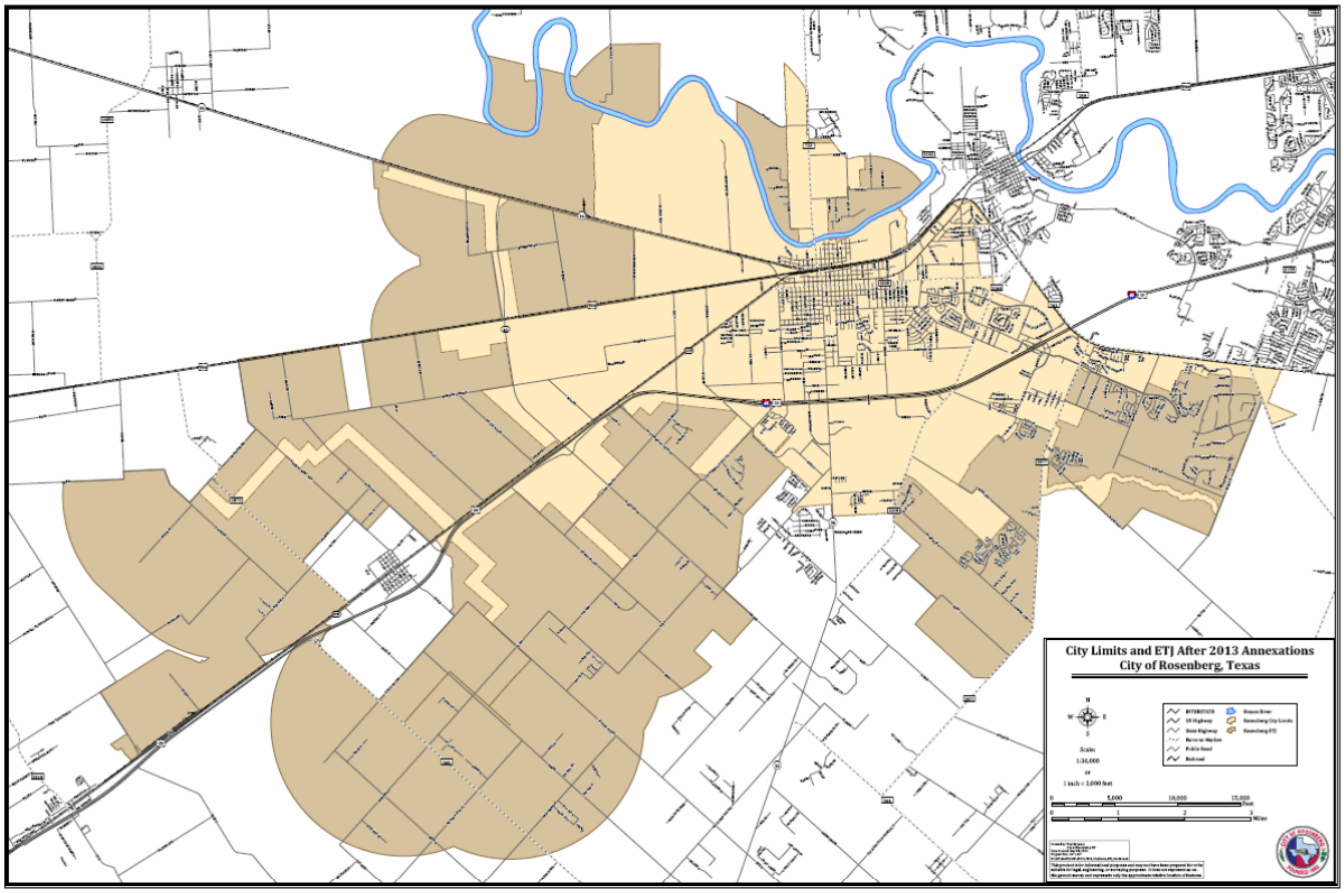

TABLE 1
POPULATION AND LAND USE PROJECTIONS FOR THE CITY OF ROSENBERG
(INCLUDES CITY LIMITS AND ETJ)

LAND USE	2013		2018		Full Buildout		LAND USE ACRES PER 100 POPULATION
	ACRES	%	ACRES	%	ACRES	%	
Single-Family Residential	12,508	18.10%	15,010	21.72%	42,957	62.17%	26.3
Multi-Family	150	0.22%	180	0.26%	515	0.75%	0.3
Commercial	2,094	3.03%	2,513	3.64%	7,192	10.41%	4.4
Industrial	1,946	2.82%	2,336	3.38%	6,683	9.67%	4.1
Public	3,422	4.95%	4,106	5.94%	11,752	17.01%	7.2
Undeveloped	48,980	70.88%	44,955	65.06%	0	0.00%	
TOTAL ACREAGE	***69,100***	***100.00%***	***69,100***	***100.00%***	***69,100***	***100.00%***	***42.3***
Population	47,533		57,201		163,247		
Water Service Population	35,434		42,641		163,247		
Sewer Service Population	31,505		37,912		163,247		
Water LUEs	16,769		20,179		77,254		
Sewer LUEs	14,909		17,941		77,254		
Population per Urban Acres	2.36		2.37		2.36		
Population per Total Acres	0.69		0.83		2.36		

Source: City of Rosenberg, May 20, 2013. Land Use & Population Projections.docx.

2.2 CAPITAL IMPROVEMENTS PROGRAM PLAN

Chapter 395 requires the following elements be included in the Capital Improvements Plan (CIP) used as the basis for impact fees:

- Table of service usage for each category of capital improvements and a conversion table of service units per acre (or other measure) of at least residential, commercial and industrial land uses

- Projections of total service units for new development, within the service area:
  - At full buildout
  - Within 10 years or less

- Description of existing capital improvements, including:
  - Existing capital improvements within the service area
  - Analysis of total capacity of existing improvements
  - Analysis of current usage of existing improvements
  - Analysis of commitments for usage of existing capacity
  - Costs to upgrade, update, improve, expand or replace for existing needs

- Description of capital improvements needed to serve new development within the next 10 years or less (based on adopted service area, land use and unit usage assumptions), including:
  - All or portions of the existing CIP
  - All or portions of the future CIP
  - Costs associated with both existing and future CIP facilities needed for new development

In addition, the legislation provides that the CIP may include construction price, survey and engineering fees, land acquisition costs (including "soft" costs), and the costs of consulting work to develop Chapter 395 fees.

This section provides those components of the impact fee study.

2.2.1 Table of Service Usage

Chapter 395 requires:

> "a definitive table establishing the specific level or quantity of use, consumption, generation, or discharge of a service unit for each category of capital improvements or facility expansions".

These figures constitute design standards and are shown in ***Table 2*** (water) and ***Table 3*** (sewer).

TABLE 2
ASSUMPTIONS USED IN IMPACT FEE CALCULATION
WATER UTILITY

FACTOR	VALUE	RATIONALE
WATER DEMAND ASSUMPTIONS:		
Peak Day Demand	409	gallons per capita daily
Persons per LUE	2.11	
Supply (Peak Day)	409	gallons/capita/daily
	864	gallons/LUE/daily (TCEQ Requirement)
Booster Pump Facilities (Peak Hr w/ Largest Pump Out of Service)	409	gallons/capita/daily
	864	gallons/LUE/daily (TCEQ Requirement)
Total Storage Facilities	95	gallons/capita
	200	gallons/LUE (TCEQ Requirement)
Elevated Storage Facilities	47	gallons/capita
	100	gallons/LUE (TCEQ Requirement)
Major Transmission	1,022	gallons/capita/daily
	2,160	gallons/LUE/daily (TRC Engineers)
FUTURE BONDING ASSUMPTIONS:		
Soft Costs	2.00%	of principal
Interest Rate	4.50%	annually, according to Joyce Vasut, City of Rosenberg
Term	20	years, according to Joyce Vasut, City of Rosenberg

TABLE 3
ASSUMPTIONS USED IN IMPACT FEE CALCULATION
WASTEWATER UTILITY

FACTOR	VALUE	RATIONALE
WASTEWATER DEMAND ASSUMPTIONS:		
Average day demand	120	gals/capita/daily
Persons per LUE	2.11	
Wastewater Treatment Facilities (Average Day)	120	gallons/capita/daily
	254	gallons/LUE/daily (TRC Engineers)
Wastewater Pumping Facilities (Existing Customers)	571	gallons/capita/daily
	1,207	gallons/LUE/daily (TRC Engineers)
Wastewater Pumping Facilities (2013-2018 Growth)	365	gallons/capita/daily
	770	gallons/LUE/daily (TRC Engineers)
FUTURE BONDING ASSUMPTIONS:		
Soft Costs	2.00%	of principal
Interest Rate	4.50%	annually, according to Joyce Vasut, City of Rosenberg
Term	20	years, according to Joyce Vasut, City of Rosenberg

2.2.2 Conversion Tables

Section 395.014(a)(4) of the Impact Fee Act requires:

> . . . an equivalency or conversion table establishing the ratio of a service unit to various types of land uses, including residential, commercial, and industrial . . . (Chapter 395.014(a)(4)

That conversion table is shown in ***Table 4***. This table shows how demand may be expressed in living units equivalent (LUE's) based on water meter size. The City's smallest typical water meter (5/8") is used as the base, and demand by other meter sizes is scaled upward proportionate to the ratio of the larger meter's continuous duty maximum flow to that of the smallest meter.

TABLE 4
LUE EQUIVALENCIES FOR VARIOUS TYPES AND SIZES OF WATER METERS

METER TYPE	METER SIZE	CONTINUOUS DUTY MAXIMUM RATE (GPM)	RATIO TO 5/8" METER
SIMPLE	5/8" x 3/4"	10	1.000
SIMPLE	3/4"	15	1.500
SIMPLE	1"	25	2.500
SIMPLE	1-1/2"	50	5.000
SIMPLE	2"	80	8.000
COMPOUND	2"	80	8.000
TURBINE	2"	100	10.000
COMPOUND	3"	160	16.000
TURBINE	3"	240	24.000
COMPOUND	4"	250	25.000
TURBINE	4"	420	42.000
COMPOUND	6"	500	50.000
TURBINE	6"	920	92.000
COMPOUND	8"	800	80.000
TURBINE	8"	1600	160.000
COMPOUND	10"	1150	115.000
TURBINE	10"	2500	250.000
TURBINE	12"	3300	330.000

Source: AWWA Standards C700, C701, C702, C703.

Current water LUE's were tabulated based on a count of active water meters by size, with the conversion factors in ***Table 4*** applied to the count of various meter sizes. That result is shown in ***Table 5***. For wholesale customers, the master meters are not shown; instead a count was made, by meter size, for all customer meters behind the wholesale master meter.

Although the water meter size may be used as the determinant of wastewater LUE's, there are sometimes circumstances in which water meter size overestimates wastewater flow -- such as in consumptive commercial uses or industrial processes. For these reasons, it is advisable to include a provision in the impact fee ordinance permitting the Utility manager to establish an appropriate number of wastewater LUE's for an individual customer when presented with documentation from a professional engineer regarding the likely wastewater flow of a particular project.

TABLE 5
METER COUNT AND ESTIMATION OF SERVICE UNITS EQUIVALENT
WATER UTILITY
CITY OF ROSENBERG

METER SIZE Excluding Residential and Wholesale Master Meters	LUEs PER METER (a)	RETAIL, EXC. RES. MASTER METERS		WHOLESALE (Behind Master Meter)		TOTAL LUEs
		METERS	SUBTOTAL LUEs	METERS	SUBTOTAL LUEs	
5/8" and 3/4"	1.000	8,400	8,400	1,347	1,347	
3/4"	1.500		0		0	
1"	2.500	320	800	5	13	
1-1/4,1-1/2	5.000	129	645	1	5	
2"	8.000	527	4,216	16	128	
3"	16.000	30	480		0	
4"	25.000	16	400	1	25	
6"	50.000	3	150		0	
8"	80.000	2	160		0	
10"	115.000		0		0	
12"	330.000		0		0	
Total		9,427	15,251	1,370	1,518	16,769
Population per LUE						2.11

(a) Derived from AWWA C700-C703 standards for continuous rated flow performance of meters scaled to 5/8" meter.
(b) Source: City of Rosenberg, #4 Active Meters.xlsx", 2013; for wholesale - Luis Garza, July 18 2013.

2.2.3 Projected Service Units for New Development

Section 395.014 requires the City to show:

> "the total number of projected service units necessitated by and attributable to new development within the service area based on the approved land use assumptions and calculated in accordance with generally accepted engineering or planning criteria; and . . . the projected demand for capital improvements or facility expansions required by new service units projected over a reasonable period of time, not to exceed 10 years." (Chapter 395.014 (a)(5), (6))

Table 6 (water) and ***Table 7*** (sewer) present information on projected service units and facility needs within the next ten years. As required by the legislation, projections are shown for both 2018 and ultimate buildout.

TABLE 6
ESTIMATED SERVICE DEMAND BY FACILITY TYPE
WATER UTILITY

FACILITY TYPE/LAND USE	VOLUME		
	2013	2018	BUILDOUT
AVERAGE DEMAND (MGD) (a):	14.488	17.435	66.747
Gallons per LUE daily	864	864	864
TOTAL SERVICE UNITS (b)	***16,769***	***20,179***	***77,254***
WATER SUPPLY MGD (c):			
Estimated Demand	14.488	17.435	66.747
Existing Capacity (g)	12.464	12.464	12.464
Excess/(Deficiency)	***-2.024***	***-4.971***	***-54.283***
PUMPING MGD (d)			
Estimated Demand	14.488	17.435	66.747
Existing Capacity (g)	24.013	24.013	24.013
Excess/(Deficiency)	***9.525***	***6.578***	***-42.734***
GROUND STORAGE MG: (e)			
Estimated Demand	1.677	2.018	7.725
Existing Capacity (g)	3.866	3.866	3.866
Excess/(Deficiency)	2.189	1.848	-3.859
ELEVATED STORAGE MG: (f)			
Estimated Demand	1.677	2.018	7.725
Existing Capacity (g)	1.850	1.850	1.850
Excess/(Deficiency)	0.173	-0.168	-5.875

(a) Average demand = 409 gals/capita/daily
864 gallons/LUE/daily

(b) 2013 LUE's based on count of equivalent meters. 2018 LUE's determined by 2013 persons per LUE:
LUE = 2.11 persons.

(c) Capacity Demand = 409 gals/capita/daily
864 gallons/LUE/daily

(d) Capacity Demand = 409 gals/capita/daily
864 gallons/LUE/daily

(e) Capacity Demand = 95 gals/capita/daily
200 gallons/LUE/daily

(f) Capacity Demand = 47 gals/capita/daily
100 gallons/LUE/daily

(g) Existing Capacity details are contained in **TABLE 8**

TABLE 7
ESTIMATED SERVICE DEMAND BY FACILITY TYPE
WASTEWATER UTILITY

FACILITY TYPE/LAND USE	VOLUME		
	2013	2018	BUILDOUT
AVERAGE FLOW (MGD) (a):	3.787	4.557	19.623
Gallons per LUE daily	254	254	254
TOTAL LUE'S (b)	***14,909***	***17,941***	***77,254***
WASTEWATER TREATMENT AVERAGE MGD (c):			
Estimated Demand	3.787	4.557	19.623
Existing Capacity (e)	6.550	6.550	6.550
Excess/(Deficiency)	***2.763***	***1.993***	***-13.073***
WASTEWATER PUMPING (d):			
Estimated Demand	18.000	20.335	93.269
Existing Capacity (e)	39.169	39.169	39.169
Excess/(Deficiency)	***21.170***	***18.834***	***-54.099***

(a) Average flow =	254 gallons/LUE/daily
(b) Same number of persons per LUE as water.	
(c) Capacity Demand =	120 gals/capita/daily 254 gallons/LUE/daily
(d) Capacity Demand (Existing Customers) =	571 gals/capita/daily 1,207 gallons/LUE/daily
Capacity Demand (2013-2018 New Customers) =	365 gals/capita/daily 770 gallons/LUE/daily
(e) Existing Capacity details are contained in	**TABLE 9**

2.2.4 CIP Development for Existing and Future Needs

The City's engineer was required to perform an inventory of existing and future utility facilities, including facility description, cost, total capacity, capacity needed by existing customers, capacity needed by customers within the next ten years, and remaining capacity. (Chapter 395.014 (a)(1-3). Impact fees are calculated based on the cost of facilities required to serve new development within a ten year period (2008-2018). The last five years of the current program are shown in the CIP included in this study.

Given the demand projections in ***Table 6*** and ***Table 7***, a capital improvements plan (CIP) was developed for each utility, including existing facilities, retrofit and upgrade facilities, and future facilities, as required by the legislation. Then, as further required by Chapter 395, the needs of existing customers were separated from those of customers in the next ten years, and costs were weighted accordingly. (In some facilities, there was capacity for customers beyond the ten year horizon as well.) These results are shown in ***Table 8*** for the water utility and ***Table 9*** for the wastewater utility. Costs for 2013-2018 growth were then expressed on a per-LUE basis for each category of customers.

TABLE 8
CIP INVENTORY AND COSTING
WATER UTILITY

FACILITY TYPE / NAME	TOTAL CONSTRUCTION COST	FACILITY CAPACITY (mgd or gals)				2013-2018	
		TOTAL	CURRENT CUSTOMERS	2013-2018 GROWTH	POST-2018 GROWTH	CAPITAL COST	COST PER LUE (a)
WATER SUPPLY							
EXISTING FACILITIES			AVE. MGD				
Water Well No. 3	$0	0.576	0.576	0.000	0.000	$0	
Water Well No. 4	$65,300	0.613	0.613	0.000	0.000	$0	
Water Well No. 5A	$822,176	2.592	2.592	0.000	0.000	$0	
Water Well No. 6	$27,000	2.448	2.448	0.000	0.000	$0	
Water Well No. 7	$0	2.621	2.621	0.000	0.000	$0	
Water Well No. 8	$484,500	1.022	1.022	0.000	0.000	$0	
Water Well No. 9 (Reading Road)	$934,650	2.592	2.592	0.000	0.000	$0	
Subtotal Existing Supply	***$2,333,626***	***12.464***	***12.464***	***0.000***	***0.000***	***$0***	
FUTURE FACILITIES							
Water Plant No. 5 (Well No. 9A)	$1,395,000	2.592	1.012	0.573	1.007	$308,385	
Water Plant No. 10 (Well No. 10)	$1,181,000	2.592	1.012	0.574	1.006	$261,533	
Alternate Water Plant	$14,000,000	3.000	0.000	1.800	1.200	$8,400,000	
Subtotal Future Supply	***$16,576,000***	***8.184***	***2.024***	***2.947***	***3.213***	***$8,969,919***	
TOTAL WATER SUPPLY	***$18,909,626***	***20.648***	***14.488***	***2.947***	***3.213***	***$8,969,919***	***$2,630.47***
PUMPING							
EXISTING FACILITIES			PEAK MGD				
Water Plant No. 1	$20,000	1.189	1.189	0.000	0.000	$0	
Water Plant No. 2	$125,000	4.032	3.630	0.402	0.000	$12,463	
Water Plant No. 3	$158,592	2.880	2.880	0.000	0.000	$0	
Water Plant No. 4	$76,000	4.320	3.620	0.700	0.000	$12,315	
Water Plant No. 5	$100,000	1.152	0.576	0.250	0.326	$21,701	
Water Plant No. 5 Expansion	$1,392,373	1.080	0.000	0.250	0.830	$322,309	
Water Plant No. 6	$500,000	9.360	2.592	0.345	6.423	$18,429	
Subtotal Existing Pumpage	***$2,371,965***	***24.013***	***14.487***	***1.947***	***7.579***	***$387,217***	
FUTURE FACILITIES							
Water Plant No. 7	$726,000	2.448	0.000	0.500	1.948	$148,284	
Water Plant No. 10	$731,333	5.184	0.000	0.500	4.684	$70,538	
Subtotal Future Pumpage	***$1,457,333***	***7.632***	***0.000***	***1.000***	***6.632***	***$218,822***	
TOTAL WATER PUMPAGE	***$3,829,298***	***31.645***	***14.487***	***2.947***	***14.211***	***$606,039***	***$177.72***

TABLE 8
CIP INVENTORY AND COSTING
WATER UTILITY

FACILITY TYPE / NAME	TOTAL CONSTRUCTION COST	FACILITY CAPACITY (mgd or gals)				2013-2018	
		TOTAL	CURRENT CUSTOMERS	2013-2018 GROWTH	POST-2018 GROWTH	CAPITAL COST	COST PER LUE (a)
GROUND STORAGE							
EXISTING FACILITIES			MG				
Water Plant No. 2	$177,800	1.000	0.460	0.057	0.483	$10,135	
Water Plant No. 3	$104,220	1.000	0.460	0.057	0.483	$5,941	
Water Plant No. 4	$350,000	1.000	0.460	0.114	0.426	$39,900	
Water Plant No. 5	$595,000	0.566	0.033	0.000	0.533	$0	
Water Plant No. 6	$400,000	0.300	0.264	0.036	0.000	$48,000	
Subtotal Existing Facilities	***$1,627,020***	***3.866***	***1.677***	***0.264***	***1.925***	***$103,975***	
FUTURE FACILITIES							
Water Plant No. 6	$1,400,000	0.700	0.000	0.026	0.674	$51,333	
Water Plant No. 7	$401,000	0.270	0.000	0.026	0.244	$38,120	
Water Plant No. 10	$1,111,000	1.000	0.000	0.026	0.974	$28,516	
Subtotal Future Facilities	***$2,912,000***	***1.970***	***0.000***	***0.077***	***1.893***	***$117,969***	
TOTAL GROUND STORAGE	***$4,539,020***	***5.836***	***1.677***	***0.341***	***3.818***	***$221,944***	***$65.09***
ELEVATED STORAGE							
EXISTING FACILITIES			MG				
Water Plant No. 1	$332,283	0.150	0.150	0.000	0.000	$0	
Water Plant No. 3	$159,028	0.200	0.200	0.000	0.000	$0	
Elevated Storage Tank No. 3	$90,222	0.500	0.500	0.000	0.000	$0	
Water Plant No. 4	$142,495	1.000	0.827	0.057	0.116	$8,122	
Subtotal Existing Facilities	***$724,028***	***1.850***	***1.677***	***0.057***	***0.116***	***$8,122***	
FUTURE FACILITIES							
Water Plant No. 6 (FM 2977)	$2,435,500	1.000	0.000	0.244	0.756	$594,262	
Water Plant No. 10	$2,231,000	1.000	0.000	0.040	0.960	$89,240	
Subtotal Future Facilities	***$4,666,500***	***2.000***	***0.000***	***0.284***	***1.716***	***$683,502***	
TOTAL ELEVATED STORAGE	***$5,390,528***	***3.850***	***1.677***	***0.341***	***1.832***	***$691,624***	***$202.82***

TABLE 8
CIP INVENTORY AND COSTING
WATER UTILITY

FACILITY TYPE / NAME	TOTAL CONSTRUCTION COST	FACILITY CAPACITY (mgd or gals)				2013-2018	
		TOTAL	CURRENT CUSTOMERS	2013-2018 GROWTH	POST-2018 GROWTH	CAPITAL COST	COST PER LUE (a)
MAJOR TRANSMISSION LINES							
EXISTING FACILITIES			MGD				
Hwy. 36 - Albis to Walnut St. (12")	$150,000	2.538	0.709	0.020	1.810	$1,162	
Ave. I - City Limit to Austin St. (12")	$57,300	2.538	0.709	0.020	1.810	$444	
Lane Drive - Ave. I to Westwood Dr. (12")	$29,700	2.538	0.709	0.020	1.810	$230	
Reading Rd. - Ave. I to Water Plant #6 (12")	$70,200	2.538	0.709	0.020	1.810	$544	
Town Center Blvd. - Radio Lane to Commercial Dr. (12")	$70,200	2.538	0.709	0.020	1.810	$544	
SH 36 - Albis to Walnut St. (12")	$34,000	2.538	0.709	0.020	1.810	$263	
FM 2218 - US 59 to Richmond Interconnect (12")	$58,800	2.538	0.709	0.020	1.810	$455	
Vista Dr. - Town Center Blvd. to Reading Rd. (12")	$34,800	2.538	0.709	0.020	1.810	$270	
Commercial Dr. - Vista Dr. to Town Center Blvd. (12")	$33,600	2.538	0.709	0.020	1.810	$260	
Access Rd. Home Depot - Vista Dr. to Town Center Blvd. (12")	$24,000	2.538	0.709	0.020	1.810	$186	
Spacek Rd. - US 59 to Byran Rd. (12")	$265,338	2.538	0.709	0.275	1.554	$28,750	
Reading Center - US 59 to Spacek Rd. (12")	$22,800	2.538	0.709	0.020	1.810	$177	
Spacek Rd. - Reading Rd. to Brazos Crossing (12")	$12,800	2.538	0.709	0.020	1.810	$99	
Brazos Crossing - Spacek Rd. to Winding Lakes Lane (12")	$83,000	2.538	0.709	0.020	1.810	$643	
Winding Lakes Lane - Brazos Crossing to FM 2977 (12")	$11,000	2.538	0.709	0.020	1.810	$85	
FM 2977 - Reading Rd. to FM 762 (12")	$40,000	2.538	0.709	0.020	1.810	$310	
Winding Lakes Lane - FM 2977 to Summer Night (12")	$11,000	2.538	0.709	0.020	1.810	$85	
Summer Night - Winding Lakes Lane to Summer Shore (12")	$9,900	2.538	0.709	0.020	1.810	$77	
Summer Shore - Summer Night to Summer Mist (12")	$14,300	2.538	0.709	0.020	1.810	$111	
Summer Mist - Summer Shore to Reading Rd. (12")	$13,200	2.538	0.709	0.020	1.810	$102	
Reading Rd. - FM 2977 to Reading Rd. (16")	$165,000	4.512	1.260	0.275	2.977	$10,057	
US 59 - Bamore Rd. to FM 2218 (12")	$162,000	2.538	0.709	0.275	1.554	$17,553	
Ave. N - Radio Lane to Alamo St. (12")	$23,400	2.538	0.709	0.020	1.810	$181	
Alamo St. - Ave. N to Water Plant #2 (12")	$4,200	2.538	0.709	0.020	1.810	$33	
SH 36 - US 59 to J. Meyer Rd. (12")	$84,000	2.538	0.709	0.020	1.810	$651	
Band Rd. - SH 36 to City Limit (12")	$54,000	2.538	0.709	0.020	1.810	$418	
Bamore Rd. - Ave I to Wild Cotton Rd. (12")	$200,000	2.538	0.709	0.020	1.810	$1,549	
Grunwald Heights Blvd. - Bamore Rd. to Water Plant #3 (12")	$7,200	2.538	0.709	0.020	1.810	$56	
Magnolia Dr. - Bamore Rd. to Elevated Tank (12")	$8,400	2.538	0.709	0.020	1.810	$65	
Spur 529 - Bamore Rd. to City Limit (12")	$66,000	2.538	0.709	0.020	1.810	$511	
Rude Rd. - Spur 529 to US 90A (12")	$19,200	2.538	0.709	0.020	1.810	$149	
Seatex Ltd - US 90A to SH 36 (12")	$20,400	2.538	0.709	0.020	1.810	$158	
Walnut St. - SH 36 to Willow (12")	$16,000	2.538	0.709	0.020	1.810	$124	
Willow - Walnut to Ave. D (12")	$11,000	2.538	0.709	0.020	1.810	$85	
Austin St. - Ave. I to Water Plant #2 (12")	$9,000	2.538	0.709	0.020	1.810	$70	
Ave. I - Bamore Rd. to 2nd St. (12")	$22,800	2.538	0.709	0.020	1.810	$177	
Airport - FM 2218 to Louise St. (12")	$40,500	2.538	0.709	0.020	1.810	$314	
J. Meyer Rd. - SH 36 to MUD 147E (12")	$48,000	2.538	0.709	0.020	1.810	$372	
Bryan Rd. - Spacek to FM 2977 (16")	$93,000	4.512	1.260	0.275	2.977	$5,668	
FM 2977 - Bryan Rd. to Irby Cobb (16")	$45,000	4.512	1.260	0.275	2.977	$2,743	
Irby Cobb - FM 2977 to East (16")	$180,000	4.512	1.260	0.276	2.976	$11,011	
Rohan Rd. - Grand Rapids to Tori (12")	$134,750	2.538	0.709	0.020	1.810	$1,044	
Cottonwood Church Rd. - Water Plant #5 to US 59 (12")	$12,000	2.538	0.709	0.020	1.810	$93	
US 59 - Cottonwood Church Rd. to Spur 529 (12")	$13,200	2.538	0.709	0.020	1.810	$102	
Bryan Road - Dry Creek to Spacek Rd. (12")	$312,661	2.538	0.709	0.020	1.810	$2,422	
Louise Street - US 59 to Ave. N (12")	$351,520	2.538	0.709	0.020	1.810	$2,723	
Reading Road - Benton Rd. to East (12")	$386,413	2.538	0.709	0.020	1.810	$2,993	
Spur 529 US Hwy 59 to City Limit (12")	$843,839	2.538	0.709	0.020	1.810	$6,536	
Subtotal Existing Facilities	***$4,379,421***	***129.720***	***36.221***	***2.477***	***91.022***	***$102,652***	

TABLE 8
CIP INVENTORY AND COSTING
WATER UTILITY

FACILITY TYPE / NAME	TOTAL CONSTRUCTION COST	FACILITY CAPACITY (mgd or gals)				2013-2018	
		TOTAL	CURRENT CUSTOMERS	2013-2018 GROWTH	POST-2018 GROWTH	CAPITAL COST	COST PER LUE (a)
FUTURE FACILITIES							
Alternate Water Transmission Lines (42", 36", 30" & 24")	$5,495,200	31.023	0.000	1.800	29.223	$318,840	
US Hwy 59-Spur 529 to Bamore Road (12")	$953,000	2.538	0.000	0.313	2.225	$117,529	
US 59 (Reading Road to Dry Creek to Bryan Rd) (8")	$53,000	1.128	0.000	0.313	0.815	$14,707	
US Hwy 90A-Spur 10 to Rude Road (12")	$1,584,000	2.538	0.000	0.313	2.225	$195,348	
West Distribution Line along Spur 10 (16")	$3,159,000	4.512	0.000	0.313	4.199	$219,142	
Water Plant #7 to FM 2218 to US Hwy 59 (16")	$1,601,000	4.512	0.000	0.313	4.199	$111,062	
Water Plant #4 South to US Hwy 59 to Louise St. to FM 2218 (12")	$635,000	2.538	0.000	0.313	2.225	$78,312	
Benton Road to Reading Road to Irby Cobb Blvd. (16")	$857,000	4.512	0.000	0.313	4.199	$59,451	
North Distribution Line along SH 36 from NW Water Plant (16")	$3,624,000	4.512	0.000	0.313	4.199	$251,399	
Water Plant #5 to Cottonwood Church Rd Loop (12")	$1,238,550	2.538	0.000	0.020	2.518	$9,760	
Rohan Rd to Reading Rd along Benton (12" and 16")	$371,100	2.538	0.000	0.313	2.225	$45,766	
FM 2977 Water Line Extension (16")	$592,000	4.512	0.000	0.316	4.196	$41,461	
Subtotal Future Facilities	***$20,162,850***	***67.401***	***0.000***	***4.953***	***62.448***	***$1,462,775***	
TOTAL TRANSMISSION LINES	***$24,542,271***	***197.121***	***36.221***	***7.430***	***153.470***	***$1,565,427***	***$459.07***
TOTALS	***$57,210,743***					***$12,054,953***	***$3,535.17***

(a) Assumes the following gals to LUE conversion facto

Supply:	864 gals daily
Pumpage:	864 gals daily
Ground Storage:	100 gals
Elevated Storage:	100 gals
Transmission:	2,160 gals daily

TABLE 9
CIP INVENTORY AND COSTING
WASTEWATER UTILITY

FACILITY TYPE / NAME	TOTAL CONSTRUCTION COST	FACILITY CAPACITY (mgd or gals)				2013-2018	
		TOTAL	CURRENT CUSTOMERS	2013-2018 GROWTH	POST-2018 GROWTH	CAPITAL COST	COST PER LUE (a)
TREATMENT							
EXISTING FACILITIES			AVG MGD				
WWTP No. 1A	$2,361,311	2.000	1.475	0.080	0.445	$94,452	
WWTP No. 2	$1,185,408	3.000	2.139	0.460	0.401	$181,763	
WWTP No. 2 Expansion	$11,758,281	1.500	0.166	0.230	1.104	$1,802,936	
WWTP No. 3	$275,000	0.050	0.006	0.000	0.044	$0	
Subtotal Existing Facilities	***$15,580,000***	***6.550***	***3.786***	***0.770***	***1.994***	***$2,079,151***	
FUTURE FACILITIES							
Subtotal Future Facilities	***$0***	***0.000***	***0.000***	***0.000***	***0.000***	***$0***	
TOTAL WASTEWATER TREATMENT	***$15,580,000***	***6.550***	***3.786***	***0.770***	***1.994***	***$2,079,151***	***$685.74***

TABLE 9
CIP INVENTORY AND COSTING
WASTEWATER UTILITY

FACILITY TYPE / NAME	TOTAL CONSTRUCTION COST	FACILITY CAPACITY (mgd or gals)				2013-2018	
		TOTAL	CURRENT CUSTOMERS	2013-2018 GROWTH	POST-2018 GROWTH	CAPITAL COST	COST PER LUE (a)
PUMPING							
EXISTING FACILITIES			MGD				
Lift Station No. 1 (1820 3rd Street)	$120,636	1.807	0.500	0.150	1.157	$10,013	
Lift Station No. 2 (3600 Avenue F)	$297,450	10.080	3.229	0.083	6.769	$2,449	
Lift Station No. 3 (1002 Wilson Drive)	$111,450	1.728	1.645	0.083	0.000	$5,385	
Lift Station No. 4 (1814 Jones Street)	$245,321	1.584	1.584	0.000	0.000	$0	
Lift Station No. 5 (1115 Avenue D)	$62,000	0.540	0.540	0.000	0.000	$0	
Lift Station No. 6 (406 Mulchay Street)	$30,000	0.079	0.079	0.000	0.000	$0	
Lift Station No. 7 (2615 Mons Avenue)	$75,000	2.088	0.651	0.000	1.437	$0	
Lift Station No. 8 (3102 West Street)	$398,000	1.800	0.796	0.000	1.004	$0	
Lift Station No. 9 (2311 Avenue B)	$138,000	0.360	0.360	0.000	0.000	$0	
Lift Station No. 10 (1911 Avenue A)	$67,550	0.118	0.118	0.000	0.000	$0	
Lift Station No. 11 (2809 B. F. Terry Boulevard)	$405,000	3.456	0.752	0.150	2.554	$17,578	
Lift Station No. 12 (4431 Airport Avenue)	$2,168	0.000	0.000	0.000	0.000		
Lift Station No. 13 (4120 Airport Avenue)	$10,000	0.072	0.072	0.000	0.000	$0	
Lift Station No. 14 (2811 Airport Avenue)	$85,950	1.248	1.000	0.248	0.000	$17,073	
Lift Station No. 15 (2119 Avenue B)	$392,000	2.131	1.035	0.000	1.096	$0	
Lift Station No. 16 (1900 FM 2218)	$40,000	2.808	0.840	0.150	1.818	$2,137	
Lift Station No. 17 (100 Rude Road)	$50,000	0.292	0.292	0.000	0.000	$0	
Lift Station No. 18 (451 Hwy 36 West)	$10,000	0.101	0.101	0.000	0.000	$0	
Lift Station No. 19 (5630 Bryan Road)	$96,956	1.001	1.001	0.000	0.000	$0	
Lift Station No. 20 (3301 Vista Ridge)	$100,000	0.792	0.334	0.000	0.458	$0	
Lift Station No. 21 (1205 Spur 529)	$210,600	0.504	0.504	0.000	0.000	$0	
Lift Station No. 22 (2102 First Street)	$1,600	0.072	0.072	0.000	0.000	$0	
Lift Station No. 23 (1302 Cotton Wood School Road)	$310,000	1.162	1.050	0.112	0.000	$29,899	
Lift Station No. 24 (7707 Reading Road)	$506,283	1.152	0.334	0.000	0.818	$0	
Lift Station No. 25 (2230 J. Meyer Road)	$330,313	0.720	0.720	0.000	0.000	$0	
Lift Station No. 26 (5028 Bryan Road)	$25,000	0.058	0.058	0.000	0.000	$0	
Lift Station No. 27 (Brazos Town Center Lift Station)	$471,000	1.742	0.333	0.759	0.650	$205,170	
North Benton Road Lift Station	$361,235	0.693	0.000	0.000	0.693	$0	
South Benton Road Lift Station	$642,189	0.980	0.000	0.000	0.980	$0	
Subtotal Existing Facilities	***$5,595,701***	***39.169***	***18.000***	***1.736***	***19.434***	***$289,705***	
FUTURE FACILITIES							
Lift Station No. 11 Upgrade	$250,000	1.800	0.000	0.200	1.600	$27,778	
Lift Station No. 19 Upgrade	$1,892,800	2.311	0.000	0.200	2.111	$163,794	
Lift Station (US Hwy 59/Spur 10)	$469,000	1.728	0.000	0.200	1.528	$54,282	
Localized Lift Stations	(b)						
Subtotal Future Facilities	***$2,611,800 (b)***	***5.839***	***0.000***	***0.600***	***5.239***	***$245,854 (b)***	
TOTAL WASTEWATER PUMPAGE	***$8,207,501 (b)***	***45.008***	***18.000***	***2.336***	***24.673***	***$535,559 (b)***	***$176.64 (a,b)***

TABLE 9
CIP INVENTORY AND COSTING
WASTEWATER UTILITY

FACILITY TYPE / NAME	TOTAL CONSTRUCTION COST	FACILITY CAPACITY (mgd or gals)				2013-2018	
		TOTAL	CURRENT CUSTOMERS	2013-2018 GROWTH	POST-2018 GROWTH	CAPITAL COST	COST PER LUE (a)
MAJOR COLLECTION LINES							
EXISTING FACILITIES			MGD				
Basin 1							
Damon - Ave. H to Old Richmond Rd. (12")	$43,200	1.015	0.259	0.000	0.756	$0	
Old Richmond Rd. - Damon to 8th Street (12")	$71,100	1.015	0.259	0.000	0.756	$0	
8th Street - Old Richmond Rd. to Ave. E (15")	$21,375	1.586	0.259	0.000	1.327	$0	
Ave. E - 8th Street to 7th Street (15")	$13,500	1.586	0.259	0.000	1.327	$0	
7th Street - Ave. E to Ave. D (15")	$10,125	1.586	0.259	0.000	1.327	$0	
Ave. D - 7th to 5 1/2 St. (15")	$19,125	1.586	0.259	0.000	1.327	$0	
5 1/2 St. - Ave. D to Lift Station #15 (15")	$36,000	1.586	0.259	0.000	1.327	$0	
Houston St. - Ave. I to Walnut (12")	$45,000	1.015	0.259	0.000	0.756	$0	
Walnut - Houston to 1st St. (12")	$10,800	1.015	0.259	0.000	0.756	$0	
1st St. - Walnut to Ave. B (12")	$46,800	1.015	0.259	0.000	0.756	$0	
Ave. B - 1st St. to 1 1/2 St. (12")	$4,500	1.015	0.259	0.000	0.756	$0	
1 1/2 St. - Ave. B to Ave. A (12")	$10,800	1.015	0.259	0.000	0.756	$0	
Ave. A - 1 1/2 St. to Lift Station #15 (12")	$42,300	1.015	0.259	0.000	0.756	$0	
Ave. D - 1 1/2 St. to 3rd St. (15")	$307,000	1.586	0.259	0.000	1.327	$0	
5th St. - Ave. K to Ave. D (12")	$92,700	1.015	0.259	0.000	0.756	$0	
5th St. - Ave. D to Lift Station #15 (15")	$224,536	1.586	0.259	0.000	1.327	$0	
Ave. M - 2 1/2 to 5th St. (24")	$59,400	4.061	0.259	0.000	3.802	$0	
5th Street - Ave. M to Lift Station #15 (24")	$293,400	4.061	0.259	0.000	3.802	$0	
Basin 2							
Airport - Graeber to alley between Alamo/Lory (12")	$58,800	1.015	0.651	0.000	0.364	$0	
Alley between Alamo/Lory - Airport to Mons Ave. (12")	$11,340	1.015	0.651	0.000	0.364	$0	
Mons Ave. - Alley to Lift Station #7 (12")	$10,500	1.015	0.651	0.000	0.364	$0	
Mons Ave. - Cedar Lane to SH 36 (21")	$51,450	3.109	0.500	0.250	2.359	$4,137	
4th Street - Main to Parrott (12")	$22,680	1.015	0.500	0.050	0.465	$1,117	
Easement - Parrott to Lift Station #1 (12")	$8,400	1.015	0.500	0.050	0.465	$414	
Basin 3							
Reading Rd. - Apartments to Herndon (12")	$13,680	1.015	1.015	0.000	0.000	$0	
Herndon - Reading Rd. to US 90A (12")	$3,240	1.015	1.015	0.000	0.000	$0	
US 90A - Herndon to Cole (15")	$19,350	1.586	1.586	0.000	0.000	$0	
US 90A - Cole to Lift Station #2 (18")	$49,680	2.284	2.214	0.071	0.000	$1,544	
Ave. H - Silverado to Lift Station #2 (12")	$10,800	1.015	1.015	0.000	0.000	$0	
Miles - South of Ave. I to Ave. H (12")	$15,840	1.015	1.015	0.000	0.000	$0	
Pleasant Gully - South of Ave. I to Ave. H (12")	$24,480	1.015	1.015	0.000	0.000	$0	

TABLE 9
CIP INVENTORY AND COSTING
WASTEWATER UTILITY

FACILITY TYPE / NAME	TOTAL CONSTRUCTION COST	FACILITY CAPACITY (mgd or gals)				2013-2018	
		TOTAL	CURRENT CUSTOMERS	2013-2018 GROWTH	POST-2018 GROWTH	CAPITAL COST	COST PER LUE (a)
Basin 4							
Spacek Rd. - US 59 to Lift Station #19 (12")	$291,780	1.015	0.501	0.270	0.245	$77,616	
Bryan Rd. - US 59 to 2400' East (21")	$50,820	3.109	0.500	0.270	2.339	$4,413	
Summer Shore - Lake Commons to Blue Lake Drive (15")	$12,100	1.586	0.167	0.110	1.309	$839	
Summer Crest Dr. - Summer Shore to Lift Station #24 (18")	$28,600	2.284	0.334	0.110	1.840	$1,377	
Winding Lake - FM 2977 to Summer Night (12")	$16,940	1.015	0.167	0.110	0.738	$1,836	
Summer Night - Winding Lake to Summer Shore (12")	$26,620	1.015	0.167	0.110	0.738	$2,885	
Summer Shore - Summer Night to Summer Crest Dr. (12")	$36,300	1.015	0.167	0.110	0.738	$3,934	
Town Center Blvd. - Commercial to access Home Depot (12")	$9,900	1.015	0.167	0.000	0.848	$0	
Home Depot - Town Center Blvd. to Lift Station #20 (15")	$30,525	1.586	0.167	0.000	1.419	$0	
Vista - Town Center Blvd. to 600' South (12")	$11,220	1.015	0.167	0.000	0.848	$0	
Vista - 600' South to Lift Station #20 (15")	$12,375	1.586	0.167	0.000	1.419	$0	
Town Center Blvd. - Reserve to FM 2218 (15")	$25,575	1.586	0.150	0.110	1.326	$1,774	
Town Center Blvd. - Village Ct Dr to Reading Rd (15")	$42,075	1.586	0.400	0.110	1.076	$2,918	
Town Center Blvd. - Reading Rd. to Section 5 Detention (18")	$19,800	2.284	0.600	0.220	1.464	$1,907	
Town Center Blvd. - Section 5 Detention to FM 2218 (21")	$19,635	3.109	0.600	0.220	2.289	$1,389	
Lane Dr. - Mustang to Ave. I (12")	$15,180	1.015	0.200	0.110	0.705	$1,645	
Reading Rd. - Ave. I to Town Center Blvd. (12")	$13,200	1.015	0.200	0.110	0.705	$1,431	
East Town Center Sect. 1 - Dry Creek to Town Center Blvd. (12")	$17,160	1.015	0.400	0.110	0.505	$1,860	
FM 2218 - Town Center Blvd. to Lift Station #16 (21")	$18,480	3.109	0.840	0.210	2.059	$1,248	
Greenwood - Red Bud North to Ave. N (12")	$11,220	1.015	0.326	0.170	0.519	$1,879	
Alley between Allwright & Richard - Reading Rd to Homestead (12")	$14,520	1.015	0.326	0.170	0.519	$2,432	
FM 2218 - Ave. N to Lift Station #11 (12")	$7,920	1.015	0.426	0.170	0.419	$1,327	
FM 2218 - Talberts to Lift Station #11 (12")	$30,360	1.015	0.326	0.170	0.519	$5,085	
Bryan Rd. - Roseranch to Lift Station #19 (18")	$46,530	2.284	0.501	0.000	1.784	$0	
Basin 5							
Southeast Trunk Sewer - FM 2218 to WWTP #2 (42"-54")	$2,350,758	20.558	5.465	0.868	14.225	$99,254	
US 59 - Bamore to Fairgrounds Rd. (12")	$21,120	1.015	1.015	0.000	0.000	$0	
Fairgrounds Rd. - US 59 to WWTP #2 (12")	$13,860	1.015	1.015	0.000	0.000	$0	
SH 36 - US 59 to Southeast Trunk Sewer (30")	$46,200	6.345	2.733	0.434	3.179	$3,160	
Southeast Trunk Sewer - SH 36 to WWTP #2 (36")	$63,360	9.137	2.733	0.434	5.970	$3,010	
J. Meyer Rd. - Park Thicket to Lift Station #25 (12")	$8,580	1.015	0.360	0.000	0.655	$0	
J. Meyer Rd. - Silverstone to Lift Station #25 (12")	$5,280	1.015	0.360	0.000	0.655	$0	
J. Meyer Rd. - School to SH 36 (18")	$8,910	2.284	0.720	0.434	1.130	$1,693	
SH 36 - J. Meyer Rd. to Band Rd. (18")	$255,233	2.284	1.720	0.434	0.130	$48,499	
SH 36 - Band Rd. to Fairgrounds Rd. (24")	$255,233	4.061	2.733	0.434	0.894	$27,277	
SH 36 - Fairgrounds Rd. to Southeast Trunk Sewer (30")	$255,233	6.345	2.733	0.434	3.178	$17,458	
Band Rd. - Stella to SH 36 (12")	$10,560	1.015	1.013	0.000	0.002	$0	
SH 36 - J. Meyer Rd. to South (15")	$193,537	1.586	1.000	0.000	0.586	$0	

TABLE 9
CIP INVENTORY AND COSTING
WASTEWATER UTILITY

FACILITY TYPE / NAME	TOTAL CONSTRUCTION COST	FACILITY CAPACITY (mgd or gals)				2013-2018	
		TOTAL	CURRENT CUSTOMERS	2013-2018 GROWTH	POST-2018 GROWTH	CAPITAL COST	COST PER LUE (a)
Basin 6							
Bamore - Ave. I to South of Wilburn (12")	$64,260	1.015	0.300	0.000	0.715	$0	
Blume - Spur 529 to Seabourne Creek (12")	$58,860	1.015	0.300	0.000	0.715	$0	
Connector - Blume to Bamore (15")	$37,125	1.586	0.300	0.000	1.286	$0	
Bamore - South of Wilburn to Grunwald Hts Blvd (15")	$15,525	1.586	0.600	0.000	0.986	$0	
Grunwald Hts. Blvd. - Bamore to West (15")	$24,975	1.586	0.600	0.000	0.986	$0	
West - Grunwald Hts. Blvd. to Lift Station #8 (15")	$17,550	1.586	0.700	0.000	0.886	$0	
West - Bernie to Grunwald Hts. Blvd. (12")	$3,780	1.015	0.100	0.000	0.915	$0	
West - US 59 to Walenta (12")	$29,565	1.015	0.500	0.050	0.465	$1,456	
Walenta - West to SH 36 (18")	$32,400	2.284	0.500	0.050	1.734	$709	
Spur 529 - City Limits to Lift Station #21 (12")	$2,400	1.015	0.504	0.000	0.511	$0	
Rude Rd. - US 90A to Lift Station #17 (12")	$13,500	1.015	0.292	0.000	0.723	$0	
North of RR - Rude Rd. to 800' West (12")	$4,320	1.015	0.292	0.000	0.723	$0	
Harley Davidson - Bamore to Lift Station #8 (12")	$129,488	1.015	0.096	0.000	0.919	$0	
SH 36 - Mons to Walenta (21")	$3,780	3.109	0.500	0.330	2.279	$401	
SH 36 - Walenta to US 59 (30")	$98,550	6.345	0.500	0.330	5.515	$5,126	
Basin McDonald's							
WWTP #3 to US 59 (12")	$18,000	1.015	0.038	0.000	0.977	$0	
US 59 to Spur 529 (12")	$6,000	1.015	0.038	0.000	0.977	$0	
Basin X							
Louise Street - Halfway from Airport to Mons (12")	$117,173	1.015	0.000	0.330	0.685	$38,096	
Louise Street - Mons to US 59 (15")	$117,173	1.586	0.000	0.330	1.256	$24,380	
Louise Street - US 59 to Southeast Trunk Sewer (15")	$117,173	1.586	0.000	0.330	1.256	$24,380	
Subtotal Existing Facilities	***$6,860,197***	***172.886***	***54.710***	***8.613***	***109.564***	***$419,907***	
FUTURE FACILITIES							
Sewer - Spacek Rd -US 59 to Bryan Rd (15", 21" & 24")	$1,135,000	3.046	0.501	0.700	1.845	$260,834	
Sewer - Spur 10 -WWTP #5 to SH 36 (24" & 54")	$4,380,000	6.218	0.000	0.350	5.868	$246,542	
Sewer - Spur 10-WWTP #5 to US Hwy 59 (24", 36", & 42")	$3,808,000	9.137	0.000	0.350	8.787	$145,868	
Sewer - FM Hwy 2218 South of US Hwy 59 (12")	$587,000	1.015	0.000	0.350	0.665	$202,414	
Sewer - WWTP #2 to Cottonwood School Road (18")	$673,000	2.284	0.000	0.350	1.934	$103,130	
Subtotal Future Facilities	***$10,583,000***	***21.700***	***0.501***	***2.100***	***19.099***	***$958,789***	
TOTAL COLLECTION LINES	***$17,443,197***	***194.586***	***55.211***	***10.713***	***128.663***	***$1,378,696***	***$454.72***
WASTEWATER CONSTRUCTION COST TOTAL	***$41,230,698***					***$3,993,406***	***$1,317.10***

(a) Assumes the following gals to LUE conversion facto

Treatment:	254 gals daily
Pumpage:	1,207 gals daily (Existing Customers)
	770 gals daily (2013-2018 New Customers)
Collection:	1,207 gals daily

2.2.5 Summary of CIP Analysis and Capital Cost Allocation

Capital costs for each area are summarized in ***Table 10***. In addition to capital costs, the City is permitted to add the costs of the study to the fee amount, as is shown in the table.

TABLE 10
CIP INVENTORY AND COSTING
SUMMARY

UTILITY/ FACILITY TYPE	COST PER LUE
WATER	
Supply	$2,630.47
Pumping	$177.72
Ground Storage	$65.09
Elevated Storage	$202.82
Major Transmission	$459.07
Study Costs	$6.35
Total Water Capital Costs	***$3,541.52***
SEWER	
Treatment	$685.74
Pumping	$176.64
Collection	$454.72
Study Costs	$7.15
Total Wastewater Capital Costs	***$1,324.25***
TOTAL WATER AND WASTEWATER CAPITAL COSTS	***$4,865.77***

3.0 FEE CALCULATION

Chapter 395 states that the maximum fee amount may not exceed the full capital cost per unit. The statute also requires:

> *a credit for the portion of ad valorem tax and utility service revenues generated by new service units during the program period that is used for the payment of improvements, including the payment of debt, that are included in the capital improvements plan; or in the alternative, a credit equal to 50 percent of the total projected cost of implementing the capital improvements plan.*

The Equity Residual Model described in Section 4.0 of Rosenberg's 2008 impact fee study was used in fee calculation for the water and sewer utilities. That methodology essentially allows the feepayers to finance a portion of his or her costs through City financing, similar to the amount of principal owed by each existing customer, thus establishing fairness between existing and future customers. ***Table 11*** contains calculations of rate credits for the water utility, and ***Table 12*** shows similar calculations for the wastewater utility. These tables show the dollar amount of capital debt service payback proportionately attributed to each LUE of existing service. This amount is used as a credit for future feepayers.

Table 13 shows the remainder of the fee calculation process. According to Chapter 395, the City may either calculate actual rate credits, or it may simply reduce the construction costs by 50% to approximate a fee credit. ***Table 13*** performs both fee calculations for each type of facility, for each utility. The higher fee between the two credit approaches is then shown in the right-most column as the maximum allowable fees.

Table 14 shows maximum fee amounts for various sizes of water meters, using the maximum fee amounts shown in ***Table 13.*** The City Council may set fees at the maximum or at any lesser amount.

TABLE 11
CATEGORIZATION OF UTILITY DEBT
WATER UTILITY

FACILITY TYPE / NAME		BOND ISLUE			FACILITY CAPACITY		TOTAL DEBT PRINCIPAL PER CURRENT LUE
		ISSUANCE DATE	ISSUANCE AMOUNT (a)	REMAINING PRINCIPAL	TOTAL	FOR CURRENT CUSTOMERS	
WATER SUPPLY							
Water Well No. 9 (Reading Road)	Refunding	2010	$660,535	$103,209	2.592	2.592	$6.15
Water Plant No. 5 (Well No. 9A)	CO	2012	$843,517	$801,341	2.592	1.012	$18.66
Water Plant No. 5 (Well No. 9A)	CO	2013	$569,865	$550,870	2.592	1.012	$12.83
Water Plant No. 10 (Well No. 10)		Prospective	$1,204,620	$1,204,620	2.592	1.012	$28.05
Alternate Water Plant		Prospective	$14,280,000	$14,280,000	3.000	0.000	$0.00
Subtotal Supply			***$17,558,538***	***$16,940,040***			***$65.69***
PUMPING							
Water Plant No. 5 Expansion	CO	2012	$1,432,849	$1,361,207	1.080	0.000	$0.00
Water Plant No. 7		Prospective	$740,520	$740,520	2.448	0.000	$0.00
Water Plant No. 10		Prospective	$745,960	$745,960	5.184	0.000	$0.00
Subtotal Pumping			***$1,486,480***	***$1,486,480***			***$0.00***
GROUND STORAGE							
Water Plant No. 5	CO	2012	$612,297	$581,682	0.566	0.033	$2.02
Water Plant No. 6	Refunding	2010	$282,688	$44,170	0.300	0.264	$2.32
Water Plant No. 6		Prospective	$1,428,000	$1,428,000	0.700	0.000	$0.00
Water Plant No. 7		Prospective	$409,020	$409,020	0.270	0.000	$0.00
Water Plant No. 10		Prospective	$1,133,220	$1,133,220	1.000	0.000	$0.00
Subtotal Ground Storage			***$3,252,928***	***$3,014,410***			***$2.32***
ELEVATED STORAGE							
Water Plant No. 1	Refunding	2010	$178,196	$27,843	0.150	0.150	$1.66
Water Plant No. 6 (FM 2977)		Prospective	$2,484,210	$2,484,210	1.000	0.000	$0.00
Water Plant No. 10		Prospective	$2,231,000	$2,231,000	1.000	0.000	$0.00
Subtotal Elevated Storage			***$4,893,406***	***$4,743,053***			***$1.66***
MAJOR TRANSMISSION							
Reading Road Water	Refunding	2010	$207,225	$32,379	100.0%	27.9%	$0.54
Reading Road Water	Refunding	2010	$15,904	$2,485	1.000	0.279	$0.04
Alternate Water Transmission Lines (42", 36", 30" & 24")		Prospective	$5,605,104	$5,605,104	31.023	0.000	$0.00
US Hwy 59-Spur 529 to Bamore Road (12")		Prospective	$972,060	$972,060	2.538	0.000	$0.00
US 59 (Reading Road to Dry Creek to Bryan Rd) (8")		Prospective	$54,060	$54,060	1.128	0.000	$0.00
US Hwy 90A-Spur 10 to Rude Road (12")		Prospective	$1,615,680	$1,615,680	2.538	0.000	$0.00
West Distribution Line along Spur 10 (16")		Prospective	$3,222,180	$3,222,180	4.512	0.000	$0.00
Water Plant #7 to FM 2218 to US Hwy 59 (16")		Prospective	$1,633,020	$1,633,020	4.512	0.000	$0.00
Water Plant #4 South to US Hwy 59 to Louise St. to FM 2218 (12")		Prospective	$647,700	$647,700	2.538	0.000	$0.00
Benton Road to Reading Road to Irby Cobb Blvd. (16")		Prospective	$874,140	$874,140	4.512	0.000	$0.00
North Distribution Line along SH 36 from NW Water Plant (16")		Prospective	$3,696,480	$3,696,480	4.512	0.000	$0.00
Water Plant #5 to Cottonwood Church Rd Loop (12")		Prospective	$1,263,321	$1,263,321	2.538	0.000	$0.00
Rohan Rd to Reading Rd along Benton (12" and 16")		Prospective	$378,522	$378,522	2.538	0.000	$0.00
FM 2977 Water Line Extension (16")		Prospective	$603,840	$603,840	4.512	0.000	$0.00
Subtotal Transmission Lines			***$20,789,236***	***$20,600,971***			***$0.58***
WATER OUTSTANDING DEBT TOTAL			***$47,980,587***	***$46,784,954***			***$70.25***

(a) Assume financing parameter: 4.50% interest & 20 years & bonding costs of 2.0% over construction costs.
(b) Including soft costs.

2010 Refunding issue refunded 1998 and 2000 issues.

TABLE 12
CATEGORIZATION OF UTILITY DEBT
WASTEWATER UTILITY

FACILITY TYPE / NAME		BOND ISLUE			FACILITY CAPACITY		TOTAL DEBT PRINCIPAL PER CURRENT LUE
		ISSUANCE DATE	ISSUANCE AMOUNT (a)	REMAINING PRINCIPAL	TOTAL	FOR CURRENT CUSTOMERS	
TREATMENT							
Trailer Mounted Centrifuge for WWTP 1A, 2	Refunding	2010	$58,454	$9,134	5.000	3.614	$0.44
WWTP No. 2 Expansion, First Phase	CO	2006	$4,565,000	$3,575,000	1.500	0.166	$26.54
WWTP No. 2 Expansion, Second Phase	CO	2007	$4,570,000	$3,820,000	1.500	0.166	$28.36
WWTP No. 2 Expansion, Final Phase	CO	2008	$3,545,000	$2,960,000	1.500	0.166	$21.97
Subtotal Wastewater Treatment			***$12,738,454***	***$10,364,134***			***$77.31***
PUMPING							
Lift Station No. 11 Upgrade		Prospective	$255,000	$255,000	1.800	0.000	$0.00
Lift Station No. 19 Upgrade		Prospective	$1,930,656	$1,930,656	2.311	0.000	$0.00
Lift Station (US Hwy 59/Spur 10)		Prospective	$478,380	$478,380	1.728	0.000	$0.00
Subtotal Wastewater Pumping			***$2,664,036***	***$2,664,036***			***$0.00***
MAJOR COLLECTION							
Sewer - Spacek Rd -US 59 to Bryan Rd (15", 21" & 24")		Prospective	$1,157,700	$1,157,700	3.046	0.501	$12.77
Sewer - Spur 10 -WWTP #5 to SH 36 (24" & 54")		Prospective	$4,467,600	$4,467,600	6.218	0.000	$0.00
Sewer - Spur 10-WWTP #5 to US Hwy 59 (24", 36", & 42")		Prospective	$3,884,160	$3,884,160	9.137	0.000	$0.00
Sewer - FM Hwy 2218 South of US Hwy 59 (12")		Prospective	$598,740	$598,740	1.015	0.000	$0.00
Sewer - WWTP #2 to Cottonwood School Road (18")		Prospective	$686,460	$686,460	2.284	0.000	$0.00
Subtotal Wastewater Collection			***$10,794,660***	***$10,794,660***			***$12.77***
WASTEWATER OUTSTANDING DEBT TOTAL			***$26,197,150***	***$23,822,830***			***$90.08***

(a) Assume financing parameter: 4.50% interest & 20 years & bonding costs of 2.0% over construction costs.
(b) Including soft costs.

2010 Refunding issue refunded 1998 and 2000 issues.

TABLE 13
DERIVATION OF MAXIMUM WATER AND WASTEWATER DEVELOPMENT FEES
THROUGH THE EQUITY RESIDUAL MODEL

UTILITY / FACILITY TYPE	CONSTRUCTION COSTS	ALTERNATIVE ADJUSTMENT A Rate Credit	ALTERNATIVE ADJUSTMENT B 50% Adjustment *	MAXIMUM FEE AMOUNT A Rate Credit	MAXIMUM FEE AMOUNT B 50% Adjustment *	HIGHER OF A or B
WATER UTILITY						
Supply	$2,630.47	$65.69	$1,315.24	$2,564.78	$1,315.24	$2,564.78
Pumping	$177.72	$0.00	$88.86	$177.72	$88.86	$177.72
Treated Ground Storage	$65.09	$2.32	$32.55	$62.77	$32.55	$62.77
Treated Elevated Storage	$202.82	$1.66	$101.41	$201.16	$101.41	$201.16
Major Transmission	$459.07	$0.58	$229.54	$458.49	$229.54	$458.49
CIP/Study Costs	$6.35	$0.00	$3.18	$6.35	$3.18	$6.35
Subtotal Water	***$3,541.52***	***$70.25***	***$1,770.76***	***$3,471.27***	***$1,770.76***	***$3,471.27***
WASTEWATER UTILITY						
Treatment	$685.74	$77.31	$342.87	$608.43	$342.87	$608.43
Pumping	$176.64	$0.00	$88.32	$176.64	$88.32	$176.64
Major Collection	$454.72	$12.77	$227.36	$441.95	$227.36	$441.95
CIP/Study Costs	$7.15	$0.00	$3.57	$7.15	$3.57	$7.15
Subtotal Wastewater	***$1,324.25***	***$90.08***	***$662.12***	***$1,234.17*** [a]	***$662.12*** [a]	***$1,234.17*** [a]
TOTAL WATER AND WASTEWATER UTILITIES	***$4,865.77***	***$160.33***	***$2,432.89***	***$4,705.44*** [a]	***$2,432.89*** [a]	***$4,705.44*** [a]

* Totals may not add due to rounding.
(a) Feepayers requiring construction of additional new lift stations will also be charged the cost of their prorata share of the facilities.

TABLE 14
MAXIMUM IMPACT FEES FOR VARIOUS WATER METER SIZES
CITY OF ROSENBERG

METER TYPE	METER SIZE	MULTIPLIER	MAXIMUM IMPACT FEE		
			WATER	SEWER	BOTH
SIMPLE	5/8" x 3/4"	1.000	$3,471.27	$1,234.17	$4,705.44
SIMPLE	3/4"	1.500	$5,206.91	$1,851.26	$7,058.17
SIMPLE	1"	2.500	$8,678.18	$3,085.43	$11,763.61
SIMPLE	1-1/2"	5.000	$17,356.35	$6,170.85	$23,527.20
SIMPLE	2"	8.000	$27,770.16	$9,873.36	$37,643.52
COMPOUND	2"	8.000	$27,770.16	$9,873.36	$37,643.52
TURBINE	2"	10.000	$34,712.70	$12,341.70	$47,054.40
COMPOUND	3"	16.000	$55,540.32	$19,746.72	$75,287.04
TURBINE	3"	24.000	$83,310.48	$29,620.08	$112,930.56
COMPOUND	4"	25.000	$86,781.75	$30,854.25	$117,636.00
TURBINE	4"	42.000	$145,793.34	$51,835.14	$197,628.48
COMPOUND	6"	50.000	$173,563.50	$61,708.50	$235,272.00
TURBINE	6"	92.000	$319,356.84	$113,543.64	$432,900.48
COMPOUND	8"	80.000	$277,701.60	$98,733.60	$376,435.20
TURBINE	8"	160.000	$555,403.20	$197,467.20	$752,870.40
COMPOUND	10"	115.000	$399,196.05	$141,929.55	$541,125.60
TURBINE	10"	250.000	$867,817.50	$308,542.50	$1,176,360.00
TURBINE	12"	330.000	$1,145,519.10	$407,276.10	$1,552,795.20

4.0 CONCLUSIONS AND RECOMMENDATIONS

4.1 CONCLUSIONS AND RECOMMENDATIONS OF THE CONSULTANTS

This report represents the technical compliance activities of the City responsive to Chapter 395 of the Texas Local Government Code. In addition to the adoption of the fees calculated herein, the Consultants recommended:

- Use of fee revenues to avoid future bonding, whenever possible.

- As a second-best option, fee proceeds should be used for early retirement of the growth-related portion of existing bonds for growth-related capacity in the CIP.

- Only when the two options immediately above are infeasible should fee proceeds be used for debt service for future customers.

- The Consultants recommend that the City maintain separate dedicated accounts for water fee revenues, respectively, and retain accrued interest in the account, as stipulated in Chapter 395.

The Consultants also recommend that the City's records include the following information for each impact fee payment made:

- Date of final plat (i.e., date of fee assessment)
- Ordinance number (date) by which property is assessed an impact fee
- Date of tap purchase
- Size of water meter
- Number of water and sewer LUE's for which an impact fee is assessed
- Amount of impact fees paid
- Date of payment of impact fees
- Special conditions or exceptions, if any
- Sufficient locational information, consistent with city or county deed records, to enable the City to establish ownership of property for which fees have been paid

4.2 RECOMMENDATIONS AND CONCLUSIONS OF ADVISORY COMMITTEE

The Committee's written comments filed prior to the fee update hearing are shown below.

5.0 CHAPTER 395 OF THE TEXAS LOCAL GOVERNMENT CODE

CHAPTER 395. FINANCING CAPITAL IMPROVEMENTS REQUIRED BY NEW DEVELOPMENT IN MUNICIPALITIES, COUNTIES, AND CERTAIN OTHER LOCAL GOVERNMENTS

SUBCHAPTER A. GENERAL PROVISIONS

§ 395.001. Definitions

In this chapter:

(1) "Capital improvement" means any of the following facilities that have a life expectancy of three or more years and are owned and operated by or on behalf of a political subdivision:

(A) water supply, treatment, and distribution facilities; wastewater collection and treatment facilities; and storm water, drainage, and flood control facilities; whether or not they are located within the service area; and

(B) roadway facilities.

(2) "Capital improvements plan" means a plan required by this chapter that identifies capital improvements or facility expansions for which impact fees may be assessed.

(3) "Facility expansion" means the expansion of the capacity of an existing facility that serves the same function as an otherwise necessary new capital improvement, in order that the existing facility may serve new development. The term does not include the repair, maintenance, modernization, or expansion of an existing facility to better serve existing development.

(4) "Impact fee" means a charge or assessment imposed by a political subdivision against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to the new development. The term includes amortized charges, lump-sum charges, capital recovery fees, contributions in aid of construction, and any other fee that functions as described by this definition. The term does not include:

(A) dedication of land for public parks or payment in lieu of the dedication to serve park needs;

(B) dedication of rights-of-way or easements or construction or dedication of on-site or off-site water distribution, wastewater collection or drainage facilities, or streets, sidewalks, or curbs if the dedication or construction is required by a valid ordinance and is necessitated by and attributable to the new development;

(C) lot or acreage fees to be placed in trust funds for the purpose of reimbursing developers for oversizing or constructing water or sewer mains or lines; or

(D) other pro rata fees for reimbursement of water or sewer mains or lines extended by the political subdivision.

However, an item included in the capital improvements plan may not be required to be constructed except in accordance with Section 395.019(2), and an owner may not be required to construct or dedicate facilities and to pay impact fees for those facilities.

(5) "Land use assumptions" includes a description of the service area and projections of changes in land uses, densities, intensities, and population in the service area over at least a 10–year period.

(6) "New development" means the subdivision of land; the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of the use of land; any of which increases the number of service units.

(7) "Political subdivision" means a municipality, a district or authority created under Article III, Section 52, or Article XVI, Section 59, of the Texas Constitution, or, for the purposes set forth by Section 395.079, certain counties described by that section.

(8) "Roadway facilities" means arterial or collector streets or roads that have been designated on an officially adopted roadway plan of the political subdivision, together with all necessary appurtenances. The term includes the political subdivision's share of costs for roadways and associated improvements designated on the federal or Texas highway system, including local matching funds and costs related to utility line relocation and the establishment of curbs, gutters, sidewalks, drainage appurtenances, and rights-of-way.

(9) "Service area" means the area within the corporate boundaries or extraterritorial jurisdiction, as determined under Chapter 42, of the political subdivision to be served by the capital improvements or facilities expansions specified in the capital improvements plan, except roadway facilities and storm water, drainage, and flood control facilities. The service area, for the purposes of this chapter, may

include all or part of the land within the political subdivision or its extraterritorial jurisdiction, except for roadway facilities and storm water, drainage, and flood control facilities. For roadway facilities, the service area is limited to an area within the corporate boundaries of the political subdivision and shall not exceed six miles. For storm water, drainage, and flood control facilities, the service area may include all or part of the land within the political subdivision or its extraterritorial jurisdiction, but shall not exceed the area actually served by the storm water, drainage, and flood control facilities designated in the capital improvements plan and shall not extend across watershed boundaries.

(10) "Service unit" means a standardized measure of consumption, use, generation, or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards and based on historical data and trends applicable to the political subdivision in which the individual unit of development is located during the previous 10 years.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989. Amended by Acts 1989, 71st Leg., ch. 566, § 1(e), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, § 1, eff. Sept. 1, 2001.

SUBCHAPTER B. AUTHORIZATION OF IMPACT FEE

§ 395.011. Authorization of Fee

(a) Unless otherwise specifically authorized by state law or this chapter, a governmental entity or political subdivision may not enact or impose an impact fee.

(b) Political subdivisions may enact or impose impact fees on land within their corporate boundaries or extraterritorial jurisdictions only by complying with this chapter, except that impact fees may not be enacted or imposed in the extraterritorial jurisdiction for roadway facilities.

(c) A municipality may contract to provide capital improvements, except roadway facilities, to an area outside its corporate boundaries and extraterritorial jurisdiction and may charge an impact fee under the contract, but if an impact fee is charged in that area, the municipality must comply with this chapter.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.012. Items Payable by Fee

(a) An impact fee may be imposed only to pay the costs of constructing capital improvements or facility expansions, including and limited to the:

(1) construction contract price;

(2) surveying and engineering fees;

(3) land acquisition costs, including land purchases, court awards and costs, attorney's fees, and expert witness fees; and

(4) fees actually paid or contracted to be paid to an independent qualified engineer or financial consultant preparing or updating the capital improvements plan who is not an employee of the political subdivision.

(b) Projected interest charges and other finance costs may be included in determining the amount of impact fees only if the impact fees are used for the payment of principal and interest on bonds, notes, or other obligations issued by or on behalf of the political subdivision to finance the capital improvements or facility expansions identified in the capital improvements plan and are not used to reimburse bond funds expended for facilities that are not identified in the capital improvements plan.

(c) Notwithstanding any other provision of this chapter, the Edwards Underground Water District or a river authority that is authorized elsewhere by state law to charge fees that function as impact fees may use impact fees to pay a staff engineer who prepares or updates a capital improvements plan under this chapter.

(d) A municipality may pledge an impact fee as security for the payment of debt service on a bond, note, or other obligation issued to finance a capital improvement or public facility expansion if:

(1) the improvement or expansion is identified in a capital improvements plan; and

(2) at the time of the pledge, the governing body of the municipality certifies in a written order, ordinance, or resolution that none of the impact fee will be used or expended for an improvement or expansion not identified in the plan.

(e) A certification under Subsection (d)(2) is sufficient evidence that an impact fee pledged will not be used or expended for an improvement or expansion that is not identified in the capital improvements plan.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989. Amended by Acts 1995, 74th Leg., ch. 90, § 1, eff. May 16, 1995.

§ 395.013. Items Not Payable by Fee

Impact fees may not be adopted or used to pay for:

(1) construction, acquisition, or expansion of public facilities or assets other than capital improvements or facility expansions identified in the capital improvements plan;

(2) repair, operation, or maintenance of existing or new capital improvements or facility expansions;

(3) upgrading, updating, expanding, or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental, or regulatory standards;

(4) upgrading, updating, expanding, or replacing existing capital improvements to provide better service to existing development;

(5) administrative and operating costs of the political subdivision, except the Edwards Underground Water District or a river authority that is authorized elsewhere by state law to charge fees that function as impact fees may use impact fees to pay its administrative and operating costs;

(6) principal payments and interest or other finance charges on bonds or other indebtedness, except as allowed by Section 395.012.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.014. Capital Improvements Plan

(a) The political subdivision shall use qualified professionals to prepare the capital improvements plan and to calculate the impact fee. The capital improvements plan must contain specific enumeration of the following items:

(1) a description of the existing capital improvements within the service area and the costs to upgrade, update, improve, expand, or replace the improvements to meet existing needs and usage and stricter safety, efficiency, environmental, or regulatory standards, which shall be prepared by a qualified professional engineer licensed to perform the professional engineering services in this state;

(2) an analysis of the total capacity, the level of current usage, and commitments for usage of capacity of the existing capital improvements, which shall be prepared by a qualified professional engineer licensed to perform the professional engineering services in this state;

(3) a description of all or the parts of the capital improvements or facility expansions and their costs necessitated by and attributable to new development in the service area based on the approved land use assumptions, which shall be prepared by a qualified professional engineer licensed to perform the professional engineering services in this state;

(4) a definitive table establishing the specific level or quantity of use, consumption, generation, or discharge of a service unit for each category of capital improvements or facility expansions and an equivalency or conversion table establishing the ratio of a service unit to various types of land uses, including residential, commercial, and industrial;

(5) the total number of projected service units necessitated by and attributable to new development within the service area based on the approved land use assumptions and calculated in accordance with generally accepted engineering or planning criteria;

(6) the projected demand for capital improvements or facility expansions required by new service units projected over a reasonable period of time, not to exceed 10 years; and

(7) a plan for awarding:

(A) a credit for the portion of ad valorem tax and utility service revenues generated by new service units during the program period that is used for the payment of improvements, including the payment of debt, that are included in the capital improvements plan; or

(B) in the alternative, a credit equal to 50 percent of the total projected cost of implementing the capital improvements plan.

(b) The analysis required by Subsection (a)(3) may be prepared on a systemwide basis within the service area for each major category of capital improvement or facility expansion for the designated service area.

(c) The governing body of the political subdivision is responsible for supervising the implementation of the capital improvements plan in a timely manner.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.
Amended by Acts 2001, 77th Leg., ch. 345, § 2, eff. Sept. 1, 2001.

§ 395.015. Maximum Fee Per Service Unit

(a) The impact fee per service unit may not exceed the amount determined by subtracting the amount in Section 395.014(a)(7) from the costs of the capital improvements described by Section 395.014(a)(3) and dividing that amount by the total number of projected service units described by Section 395.014(a)(5).

(b) If the number of new service units projected over a reasonable period of time is less than the total number of new service units shown by the approved land use assumptions at full development of the service area, the maximum impact fee per service unit shall be calculated by dividing the costs of the part of the capital improvements necessitated by and attributable to projected new service units described by Section 395.014(a)(6) by the projected new service units described in that section.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, § 3, eff. Sept. 1, 2001.

§ 395.016. Time for Assessment and Collection of Fee

(a) This subsection applies only to impact fees adopted and land platted before June 20, 1987. For land that has been platted in accordance with Subchapter A, Chapter 212, or the subdivision or platting procedures of a political subdivision before June 20, 1987, or land on which new development occurs or is proposed without platting, the political subdivision may assess the impact fees at any time

during the development approval and building process. Except as provided by Section 395.019, the political subdivision may collect the fees at either the time of recordation of the subdivision plat or connection to the political subdivision's water or sewer system or at the time the political subdivision issues either the building permit or the certificate of occupancy.

(b) This subsection applies only to impact fees adopted before June 20, 1987, and land platted after that date. For new development which is platted in accordance with Subchapter A, Chapter 212, or the subdivision or platting procedures of a political subdivision after June 20, 1987, the political subdivision may assess the impact fees before or at the time of recordation. Except as provided by Section 395.019, the political subdivision may collect the fees at either the time of recordation of the subdivision plat or connection to the political subdivision's water or sewer system or at the time the political subdivision issues either the building permit or the certificate of occupancy.

(c) This subsection applies only to impact fees adopted after June 20, 1987. For new development which is platted in accordance with Subchapter A, Chapter 212, or the subdivision or platting procedures of a political subdivision before the adoption of an impact fee, an impact fee may not be collected on any service unit for which a valid building permit is issued within one year after the date of adoption of the impact fee.

(d) This subsection applies only to land platted in accordance with Subchapter A, Chapter 212, or the subdivision or platting procedures of a political subdivision after adoption of an impact fee adopted after June 20, 1987. The political subdivision shall assess the impact fees before or at the time of recordation of a subdivision plat or other plat under Subchapter A, Chapter 212, or the subdivision or platting ordinance or procedures of any political subdivision in the official records of the county clerk of the county in which the tract is located. Except as provided by Section 395.019, if the political subdivision has water and wastewater capacity available:

(1) the political subdivision shall collect the fees at the time the political subdivision issues a building permit;

(2) for land platted outside the corporate boundaries of a municipality, the municipality shall collect the fees at the time an application for an individual meter connection to the municipality's water or wastewater system is filed; or

(3) a political subdivision that lacks authority to issue building permits in the area where the impact fee applies shall collect the fees at the time an application is filed for an individual meter connection to the political subdivision's water or wastewater system.

(e) For land on which new development occurs or is proposed to occur without platting, the political subdivision may assess the impact fees at any time during the development and building process and may collect the fees at either the time of recordation of the subdivision plat or connection to the political subdivision's water or sewer system or at the time the political subdivision issues either the building permit or the certificate of occupancy.

(f) An "assessment" means a determination of the amount of the impact fee in effect on the date or occurrence provided in this section and is the maximum amount that can be charged per service unit of such development. No specific act by the political subdivision is required.

(g) Notwithstanding Subsections (a)–(e) and Section 395.017, the political subdivision may reduce or waive an impact fee for any service unit that would qualify as affordable housing under 42 U.S.C. Section 12745, as amended, once the service unit is constructed. If affordable housing as defined by 42 U.S.C. Section 12745, as amended, is not constructed, the political subdivision may reverse its decision to waive or reduce the impact fee, and the political subdivision may assess an impact fee at any time during the development approval or building process or after the building process if an impact fee was not already assessed.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989. Amended by Acts 1997, 75th Leg., ch. 980, § 52, eff. Sept. 1, 1997.

Amended by Acts 2001, 77th Leg., ch. 345, § 4, eff. Sept. 1, 2001.

§ 395.017. Additional Fee Prohibited; Exception

After assessment of the impact fees attributable to the new development or execution of an agreement for payment of impact fees, additional impact fees or increases in fees may not be assessed against the tract for any reason unless the number of service units to be developed on the tract increases. In the event of the increase in the number of service units, the impact fees to be imposed are limited to the amount attributable to the additional service units.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.018. Agreement With Owner Regarding Payment

A political subdivision is authorized to enter into an agreement with the owner of a tract of land for which the plat has been recorded providing for the time and method of payment of the impact fees.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.019. Collection of Fees if Services Not Available

Except for roadway facilities, impact fees may be assessed but may not be collected in areas where services are not currently available unless:

(1) the collection is made to pay for a capital improvement or facility expansion that has been identified in the capital improvements plan and the political subdivision commits to commence construction within two years, under duly awarded and executed contracts or commitments of staff time covering substantially all of the work required to provide service, and to have the service available within a reasonable period of time considering the type of capital improvement or facility expansion to be constructed, but in no event longer than five years;

(2) the political subdivision agrees that the owner of a new development may construct or finance the capital improvements or facility expansions and agrees that the costs incurred or funds advanced will be credited against the impact fees otherwise due from the new development or agrees to reimburse the owner for such costs from impact fees paid from other new developments that will use such capital improvements or facility expansions, which fees shall be collected and reimbursed to the owner at the time the other new development records its plat; or

(3) an owner voluntarily requests the political subdivision to reserve capacity to serve future development, and the political subdivision and owner enter into a valid written agreement.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.020. Entitlement to Services

Any new development for which an impact fee has been paid is entitled to the permanent use and benefit of the services for which the fee was exacted and is entitled to receive immediate service

from any existing facilities with actual capacity to serve the new service units, subject to compliance with other valid regulations.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.021. Authority of Political Subdivisions to Spend Funds to Reduce Fees

Political subdivisions may spend funds from any lawful source to pay for all or a part of the capital improvements or facility expansions to reduce the amount of impact fees.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.022. Authority of Political Subdivision to Pay Fees

(a) Political subdivisions and other governmental entities may pay impact fees imposed under this chapter.

(b) A school district is not required to pay impact fees imposed under this chapter unless the board of trustees of the district consents to the payment of the fees by entering a contract with the political subdivision that imposes the fees. The contract may contain terms the board of trustees considers advisable to provide for the payment of the fees.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.
Amended by Acts 2007, 80th Leg., eff. May 11, 2007.

§ 395.023. Credits Against Roadway Facilities Fees

Any construction of, contributions to, or dedications of off-site roadway facilities agreed to or required by a political subdivision as a condition of development approval shall be credited against roadway facilities impact fees otherwise due from the development.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.024. Accounting For Fees and Interest

(a) The order, ordinance, or resolution levying an impact fee must provide that all funds collected through the adoption of an impact fee shall be deposited in interest-bearing accounts clearly identifying the category of capital improvements or facility expansions within the service area for which the fee was adopted.

(b) Interest earned on impact fees is considered funds of the account on which it is earned and is subject to all restrictions placed on use of impact fees under this chapter.

(c) Impact fee funds may be spent only for the purposes for which the impact fee was imposed as shown by the capital improvements plan and as authorized by this chapter.

(d) The records of the accounts into which impact fees are deposited shall be open for public inspection and copying during ordinary business hours.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.025. Refunds

(a) On the request of an owner of the property on which an impact fee has been paid, the political subdivision shall refund the impact fee if existing facilities are available and service is denied or the political subdivision has, after collecting the fee when service was not available, failed to commence construction within two years or service is not available within a reasonable period considering the type of capital improvement or facility expansion to be constructed, but in no event later than five years from the date of payment under Section 395.019(1).

(b) Repealed by Acts 2001, 77th Leg., ch. 345, § 9, eff. Sept. 1, 2001.

(c) The political subdivision shall refund any impact fee or part of it that is not spent as authorized by this chapter within 10 years after the date of payment.

(d) Any refund shall bear interest calculated from the date of collection to the date of refund at the statutory rate as set forth in Section 302.002, Finance Code, or its successor statute.

(e) All refunds shall be made to the record owner of the property at the time the refund is paid. However, if the impact fees were paid by another political subdivision or governmental entity, payment shall be made to the political subdivision or governmental entity.

(f) The owner of the property on which an impact fee has been paid or another political subdivision or governmental entity that paid the impact fee has standing to sue for a refund under this section.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989. Amended by Acts 1997, 75th Leg., ch. 1396, § 37, eff. Sept. 1, 1997.

Amended by Acts 1999, 76th Leg., ch. 62, § 7.82, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 345, § 9, eff. Sept. 1, 2001.

SUBCHAPTER C. PROCEDURES FOR ADOPTION OF IMPACT FEE

§ 395.041. Compliance With Procedures Required

Except as otherwise provided by this chapter, a political subdivision must comply with this subchapter to levy an impact fee.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.0411. Capital Improvements Plan

The political subdivision shall provide for a capital improvements plan to be developed by qualified professionals using generally accepted engineering and planning practices in accordance with Section 395.014.

Added by Acts 2001, 77th Leg., ch. 345, § 5, eff. Sept. 1, 2001.

§ 395.042. Hearing on Land Use Assumptions and Capital Improvements Plan

To impose an impact fee, a political subdivision must adopt an order, ordinance, or resolution establishing a public hearing date to consider the land use assumptions and capital improvements plan for the designated service area.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, § 5, eff. Sept. 1, 2001.

§ 395.043. Information About Land Use Assumptions and Capital Improvements Plan Available to Public

On or before the date of the first publication of the notice of the hearing on the land use assumptions and capital improvements plan, the political subdivision shall make available to the public its land use assumptions, the time period of the projections, and a description of the capital improvement facilities that may be proposed.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, § 5, eff. Sept. 1, 2001.

§ 395.044. Notice of Hearing on Land Use Assumptions and Capital Improvements Plan

(a) Before the 30th day before the date of the hearing on the land use assumptions and capital improvements plan, the political subdivision shall send a notice of the hearing by certified mail to any person who has given written notice by certified or registered mail to the municipal secretary or other designated official of the political subdivision requesting notice of the hearing within two years preceding the date of adoption of the order, ordinance, or resolution setting the public hearing.

(b) The political subdivision shall publish notice of the hearing before the 30th day before the date set for the hearing, in one or more newspapers of general circulation in each county in which the political subdivision lies. However, a river authority that is authorized elsewhere by state law to charge fees that function as impact fees may publish the required newspaper notice only in each county in which the service area lies.

(c) The notice must contain:

(1) a headline to read as follows:

"NOTICE OF PUBLIC HEARING ON LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN RELATING TO POSSIBLE ADOPTION OF IMPACT FEES"

(2) the time, date, and location of the hearing;

(3) a statement that the purpose of the hearing is to consider the land use assumptions and capital improvements plan under which an impact fee may be imposed; and

(4) a statement that any member of the public has the right to appear at the hearing and present evidence for or against the land use assumptions and capital improvements plan.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, § 5, eff. Sept. 1, 2001.

§ 395.045. Approval of Land Use Assumptions and Capital Improvements Plan Required

(a) After the public hearing on the land use assumptions and capital improvements plan, the political subdivision shall determine whether to adopt or reject an ordinance, order, or resolution approving the land use assumptions and capital improvements plan.

(b) The political subdivision, within 30 days after the date of the public hearing, shall approve or disapprove the land use assumptions and capital improvements plan.

(c) An ordinance, order, or resolution approving the land use assumptions and capital improvements plan may not be adopted as an emergency measure.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, § 5, eff. Sept. 1, 2001.

§ 395.0455. Systemwide Land Use Assumptions

(a) In lieu of adopting land use assumptions for each service area, a political subdivision may, except for storm water, drainage, flood control, and roadway facilities, adopt systemwide land use

assumptions, which cover all of the area subject to the jurisdiction of the political subdivision for the purpose of imposing impact fees under this chapter.

(b) Prior to adopting systemwide land use assumptions, a political subdivision shall follow the public notice, hearing, and other requirements for adopting land use assumptions.

(c) After adoption of systemwide land use assumptions, a political subdivision is not required to adopt additional land use assumptions for a service area for water supply, treatment, and distribution facilities or wastewater collection and treatment facilities as a prerequisite to the adoption of a capital improvements plan or impact fee, provided the capital improvements plan and impact fee are consistent with the systemwide land use assumptions.

Added by Acts 1989, 71st Leg., ch. 566, § 1(b), eff. Aug. 28, 1989.

§ 395.047. Hearing on Impact Fee

On adoption of the land use assumptions and capital improvements plan, the governing body shall adopt an order or resolution setting a public hearing to discuss the imposition of the impact fee. The public hearing must be held by the governing body of the political subdivision to discuss the proposed ordinance, order, or resolution imposing an impact fee.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, § 5, eff. Sept. 1, 2001.

§ 395.049. Notice of Hearing on Impact Fee

(a) Before the 30th day before the date of the hearing on the imposition of an impact fee, the political subdivision shall send a notice of the hearing by certified mail to any person who has given written notice by certified or registered mail to the municipal secretary or other designated official of the political subdivision requesting notice of the hearing within two years preceding the date of adoption of the order or resolution setting the public hearing.

(b) The political subdivision shall publish notice of the hearing before the 30th day before the date set for the hearing, in one or more newspapers of general circulation in each county in which the political subdivision lies. However, a river authority that is authorized elsewhere by state law to charge

fees that function as impact fees may publish the required newspaper notice only in each county in which the service area lies.

(c) The notice must contain the following:

(1) a headline to read as follows:

"NOTICE OF PUBLIC HEARING ON ADOPTION OF IMPACT FEES"

(2) the time, date, and location of the hearing;
(3) a statement that the purpose of the hearing is to consider the adoption of an impact fee;

(4) the amount of the proposed impact fee per service unit; and

(5) a statement that any member of the public has the right to appear at the hearing and present evidence for or against the plan and proposed fee.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, § 5, eff. Sept. 1, 2001.

§ 395.050. Advisory Committee Comments on Impact Fees

The advisory committee created under Section 395.058 shall file its written comments on the proposed impact fees before the fifth business day before the date of the public hearing on the imposition of the fees.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, § 5, eff. Sept. 1, 2001.

§ 395.051. Approval of Impact Fee Required

(a) The political subdivision, within 30 days after the date of the public hearing on the imposition of an impact fee, shall approve or disapprove the imposition of an impact fee.

(b) An ordinance, order, or resolution approving the imposition of an impact fee may not be adopted as an emergency measure.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, § 5, eff. Sept. 1, 2001.

§ 395.052. Periodic Update of Land Use Assumptions and Capital Improvements Plan Required

(a) A political subdivision imposing an impact fee shall update the land use assumptions and capital improvements plan at least every five years. The initial five-year period begins on the day the capital improvements plan is adopted.

(b) The political subdivision shall review and evaluate its current land use assumptions and shall cause an update of the capital improvements plan to be prepared in accordance with Subchapter B.[1]

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, § 6, eff. Sept. 1, 2001.

§ 395.053. Hearing on Updated Land Use Assumptions and Capital Improvements Plan

The governing body of the political subdivision shall, within 60 days after the date it receives the update of the land use assumptions and the capital improvements plan, adopt an order setting a public hearing to discuss and review the update and shall determine whether to amend the plan.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.054. Hearing on Amendments to Land Use Assumptions, Capital Improvements Plan, or Impact Fee

A public hearing must be held by the governing body of the political subdivision to discuss the proposed ordinance, order, or resolution amending land use assumptions, the capital improvements plan, or the impact fee. On or before the date of the first publication of the notice of the hearing on the amendments, the land use assumptions and the capital improvements plan, including the amount of any proposed amended impact fee per service unit, shall be made available to the public.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.055. Notice of Hearing on Amendments to Land Use Assumptions, Capital Improvements Plan, or Impact Fee

(a) The notice and hearing procedures prescribed by Sections 395.044(a) and (b) apply to a hearing on the amendment of land use assumptions, a capital improvements plan, or an impact fee.

(b) The notice of a hearing under this section must contain the following:

(1) a headline to read as follows:

"NOTICE OF PUBLIC HEARING ON AMENDMENT OF IMPACT FEES"

(2) the time, date, and location of the hearing;

(3) a statement that the purpose of the hearing is to consider the amendment of land use assumptions and a capital improvements plan and the imposition of an impact fee; and

(4) a statement that any member of the public has the right to appear at the hearing and present evidence for or against the update.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, § 7, eff. Sept. 1, 2001.

§ 395.056. Advisory Committee Comments on Amendments

The advisory committee created under Section 395.058 shall file its written comments on the proposed amendments to the land use assumptions, capital improvements plan, and impact fee before the fifth business day before the date of the public hearing on the amendments.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.057. Approval of Amendments Required

(a) The political subdivision, within 30 days after the date of the public hearing on the amendments, shall approve or disapprove the amendments of the land use assumptions and the capital improvements plan and modification of an impact fee.

(b) An ordinance, order, or resolution approving the amendments to the land use assumptions, the capital improvements plan, and imposition of an impact fee may not be adopted as an emergency measure.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.0575. Determination That No Update of Land Use Assumptions, Capital Improvements Plan or Impact Fees is Needed

(a) If, at the time an update under Section 395.052 is required, the governing body determines that no change to the land use assumptions, capital improvements plan, or impact fee is needed, it may, as an alternative to the updating requirements of Sections 395.052–395.057, do the following:

(1) The governing body of the political subdivision shall, upon determining that an update is unnecessary and 60 days before publishing the final notice under this section, send notice of its determination not to update the land use assumptions, capital improvements plan, and impact fee by certified mail to any person who has, within two years preceding the date that the final notice of this matter is to be published, give written notice by certified or registered mail to the municipal secretary or other designated official of the political subdivision requesting notice of hearings related to impact fees. The notice must contain the information in Subsections (b)(2)-(5).

(2) The political subdivision shall publish notice of its determination once a week for three consecutive weeks in one or more newspapers with general circulation in each county in which the political subdivision lies. However, a river authority that is authorized elsewhere by state law to charge fees that function as impact fees may publish the required newspaper notice only in each county in which the service area lies. The notice of public hearing may not be in the part of the paper in which legal notices and classified ads appear and may not be smaller than one-quarter page of a standard size or tabloid-size newspaper, and the headline on the notice must be in 18-point or larger type.

(b) The notice must contain the following:

(1) A headline to read as follows:

"NOTICE OF DETERMINATION NOT TO UPDATE

LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS

PLAN, OR IMPACT FEES";

(2) a statement that the governing body of the political subdivision has determined that no change to the land use assumptions, capital improvements plan, or impact fee is necessary;

(3) an easily understandable description and a map of the service area in which the updating has been determined to be unnecessary;

(4) a statement that if, within a specified date, which date shall be at least 60 days after publication of the first notice, a person makes a written request to the designated official of the political subdivision requesting that the land use assumptions, capital improvements plan, or impact fee be updated, the governing body must comply with the request by following the requirements of Sections 395.052–395.057; and

(5) a statement identifying the name and mailing address of the official of the political subdivision to whom a request for an update should be sent.

(c) The advisory committee shall file its written comments on the need for updating the land use assumptions, capital improvements plans, and impact fee before the fifth business day before the earliest notice of the government's decision that no update is necessary is mailed or published.

(d) If, by the date specified in Subsection (b)(4), a person requests in writing that the land use assumptions, capital improvements plan, or impact fee be updated, the governing body shall cause an update of the land use assumptions and capital improvements plan to be prepared in accordance with Sections 395.052–395.057.

(e) An ordinance, order, or resolution determining the need for updating land use assumptions, a capital improvements plan, or an impact fee may not be adopted as an emergency measure.

Added by Acts 1989, 71st Leg., ch. 566, § 1(d), eff. Aug. 28, 1989.

§ 395.058. Advisory Committee

(a) On or before the date on which the order, ordinance, or resolution is adopted under Section 395.042, the political subdivision shall appoint a capital improvements advisory committee.

(b) The advisory committee is composed of not less than five members who shall be appointed by a majority vote of the governing body of the political subdivision. Not less than 40 percent of the membership of the advisory committee must be representatives of the real estate, development, or building industries who are not employees or officials of a political subdivision or governmental entity. If the political subdivision has a planning and zoning commission, the commission may act as the advisory committee if the commission includes at least one representative of the real estate, development, or building industry who is not an employee or official of a political subdivision or governmental entity. If no such representative is a member of the planning and zoning commission, the commission may still act as the advisory committee if at least one such representative is appointed by the political subdivision as an ad hoc voting member of the planning and zoning commission when it acts as the advisory committee. If the impact fee is to be applied in the extraterritorial jurisdiction of the political subdivision, the membership must include a representative from that area.

(c) The advisory committee serves in an advisory capacity and is established to:

(1) advise and assist the political subdivision in adopting land use assumptions;

(2) review the capital improvements plan and file written comments;

(3) monitor and evaluate implementation of the capital improvements plan;

(4) file semiannual reports with respect to the progress of the capital improvements plan and report to the political subdivision any perceived inequities in implementing the plan or imposing the impact fee; and

(5) advise the political subdivision of the need to update or revise the land use assumptions, capital improvements plan, and impact fee.

(d) The political subdivision shall make available to the advisory committee any professional reports with respect to developing and implementing the capital improvements plan.

(e) The governing body of the political subdivision shall adopt procedural rules for the advisory committee to follow in carrying out its duties.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

SUBCHAPTER D. OTHER PROVISIONS

§ 395.071. Duties to be Performed Within Time Limits

If the governing body of the political subdivision does not perform a duty imposed under this chapter within the prescribed period, a person who has paid an impact fee or an owner of land on which an impact fee has been paid has the right to present a written request to the governing body of the political subdivision stating the nature of the unperformed duty and requesting that it be performed within 60 days after the date of the request. If the governing body of the political subdivision finds that the duty is required under this chapter and is late in being performed, it shall cause the duty to commence within 60 days after the date of the request and continue until completion.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.072. Records of Hearings

A record must be made of any public hearing provided for by this chapter. The record shall be maintained and be made available for public inspection by the political subdivision for at least 10 years after the date of the hearing.
Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.073. Cumulative Effect of State and Local Restrictions

Any state or local restrictions that apply to the imposition of an impact fee in a political subdivision where an impact fee is proposed are cumulative with the restrictions in this chapter.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.074. Prior Impact Fees Replaced by Fees Under This Chapter

An impact fee that is in place on June 20, 1987, must be replaced by an impact fee made under this chapter on or before June 20, 1990. However, any political subdivision having an impact fee that has not been replaced under this chapter on or before June 20, 1988, is liable to any party who, after June 20, 1988, pays an impact fee that exceeds the maximum permitted under Subchapter B by more than 10 percent for an amount equal to two times the difference between the maximum impact fee allowed and the actual impact fee imposed, plus reasonable attorney's fees and court costs.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.075. No Effect on Taxes or Other Charges

This chapter does not prohibit, affect, or regulate any tax, fee, charge, or assessment specifically authorized by state law.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.076. Moratorium on Development Prohibited

A moratorium may not be placed on new development for the purpose of awaiting the completion of all or any part of the process necessary to develop, adopt, or update land use assumptions, a capital improvements plan, or an impact fee.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 441, § 2, eff. Sept. 1, 2001.

§ 395.077. Appeals

(a) A person who has exhausted all administrative remedies within the political subdivision and who is aggrieved by a final decision is entitled to trial de novo under this chapter.

(b) A suit to contest an impact fee must be filed within 90 days after the date of adoption of the ordinance, order, or resolution establishing the impact fee.

(c) Except for roadway facilities, a person who has paid an impact fee or an owner of property on which an impact fee has been paid is entitled to specific performance of the services by the political subdivision for which the fee was paid.

(d) This section does not require construction of a specific facility to provide the services.

(e) Any suit must be filed in the county in which the major part of the land area of the political subdivision is located. A successful litigant shall be entitled to recover reasonable attorney's fees and court costs.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.078. Substantial Compliance With Notice Requirements

An impact fee may not be held invalid because the public notice requirements were not complied with if compliance was substantial and in good faith.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.079. Impact Fee for Storm Water, Drainage, and Flood Control in Populous County

(a) Any county that has a population of 3.3 million or more or that borders a county with a population of 3.3 million or more, and any district or authority created under Article XVI, Section 59, of the Texas Constitution within any such county that is authorized to provide storm water, drainage, and flood control facilities, is authorized to impose impact fees to provide storm water, drainage, and flood control improvements necessary to accommodate new development.

(b) The imposition of impact fees authorized by Subsection (a) is exempt from the requirements of Sections 395.025, 395.052–395.057, and 395.074 unless the political subdivision proposes to increase the impact fee.

(c) Any political subdivision described by Subsection (a) is authorized to pledge or otherwise contractually obligate all or part of the impact fees to the payment of principal and interest on bonds, notes, or other obligations issued or incurred by or on behalf of the political subdivision and to the payment of any other contractual obligations.

(d) An impact fee adopted by a political subdivision under Subsection (a) may not be reduced if:

(1) the political subdivision has pledged or otherwise contractually obligated all or part of the impact fees to the payment of principal and interest on bonds, notes, or other obligations issued by or on behalf of the political subdivision; and

(2) the political subdivision agrees in the pledge or contract not to reduce the impact fees during the term of the bonds, notes, or other contractual obligations.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 669, § 107, eff. Sept. 1, 2001.

§ 395.080. Chapter Not Applicable to Certain Water-Related Special Districts

(a) This chapter does not apply to impact fees, charges, fees, assessments, or contributions:

(1) paid by or charged to a district created under Article XVI, Section 59, of the Texas Constitution to another district created under that constitutional provision if both districts are required by law to obtain approval of their bonds by the Texas Natural Resource Conservation Commission; or

(2) charged by an entity if the impact fees, charges, fees, assessments, or contributions are approved by the Texas Natural Resource Conservation Commission.

(b) Any district created under Article XVI, Section 59, or Article III, Section 52, of the Texas Constitution may petition the Texas Natural Resource Conservation Commission for approval of any proposed impact fees, charges, fees, assessments, or contributions. The commission shall adopt rules for reviewing the petition and may charge the petitioner fees adequate to cover the cost of processing and considering the petition. The rules shall require notice substantially the same as that required by this chapter for the adoption of impact fees and shall afford opportunity for all affected parties to participate.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989. Amended by Acts 1995, 74th Leg., ch. 76, § 11.257, eff. Sept. 1, 1995.

§ 395.081. Fees for Adjoining Landowners in Certain Municipalities

(a) This section applies only to a municipality with a population of 105,000 or less that constitutes more than three-fourths of the population of the county in which the majority of the area of the municipality is located.

(b) A municipality that has not adopted an impact fee under this chapter that is constructing a capital improvement, including sewer or waterline or drainage or roadway facilities, from the municipality to a development located within or outside the municipality's boundaries, in its discretion, may allow a landowner whose land adjoins the capital improvement or is within a specified distance from the capital improvement, as determined by the governing body of the municipality, to connect to the capital improvement if:

(1) the governing body of the municipality has adopted a finding under Subsection (c); and

(2) the landowner agrees to pay a proportional share of the cost of the capital improvement as determined by the governing body of the municipality and agreed to by the landowner.

(c) Before a municipality may allow a landowner to connect to a capital improvement under Subsection (b), the municipality shall adopt a finding that the municipality will benefit from allowing the landowner to connect to the capital improvement. The finding shall describe the benefit to be received by the municipality.

(d) A determination of the governing body of a municipality, or its officers or employees, under this section is a discretionary function of the municipality and the municipality and its officers or employees are not liable for a determination made under this section.

Added by Acts 1997, 75th Leg., ch. 1150, § 1, eff. June 19, 1997.

§ 395.082. Certification of Compliance Required

(a) A political subdivision that imposes an impact fee shall submit a written certification verifying compliance with this chapter to the attorney general each year not later than the last day of the political subdivision's fiscal year.

(b) The certification must be signed by the presiding officer of the governing body of a political subdivision and include a statement that reads substantially similar to the following: "This statement certifies compliance with Chapter 395, Local Government Code."

(c) A political subdivision that fails to submit a certification as required by this section is liable to the state for a civil penalty in an amount equal to 10 percent of the amount of the impact fees erroneously charged. The attorney general shall collect the civil penalty and deposit the amount collected to the credit of the housing trust fund.

Added by Acts 2001, 77th Leg., ch. 345, § 8, eff. Sept. 1, 2001.

http://www.capitol.state.tx.us/statutes/lg/lg0039500toc.html

6.0 ADMINISTRATIVE INSTRUMENTS

RESOLUTION OF THE
CITY OF ROSENBERG, TEXAS
CALLING FOR A PUBLIC HEARING
ON AMENDMENT OF WATER AND WASTEWATER IMPACT FEES

The City Council of the City of Rosenberg, Texas hereby adopts by resolution a call for a public hearing to be held during the regular Council session on January 7, 2014 at 7:00 p.m. in the City Council Chambers at 2110 4th Street, Rosenberg, Texas. The purpose of this public hearing is to receive public comment concerning the amendment of land use assumptions and a capital improvements plan and the imposition of impact fees for the water and sewer utilities.

Public notice of such hearing will be made at least 30 days in advance of the hearing according to legal criteria set forth in Chapter 395.055 of the Texas Local Government Code.

PASSED AND APPROVED:

§
§
§
§

_____ _____
Date Mayor

APPROVED: _____
City Attorney

ATTEST: _____
City Secretary

PUBLIC NOTICE REQUIREMENTS

The City shall publish notice of the hearing at least 31 days before the date set for the hearing, in one or more newspapers of general circulation in each county in which the City lies.

CERTIFIED MAIL NOTICE

At least 31 days before the hearing, the City shall send a notice of the hearing by certified mail to any person who has given written notice by certified or registered mail to the City Secretary or other designated official of the City requesting notice of such hearing within two years preceding the date of the adoption of the resolution or order setting the public hearing.

NOTICE OF PUBLIC HEARING ON
AMENDMENT OF IMPACT FEES

A public hearing of the City of Rosenberg, Texas will be held on January 7, 2014 at 7:00 p.m. at the City Council Chambers, 2110 4th Street, Rosenberg, Texas to consider the amendment of land use assumptions and a capital improvements plan and the imposition of water and wastewater impact fees. The base impact fee is projected to be $3,471.25 for water and $1,234.16 for wastewater for a typical detached single-family residential service connection. Higher fees would be charged for larger utility service demands. These fees will not apply to existing City water customers who do not request significant expansions of service.

Copies of the capital improvements plan and potential impact fee schedule are available at the offices of the City Secretary, 2110 4th Street, Rosenberg, Texas. Any member of the public has the right to appear at the hearing and present evidence for or against the land use assumptions and capital improvements plan.

7.0 REFERENCES

City of Rosenberg. 2013. Additional Debt Schedules.pdf.

City of Rosenberg. 2013. Land Use & Population Projections.docx.

City of Rosenberg. 2013. Proposed Financing for Capital Projects in FY2012.docx.

City of Rosenberg. 2013. Proposed Projects for 2013 CO - 10-08-12 - Revised.pdf.

City of Rosenberg. 2013. Series 2010.pdf.

City of Rosenberg. 2013. Water & Wastewater Debt Service.xls.

City of Rosenberg. 2013. #4 Active Meters.xlsx.

City Of Rosenberg. 2013. #9 CO06.pdf.

City Of Rosenberg. 2013. #9 CO07.pdf.

City Of Rosenberg. 2013. #9 CO08.pdf.

City Of Rosenberg. 2013. #9 CO12.pdf.

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Dowsett, Michael G., Terry D. Morgan and John W. Shonkwiler. Exactions: The Providing of Public Improvements.

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Freilich, Robert H. and David W. Bushek (eds.) 1995. Exactions, Impact Fees and Dedications: Shaping Land-Use Development and Funding Infrastructure in the *Dolan* Era. Chicago, Illinois: American Bar Association.

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Hagman, D. G. 1982. "Landowner-Developer Provision of Commercial Goods Through Benefit-Based and Harm Avoidance Payments (BHAPS)". Zoning and Planning Law Report, Vol. 5, No. 4.

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McCrory, Michael W. L., Assistant City Attorney, Tucson, AZ. 2004. "Do Fee Waivers, Exemptions and other Classifications Satisfy Equal Protection of the Law?" 10th Annual National Impact Fee Roundtable.

Morgan, Terry D., Eric J. Strauss, and Martin L. Leitner. 1988. "State Impact Fee Legislation", Land Use Law & Zoning Digest, 40, 1: 3-9.

Mullen, Clancy, Duncan Associates. 2004. “Developer Credits/Offsets”. 10th Annual National Impact Fee Roundtable.

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Nelson, Arthur C., James C. Nicholas and Julian C. Juergensmeyer. 2009. Impact Fees: Principles and Practice of Proportionate-Share Development Fees. Chicago, Illinois: American Planning Association.

Nicholas, James C., Arthur C. Nelson and Julian C. Juergensmeyer. 1991. A Practitioner's Guide to Development Impact Fees. Chicago, Illinois: American Planning Association.

Nicholas, James C. 1985. "Florida's Experience with Impact Fees". Paper presented at American Planning Association Annual Conference. Montreal, Canada.

Nicholas, James C. and Tyson Smith. 2004. "Case Law Update 2004 and Other Miscellany." 10th Annual National Impact Fee Roundtable.

Richards, Steven L., and Dwight H. Merriam. 1984. "Land Dedications, In Lieu of Fees and Impact Fees: When Are They Legal?", in Land Use Law: Issues for the Eighties, Part II (Netter, Edith M., Ed.). Washington, D.C.: American Planning Association.

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Vinson & Elkins. 1987. "Summary of Land Use, Special District, Water Quality and Texas Economic Development Laws Adopted by the 70th Texas Legislature, and Related Matters". Austin, Texas: Espey, Huston & Associates, Inc.

Water/Wastewater Impact Fee
2013 Survey of Current Fees

		*Water	*Wastewater	*Total
Rosenberg – Current Fee Equivalent Single-family Connection - 3/4” x 5/8” meter Water impact fee required for landscape irrigation	Yes	$3,215.86	$1,317.89	$4,533.25
Sugar Land – Equivalent Single-family Unit Water impact fee required for landscape irrigation	No	$3,581.00	$2,089.00	$5,670.00
Richmond – Equivalent Single-family Unit Water impact fee required for landscape irrigation	No	$2,208.50	$2,016.00	$4,224.50
League City – Equivalent Single-family Connection – 3/4” x 5/8” meter Water impact fee required for landscape irrigation	No	$1,406.77	$2,621.48	$4,028.25
Jersey Village (Area 1) – Equivalent Single-family Unit Water impact fee required for landscape irrigation	No	$1,638.83	$1,939.25	$3,578.08
Pearland – Equivalent Single-family Unit Water impact fee required for landscape irrigation	No			$2,968.00
Proposed Rosenberg – Maximum Impact Fees Based on Updated Report for 3/4" x 5/8” meter Water impact fee required for landscape irrigation	Yes	$3,471.00	$1,234.00	$4,705.00

*Estimated Impact Fees for the construction of a single-family residential home.

12-21-13

CITY COUNCIL COMMUNICATION

January 07, 2014

ITEM #	ITEM TITLE
4	**Resolution No. R-1745 – Engineering Services Contract for Rosenberg Business Park**

ITEM/MOTION

Consideration of and action on Resolution No. R-1745, a Resolution authorizing the City Manager to negotiate and execute, for and on behalf of the City, an Agreement for Engineering Design Services for the Phase I of the Rosenberg Business Park Improvements Project, by and between the City and IDS Engineering Group, in the amount of $285,000.

FINANCIAL SUMMARY		ELECTION DISTRICT
Annualized Dollars: [X] One-time [ ] Recurring [ ] N/A	**Budgeted:** [X] Yes [ ] No [ ] N/A **Source of Funds:** Rosenberg Development Corporation	[ ] District 1 [ ] District 2 [ ] District 3 [X] District 4 [ ] City-wide [ ] N/A

SUPPORTING DOCUMENTS:

MUD #: N/A

1. Resolution No. R-1745
2. Professional Services/Engineering Project Review Committee Meeting Draft Minute Excerpt – 11-21-13

APPROVALS

Submitted by:	Reviewed by:	Approved for Submittal to City Council:
Matt Fielder Economic Development Director	[X] Finance Director [X] City Attorney ***LJL/rlm*** [ ] City Engineer [ ] Assistant City Manager [ ] (Other)	Robert Gracia City Manager

EXECUTIVE SUMMARY

Phase I of the Rosenberg Business Park Improvements includes the construction of a road, water, sanitary sewer, and storm sewer infrastructure for approximately 2/3 of the 182-acre tract. IDS Engineering Group (formerly Pate Engineers) has been the engineer for Fort Bend County Municipal Utility District No. 150 (MUD No. 150) since its inception; it should be noted that MUD No. 150 has now been dissolved. IDS Engineering Group has collected topographical and geologic information that would have to be recreated at the City's expense should a different engineering firm be selected. In addition, they have worked with the developer to create the infrastructure cost estimates utilized as the basis for the Development Agreement.

The Professional Services/Engineering Project Review Committee reviewed staff's recommendation of IDS Engineering Group and their scope of work at the November 21, 2013, meeting and unanimously voted to recommend them for this project. Staff recommends approval of Resolution No. R-1745 authorizing the City Manager to negotiate and execute an Agreement for Engineering Design Services for Phase I of the Rosenberg Business Park Improvements with IDS Engineering Group.

RESOLUTION NO. R-1745

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY OF ROSENBERG, TEXAS, AN AGREEMENT FOR ENGINEERING DESIGN SERVICES FOR PHASE I OF THE ROSENBERG BUSINESS PARK IMPROVEMENTS PROJECT, BY AND BETWEEN THE CITY OF ROSENBERG, TEXAS, AND IDS ENGINEERING GROUP IN THE AMOUNT OF $285,000.

* * * * *

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROSENBERG:

Section 1. The City Council of the City of Rosenberg hereby authorizes the City Manager to negotiate and execute an Agreement for Engineering Design Services (Agreement), by and between the City of Rosenberg, Texas, and IDS Engineering Group for the Rosenberg Business Park Phase I Improvements Project in the amount of $285,000.

Section 2. A copy of said Agreement is attached hereto as Exhibit "A" and made a part hereof for all purposes.

PASSED, APPROVED, AND RESOLVED this _____ day of _____ 2014.

ATTEST: **APPROVED:**

_____ _____

Linda Cernosek, **CITY SECRETARY** Vincent M. Morales, Jr., **MAYOR**

PO# ____

AGREEMENT FOR
ENGINEERING DESIGN SERVICES

STATE OF TEXAS §

COUNTY OF FORT BEND §

THIS AGREEMENT, entered into and executed by and between the CITY OF ROSENBERG, a body corporate and politic under the laws of the State of Texas, hereinafter called "CITY", and IDS Engineering Group, hereinafter called "ENGINEER".

WHEREAS, the ENGINEER represents that it is fully capable of making and qualified to provide assistance to the CITY and ENGINEER desires to perform the same;

NOW, THEREFORE, the CITY and the ENGINEER, in consideration of the mutual covenants and agreements herein contained, do mutually agree as follows:

SECTION 1
SCOPE OF AGREEMENT

The ENGINEER agrees to provide the services as defined in Attachment "A", and any Amendments attached hereto and made a part hereof, and for having provided said services, the CITY agrees to pay the ENGINEER compensation as stated in the sections to follow. This Agreement takes precedence over all attachments in the event of conflicting terms and conditions.

SECTION 2
CHARACTER AND EXTENT OF WORK

The ENGINEER shall provide the services as defined in Attachment "A" and any Amendments attached hereto. The CITY shall be under no obligation to pay for services rendered without prior authorization.

SECTION 3
TIME FOR PERFORMANCE

The work shall be performed in accordance with Attachment "A". Upon written request of the ENGINEER, the CITY may grant time extensions to the extent of any delays caused by the CITY or other agencies with which the work must be coordinated and over which the ENGINEER has no control.

SECTION 4
COMPLIANCE AND STANDARDS

ENGINEER agrees to provide services hereunder in accordance with generally accepted standards applicable thereto and shall use that degree of care and skill commensurate with the ENGINEER's trade or profession in the same locality to comply with all currently applicable state, federal, and local laws, ordinances, rules, and regulations and the orders and decrees of any courts, administrative, or regulatory bodies in any matter affecting the performance of the Agreement, including, without limitation, worker's compensations laws, minimum and maximum

salary and wage statutes and regulations and licensing laws and regulations. When required, the ENGINEER shall furnish the CITY with satisfactory proof of compliance that was in place at the time work or services were performed.

SECTION 5
CHANGES TO THE PROJECT; ADDITIONAL WORK

ENGINEER shall make such revisions to any work that has been completed as are necessary to correct any errors or omissions as may appear in such work. If the CITY finds it necessary to make changes to previously satisfactorily completed work or parts thereof, the ENGINEER shall make such revisions if requested and as directed by the CITY and such services will be considered as additional work and paid for as specified under following paragraph.

The CITY retains the right to make changes to the Scope of Work at any time by a written order. Work that is clearly not within the general description of the Scope of Work and not does not otherwise constitute special services under this Agreement must be approved in writing by the CITY by supplemental agreement before the additional work is undertaken by the ENGINEER. If the ENGINEER is of the opinion that any work is beyond that contemplated in this Agreement and the Scope of Work governing the project and therefore constitutes additional work, the ENGINEER shall promptly notify the CITY of that opinion, in writing. If the CITY agrees that such work does constitute additional work, then the CITY and the ENGINEER shall execute a supplemental agreement for the additional work and the CITY shall compensate the ENGINEER for the additional work on the basis of the rates contained in the Scope of Work. If the changes deduct from the extent of the Scope of Work, the contract sum shall be adjusted accordingly. All such changes shall be executed under the conditions of the original Agreement

SECTION 6
INDEMNIFICATION

ENGINEER SHALL AND DOES HEREBY AGREE TO INDEMNIFY AND HOLD HARMLESS THE CITY, AND ALL OF ITS PRESENT, FUTURE AND FORMER AGENTS, EMPLOYEES, OFFICIALS AND REPRESENTATIVES HARMLESS IN THEIR OFFICIAL, INDIVIDUAL AND REPRESENTATIVE CAPACITIES, FROM CLAIMS, DEMANDS, CAUSES OF ACTION, JUDGMENTS, LIENS AND EXPENSES (INCLUDING ATTORNEY'S FEES, WHETHER CONTRACTUAL OR STATUTORY), COSTS AND DAMAGES (WHETHER COMMON LAW OR STATUTORY, AND WHETHER ACTUAL, PUNITIVE, CONSEQUENTIAL OR INCIDENTAL), FOR INJURIES TO PERSONS (INCLUDING DEATH) OR TO PROPERTY (BOTH REAL AND PERSONAL) ARISING FROM THE ENGINEER'S NEGLIGENT ACTS, ERRORS, OR OMISSIONS; OR FOR COSTS AND DAMAGES (WHETHER COMMON LAW OR STATUTORY, AND WHETHER ACTUAL, PUNITIVE, CONSEQUENTIAL OR INCIDENTAL) FOR INTELLECTUAL PROPERTY INFRINGEMENT, OR FAILURE TO PAY A SUBCONTRACTOR OR SUPPLIER COMMITTED BY THE ENGINEER OR THE ENGINEER'S AGENT, CONSULTANT UNDER CONTRACT, OR OTHER ENTITY OVER WHICH THE ENGINEER EXERCISES CONTROL– BUT ONLY TO THE EXTEND ALLOWABLE BY SEC. 271.904 (A) OF THE TEXAS LOCAL GOVERNMENT CODE.

SECTION 7
FORCE MAJEURE

Force Majeure. Neither ENGINEER, its suppliers nor CITY will be liable for any failure or delay in

this Agreement due to any cause beyond its reasonable control, including acts of war, acts of God, earthquake, flood, embargo, riot, sabotage, labor shortage or dispute, governmental act or failure of the Internet (not resulting from the negligence or willful misconduct of ENGINEER), provided that the delayed party: (a) gives the other party prompt notice of such cause, and (b) uses its reasonable commercial efforts to promptly correct such failure or delay in performance. If ENGINEER is unable to provide services for a period of ten (10) consecutive days as a result of a continuing force majeure event, CITY may cancel the services order without penalty.

SECTION 8
THE ENGINEER'S COMPENSATION

For and in consideration of the services rendered by the ENGINEER pursuant to this Agreement, the CITY shall pay the ENGINEER the amount(s) designated in Attachment “A”. The limit of appropriation is addressed in Section 13.

SECTION 9
TIME OF PAYMENT

Payment by the CITY to the ENGINEER shall be made as follows:

ENGINEER shall be provided a purchase order number from the CITY and such number shall be referenced on all invoices submitted to the CITY. On a monthly basis as the work progresses, ENGINEER shall submit to the City Manager or designee an invoice, in a form acceptable to the CITY, setting forth the charges for the services provided which were delivered during such billing period, and the compensation which is due for same. If the project work shall take in excess of thirty (30) calendar days, then such invoice shall be submitted to the CITY on or about the first of each month. The City Manager shall review the same and approve it with such modifications, as deemed appropriate. The CITY shall pay each invoice as approved by the City Manager within thirty (30) days after receipt of a true and correct invoice by the CITY. The approval or payment of any such invoice shall not be considered to be evidence of performance by the ENGINEER to the point indicated by such invoice or of the receipt of or acceptance by the CITY of the services covered by such invoice.

Invoices shall be submitted to the following address:

City of Rosenberg
Attn: Accounts Payable
P.O. Box 32
2110 4th Street
Rosenberg, Texas 77471

Invoices submitted without a purchase order number will be returned unpaid. Failure to submit invoices to the above address will delay payment. DO NOT submit invoices to any other address for payment. Article 601 (f) of the Vernon's Texas Civil Statutes, commonly known as the Prompt Payment Act, sets out required deadlines for payment of a government's obligations to its vendors, requirements for vendor's payments to their subcontractors, and penalties for failure to comply with the Act and exceptions to the Act. Unless the CITY provides otherwise on the purchase order or contract, the Act requires political subdivisions to pay all payments owned not later than 30 days after the goods and services are received, or the date the invoice is received, whichever is later. Interest automatically accrues at one percent (1%) per month. The Act also

requires vendors to follow the same rules for payments to their subcontractors. Subcontractors must pay their suppliers, materialmen and servicemen, within 10 days of receipt of their payment. When the CITY believes there is an error received from a vendor, it has until the 21st day after receipt to notify the vendor of the dispute. If resolved in favor of the CITY, the vendor must submit a new invoice and the CITY has 30 days to pay. If the dispute is resolved in favor of the vendor, interest is due from the original date of the invoice.

SECTION 10
TIME OF COMPLETION

The prompt completion of the services under which the Scope of Work relates is critical to the CITY. Unnecessary delays in providing services under the Scope of Work shall be grounds for dismissal of the ENGINEER and termination of this Agreement without any or further liability to the CITY other than a prorated payment for necessary, timely, and conforming work done by ENGINEER prior to the time of termination. The Scope of Work shall provide, in either calendar days or by providing a final date, a time of completion prior to which the ENGINEER shall have completed all tasks and services described in the Scope of Work.

SECTION 11
TERMINATION

(A) This Agreement may be terminated:

(1) By the mutual agreement and consent of both ENGINEER and CITY;

(2) By either party, upon the failure of the other party to fulfill its obligations as set forth in either this Agreement or a Scope of Work issued under this Agreement;

(3) By the CITY, immediately upon notice in writing to the ENGINEER, as consequence of the failure of ENGINEER to perform the services contemplated by this Agreement in a timely or satisfactory manner;

(4) By the CITY, at will and without cause upon not less than thirty (30) days written notice to the ENGINEER.

(B) If the CITY terminates this Agreement pursuant to Section 10 above, or subsection 11 (2) or (3) above, the ENGINEER shall not be entitled to any fees or reimbursable expenses other than the fees and reimbursable expenses then due and payable as of the time of termination and only then for those services that have been timely and adequately performed by the ENGINEER considering the actual costs incurred by the ENGINEER in performing work to date of termination, the value of the work that is nonetheless usable to the CITY, the cost to the CITY of employing another ENGINEER to complete the work required and the time required to do so, and other factors that affect the value to the CITY of the work performed at time of termination. In the event of termination not the fault of the ENGINEER, the ENGINEER shall be compensated for all basic, special, and additional services actually performed prior to termination, together with any reimbursable expenses then due.

SECTION 12
ADDRESS AND NOTICES AND COMMUNICATIONS

The parties contemplate that they will engage in informal communications with respect to the subject matter of this Agreement. However, any formal notices or other communications ("Notice") required to be given by one party to the other by this Agreement shall be given in writing addressed to the party to be notified at the address set forth below for such party, (i) by delivering the same in person, (ii) by depositing the same in the United States Mail, certified or registered, return receipt requested, postage prepaid, addressed to the party to be notified, or (iii) by depositing the same with a nationally recognized courier service guaranteeing "next day delivery," addressed to the party to be notified, (iv) by sending the same by telefax with confirming copy sent by mail, or (v) by sending the same by electronic mail with confirming copy sent by mail. Notice deposited in the United States mail in the manner hereinabove described shall be deemed effective from and after the date of such deposit. Notice given in any other manner shall be effective only if and when received by the party to be notified. For the purposes of notice, the addresses of the parties, until changed by providing written notice in accordance hereunder, shall be as follows:

All notices and communications under this Agreement shall be mailed to the ENGINEER at the following address:

IDS Engineering Group
Attn: Beth Giblin
13333 Northwest Freeway, Suite 300
Houston, Texas 77040

All notices and communications under this Agreement shall be mailed to the CITY at the following address:

City of Rosenberg
Attn: City Manager
P.O. Box 32
2110 4th Street
Rosenberg, Texas 77471
832-595-3310

SECTION 13
LIMIT OF APPROPRIATION

Prior to the execution of this Agreement, ENGINEER has been advised by the CITY and ENGINEER clearly understands and agrees, such understanding and agreement being of the absolute essence to this Agreement, that the CITY shall have available the amount budgeted for this project to discharge any and all liabilities which may be incurred by the CITY pursuant to this Agreement and that the total maximum compensation that the ENGINEER may become entitled to hereunder and the total maximum sum that the CITY shall become liable to pay to ENGINEER hereunder shall not under any conditions, circumstances, or interpretations, hereof, exceed the said total maximum sum provided for in this section without prior written permission from the CITY.

SECTION 14
SUCCESSORS AND ASSIGNS

The CITY and the ENGINEER bind themselves and their successors, executors, administrators, and assigns to the other party of this Agreement and to the successors, executors, administrators

and assigns of such other party, in respect to all covenants of this Agreement. Neither the CITY nor the ENGINEER shall assign, sublet or transfer its or his interest in this Agreement without the written consent of the other, which consent will not be unreasonably withheld. Subcontractors shall comply with all provisions of this Agreement and the applicable Scope of Work. The approval or acquiescence of the CITY in subletting of any work shall not relieve the ENGINEER of any responsibility for work done by such subcontractor. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of any public body, which may be a party hereto.

SECTION 15
OWNERSHIP OF DOCUMENTS

Upon completion or termination of this Agreement, all documents prepared by the ENGINEER or furnished to the ENGINEER by the CITY shall be delivered to and become the property of the CITY. All drawings, charts, calculations, plans, specifications and other data prepared under or pursuant to this Agreement shall be made available, upon request, to the CITY without restriction or limitation on the further use of such materials PROVIDED, HOWEVER, THAT SUCH MATERIALS ARE NOT INTENDED OR REPRESENTED TO BE SUTIABLE FOR REUSE BY THE CITY OR OTHERS. ANY REUSE WITHOUT PRIOR VERIFICATION OR ADAPTATION BY THE ENGINEER FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE CITY'S SOLE RISK AND WITHOUT LIABILITY TO THE ENGINEER. Where applicable, ENGINEER shall retain all pre-existing proprietary rights in the materials provided to the CITY but shall grant the CITY a non-exclusive, perpetual, royalty-free license to use such proprietary information solely for the purpose for which the information was provided. The ENGINEER may, at ENGINEER's expense, have copies made of the documents or any other data furnished to the CITY under or pursuant to this Agreement. Any documents, drawings, charts, calculations, plans, specifications, and other data provided by the ENGINEER to the CITY will be provided in accordance with the rules of the Texas Board of Professional Engineers.

SECTION 16
ENGINEER'S SEAL

The ENGINEER shall place the Texas Professional Engineer's seal of endorsement of the responsible ENGINEER in charge of the work or services on all final documents and engineering data furnished by the ENGINEER to the CITY, in accordance with the rules of the Texas Board of Professional Engineers. All work and services provided under this Agreement will be performed in the same manner of other engineers practicing in the same locality and shall conform to the accepted standards and practices of the engineering profession. The plans, specifications and engineering data provided by ENGINEER shall be adequate and sufficient to enable those performing the actual construction of the work to perform the work as and within the time contemplated by the CITY and ENGINEER. The CITY acknowledges that ENGINEER has no control over the methods or means of construction nor the costs of labor, materials or equipment. Unless otherwise agreed in writing, any estimates of construction costs by the ENGINEER are for informational purposes only and are not guarantees.

SECTION 17
INDEPENDENT CONTRACTOR

ENGINEER acknowledges that ENGINEER is an independent contractor of the CITY and is not an employee, agent, official or representative of the CITY. ENGINEER shall not represent, either

expressly or through implication, that ENGINEER is an employee, agent, official or representative of the CITY. Income taxes, self-employment taxes, social security taxes and the like are the sole responsibility of the ENGINEER.

SECTION 18
NON-COLLUSION

ENGINEER represents and warrants that ENGINEER has not given, made, promised or paid, nor offered to give, make, promise or pay any gift, bonus, commission, money or other consideration to any person as an inducement to or in order to obtain the work to be provided to the CITY under this Agreement. ENGINEER further agrees that ENGINEER shall not accept any gift, bonus, commission, money, or other consideration from any person (other than from the CITY pursuant to this Agreement) for any of the services performed by ENGINEER under or related to this Agreement. If any such gift, bonus, commission, money, or other consideration is received by or offered to ENGINEER, ENGINEER shall immediately report that fact to the CITY and, at the sole option of the CITY, the CITY may elect to accept the consideration for itself or to take the value of such consideration as a credit against the compensation otherwise owing to ENGINEER under or pursuant to this Agreement.

SECTION 19
MEDIA

Contact with the news media shall be the sole responsibility of the CITY. ENGINEER shall under no circumstances release any material or information to the news media developed in the performance of its work hereunder without the express written permission of the CITY. Upon completion of the work or services, ENGINEER may reference the work or services in the ENGINEER's marketing material, website, and resumes of involved personnel.

SECTION 20
AUTHORITY OF CITY MANAGER

All work to be performed by the ENGINEER hereunder shall be performed to the satisfaction of the City Manager. The City Manager shall decide any and all questions, which may arise as to the quality, or acceptability of the work performed by the ENGINEER and the decisions of the City Manager in such cases shall be final and binding on both parties. However, nothing contained herein shall be construed to authorize the City Manager to alter, vary or amend this Agreement.

SECTION 21
INSURANCE REQUIREMENTS

A current certificate of insurance with the CITY named as an additional insured is required to be submitted to the Purchasing Office before the CITY will enter into a contract with a vendor.

(A) POLICY REQUIREMENTS

Prior to the approval of this contract by the CITY, ENGINEER shall furnish a completed insurance certificate to the Purchasing Office, which shall be completed by an agent authorized to bind the named underwriter(s) to the coverage, limits, and termination provisions shown thereon, and which shall furnish and contain all required information referenced or indicated thereon. *CITY SHALL HAVE NO DUTY TO PAY OR PERFORM UNDER THIS CONTRACT UNTIL SUCH CERTIFICATE SHALL HAVE BEEN*

DELIVERED TO THE CITY, and no officer or employee of the CITY shall have authority to waive this requirement.

(B) INSURANCE COVERAGE REQUIRED

Worker's Compensation - Statutory and Employers Liability with minimum limits of $500,000 each accident and $1,000,000 each employee; Commercial General (public) Liability insurance minimum limits of $1,000,000 each occurrence including coverage Comprehensive Automobile Combined single limit for liability insurance, including bodily injury and property coverage of $1,000,000 each accident; Professional Liability insurance minimum limits of $1,000,000 each claim/annual aggregate.

(C) ADDITIONAL POLICY ENDORSEMENTS

CITY shall be entitled, upon request, and without expense, to receive copies of the policies and all endorsements thereto and may make any reasonable request for deletion, revision, or modification of particular policy terms, conditions, limitations, or exclusions (except where policy provisions are established by law or regulation binding upon either of the parties hereto or the underwriter of any of such policies). Upon such request by CITY, ENGINEER shall exercise reasonable efforts to accomplish such changes in policy coverage, and shall pay the cost thereof.

(D) REQUIRED PROVISIONS

ENGINEER agrees with the respect to the above required insurance, all insurance contracts and certificate(s) of insurance *will contain and state, in writing, on the certificate or its attachment, the following required provisions:*

(1) Name the City of Rosenberg and its officers, employees, and elected representatives as an additional insured;
(2) Provide for notice to CITY upon cancellation;
(3) Provide for an endorsement that the "other insurance" clause shall not apply to the City of Rosenberg where CITY is an additional insured shown on the policy;
(4) Provide for notice to the CITY at the address shown;
(5) ENGINEER agrees to waive subrogation against the City of Rosenberg, its officers, employees, and elected representatives for injuries, including death, property damage, or any other loss to the extent same may be covered by the proceeds of insurance;
(6) Additional insured provision (Section 21, Paragraph D.1) does not apply to Worker’s Compensation or Professional Liability insurance coverage.

(E) NOTICES

ENGINEER shall notify CITY in the event of any change in coverage and shall give such notices not less than 30 days prior to the change, which notice must be accompanied by a replacement CERTIFICATE OF INSURANCE. All notices shall be given to CITY at the following address:

City of Rosenberg
Attn: City Manager
P.O. Box 32
2110 4th Street
Rosenberg, Texas 77471

(F) APPROVAL

Approval, disapproval, or failure to act by CITY regarding any insurance supplied by ENGINEER shall not relieve ENGINEER of full responsibility or liability for damages and accidents as set forth in the contract documents. Neither shall the bankruptcy, insolvency, or denial of liability by the insurance company exonerate ENGINEER from liability.

SECTION 22
MODIFICATIONS

This instrument, including Attachments "A" and “A-1” and any Amendments attached hereto contains the entire Agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any oral or written representations or modifications concerning this instrument shall be of no force and effect excepting a subsequent modification in writing signed by both parties hereto.

SECTION 23
FISCAL FUNDING

The CITY's fiscal year is October 1st through September 30th. If this contract extends beyond September 30 of a fiscal year, there may be a fiscal funding out. If, for any reason, funds are not appropriated to continue the contract in the new fiscal year, the CITY shall notify the ENGINEER forty-five (45) days prior to the end of the fiscal year and said contract shall become null and void on the last day of the current appropriation of funds. Contract will then be terminated without penalty of any kind or form to the CITY.

SECTION 24
CHOICE OF LAW

This Agreement and all the transactions contemplated herein shall be governed by the laws of the State of Texas. Exclusive venue for any action arising out this Agreement shall be in Fort Bend County, Texas, and ENGINEER hereby consents to such jurisdiction and venue.

SECTION 25
SEVERABILITY

In the event that any provision(s) of this Agreement shall for any reason be held invalid, illegal, or unenforceable, the invalidity, illegality or unenforceability of that provision(s) shall not affect any other provision(s) of this Agreement, and it shall further be construed as if the invalid, illegal, or unenforceable provision(s) had never been a part of this Agreement. This document and included Attachments is the entire Agreement and recites the full consideration between the parties, there being no other written agreement.

[EXECUTION PAGE TO FOLLOW]

IN WITNESS WHEREOF, said City of Rosenberg has lawfully caused these presents to be executed by the City Manager of said CITY and the said ENGINEER, acting by its thereunto duly authorized representative, does now sign, execute and deliver this instrument.

Authorized by the City of Rosenberg, Texas, on the ____day of_____201__,

IDS Engineering Group

_____
Chad E. Abram
Vice President

_____
Date

CITY OF ROSENBERG

_____
Robert Gracia
City Manager

_____
Date

Attest:

_____
Linda Cernosek
City Secretary

Attachment "A"

SCOPE OF SERVICES TO BE PROVIDED BY THE ENGINEER

General Scope of Project

The work to be performed by the Engineer under this contract consists of providing final design services for Phase 1 of Rosenberg Business Park ("Project"), further described by the development agreement dated March 1, 2013 between the City and Rosenberg Business Park, Ltd., including coordination with City and County, and preparation of construction documents containing plans, specifications and details pertaining to paving, grading, drainage, storm sewers, storm water pollution prevention, pavement markings, water line, sanitary sewer lines, and a sanitary lift station, traffic control plans, construction cost estimate, and time of construction estimate. Topographic survey and boundary information for the Project will be provided by the Engineer. Right-of-way for the Project is being dedicated by a street dedication plat by Rosenberg Business Park, Ltd.

Types of Service

The engineering services to be performed by the Engineer are those services which are necessary for the preparation of designs, construction plans, specifications, and other items of work related thereto, all of which are hereinafter referred to as the "Design Phase Services." Design Phase Services will include, but are not limited to the general type and classifications listed in the following:

I. Project Management

A. Develop and Maintain:

1. Project Schedules
2. Budgets
3. Monthly Progress Reports and Invoices

B. Meet with the City staff on a regular basis to review project progress.

C. Field Reconnaissance: Travel to the project to review features along and adjacent to the Project to assist in making decisions concerning roadway design, drainage design, sequence of construction, and ROW acquisition.

D. Develop and implement Quality Control and Quality Assurance program.

E. Coordinate identification of utility locations and review those locations for conflicts and monitor relocation status, if relocations are required. Utilities to be contacted include but are not limited to AT&T, Comcast, CenterPoint Energy Gas, CenterPoint Energy Electric, Phonoscope and Pipeline Companies.

F. Coordinate and review the work produced with the City at a 90% plan review meeting. Revise and submit plans to the City for final approval (100% plans).

G. Compute and tabulate construction quantities and prepare estimate. Estimates will be prepared and submitted with each review submittal at 90% and 100%.

H. Prepare construction bid package to include Notice to Bidders, Instruction and Information to Bidders, Bid Proposal Form, Standard Form of Agreement, Bond Forms, General Conditions, Special Conditions if any, Technical Specifications and Construction Plans, in accordance with City of Rosenberg standards.

II. Roadway Design

A. Prepare cover sheet for construction plans, including a vicinity map, site location map, and a list of all sheets and details.

B. Prepare roadway plan and profile sheets for two roads within Project (1" = 40' H, 1" = 4' V) showing horizontal and vertical geometric designs, which will be based on Exhibit "B" of the development agreement dated March 1, 2013 between the City and Rosenberg Business Park, Ltd.

C. Identify and modify as necessary standard roadway detail sheets for conformance with City of Rosenberg standard details.

D. Show proposed ROW for the Project in accordance with the approved street dedication plat for the Project.

E. Prepare and submit a driveway permit application to the Texas Department of Transportation ("TxDOT") for connection of the new road to FM 2218. Turn lane and widening improvements to FM 2218 adjacent to the Project were previously approved by TxDOT and constructed by others.

III. Drainage Design

A. Prepare detailed drainage area maps necessary to perform the design of storm sewer system.

B. Prepare detailed hydraulic calculations necessary to perform the design of the storm sewer system.

C. Include storm sewer plan and profile data on plan and profile sheets, which will include plan and profile information for storm sewers, manholes, inlets, and existing utilities.

D. Prepare outfall plan and profile sheet (1" = 40') for storm drain into the existing drainage channel at the Project.

E. Identify and modify as necessary standard drainage details sheets.

IV. Water Lines, Sanitary Sewer Lines, and Sanitary Lift Station Facilities

A. Include existing water line/sanitary sewer data on roadway plan and profile sheets.

B. Using pipe sizing provided by the City or as described in the development agreement, design proposed water line and include on roadway plan and profile sheets.

C. Using pipe sizing provided by the City or as described in the development agreement, design proposed sanitary sewer and include on roadway plan and profile sheets.

D. Prepare water line details sheets in conformance with City of Rosenberg standard details.

E. Prepare sanitary sewer detail sheets in conformance with the City of Rosenberg standard details.

F. Include location (horizontal & vertical) of reuse water transmission/distribution line to be constructed in the ROW under separate contract.

G. Design and prepare sheets and details for a duplex sanitary sewer lift station and related force main to serve the project, including electrical controls and mechanical details in accordance with City requirements and standards Sizing shall be in accordance with the capacity described in the development agreement.

V. Signing and Pavement Markings

A. Show proposed signs and pavement markings on the paving index sheet (Design of permanent signing and markings will be in accordance with the *1980 Texas Manual of Uniform Traffic Control Devices (MUTCD) for Streets and Highways* (latest revision).

B. Prepare summary of small signs. Summary will include sign number, text, size, post, anchor and mounting information.

C. Identify and modify as necessary standard and modified pavement marking detail sheets.

VI. Traffic Control

A. Prepare traffic control plan layout for the project (1” = 40’).

B. Prepare detour layout sheet to detour through traffic around construction.

C. Identify and modify as necessary standard construction and barricade detail sheets.

VII. Miscellaneous

A. Prepare overall index sheet or sheets for the Project showing overall road, drainage, and utility layout.

B. Prepare General Notes sheet and include notes applicable for grading, paving, drainage, and utilities.

C. Prepare storm water pollution prevention plan (SW3P) showing temporary control measures during construction.

VII. Services not Included

A. Storm water detention capacity for the Project is being provided at an offsite location and any services related to storm water detention are not included in this Scope of Services.

B. Sidewalks are not included in the Project or this Scope of Services. Sidewalk ramps can be provided at intersections if desired by the City.

C. Construction phase services can be provided under a separate Scope of Services, but are not included in this Scope of Services

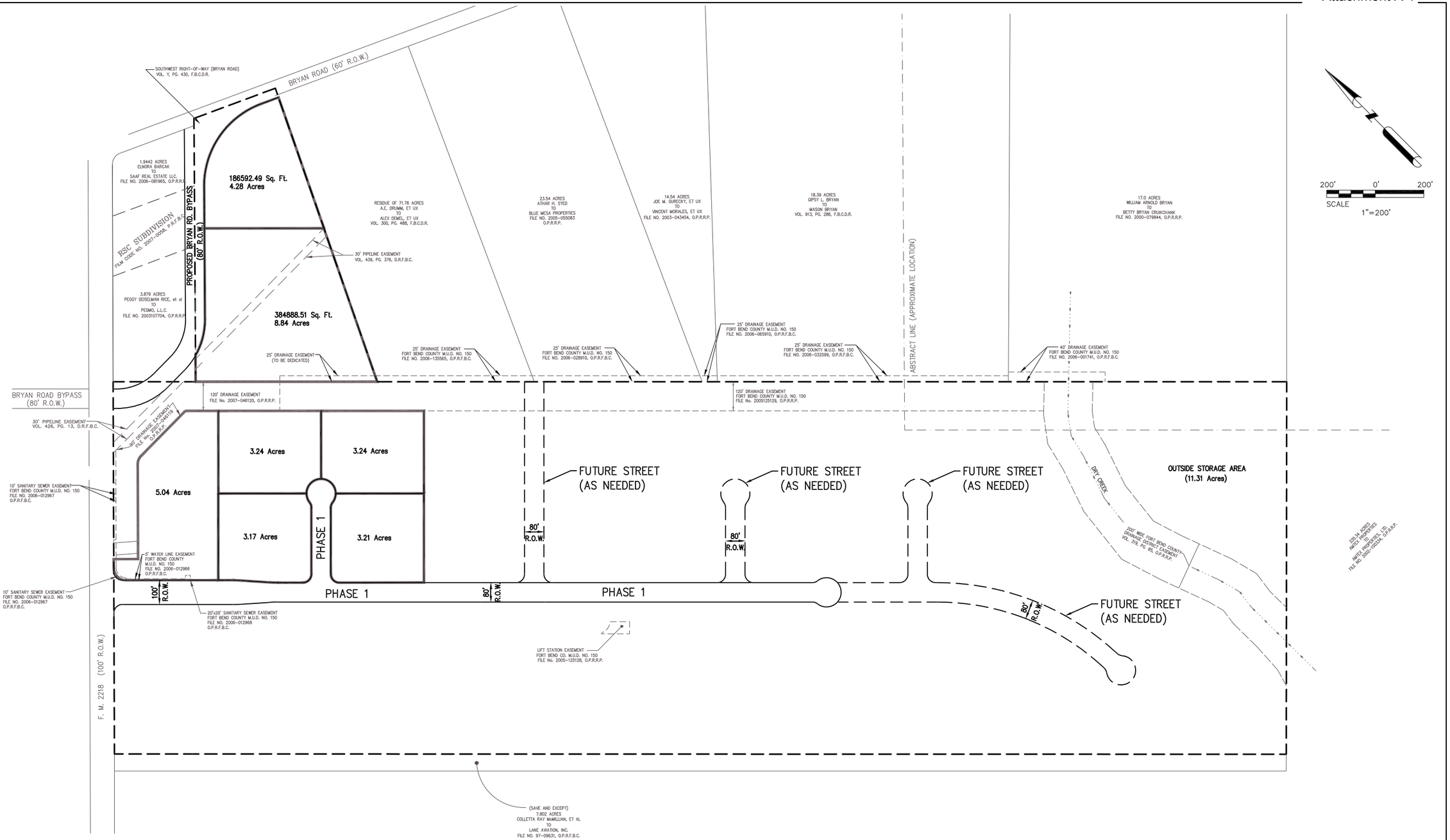
D. Geotechnical studies were previously prepared for the tract of land where the Project is located and are not included in this Scope of Services.

IX. Payment for Services

A. The total fee for the Design Phase Services shall be the lump sum fee of $285,000, to be invoiced monthly based on the percent of the services which are complete.

B. Additional payment shall be made to the Engineer for reimbursable expenses at the Engineer's direct cost, for plan fees charged by other reviewing agencies or utility companies; express or overnight delivery charges; applicable sales taxes; and copying costs of documents submitted to reviewing agencies, contractors, or the City.

Attachment A-1



ATTACHMENT A-1

PATE ENGINEERS
\\VTS\Design\Saad\(98000100 (Old Windmeadows)\DWG\C-SPOVAL-PHASE.dwg-22X34 Plotted Apr 30, 2012 at 10:12am by acooke | Last Saved by: acooke

PATE ENGINEERS
TBPE F-002726
13333 N.W. Freeway, Suite 300 Houston, Tx. 77040
Phone: 713-462-3178

FULLER REALTY PARTNERS, L.L.C.
ROSENBERG BUSINESS PARK
(184.4 ACRES)

Scale: 1" = 200'
Date: 04/30/12

4. **HEAR PRESENTATION FROM USW UTILITY GROUP REGARDING OPERATION, MAINTENANCE AND MANAGEMENT OF THE WASTEWATER TREATMENT AND RECLAIMED WATER FACILITIES.**

Key discussion points:

- Representatives from USW Utility Group distributed handouts and began their presentation regarding the firm's qualifications and experience.
- During and after the presentation, USW Utility representatives answered questions and provided additional information to the Committee and staff.

5. **CONSIDERATION OF AND ACTION ON A RECOMMENDATION TO THE ROSENBERG CITY COUNCIL REGARDING THE CONTRACT OPERATIONS OF WASTEWATER TREATMENT FACILITIES.**

Action: Councilor Peña made a motion, seconded by Councilor Grigar to request Staff to invite all three (3) firms to receive a Request for Proposals for the Operation, Maintenance and Management of the Wastewater Treatment and Reclaimed Water Facilities. The motion passed by a unanimous vote of those present.

6. **CONSIDERATION OF AND ACTION ON A RECOMMENDATION TO THE ROSENBERG CITY COUNCIL FOR ENGINEERING SERVICES ON THE ROSENBERG BUSINESS PARK PROJECT.**

Key discussion points:

- Mr. Fielder along with Eric Johnson of IDS Engineering Group (IDS) gave an overview of the project and the current experience of IDS. A brief discussion followed.

Action: Councilor Peña made a motion, seconded by Councilor Grigar to recommend IDS Engineering Group to provide engineering services on the Rosenberg Business Park Project. The motion passed by a unanimous vote of those present.

7. **CONSIDERATION OF AND ACTION ON A RECOMMENDATION TO THE ROSENBERG CITY COUNCIL FOR ENGINEERING SERVICES FOR THE 2014 CONSTRUCTION PROJECT REPRESENTATION.**

Key discussion points:

- After a lengthy discussion, the Committee decided to table the item and discuss further at a Council Workshop.

Action: Councilor Peña made a motion, seconded by Councilor Grigar, to table the item and place the agenda item on a future City Council Workshop agenda. The motion passed by a unanimous vote of those present.

8. **CONSIDERATION OF AND ACTION ON A RECOMMENDATION TO THE ROSENBERG CITY COUNCIL FOR ENGINEERING SERVICES ON PHASE IX OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDED PROJECT.**

Key discussion points:

- Mr. Maresh gave an overview of the project followed by a brief discussion.

Action: Councilor Peña made a motion, seconded by Councilor Grigar to recommend Kelly R. Kaluza & Associates, Inc., to provide engineering services on Phase IX of the Community Development Block Grant (CDBG) Funded Project. The motion passed by a unanimous vote of those present.

9. **ADJOURNMENT.**

There being no further business, the Professional Services/Engineering Project Review Committee Meeting adjourned at 9:17 p.m.

_____

Tiffany Ybarra, Administrative Assistant

DRAFT

ITEM 5

Consider motion to adjourn for Executive Session.

ITEM 6

Hold Executive Session for consultation with City Attorney to seek or receive advice on legal matters regarding pending or contemplated litigation pursuant to Section 551.071 of the Texas Government Code.

ITEM 7

Adjourn Executive Session, reconvene into Regular Session, and take action as necessary as a result of Executive Session.

CITY COUNCIL COMMUNICATION

January 07, 2014

ITEM #	ITEM TITLE
8	**Electro Purification, LLC, Discussion**

ITEM/MOTION

Review and discuss Electro Purification, LLC, applications and Agreement, and take action as necessary.

FINANCIAL SUMMARY

Annualized Dollars:

[ ] One-time
[ ] Recurring
[X] N/A

Budgeted:

[ ] Yes [ ] No [X] N/A

Source of Funds: N/A

ELECTION DISTRICT

[ ] District 1
[ ] District 2
[ ] District 3
[ ] District 4
[ ] City-wide
[X] N/A

MUD #: N/A

SUPPORTING DOCUMENTS:

1. None

APPROVALS

Submitted by:

John Maresh
Assistant City Manager

Reviewed by:

[ ] Finance Director
[X] City Attorney ***LJL/rlm***
[ ] City Engineer
[ ] Assistant City Manager
[ ] (Other)

Approved for Submittal to City Council:

Robert Gracia
City Manager

EXECUTIVE SUMMARY

This item has been placed on the Agenda to allow City Council the opportunity to consider action as may be deemed appropriate regarding the Electro Purification, LLC, applications and Agreement.

ITEM 9

Announcements.

ITEM 10

Adjournment.