

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, February 03, 2015

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 Charles Surovik, New Covenant Fellowship, Rosenberg)

Presentation of Plaque to Battalion Chief Larry Loesch and Lieutenant Danny Johnson in Appreciation of Thirty-One Years of Service to the City of Rosenberg Fire Department. (Wade Goates, Fire Chief)

Presentation of Certificates of Recognition to Participants in the International Policing Cooperation Program. (Vincent M. Morales, Jr., Mayor)

Presentation of Rosenberg Image Committee Beautification and Renovation Awards. (William Benton, Councilor)

Presentation of Proclamation Proclaiming the Month of February 2015 as Boy Scouts of America Month in the City of Rosenberg. (Vincent M. Morales, Jr., Mayor)

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 January 20, 2015, and Workshop Meeting Minutes for January 27, 2015. (Linda Cernosek, City Secretary)
 - B. Consideration of and action on approval of the issuance of Fort Bend County Municipal Utility District No. 155 Refunding Tax Bonds, Series 2015, in an amount not to exceed \$4,655,000.00. (Charles Kalkomey, City Engineer)
 - C. Consideration of and action on approval of the issuance of Fort Bend County Municipal Utility District No. 158 Refunding Tax Bonds, Series 2015, in an amount not to exceed \$3,500,000.00. (Charles Kalkomey, City Engineer)

- D. Consideration of and action on a Final Plat of Bonbrook Plantation North Section Fourteen, a subdivision of 23.506 acres of land situated in the Wiley Martin League, Abstract 56, Fort Bend County, Texas; 60 lots, 4 reserves (5.150 acres), 1 Block. (Travis Tanner, Executive Director of Community Development)

REGULAR AGENDA

2. Consideration of and action on Resolution No. R-1915, a Resolution authorizing the City Manager to execute, for and on behalf of the City, Budget Amendment 15-08 in the amount of \$14,560.00 for Grounds Maintenance Services at Macario Garcia and Travis Parks. (Joyce Vasut, Executive Director of Administrative Services)
3. Consideration of and action on Resolution No. R-1917, a Resolution authorizing the City Manager to accept, for and on behalf of the City, a donation from the CHURCH for the purchase and installation of soccer field lighting at Community Park. (Darren McCarthy, Parks and Recreation Director)
4. Consideration of and action on Resolution No. R-1906, a Resolution awarding Bid No. 2015-03 for construction of the Lift Station No. 11 Replacement; and, authorizing the City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same. (John Maresh, Assistant City Manager of Public Services)
5. Consideration of and action on Resolution No. R-1919, a Resolution authorizing the Mayor to execute, for and on behalf of the City, the First Amendment to the Water Supply Agreement, by and between the City and Brazosport Water Authority. (John Maresh, Assistant City Manager of Public Services)
6. Consideration of and action on Resolution No. R-1873, a Resolution authorizing the Mayor to execute a resale deed for real property generally located at 800 6th Street and described as Tract 1: Geo Number: 7835000380130901: Lot Thirteen (13), Block Thirty-Eight (38), in the Town of Rosenberg, Fort Bend County, Texas, according to the Plat of said town shown of record in Volume P, Page 146 of the Deed Records of Fort Bend County, Texas; and for real property generally located at 802 6th Street and described as Tract 2: Geo Number: 7835000380140901: Lots Fourteen (14) and Fifteen (15) in Block Thirty-Eight (38) of the City of Rosenberg, Fort Bend County, Texas, according to the Plat of said City of Rosenberg, appearing of record in Volume P, Page 146 of the Deed Records of Fort Bend County, Texas; and, containing other provisions relating to the subject. (Joyce Vasut, Executive Director of Administrative Services)
7. Hold Executive Session to consult with City Attorney on contemplated litigation regarding Texas Department of Transportation v. Rosenberg eminent domain proceedings; to consult with the City Attorney on contemplated litigation regarding upcoming Charter Elections; and, to consult with the City Attorney to receive legal advice on legal matters, all pursuant to Section 551.071 of the Texas Government Code; and, to deliberate the potential purchase, exchange, lease, or value of real property pursuant to Section 551.072 of the Texas Government Code.
8. Adjourn Executive Session, reconvene into Regular Session, and take action as necessary as a result of Executive Session.
9. Announcements.
10. Adjournment.

[EXECUTION PAGE TO FOLLOW]

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

by _____.

Attest:
Linda Cernosek, TRMC, 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.

Executive Sessions: The City Council may retire to executive session in accordance with the Texas Government Code, any time between the meeting's opening and adjournment for the purposes of:

- consultation with legal counsel (Section 551.071);
- deliberation regarding real property (Section 551.072);
- deliberation regarding economic development negotiations (Section 551.087)
- deliberation regarding the deployment or specific occasions for implementation of security personnel or devices (Section 551.076)

Attendance by other elected or appointed officials: It is anticipated that members of other city boards, commissions or committees whose meetings may be governed by the Texas Open Meetings Act may attend this meeting in numbers that may constitute a quorum of the other city boards, commissions or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a possible quorum/meeting of the other boards, commissions or committees of the City, whose members may be in attendance. The members may speak as recognized by the presiding officer, but no action may be taken by any board, commission or committee unless such item is specifically provided for on an agenda designated for that board, commission or committee and posted in compliance with the Texas Open Meetings Act.

This Agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering the available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

**Presentation of Plaque to Battalion Chief
Larry Loesch and Lieutenant Danny
Johnson in Appreciation of Thirty-One
Years of Service to the City of Rosenberg
Fire Department.**

Presentation of Certificates of Recognition International Policing Cooperation Program

- **Dr. Phillip Lyons – Interim Dean of the College of Criminal Justice, Sam Houston State University**
- **Lieutenant Wayne Jory**
- **Sergeant J.T. Rogers**
- **Sergeant Anthony Schnacky**
- **Officer Erik Marmol**
- **Detective Suni Erazo**
- **Chaplain Bruce Gilbert**
- **Battalion Chief Adam Carlin (Fire Department)**

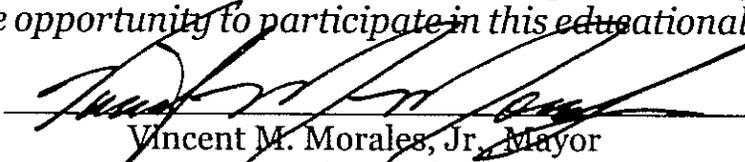
City of Rosenberg

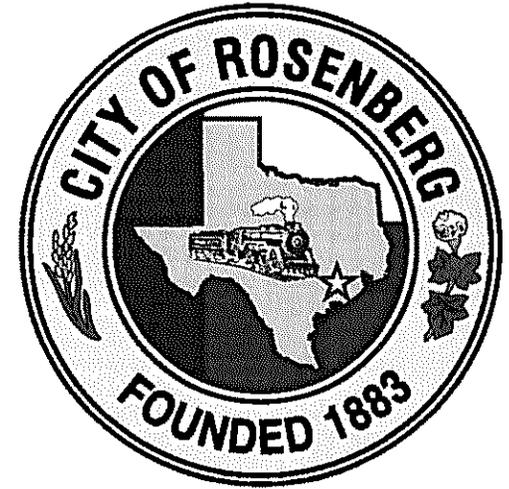
CERTIFICATE OF RECOGNITION

Be it hereby known to all, that

Dr. Phillip Lyons
Interim Dean of the College of
Criminal Justice
Sam Houston State University

has on this 3rd day of February, 2015 been recognized by the City of Rosenberg for his assistance and guidance in planning and executing the Cadet Exchange Program. We are grateful of your invitation to the City of Rosenberg Police Department by granting our City the opportunity to participate in this educational program.


Vincent M. Morales, Jr., Mayor
City of Rosenberg



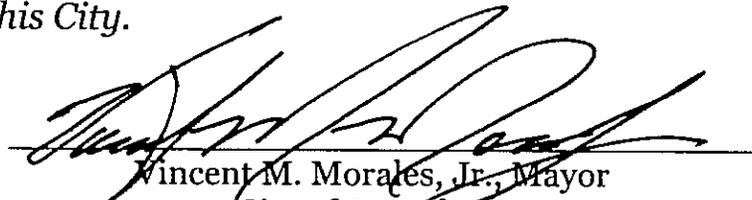
City of Rosenberg

CERTIFICATE OF RECOGNITION

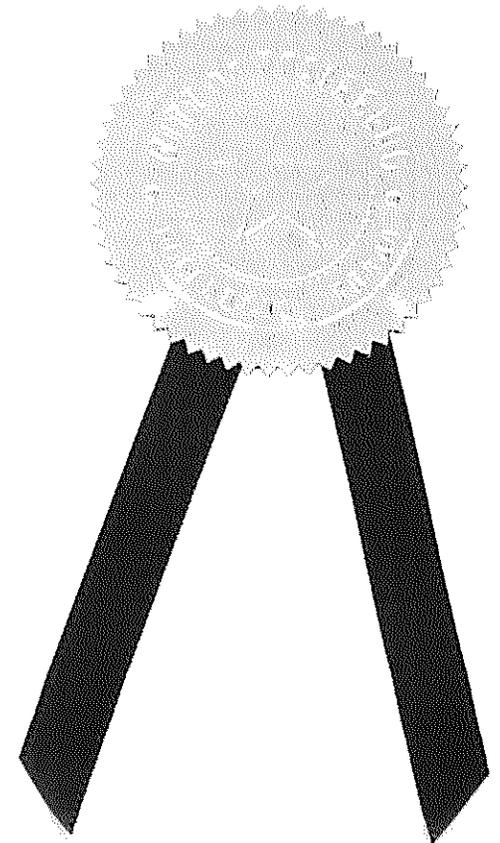
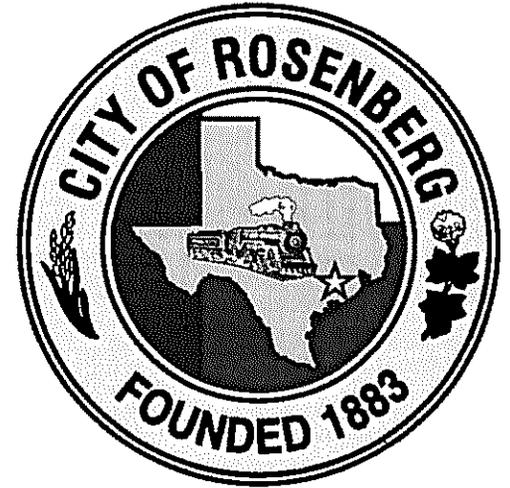
Be it hereby known to all, that

Lieutenant Wayne Jory

has on this 3rd day of February, 2015 been recognized by the City of Rosenberg for volunteering to participate in the Exchange Program by being a host family for the visiting Chinese cadets. In opening your home to our international guests, you and your family have shown your kindness and hospitality and have earned a place of high esteem in the hearts and minds of the people of this City.



Vincent M. Morales, Jr., Mayor
City of Rosenberg



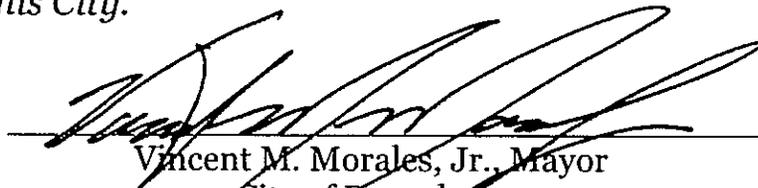
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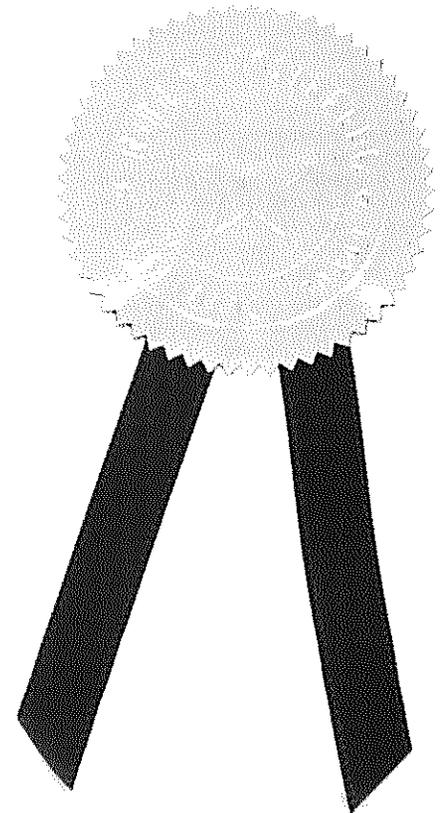
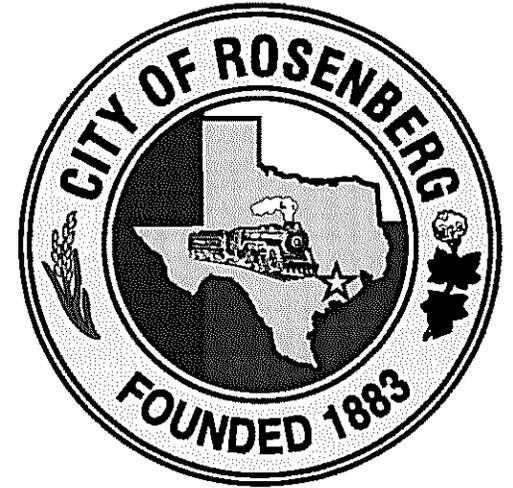
CERTIFICATE OF RECOGNITION

Be it hereby known to all, that

Sergeant J.T. Rogers

has on this 3rd day of February, 2015 been recognized by the City of Rosenberg for volunteering to participate in the Exchange Program by being a host family for the visiting Chinese cadets. In opening your home to our international guests, you and your family have shown your kindness and hospitality and have earned a place of high esteem in the hearts and minds of the people of this City.


Vincent M. Morales, Jr., Mayor
City of Rosenberg



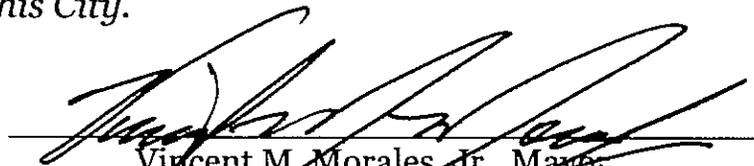
City of Rosenberg

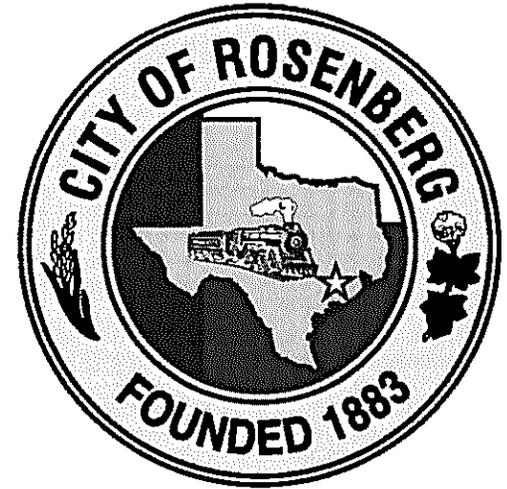
CERTIFICATE OF RECOGNITION

Be it hereby known to all, that

Sergeant Anthony Schnacky

has on this 3rd day of February, 2015 been recognized by the City of Rosenberg for volunteering to participate in the Exchange Program by being a host family for the visiting Chinese cadets. In opening your home to our international guests, you and your family have shown your kindness and hospitality and have earned a place of high esteem in the hearts and minds of the people of this City.


Vincent M. Morales, Jr., Mayor
City of Rosenberg



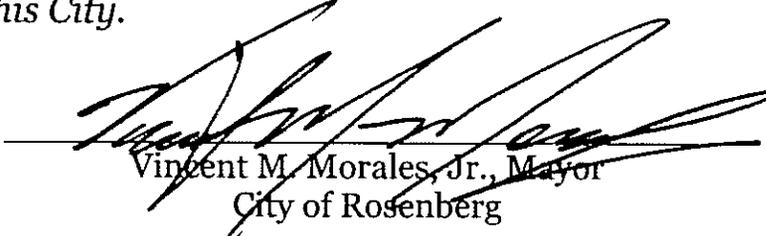
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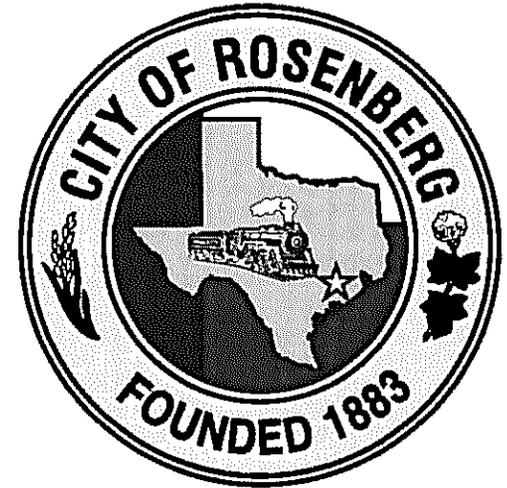
Be it hereby known to all, that

Officer Erik Marmol

has on this 3rd day of February, 2015 been recognized by the City of Rosenberg for volunteering to participate in the Exchange Program by being a host family for the visiting Chinese cadets. In opening your home to our international guests, you and your family have shown your kindness and hospitality and have earned a place of high esteem in the hearts and minds of the people of this City.



Vincent M. Morales, Jr., Mayor
City of Rosenberg



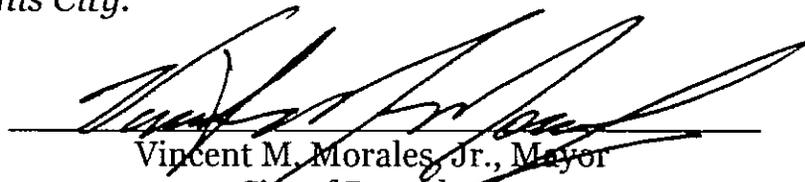
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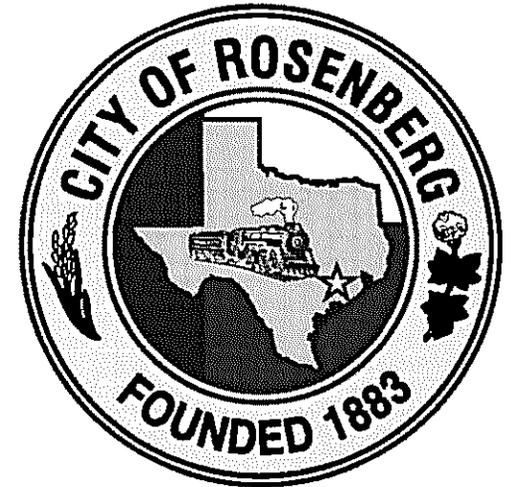
CERTIFICATE OF RECOGNITION

Be it hereby known to all, that

Detective Suni Erazo

has on this 3rd day of February, 2015 been recognized by the City of Rosenberg for volunteering to participate in the Exchange Program by being a host family for the visiting Chinese cadets. In opening your home to our international guests, you and your family have shown your kindness and hospitality and have earned a place of high esteem in the hearts and minds of the people of this City.


Vincent M. Morales, Jr., Mayor
City of Rosenberg



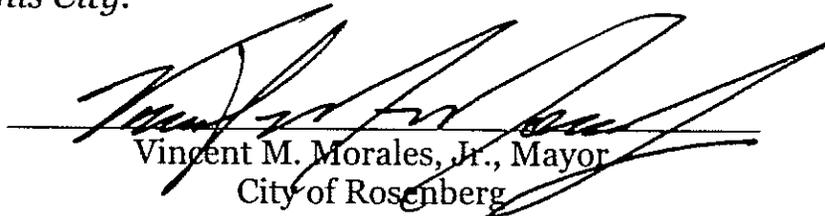
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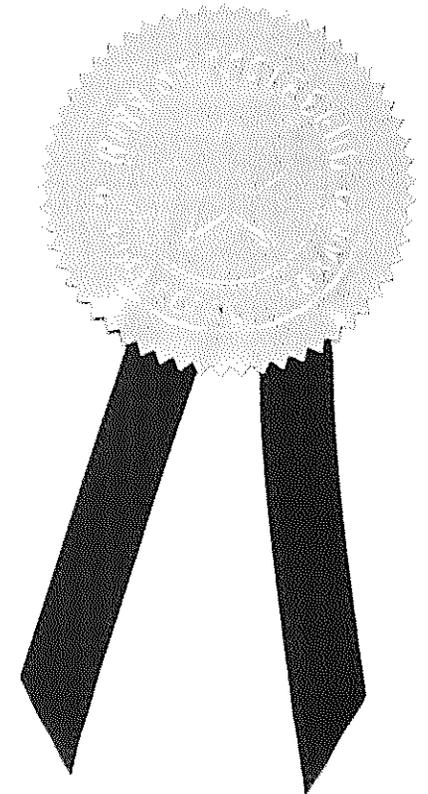
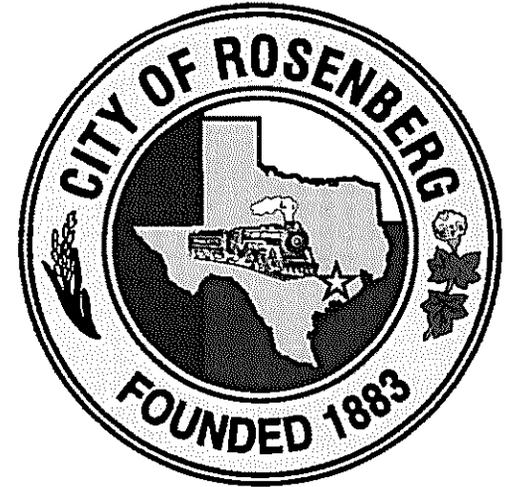
CERTIFICATE OF RECOGNITION

Be it hereby known to all, that

Chaplain Bruce Gilbert

has on this 3rd day of February, 2015 been recognized by the City of Rosenberg for volunteering to participate in the Exchange Program by being a host family for the visiting Chinese cadets. In opening your home to our international guests, you and your family have shown your kindness and hospitality and have earned a place of high esteem in the hearts and minds of the people of this City.


Vincent M. Morales, Jr., Mayor
City of Rosenberg



City of Rosenberg

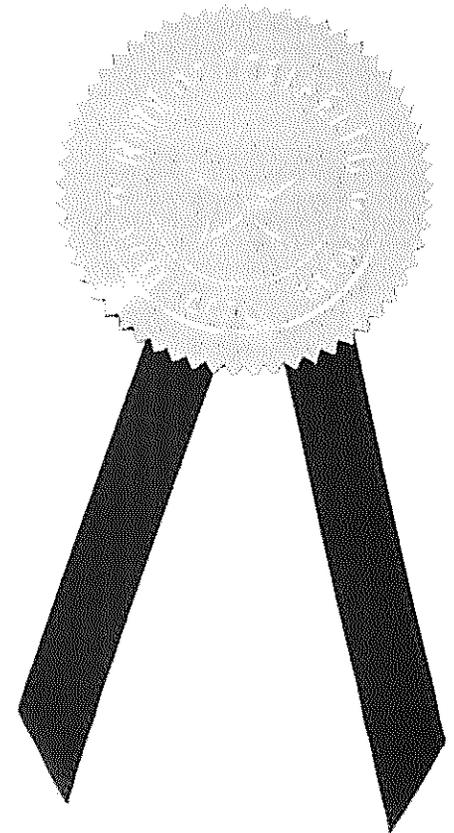
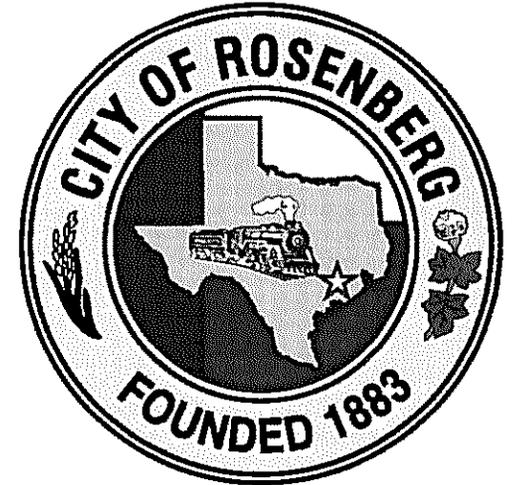
CERTIFICATE OF RECOGNITION

Be it hereby known to all, that

Battalion Chief Adam Carlin

has on this 3rd day of February, 2015 been recognized by the City of Rosenberg for volunteering to participate in the Exchange Program by being a host family for the visiting Chinese cadets. In opening your home to our international guests, you and your family have shown your kindness and hospitality and have earned a place of high esteem in the hearts and minds of the people of this City.


Vincent M. Morales, Jr., Mayor
City of Rosenberg



**Presentation of
Rosenberg Image Committee
Beautification and Renovation
Awards**

City of Rosenberg

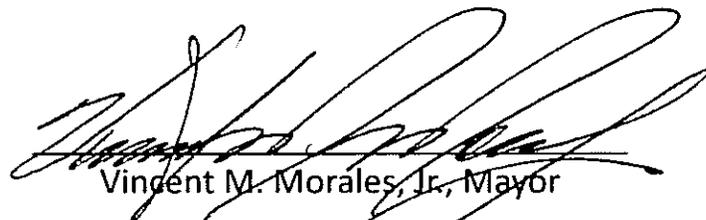
IMAGE COMMITTEE

Certificate of Recognition

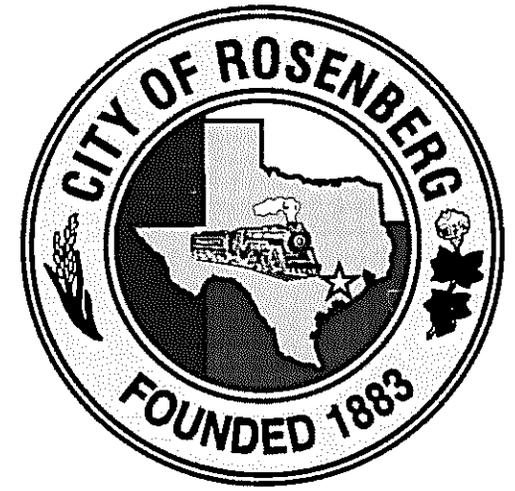
Be it hereby known to all, that

Jose Garcia and Anna Paula Arias
4709 Sandalwood Avenue

have, on this 3rd day of February 2015, been recognized for their acts of labor and excellence in beautifying this property and for their caring efforts at making this location in our community more appealing, and deserve the recognition and appreciation of the people of our City for their undertaking.



Vincent M. Morales, Jr., Mayor



City of Rosenberg

IMAGE COMMITTEE

Certificate of Recognition

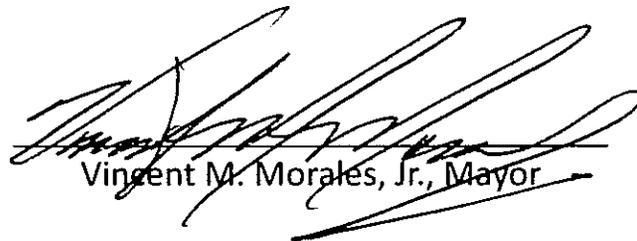
Be it hereby known to all, that

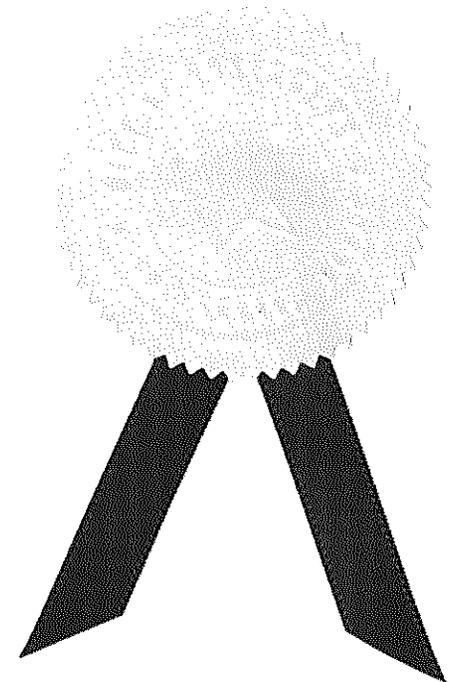
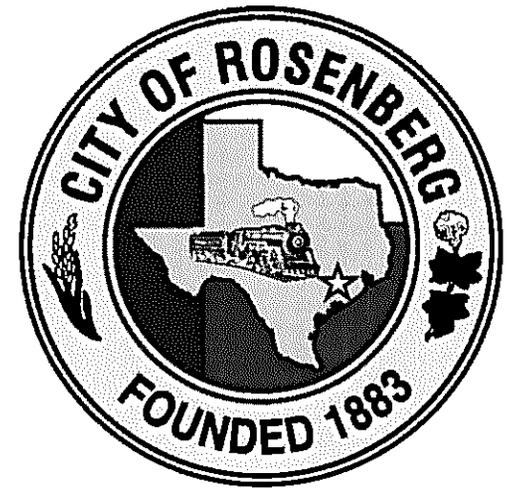
Rodney and Rosaline Hayes

7727 Blue Lake Drive

have, on this 3rd day of February 2015, been recognized for their acts of labor and excellence in beautifying this property and for their caring efforts at making this location in our community more appealing, and deserve the recognition and appreciation of the people of our City for their undertaking.




Vincent M. Morales, Jr., Mayor



City of Rosenberg

IMAGE COMMITTEE

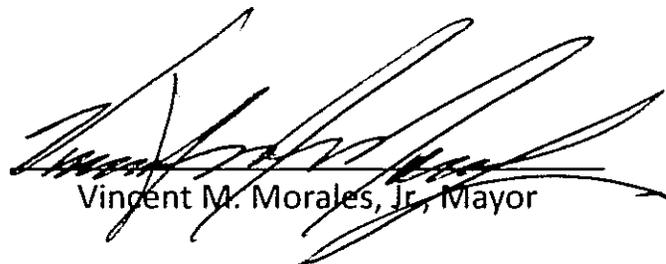
Certificate of Recognition

Be it hereby known to all, that

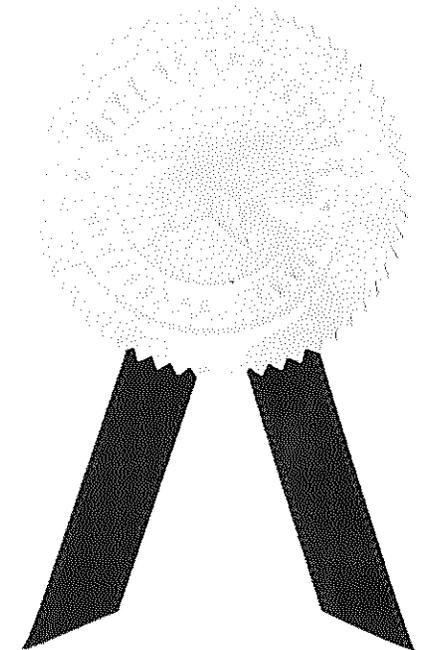
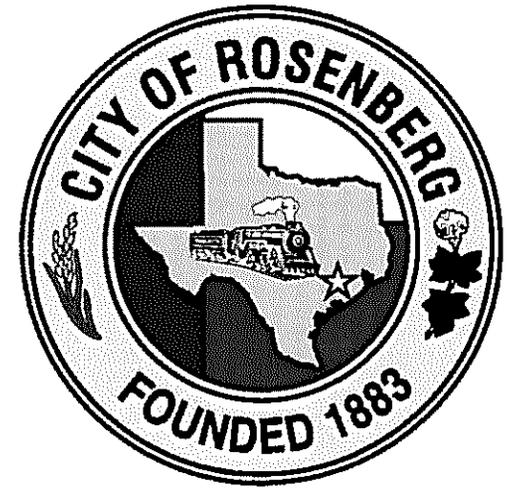
Richard and Amalia Montemayor

523 Rainswept Pass Drive

have, on this 3rd day of February 2015, been recognized for their acts of labor and excellence in beautifying this property and for their caring efforts at making this location in our community more appealing, and deserve the recognition and appreciation of the people of our City for their undertaking.



Vincent M. Morales, Jr., Mayor



City of Rosenberg

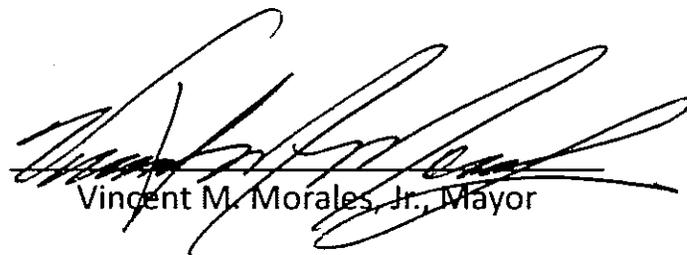
IMAGE COMMITTEE

Certificate of Recognition

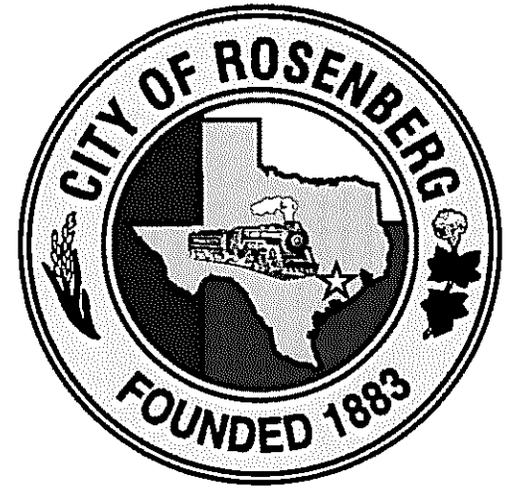
Be it hereby known to all, that

Van and Sherry Upton
7607 Crescent Lake Court

have, on this 3rd day of February 2015, been recognized for their acts of labor and excellence in beautifying this property and for their caring efforts at making this location in our community more appealing, and deserve the recognition and appreciation of the people of our City for their undertaking.



Vincent M. Morales, Jr., Mayor



**Presentation of Proclamation Proclaiming
the Month of February 2015 as Boy Scouts of
America Month in the City of Rosenberg.**

**PROCLAIMING THE MONTH OF FEBRUARY 2015
AS BOY SCOUTS OF AMERICA'S MONTH
IN THE CITY OF ROSENBERG**

Whereas, the Boy Scouts of America is one of the nation's largest and most prominent values-based youth development organizations; and

Whereas, the Boy Scouts of America provides a program for young people that builds character, trains them in the responsibilities of participating citizenship, and develops personal fitness; and

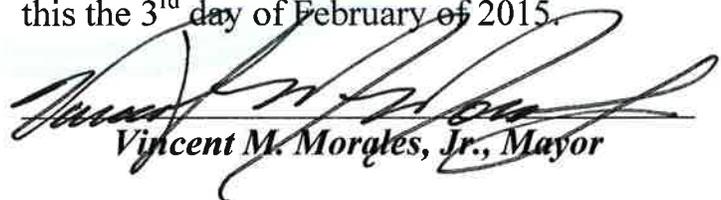
Whereas, for over a century, the Boy Scouts of America has helped build the future leaders of this country by combining educational activities and lifelong values with fun; and

Whereas, the Boy Scouts of America believes, and through over a century of experience, knows that helping youth is a key to building a more conscientious, responsible, and productive society.

Therefore Be It Resolved, that I, Vincent M. Morales Jr., Mayor of the City of Rosenberg, asks that all the residents of the City of Rosenberg join me in honoring the Boy Scouts of America. That the residents of Rosenberg, Texas celebrate their accomplishments and efforts to improve our community and show our appreciation for the Boy Scouts of America in our great State of Texas.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the official Seal of the City of Rosenberg to be affixed this the 3rd day of February of 2015.


Vincent M. Morales, Jr., Mayor

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.

ITEM 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.

ITEM A

Minutes:

- 1. Regular City Council Meeting Minutes – January 20, 2015**
- 2. City Council Workshop Meeting Minutes – January 27, 2015**

**CITY OF ROSENBERG
REGULAR COUNCIL MEETING MINUTES**

*****DRAFT*****

On this the 20th day of January, 2015, 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 Barta	Councilor, District 4

STAFF PRESENT

Robert Gracia	City Manager
Linda Cernosek	City Secretary
John Maresh	Assistant City Manager of Public Services
Scott Tschirhart	Attorney for the City
Jeff Trinker	Executive Director of Support Services
Joyce Vasut	Executive Director of Administrative Services
Charles Kalkomey	City Engineer
Lisa Olmeda	Human Resources Director
Dallis Warren	Police Chief
Richard Hooper	Police Lieutenant
Anthony Schnacky	Police Sergeant
Matthew Curry	Police Officer
Tommy Havelka	Police Officer
Wade Goates	Fire Chief
Justin Jurek	Fire Marshal
Travis Tanner	Executive Director of Community Development
Randall Malik	Economic Development Director
Jeremy Heath	Assistant Economic Development Director
Angela Fritz	Executive Director of Information Services
Darren McCarthy	Parks and Recreation Director
Lydia Acosta	Recreation Programs Coordinator
James Lewis	Information Services Manager
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 7:02 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE.

Reverend Jason Martin, Calvary Baptist Church, Rosenberg, gave the invocation and led the pledge of allegiance to the flag.

PRESENTATION OF THE WILLIE D. MCQUEEN, JR. EMPLOYEE OF THE QUARTER AWARD.

Dallis Warren, Police Chief and Lisa Olmeda, Human Resources Director presented the Willie D. McQueen, Jr., Employee of the Quarter Award to Sergeant Anthony Schnacky and Officer Matthew Curry for their collective act of bravery in November to save a car accident victim from a burning

vehicle.

PRESENTATION OF CONTEST AWARD WINNERS AND SPONSORS OF THE KEEP ROSENBERG BEAUTIFUL 2014 CHRISTMAS LIGHTING AND DECORATING CONTEST BENEFITTING THE LORD'S KITCHEN.

- Bernard and Olga Cunda 1108 Elizabeth Avenue
- Curtis Matheaus 1100 7th Street
- Kelly Reznicek Representing The Reserve at Brazos Town Center
- Gubarra Family
- Larry's Signs
- Living Water Christian School
- The Lord's Kitchen

PRESENTATION OF CERTIFICATES OF APPRECIATION TO 2014 BOO-BERG VOLUNTEERS.

Mayor Morales and Lydia Acosta, Recreation Programs Coordinator presented Certificates of Appreciation to 2014 Boo-Berg Volunteers:

- Annalee Machemehl
- Coastal Prairie Chapter Texas Mater Naturalists
- Girl Scout Troop 29064
- Kempner High School Interact Club
- Rosenberg Fire Department

PRESENTATION OF CERTIFICATES OF APPRECIATION TO 2014 ROSENBERG CHRISTMAS NIGHTS VOLUNTEERS.

Mayor Morales and Lydia Acosta presented Certificates of Appreciation to 2014 Rosenberg Christmas Nights Volunteers:

- Annalee Machemehl
- Austin High School National Honor Society
- Girl Scouts 3503
- William Allen
- Melissa Dixon
- Julia Worley

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 16, 2014, AND REGULAR MEETING MINUTES FOR JANUARY 06, 2015.**

- B. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1902, A RESOLUTION AWARDDING A BID FOR THE PURCHASE OF A TRAILER-MOUNTED GENERATOR; AND, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, APPROPRIATE DOCUMENTS AND/OR AGREEMENTS REGARDING SAME.**

Executive Summary: As part of the continued effort to improve emergency response capabilities, the FY2015 Budget includes funding for the purchase of a second trailer-mounted generator for the Utilities Department. Staff has received proposals from the Houston-Galveston Area Council cooperative purchasing program (HGACBuy) for the purchase of one (1) trailer-mounted generator that is identical to the unit purchased in FY2013. Staff is recommending the purchase of a Kohler 210 KW generator from Loftin Equipment Company, Inc., located in Houston, Texas, through the HGACBuy program. The total cost of the trailer-mounted generator is \$75,818.00, including HGAC administrative fees. Funding is allocated for this purchase in the FY2015 Budget.

Staff recommends approval of Resolution No. R-1902, a Resolution authorizing the City Manager to execute appropriate documents and/or agreements regarding same. Should City Council award the purchase to Loftin Equipment Company, Inc., the proposal for the trailer-mounted generator will be added to Resolution No. R-1902 to serve as Exhibit "A".

Item B was moved to the Regular Agenda as Item 2A.

Action: Councilor McConathy made a motion, seconded by Councilor Euton to approve Item A on the Consent Agenda. The motion carried by a unanimous vote.

REGULAR AGENDA

- 2A. **Item 2A was formerly Item B on the Consent Agenda.**

CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1902, A RESOLUTION AWARDDING A BID FOR THE PURCHASE OF A TRAILER-MOUNTED GENERATOR; AND, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, APPROPRIATE DOCUMENTS AND/OR AGREEMENTS REGARDING SAME.

Executive Summary: As part of the continued effort to improve emergency response capabilities, the FY2015 Budget includes funding for the purchase of a second trailer-mounted generator for the Utilities Department. Staff has received proposals from the Houston-Galveston Area Council cooperative purchasing program (HGACBuy) for the purchase of one (1) trailer-mounted generator that is identical to the unit purchased in FY2013. Staff is recommending the purchase of a Kohler 210 KW generator from Loftin Equipment Company, Inc., located in Houston, Texas, through the HGACBuy program. The total cost of the trailer-mounted generator is \$75,818.00, including HGAC administrative fees. Funding is allocated for this purchase in the FY2015 Budget.

Staff recommends approval of Resolution No. R-1902, a Resolution authorizing the City Manager to execute appropriate documents and/or agreements regarding same. Should City Council award the purchase to Loftin Equipment Company, Inc., the proposal for the trailer-mounted generator will be added to Resolution No. R-1902 to serve as Exhibit "A".

Key discussion points:

- John Maresh, Assistant City Manager of Public Services read the Executive Summary regarding the item and explained the generator will be used for running the lift station.

Action: Councilor Barta made a motion, seconded by Councilor McConathy to approve Resolution No. R-1902, a Resolution awarding a bid for the purchase of a trailer-mounted generator; and, authorizing the City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same. The motion carried by a unanimous vote.

2. **REVIEW AND DISCUSS POTENTIAL APPOINTMENT OF A CHARTER REVIEW COMMITTEE, AND TAKE ACTION AS NECESSARY.**

Executive Summary: This Agenda item has been included to allow City Council the opportunity to discuss the potential appointment of a Charter Review Committee.

Key discussion points:

- Councilor Benton stated Charter changes can be made with the May election. He asked Council to discuss the establishment of a committee to review the Charter to make any changes needed. He suggested that each Councilor appoint a member to make up a seven member committee.
- The general consensus of Council was to establish a Charter Review Committee.

Action: Councilor Benton made a motion, seconded by Councilor McConathy to form a Charter Review Committee. The motion carried by a unanimous vote.

Further discussion:

- Robert Gracia stated for clarification the names of potential committee members will be sent to his office.
- Councilor Benton stated each Councilor has the privilege to submit one name.
- Scott Tschirhart, Attorney for the City stated it would be beneficial if some parameters were set on what Council wants from the Committee.

Action: Councilor Benton amended the motion, seconded by Councilor McConathy to require applicants to be a resident of the City of Rosenberg. The motion carried by a unanimous vote.

3. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1903, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AMENDMENT NO. 5 TO THE TOWN CENTER, ROSENBERG, TEXAS DEVELOPMENT AGREEMENT, BY AND BETWEEN THE CITY AND A-S 70 HWY 59-FM 762, L.P., A TEXAS LIMITED PARTNERSHIP.**

Executive Summary: On September 30, 2014, Resolution No. R-1860 for the Amendment No. 5 to the Brazos Town Center Development Agreement, generally concerning multi-family development of the 10.8 acre tract located at the intersection of Town Center Boulevard and Vista Drive, received only three (3) votes in favor and therefore did not pass. Councilor Benton requested that this item again be placed on a City Council Agenda in January for further discussion and consideration. For clarity, staff has assigned a new Resolution number, Resolution No. R-1903, so City Council may discuss and reconsider Amendment No. 5, attached thereto as Exhibit "A". Provided for reference below is the executive summary from the item originally presented to City Council in September:

NewQuest Properties, the developer of Brazos Town Center, has requested a fifth amendment to their Development Agreement and Conceptual Plan. The proposed Amendment No. 5 and Revised Exhibit "B," Conceptual Plan, involves one (1) tract. An aerial/vicinity map is attached to the previous Agenda item for reference:

1. The vacant 10.8-acre tract located at the intersection of Town Center Boulevard and Vista Drive and currently designated for office development on the approved Land Plan.

The developer proposes to develop the 10.8-acre tract as 234 apartment units. City ordinances contain a number of requirements with which the project would not comply, including the number of parking spaces, density (14 units per acre maximum), maximum of 200 units, and two (2) story maximum height. To compensate for not meeting these requirements, pursuant to the Planned Unit Development (PUD) provisions of the "Subdivision" Ordinance, the developer proposes the following standards be added to the Development Agreement:

- Said multifamily development shall be at least seventy (70) percent masonry exterior;
- Said multifamily development shall be comprised of no more than two hundred thirty-four (234) units, at least seventy-five (75) percent of which have direct attached garages, and at least sixty (60) percent of which are one-bedroom;
- Maximum density of twenty-two (22) units per acre;
- Maximum overall height of three (3) stories, and maximum height of two (2) stories for buildings fronting on Town Center Boulevard and Vista Drive rights-of-way;
- Minimum parking ratios of 1.5 spaces per one-bedroom unit, two (2) spaces per two-bedroom unit, and 2.5 spaces per three-bedroom unit; and,
- Site to consist of a minimum of fifteen (15) percent landscaping, open space, and amenities (including amenity center, gym, and pool).

At the regular meeting on September 17, 2014, by a vote of 4-2, the Planning Commission recommended approval to City Council of Amendment No. 5 to the Town Center, Rosenberg, Texas Development Agreement. Amendment No. 5 is attached as Exhibit "A" to Resolution No. R-1860.

Key discussion points:

- Travis Tanner, Executive Director of Community Development gave an overview of the item. The Planning Commission approved the plan on September 17, 2014, by a vote of 4 to 3 to recommend approval to Council.
- Council expressed their approval and/or disapproval of the item.
- Councilor Euton stated she originally voted this down. She has concerns with it fronting on Vista and there are two on the Vista side already. NewQuest has been given numerous variances and a lot of concessions have been made to this developer.

Action: Councilor Pena made a motion, seconded by Councilor Grigar to approve Resolution No. R-1903, a Resolution authorizing the City Manager to execute, for and on behalf of the City, Amendment No. 5 to the Town Center, Rosenberg, Texas Development Agreement, by and between the City and A-S 70 Hwy 59-FM 762, L.P., a Texas Limited Partnership as laid out.

Further discussion:

- Ryan Sweeny of NewQuest Properties spoke on behalf of Steve Alvis.
- Mayor Morales stated Councilor Euton had a concern about the existing three story versus what you are doing.
- Ryan Sweeny explained this project is not being proposed as a development by NewQuest Properties. This would be contracted to a third party multi-family developer. What you see is a land plan that gives a particular idea but it is possible it will change some only if it abides with what Council approves today. The land planner may not be aware of the constraints we are putting on this project today.
- Mayor Morales commented that one of those projects was existing prior to PUD coming in.
- Ryan Sweeny stated that is correct. 1301 Place is what it was renamed but it went through foreclosure and it was purchased by an out of state entity and it was purchased again. Now it is really a lot better than it used to be. Now we have two Class A projects adjacent to each other and this would be the third and the highest quality project of the three.
- Travis Tanner commented on the conflict between conceptual plan and the number of stories quoted in the Development Agreement. If the Development Agreement conflicts with the rendering, the most restrictive will govern the project.
- Councilor Benton stated for clarification that Council is approving this contingent to this agreement.

Upon voting the motion carried by a vote of 6 to 1 as follows: Yeses: Mayor Morales, Councilors Benton, McConathy, Pena, Grigar and Barta. No: Councilor Euton.

4. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2015-02, AN ORDINANCE PROVIDING FOR THE DISANNEXATION FROM THE CORPORATE BOUNDARIES OF THE CITY OF THAT CERTAIN 82.7 ACRES, MORE OR LESS, IN THE WILEY MARTIN SURVEY, ABSTRACT 56, FORT BEND COUNTY, TEXAS (FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 184), PURSUANT TO THE PETITION FOR DISANNEXATION; ADJUSTING THE BOUNDARIES OF COUNCIL DISTRICT NO. 4 TO EXCLUDE THE TRACT DISANNEXED HEREBY, CONTAINING CERTAIN FINDINGS, PROVIDING FOR NON-SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

Executive Summary: On August 26, 2014, City Council consented to the creation of Fort Bend County Municipal Utility District No. 184. Related Development and Utility Agreements were approved on the same date. City Council will recall that, while the majority of the 500+ acre tract is located in the Extraterritorial Jurisdiction (ETJ), there is a 500' strip of the City Limits that runs through the property along Dry Creek. The strip was annexed in 1985.

The developer has approached City staff with a petition regarding the City disannexing all but a 10' strip of the City Limits in their development. This is best depicted in the attached vicinity map. Much of the property is in the creek and therefore in the floodplain and/or floodway. It also appears

based on staff's research that the City's portion of the taxes levied on this tract for 2014 is only approximately \$108. The advantage to the developer of the City disannexing the majority of the tract is that the District can sell bonds more quickly to reimburse the developer because the Texas Commission on Environmental Quality (TCEQ) will not consider the City's tax rate on top of the District's tax rate when they approve bond issuance.

It is also advantageous to both the City and the developer to not have lots and streets in the development in multiple jurisdictions. This would otherwise have the potential to cause confusion as to what entity (City or County) is responsible for maintenance, emergency response, and other issues. Additionally, keeping 10' of City Limits, as opposed to releasing the City Limits altogether, avoids the potential for our ETJ being reduced now or at any point in the future.

Finally, in many cases, disannexation may result in the City having to refund taxes collected to the landowner per Chapter 43 of the Texas Local Government Code. However, in this case, the landowner has acknowledged through their petition that "the amount of property taxes and fees collected by the City during the time the land has been located within the City is less than or equal to the amount of money that the City has spent for the direct benefit of the land during that same period."

City staff has reviewed the requested disannexation and has no objections. Therefore staff recommends approval of Ordinance No. 2015-02.

Key discussion points:

- Travis Tanner gave a brief overview of the property. This is Fort Bend County Municipal Utility District (MUD) No. 184 and is over 500 acres. The development came before Council in August 2014 and the item was for Council consenting to the creation of the utility district which Council did at that time. Council also approved the development and utility agreements. It was discussed in detail that the property is mostly in extra territorial jurisdiction (ETJ). There is about a 500' wide strip of City limits that runs through the property which directly abuts Dry Creek. That tract was annexed by the City in 1985. A lot is in the flood plain because the City limit consists of the creek bottom. At this time, the developer has petitioned the City for disannexation of all but a 10' strip of the City limits that is inside their development.
- The reason they have requested this is that it makes it easier for the utility district to sell bonds to reimburse the developer since the City's tax rate will not be taken into consideration with the other entities so all the development will occur in the ETJ and not the City limits. It also avoids having lots or reserves or pieces of property in their development that cross over into multiple jurisdictions.
- Not having lots in multiple jurisdictions benefits us as well. We would like to avoid confusion from a permit point. This would also avoid confusion to the maintenance of streets as well as emergency response to these streets. The City's portion of the 2014 taxes levied on this property is just over \$100.00. Keeping the 10' strip avoids the City's ETJ being reduced now or in the future. Under state law pertaining to annexation and disannexation, the disannexation could result in the City having to refund tax revenue collected if that tax revenue is above and beyond the services being provided to that area. In this case, the developer has waived the right to any refund. Staff recommends approval of this ordinance.

Questions/Comments:

Q: Councilor Grigar asked if that is a 500' strip now.

A: It is 500' now because of the rules that were in effect when it was annexed by the City. Now it would have to be 1,000' if the City reached into that area.

Q: What is the ultimate right of way of Dry Creek, is it less than the 500'?

A: Yes.

Q: Is that the reason to reduce this to the 10' strip?

A: Yes. They are reducing it to where the City limits does not encompass any developable property, but it does not reduce our ETJ.

Q: Why don't we reduce this 500' down to just the confines of the ultimate right of way of Dry Creek?

A: That could be an option. This is what we were presented with and we did not have any objections to it. This petition basically came from the developer and it was reviewed by the Attorney for the City.

A: Charles Kalkomey, City Engineer stated he does not think it makes any difference. Ten feet was the number they presented it could have been 250' or 300' but he does not think it interferes with their development in any way because they are not doing anything inside the easement.

C: Councilor Grigar stated he would rather see instead of the 10' the ultimate right of way width.

C: Clayton Black, developer explained the reason for the 10' is that there are a couple of road crossings over the channel and they were trying to limit the exposure of the City to road way maintenance crossing this strip. There would be a 10' strip that remains but if you go wider than that there is potential of overlap of maintenance between the City and county on the road crossing the channel. It makes no difference from the standpoint of the development.

C: Charles Kalkomey stated the bridge either belongs to the county or the City to maintain. From the City's ETJ protection it makes no difference.

Action: Councilor McConathy made a motion, seconded by Councilor Barta to approve Ordinance No. 2015-02, an Ordinance providing for the disannexation from the corporate boundaries of the City of that certain 82.7 acres, more or less, in the Wiley Martin Survey, Abstract 56, Fort Bend County, Texas (Fort Bend County Municipal Utility District No. 184), pursuant to the petition for disannexation; adjusting the boundaries of Council District No. 4 to exclude the tract disannexed hereby, containing certain findings, providing for non-severability; and establishing an effective date. The motion carried by a unanimous vote.

5. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1898, 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 OLD RICHMOND ROAD AND JENNETTA STREET RECONSTRUCTION PROJECT, BY AND BETWEEN THE CITY AND CIVILCORP, LLC, IN THE AMOUNT OF \$177,262. 00.**

Executive Summary: The FY2014 Capital Improvement Project list approved by City Council on September 17, 2013, included the reconstruction of Old Richmond Road. On October 15, 2013, City Council approved Resolution No. R-1705, which approved the reconstruction of Old Richmond Road and Jennetta Street, including necessary drainage improvements with the participation of Fort Bend County Road and Bridge. To date, the Public Works Department has replaced all drainage culverts and is in the process of cleaning the drainage ditches. However, Fort Bend County Road and Bridge has not been able to schedule the roadway reconstruction due to their workload.

In an effort to move the project forward, staff has obtained an Engineering Services Proposal from CivilCorp, LLC, which is the firm initially selected by City Council on October 24, 2012, to design this project. Per the proposed Engineering Services Agreement (Agreement), the existing roadways will be reconstructed by removing the existing asphalt pavement and base material. Flexible base material will be placed on a treated subgrade, with a hot mix asphalt overlay to create a 22 to 24 feet wide pavement section. An alternate bid will also be received for the use of concrete pavement in-lieu of the flexible base and asphalt. The design phase will also evaluate the addition of left-turn lanes at select intersections and the potential need for additional right-of-way in order to construct turn lanes. Drainage system improvements for the dead end portion of Avenue F, east of Jennetta Street are currently not included in this engineering scope of services, but could be added at a later date by amending the scope of services, or by entering into a separate agreement.

The 2013 Certificates of Obligation allocated \$500,000.00 for this Project, which is sufficient to fully fund the drainage work being performed by Public Works and the engineering design. Remaining funds could be used toward the construction phase. The preliminary construction cost estimate is \$1.8 million and it is anticipated the Rosenberg Development Corporation (RDC) will provide the remaining funding required for construction of said improvements.

Staff is recommending approval of Resolution No. R-1898. The Resolution will authorize the City Manager to negotiate and execute an Engineering Services Agreement for the Old Richmond Road and Jennetta Street Reconstruction Project, by and between the City and CivilCorp, LLC, in the amount of \$177,262.00.

Key discussion points:

- John Maresh gave an overview of the item.

Questions/Comments:

C: Councilor McConathy commented this is not just funding for engineering services but actual participation by CivilCorp during the project.

Q: Councilor Benton asked - Are we not working with the county on this?

A: The county has not been able to fit this into their project.

Q: We have a City Engineer. Why do we have to go with another company?

A: The City Engineer reviews and inspects.

Q: Has the RDC discussed this and have we had this at a workshop?

A: Yes, several times.

Q: Councilor Barta asked - What services will the engineer provide?

A: Full design services, attending the bids and RFI during the construction phase and review change orders, etc.

C: Councilor Grigar stated this has been on the CIP list for several years and is needed.

C: Councilor Pena stated we need to do this and it has been the policy to bandaid a problem. Engineering is required to look at a road. He totally supports the project.

C: John Maresh added this will go out to bid and the County is not equipped to do this in their normal scope. If the County assisted us there would be no design and they would only resurface.

Action: Councilor Grigar made a motion, seconded by Councilor Pena to approve Resolution No. R-1898, 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 Old Richmond Road and Jennetta Street Reconstruction Project, by and between the City and CivilCorp, LLC, in the amount of \$177,262. 00. The motion carried by a unanimous vote.

6. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1899, A RESOLUTION AWARDDING BID NO. 2014-16 FOR CONSTRUCTION OF SANITARY SEWER IMPROVEMENTS ALONG US HIGHWAY 59/I-69; AND, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, APPROPRIATE DOCUMENTS AND/OR AGREEMENTS REGARDING SAME.**

Executive Summary: Bids were received on Wednesday, November 05, 2014, for construction of the Sanitary Sewer Improvements along US 59/I-69, necessary to relocate an existing sanitary sewer line between Bamore Road and Fairgrounds Road that is in conflict with the US 59/I-69 expansion project. A total of four (4) bids were opened and tabulated as indicated on the bid summary form.

Staff recommends Bid No. 2014-16 be awarded to Triple B Services, L.L.P., for the Base Bid amount of \$250,000.00. Correspondence from Charles Kalkomey, City Engineer, recommends same. Should the bid be awarded as recommended, the proposal from Triple B Services, L.L.P., will be attached and serve as Exhibit "A" to Resolution No. R-1899. The contract time is 90 calendar days.

The US 59/I-69 Utility Adjustments are included in the FY2015 Capital Improvement Plan approved by City Council on June 17, 2014. The Texas Department of Transportation (TxDOT) Utility Agreements previously approved by City Council will allow for full reimbursement of the costs related to relocation of said sanitary sewer line.

Staff recommends approval of Resolution No. R-1899 which will award Bid No. 2014-16 and provide authorization for the City Manager to negotiate and execute all required documents necessary to facilitate the Agreement.

Key discussion points:

- John Maresh gave an overview of the item.

Action: Councilor McConathy made a motion, seconded by Councilor Grigar to approve Resolution No. R-1899, a Resolution awarding Bid No. 2014-16 for construction of Sanitary Sewer Improvements along US Highway 59/I-69; and, authorizing the City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same. The motion carried

by a vote of 6 to 1 as follows: **Yeses: Mayor Morales, Councilors McConathy, Pena, Euton, Grigar and Barta. No: Councilor Benton.**

7. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1901, A RESOLUTION AWARDING BID NO. 2015-04 FOR STREET SWEEPING SERVICES; AND, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, A GENERAL SERVICES CONTRACT RELATED THERETO, AND/OR ALL OTHER NECESSARY DOCUMENTATION REGARDING SAME.**

Executive Summary: On Wednesday, January 07, 2015, 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 six (6) contractors.

A summary of the bid is attached for your review. Kustom Sweeping, LLC, submitted the only bid in the base amount of \$75,256.92 for twelve (12) monthly street sweeping cycles covering 102.81 curb miles at \$61.00 per curb mile and an alternate bid item in the amount of \$23,223.00 for four (4) additional street sweeping cycles during the months of November through February covering 77.41 curb miles at \$75.00 per curb mile. The total bid including the alternate sweeping is \$98,479.92 for a one-year term. Kustom Sweeping, LLC, is currently providing the street sweeping services for the City at a base rate of \$55.00 per curb mile and the work is being performed in an acceptable manner. The FY2015 Budget allocated \$104,045.00 for the Street Sweeping Services Contract.

Staff recommends approval of Resolution No. R-1901, awarding Bid No. 2015-04 to Kustom Sweeping, LLC, in the amount of \$98,479.92 for the Street Sweeping Services Contract, base bid and alternate bid for a one (1) year term effective February 01, 2015; and authorizing the City Manager to negotiate and execute all required documentation.

Key discussion points:

- John Maresh gave an overview of the item.

Questions/Comments:

C: Councilor McConathy stated the street sweepers need to use more water to hold down the dust.

Q: Councilor Benton asked how many days out of the month are the machines in Rosenberg.

A: Four times a week every week. The weather dictates a lot of this.

Q: Councilor Grigar agreed with the need for more water usage to hold down dust. What are the procedures for the gallons of usage? Have they done usage to record?

A: They coordinate with the Public Works Supervisor for water usage. The personnel in the field has usage.

C: Councilor Grigar requested records for water usage.

Action: Councilor Barta made a motion, seconded by Councilor Grigar to approve Resolution No. R-1901, a Resolution awarding Bid No. 2015-04 for Street Sweeping Services; and, authorizing the City Manager to negotiate and execute, for and on behalf of the City, a General Services Contract related thereto, and/or all other necessary documentation regarding same. The motion carried by a unanimous vote.

8. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1908, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PIPELINE CROSSING AGREEMENT RELATED TO THE 2014 SANITARY SEWER PIPEBURSTING PROJECT, BY AND BETWEEN THE CITY AND UNION PACIFIC RAILWAY COMPANY, IN THE AMOUNT OF \$7,200.00.**

Executive Summary: The 2014 Sanitary Sewer Pipebursting Project includes the replacement of three (3) separate aging collection system lines crossing both the BNSF and Union Pacific railroad rights-of-way (ROW) between Avenue F and Avenue E. As a requirement of crossing railroad ROW, the City must execute a separate Pipeline Crossing Agreement (Agreement) from each railroad for each individual line. This particular Agreement is with the Union Pacific Railroad Company for access upon their premises. The Agreement will allow for the installation of a 24-inch HDPE sanitary sewer line inside an existing metal casing.

Staff and the City Attorney have reviewed the Pipeline Crossing Agreement and recommend

approval of Resolution No. R-1908 as presented.

Key discussion points:

- John Maresh gave an overview of the item.

Action: Councilor McConathy made a motion, seconded by Councilor Benton to approve Resolution No. R-1908, a Resolution authorizing the City Manager to execute a Pipeline Crossing Agreement related to the 2014 Sanitary Sewer Pipebursting Project, by and between the City and Union Pacific Railway Company, in the amount of \$7,200.00. The motion carried by a unanimous vote.

9. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1909, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PIPELINE CROSSING AGREEMENT RELATED TO THE 2014 SANITARY SEWER PIPEBURSTING PROJECT, BY AND BETWEEN THE CITY AND UNION PACIFIC RAILWAY COMPANY, IN THE AMOUNT OF \$7,200.00.**

Executive Summary: The 2014 Sanitary Sewer Pipebursting Project includes the replacement of three (3) separate aging collection system lines crossing both the BNSF and Union Pacific railroad rights-of-way (ROW) between Avenue F and Avenue E. As a requirement of crossing railroad ROW, the City must execute a separate Pipeline Crossing Agreement (Agreement) from each railroad for each individual line. This particular Agreement is with the Union Pacific Railroad Company for access upon their premises. The Agreement will allow for the installation of a 12-inch HDPE sanitary sewer line inside an existing metal casing.

Staff and the City Attorney have reviewed the Pipeline Crossing Agreement and recommend approval of Resolution No. R-1909 as presented.

Key discussion points:

- John Maresh gave an overview of the item.

Action: Councilor Barta made a motion, seconded by Councilor Grigar to approve Resolution No. R-1909, a Resolution authorizing the City Manager to execute a Pipeline Crossing Agreement related to the 2014 Sanitary Sewer Pipebursting Project, by and between the City and Union Pacific Railway Company, in the amount of \$7,200.00. The motion carried by a unanimous vote.

10. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1910, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PIPELINE CROSSING AGREEMENT RELATED TO THE 2014 SANITARY SEWER PIPEBURSTING PROJECT, BY AND BETWEEN THE CITY AND UNION PACIFIC RAILWAY COMPANY, IN THE AMOUNT OF \$7,200.00.**

Executive Summary: The 2014 Sanitary Sewer Pipebursting Project includes the replacement of three (3) separate aging collection system lines crossing both the BNSF and Union Pacific railroad rights-of-way (ROW) between Avenue F and Avenue E. As a requirement of crossing railroad ROW, the City must execute a separate Pipeline Crossing Agreement (Agreement) from each railroad for each individual line. This particular Agreement is with the Union Pacific Railroad Company for access upon their premises. The Agreement will allow for the installation of a 16-inch HDPE sanitary sewer line inside an existing metal casing.

Staff and the City Attorney have reviewed the Pipeline Crossing Agreement and recommend approval of Resolution No. R-1910 as presented.

Key discussion points:

- John Maresh gave an overview of the item.

Action: Councilor Benton made a motion, seconded by Councilor McConathy to approve Resolution No. R-1910, a Resolution authorizing the City Manager to execute a Pipeline Crossing Agreement related to the 2014 Sanitary Sewer Pipebursting Project, by and between the City and Union Pacific Railway Company, in the amount of \$7,200.00. The motion carried by a unanimous vote.

11. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1911, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PIPELINE LICENSE RELATED TO THE 2014 SANITARY SEWER PIPEBURSTING PROJECT, BY AND BETWEEN THE CITY AND BNSF RAILWAY COMPANY, IN THE AMOUNT OF \$4,150.00.**

Executive Summary: The 2014 Sanitary Sewer Pipebursting Project includes the replacement of three (3) separate aging collection system lines crossing both the BNSF and Union Pacific railroad rights-of-way (ROW) between Avenue F and Avenue E. As a requirement of crossing railroad ROW, the City must execute a separate Pipeline License (License) from each railroad for each individual line. This particular License is with the BNSF Railway Company for access upon their premises. The License will allow for the installation of a 12-inch HDPE sanitary sewer line.

Staff and the City Attorney have reviewed the Pipeline License and recommend approval of Resolution No. R-1911 as presented.

Key discussion points:

- John Maresh gave an overview of the item.

Action: Councilor McConathy made a motion, seconded by Councilor Grigar to approve Resolution No. R-1911, a Resolution authorizing the City Manager to execute a Pipeline License related to the 2014 sanitary sewer Pipebursting project, by and between the city and BNSP Railway Company, in the amount of \$4,150.00. The motion carried by a unanimous vote.

12. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1912, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PIPELINE LICENSE RELATED TO THE 2014 SANITARY SEWER PIPEBURSTING PROJECT, BY AND BETWEEN THE CITY AND BNSF RAILWAY COMPANY, IN THE AMOUNT OF \$4,150.00.**

Executive Summary: The 2014 Sanitary Sewer Pipebursting Project includes the replacement of three (3) separate aging collection system lines crossing both the BNSF and Union Pacific railroad rights-of-way (ROW) between Avenue F and Avenue E. As a requirement of crossing railroad ROW, the City must execute a separate Pipeline License (License) from each railroad for each individual line. This particular License is with the BNSF Railway Company for access upon their premises. The License will allow for the installation of a 24-inch HDPE sanitary sewer line inside an existing 42-inch metal casing.

Staff and the City Attorney have reviewed the Pipeline License and recommend approval of Resolution No. R-1912 as presented.

Key discussion points:

- John Maresh gave an overview of the item.

Action: Councilor Grigar made a motion, seconded by Councilor Barta to approve Resolution No. R-1912, a Resolution authorizing the City Manager to execute a Pipeline License related to the 2014 sanitary sewer Pipebursting project, by and between the city and BNSP Railway Company, in the amount of \$4,150.00. The motion carried by a unanimous vote.

13. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1913, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PIPELINE LICENSE RELATED TO THE 2014 SANITARY SEWER PIPEBURSTING PROJECT, BY AND BETWEEN THE CITY AND BNSF RAILWAY COMPANY, IN THE AMOUNT OF \$4,150.00.**

Executive Summary: The 2014 Sanitary Sewer Pipebursting Project includes the replacement of three (3) separate aging collection system lines crossing both the BNSF and Union Pacific railroad rights-of-way (ROW) between Avenue F and Avenue E. As a requirement of crossing railroad ROW, the City must execute a separate Pipeline License (License) from each railroad for each individual line. This particular License is with the BNSF Railway Company for access upon their premises. The License will allow for the installation of a 16-inch HDPE sanitary sewer line inside an existing 26-inch metal casing.

Staff and the City Attorney have reviewed the Pipeline License and recommend approval of Resolution No. R-1913 as presented.

Key discussion points:

- John Maresh gave an overview of the item.

Action: Councilor Barta made a motion, seconded by Councilor McConathy to approve Resolution No. R-1913, a Resolution authorizing the City Manager to execute a Pipeline License related to the 2014 sanitary sewer Pipebursting project, by and between the city and BNSP Railway Company, in the amount of \$4,150.00. The motion carried by a unanimous vote.

14. **HOLD EXECUTIVE SESSION TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF THE CITY MANAGER PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE.**

An Executive Session was held to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager pursuant to Section 551.074 of the Texas Government Code.

15. **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 9:07 p.m.

16. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1914, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AN EMPLOYMENT AGREEMENT, BY AND BETWEEN THE CITY AND ROBERT GRACIA TO SERVE AS CITY MANAGER.**

Executive Summary: Resolution No. R-1914 provides authorization for the Mayor to execute an Employment Agreement with Robert Gracia for his service in the position of City Manager. The Employment Agreement will serve as Exhibit "A" to Resolution No. R-1914.

Staff recommends approval of Resolution No. R-1914, as presented.

Action: Councilor Barta made a motion, seconded by Councilor Grigar to approve Resolution No. R-1914, a Resolution authorizing the Mayor to execute, for and on behalf of the City, an Employment Agreement, by and between the City and Robert Gracia to serve as City Manager. The motion carried by a unanimous vote.

17. **ANNOUNCEMENTS.**

- Councilor McConathy announced the recognition given to the Master Gardeners and Fort Bend Green at the HGAC Board Meeting.

18. **ADJOURNMENT.**

There being no further business Mayor Morales adjourned the meeting at 9:09 p.m.

Linda Cernosek, TRMC, City Secretary

CITY OF ROSENBERG
CITY COUNCIL WORKSHOP MEETING MINUTES
*****DRAFT*****

On this the 27th day of January, 2015, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Special Workshop 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 Barta	Councilor, District 4

STAFF PRESENT

Robert Gracia	City Manager
Scott M. Tschirhart	City Attorney
Linda Cernosek	City Secretary
John Maresh	Assistant City Manager of Public Services
Jeff Trinker	Executive Director of Support Services
Joyce Vasut	Executive Director of Administrative Services
Travis Tanner	Executive Director of Community Development
Charles Kalkomey	City Engineer
Tonya Palmer	Building Official
Rose Pickens	Inspector
Dallis Warren	Police Chief
Wade Goates	Fire Chief
Angela Fritz	Executive Director of Information Services
Darren McCarthy	Parks and Recreation Director
Randall Malik	Economic Development Director
Kaye Supak	Executive Assistant

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

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

CALL TO ORDER.

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

AGENDA

- REVIEW AND DISCUSS THE CITY'S JUNKED VEHICLE REGULATIONS, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**
Executive Summary: This item has been included to allow for discussion regarding the City's junked vehicle regulations. An excerpt from the City's Code, Chapter 14, Article VI – Junked Vehicles, has been included for your reference.

Key discussion points:

- Councilor Benton gave a brief overview of the item.
- Scott Tschirhart, City Attorney, advised of several options to consider in order to make non-compliance more enforceable.
- After discussion by Council, the following recommendations were made:
 - o Modify definition of junk vehicle to make it more strict and consistent with State Transportation Code.
 - o Reduce 30 days inoperable requirement (on private property) to 15 days.
 - o Declare a violation of the ordinance as a Class C Misdemeanor.
 - o Clean up "public view" in Section 14-113 to "visible from a public street" or the like.
 - o Remove Occupied Premise vs. Unoccupied Premise language.
 - o Include a provision regarding appellate process in Section 14-117 to offset finality of disposal of junk vehicle.
 - o Modify language in Section 14-118 to define that disposal of junk vehicle would occur at owner's expense.

Questions/Comments:

Tonya Palmer, Building Official, addressed the following questions:

Q: What issues are you having to enforce this?

A: There are two components required for definition of junk vehicle: (1) expired inspection sticker or registration, and (2) it must be wrecked, dismantled, or inoperable. In many cases, someone complains, but upon contact with the property owner, it is proven to be operable and so the case is then closed.

Q: Who is the burden of proof on to determine if the vehicle has remained inoperable for more than 72 hours?

A: Burden of proof would fall on Code Enforcement, starting with the date of the first contact as a result of a complaint being filed.

Q: When the state changes the registration and inspection to one tag, how will this ordinance be affected?

A: That is why we need to make it comply with the current Texas Transportation Code and/or change the restrictions on the definition of a junk vehicle to make it more enforceable.

Q: Would reducing 30 days inoperable to 15 days make a difference as well?

A: It would help as far as the time period to enforce it, and get a faster resolution.

- The general consensus of Council was for the City Attorney to a draft ordinance in redline fashion, including the suggestions for Council to review at the Regular Council Meeting on February 17, 2015.
- No action was taken on the item.

2. **REVIEW AND DISCUSS THE FY2015 STREET RIGHT-OF-WAY TREE TRIMMING CONTRACT, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: This item has been included on the Workshop Agenda to offer City Council the opportunity to discuss the FY2015 Street Right-of-Way Tree Trimming Contract. Prior to FY2010, the Public Works Department budget included sufficient funding to enter into an annual tree trimming contract that would generally cover a complete Council District. This allowed the City to trim trees throughout the entire City over a four year period. Prior to the FY2010 budget reductions, Council District 4 was the next in line for tree trimming.

Staff anticipates relatively few changes to the program that was provided until FY2010. The street and tree list will be updated to reflect the current City Council District boundaries, which have changed since 2010.

Staff recommends obtaining bids for the FY2015 Street Right-of-Way Tree Trimming Contract as described above. The bid proposal would be placed on a future City Council meeting Agenda for consideration and award.

Key discussion points:

- John Maresh, Assistant City Manager of Public Services read the Executive Summary regarding the FY2015 Street Right-Of-Way tree trimming contract.

Questions/Comments:

C: A lot of street lights are hindered by the overgrowth of tree limbs. This would be a valuable program to keep our streets well lit. Current procedure is reactive to complaints versus proactive to avoid complaints, non-compliance, and liability.

Q: Has there been talk about waste removal and recycling of tree limbs?

A: We will have to discuss this with the contractor, and see if we would have a space to store a stockpile for residents to use for their fireplaces if they desire.

Q: Since five months is enough time for this contractor to address the trees in a given district, then could a second district be taken care of in the same year?

A: That is possible, but we would still need to discuss this with the contractors to determine the amount of time needed and analyze the available funding.

Q: Is the clearance of 12' and 15' feet in the technical specifications established by the Uniform Traffic Code, or is that a clearance that we set?

A: There is a minimum clearance amount, but we are trying to go a little bit higher to elongate the effectiveness of the program.

- The general consensus of Council was to go out for bid, but not ask the contractor to provide wood and debris for public consumption, as most companies recycle the product internally through mulch or firewood in order to keep their costs down, resulting in a lower bid.
- No action was taken on the item.

3. **REVIEW AND DISCUSS PROPOSED TRAFFIC CALMING SPEED HUMPS INSTALLATION AND REMOVAL POLICY AND PROCEDURES, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

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

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

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

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

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

Key discussion points:

- John Maresh, Assistant City Manager of Public Services presented the proposed Traffic Calming Speed Hump Installation and Removal Policy and Procedures.
- After discussion by Council, the following changes were requested:
 - Add or modify the form to require both the renter and the landlord to sign the form.

- o The petition should be done first and then the traffic study to determine need.
- o Change the forms from "petition" to "application" and add a date line for signatures.
- Scott Tschirhart, Attorney for the City stated clarification of authority of the City Manager is needed to more clearly define the City Manager's authority to determine the area included or the location of the speed hump of the affected properties.
- Councilor McConathy asked for clarification under the "Notification/Evidence Support" to the wording to better describe the placement information.
- The general consensus of Council was for staff to bring the item back with the changes as discussed.
- No action was taken on the item.

4. **REVIEW AND DISCUSS PROPOSED AMENDMENTS TO CODE OF ORDINANCES, CHAPTER 6, ARTICLES XVI AND XVII, REGARDING PARKING LOT AND SINGLE-FAMILY RESIDENTIAL DWELLING STANDARDS, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

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

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

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

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

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

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

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

Key discussion points:

- Travis Tanner, Executive Director of Community Development presented the proposed amendments to Code of Ordinances, Chapter 6, Articles XVI and XVII, regarding parking lot and single-family residential dwelling standards.
- After discussion by the Council, the following recommendations were made:
 - An ordinance is needed to address permanent front yard parking, but should not be so strict as to not take into account different variables for short term use. Will work with legal and come back with a proposal for future discussion.
 - Add language regarding parking spaces being used for display of merchandise.
 - Proceed with ordinance proposal of 75% masonry exterior for one story homes and 50% for two story and above for future developments inside city limits.
 - Proceed with ordinance proposal to disallow new businesses to have head-in parking spaces adjoining public streets.
- No action was taken on the item.

5. **THE ITEM WAS TABLED.**

REVIEW AND DISCUSS A PROPOSED TAX CREDIT MULTIFAMILY DEVELOPMENT PROJECT BY PALLADIUM ROSENBERG, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.

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

6. **REVIEW AND DISCUSS A REQUEST FOR STATUE PLACEMENT IN SEABOURNE CREEK PARK, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

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

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

Key discussion points:

- Darren McCarthy, Parks and Recreation Director, gave an overview of the item.
- Parks Board recommended a walking trail to be named after the family.
- The general consensus of Council was to go with the Parks Department and Staff's recommendation.
- No action was taken on the item.

7. **ADJOURNMENT.**

There being no further business, the meeting adjourned at 8:20 p.m.

Linda Cernosek, TRMC, City Secretary



CITY COUNCIL COMMUNICATION

February 03, 2015

ITEM #	ITEM TITLE
B	MUD No. 155 Refunding Bond Sale - \$4,655,000
ITEM/MOTION	
Consideration of and action on approval of the issuance of Fort Bend County Municipal Utility District No. 155 Refunding Tax Bonds, Series 2015, in an amount not to exceed \$4,655,000.00.	
FINANCIAL SUMMARY	ELECTION DISTRICT

Annualized Dollars:	Budgeted:	<input type="checkbox"/> District 1
<input type="checkbox"/> One-time	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> District 2
<input type="checkbox"/> Recurring		<input type="checkbox"/> District 3
<input checked="" type="checkbox"/> N/A	Source of Funds: N/A	<input type="checkbox"/> District 4
		<input type="checkbox"/> City-wide
		<input checked="" type="checkbox"/> ETJ/City

SUPPORTING DOCUMENTS:

1. Rathmann Correspondence – 01-28-15
2. Location Map

MUD #: 155 (Bonbrook Plantation)

APPROVALS

Submitted by:

Charles Kalkomey, P.E.
City Engineer

Reviewed by:

- Exec. Dir. of Administrative Services
- Asst. City Manager for Public Services
- City Attorney **JM/rl**
- City Engineer
- (Other)

Approved for Submittal to City Council:

Robert Gracia
City Manager

EXECUTIVE SUMMARY

Fort Bend County Municipal Utility District No. 155 (MUD No. 155) is primarily located in the City's Extraterritorial Jurisdiction, but a small portion of the District is within the City's Corporate Limits. The development is generally identified as Bonbrook Plantation.

City Council consented to the creation of MUD No. 155 on December 14, 2004, through Ordinance No. 2004-28 which was proposed as an approximately 448.6692 acre development. A Development Agreement and a Water Supply and Wastewater Services Agreement between the City, Bonbrook Plantation, L.P., and Beazer Homes Texas, L.P., was executed on February 22, 2005.

Following is MUD No. 155's bond sale history to date. The first sale was approved through Ordinance No. 2008-12 on May 20, 2008, in the amount of \$6,465,000. The second sale was approved through Ordinance No. 2011-15 on March 01, 2011, in the amount of \$2,015,000. The third sale was approved on November 20, 2012, in the amount of \$2,050,000 through Ordinance No. 2012-44. The fourth sale was approved through Ordinance No. 2014-19 on May 06, 2014, in the amount of \$7,235,000.

MUD No. 155 has the opportunity to "refund" or "refinance" portions of existing bonds by issuing new bonds at a lower rate of interest than the existing bonds, thus ensuring significant reduction in interest expense for the issuer. Staff has reviewed the request and associated documentation and found it to be in compliance with applicable City Ordinances. Staff is recommending approval of the issuance of Fort Bend County Municipal Utility District No.155 Refunding Tax Bonds, Series 2015, in an amount not to exceed \$4,655,000.

RATHMANN & ASSOCIATES, L.P.

8584 Katy Freeway, Suite 250
Houston, Texas 77024
Phone 713-751-1890
Fax 713-751-1891

R. Craig Rathmann
Managing Partner
713-751-1888
craig@rathmannassociates.com

January 28, 2015

Mr. Robert Gracia
City Manager
City of Rosenberg, Texas
P.O. Box 32
2110 Fourth Street
Rosenberg, Texas 77471

Re: Fort Bend County Municipal Utility District No.
155 (the "District") Unlimited Tax Refunding
Bonds, Series 2015 (the "Bonds")

Dear Mr. Gracia:

In order to obtain the approval of the City Council of the City of Rosenberg, Texas (the "City") of the issuance by the District of the referenced Bonds, I transmit the following herewith.

1. The financial analysis (the "Plan of Financing") of the proposed transaction that we have presented to the Board of Directors of the District (the "Board"). The Board has determined to proceed with the transaction. The Plan of Financing illustrates the effect of the issuance of approximately \$4,655,000 in Bonds to advance refund approximately \$4,270,000 of the District's Unlimited Tax Bonds, Series 2008 (the "Refunded Bonds"). Included in the analysis are the sources and uses of funds, a summary of the refunding results, debt service savings, bonds to be refunded, costs of issuance, and escrow statistics.
2. A Certificate of Financial Advisor regarding the structure of and savings resulting from the transaction.

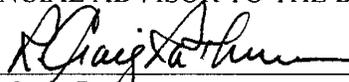
It is anticipated that this transaction will be a parameter sale. However, the Board has not yet established the parameters of the transaction, and is expected to do so at its meeting that is scheduled for February 9, 2015. The recommended savings parameter will be not less than 3% of the principal amount of the refunded bonds.

The draft Preliminary Official Statement will be submitted to the City by Tuesday, February 10, 2015.

Please contact the undersigned should you have any questions regarding this matter, or if I may be of further assistance.

Very truly yours,

RATHMANN & ASSOCIATES, L.P.
FINANCIAL ADVISOR TO THE DISTRICT

By: 
R. Craig Rathmann
Managing Partner

CERTIFICATE OF FINANCIAL ADVISOR

The undersigned is the Financial Advisor to Fort Bend County Municipal Utility District No. 155 (the "District"). The District is considering the issuance of Unlimited Tax Refunding Bonds, Series 2015 (the "Bonds"), the proceeds of which will be used to refund a portion of the District's Unlimited Tax Bonds, Series 2008 (the "Refunded Bonds"). We have presented a Plan of Financing for the transaction to the District's Board of Directors (the "Board"). The Board has determined to proceed with the transaction.

In our capacity as Financial Advisor to the District, we hereby certify that with respect to the Bonds.

1. The net present value savings resulting from the issuance of the Bonds and the refunding of the Refunded Bonds will be greater than 3% of the principal amount of the Refunded Bonds.
2. The debt service savings resulting from the refunding of the Refunded Bonds will be structured on a uniform basis, i.e., the difference between the greatest amount of annual debt service savings and the least amount of annual debt service savings will not be more than \$5,000 plus interest thereon.
3. The date of the last scheduled maturity of the Bonds will not be later than the last scheduled maturity of the Refunded Bonds.

Certified this 28th day of January, 2015.

RATHMANN & ASSOCIATES, L.P.

FINANCIAL ADVISOR TO THE DISTRICT

By: 

R. Craig Rathmann

Managing Partner

**Fort Bend Municipal Utility District No. 155
Refunding Effects**

Advance Refunding of the Series 2008 Bonds (BBB-, Insured)

Year Ending 12/31	Less: Debt Service		Plus: Series 2015 Refunding Bonds			Post Rfndg	
	Current Total Debt Service	on Refunded Bonds(1)	Current Interest Bonds		Capital Appr Bonds	Debt Service	Post Rfndg Savings (2)
2015	1,046,551	110,831	10,000	58,573		1,004,293	41,459
2016	980,608	221,663	40,000	140,375		939,320	41,287
2017	1,114,483	221,663	40,000	139,575		1,072,395	42,087
2018	1,119,798	221,663	45,000	138,775		1,081,910	37,888
2019	1,123,958	221,663	45,000	137,875		1,085,170	38,788
2020	1,131,978	221,663	45,000	136,975		1,092,290	39,688
2021	1,132,118	481,663	305,000	136,075		1,091,530	40,588
2022	1,135,978	483,663	315,000	126,925		1,094,240	41,738
2023	1,143,538	484,913	325,000	117,475		1,101,100	42,438
2024	1,144,768	485,413	340,000	107,725		1,107,080	37,688
2025	1,149,655	490,163	350,000	97,525		1,107,018	42,638
2026	1,152,774	488,506	360,000	87,025		1,111,293	41,481
2027	1,159,449	491,081	375,000	76,225		1,119,593	39,856
2028	1,163,961	492,181	385,000	64,975		1,121,755	42,206
2029	1,166,236	492,231	400,000	53,425		1,127,430	38,806
2030	1,171,161	491,231	410,000	40,925		1,130,855	40,306
2031	1,178,946	494,181	425,000	28,113		1,137,878	41,069
2032	1,179,163	495,263	440,000	14,300		1,138,200	40,963
2033	1,186,000					1,186,000	
2034	1,188,800					1,188,800	
2035	1,194,800					1,194,800	
2036	1,199,000					1,199,000	
2037	1,206,400					1,206,400	
2038	1,216,800					1,216,800	
Totals	\$27,586,923	\$7,089,635	\$4,655,000	\$1,702,861		\$26,855,150	\$730,971

- (1) - This column only reflects debt payments scheduled after the closing date of 04/22/2015.
- (2) - Savings are reduced by fund transfers at closing totaling \$9,000.00 (see Sources of funds report).
- (2) - First year savings include \$8,200.21 of accrued interest received at delivery.

Fort Bend Municipal Utility District No. 155
Sources & Uses Report
 Advance Refunding of the Series 2008 Bonds (BBB-, Insured)

Sources of Funds:	
Principal Amount of Current Interest Bonds (CIBs)	4,655,000.00
CIB Premium	33,153.30
CIB Discount	-114,507.50
Transfer of Excess D/S Fund	9,000.00
Accrued Interest	8,200.21
Total SOURCES of Funds	\$4,590,846.01
Uses of Funds:	
SLG Escrow Cost	4,380,357.31
Bond Insurance	19,073.58
Accrued Interest Deposit to D/S Fund	8,200.21
Issuance Expenses: (\$181,032.50)	
Underwriter's Discount	37,240.00
Rating Agency	8,000.00
Bond Counsel	46,550.00
Verification Agent	3,500.00
Printing	10,000.00
Escrow/Paying Agent	1,400.00
Financial Advisor	58,187.50
Underwriter's Counsel	6,500.00
Attorney General	4,655.00
Miscellaneous	5,000.00
Rounding Amount	2,182.41
Total USES of Funds	\$4,590,846.01

Miscellaneous Bond Issuance Information:

Delivery Date:	04/22/2015
Principal Amount of Bonds Being Refunded	4,270,000.00
Principal Amount of the Refunding Bonds	4,655,000.00
Proceeds of "The (new) Bonds"	4,573,645.80
Rate/Yield on the Refunded Bonds	5.21729945%
"All Costs Included" TIC on the New Issue is	3.72230792%
Federal Arbitrage Yield on the New Issue is	3.29948875%
Yield on Escrow	0.03019506%
Total Debt Service Savings	730,971.10
Present Value Savings @ 3.72230792%	544,403.60
Total Debt Service Savings as a Percent of Total Debt Service of Refunded Bonds	10.31042473%
Present Value Savings as a Percent of Principal Amount of Bonds Being Refunded	12.74949937%

Fort Bend Municipal Utility District No. 155
Issuance Expenses for NEW2015REF
 Advance Refunding of the Series 2008 Bonds (BBB-, Insured)
 Expenses for NEW2015REF

Expense Title	Type	Units	Expense Raises Arb Yield	Exp has no Affect on Arb Yield	Total
Underwriter's Discount	V	8.000000	0.00	37,240.00	37,240.00
Rating Agency	F	8,000.00	0.00	8,000.00	8,000.00
Bond Counsel	V	10.000000	0.00	46,550.00	46,550.00
Verification Agent	F	3,500.00	0.00	3,500.00	3,500.00
Printing	F	10,000.00	0.00	10,000.00	10,000.00
Escrow/Paying Agent	F	1,400.00	0.00	1,400.00	1,400.00
Bond Insurance	D	3.000000	19,073.58	0.00	19,073.58
Financial Advisor	V	12.500000	0.00	58,187.50	58,187.50
Underwriter's Counsel	F	6,500.00	0.00	6,500.00	6,500.00
Attorney General	V	1.000000	0.00	4,655.00	4,655.00
Miscellaneous	F	5,000.00	0.00	5,000.00	5,000.00
Totals			\$19,073.58	\$181,032.50	\$200,106.08
Type: <i>F - Fixed Expense</i> <i>V - Variable Expense Based on Issue Size</i> <i>D - Variable Expense Based on Total Debt Service</i> <i>E - Variable Expense Based on Total Debt Service Less Accrued Interest</i> <i>R - Variable Expense Based on Reserve Fund Requirement</i>					

Fort Bend Municipal Utility District No. 155
Advance Refunding of the Series 2008 Bonds (BBB-, Insured)

Dated Date = 04/01/2015 Series 2015 Refunding Bonds Delivery Date = 04/22/2015

Dates	Term Bond Maturities	Bond Redemptions	Proceeds	Coupon Rate	Yield	Price	Interest Amount	Total Debt Service	Fiscal Year Debt Service	Debt Service to Call
09/01/2015	-	10,000.00	10,051.80	2.000	0.550000	100.518000	58,572.92	68,572.92	68,572.92	68,572.92
03/01/2016	-	-	-	-	-	-	70,187.50	70,187.50	-	70,187.50
09/01/2016	-	40,000.00	40,592.40	2.000	0.900000	101.481000	70,187.50	110,187.50	180,375.00	110,187.50
03/01/2017	-	-	-	-	-	-	69,787.50	69,787.50	-	69,787.50
09/01/2017	-	40,000.00	40,694.40	2.000	1.250000	101.736000	69,787.50	109,787.50	179,575.00	109,787.50
03/01/2018	-	-	-	-	-	-	69,387.50	69,387.50	-	69,387.50
09/01/2018	-	45,000.00	45,512.10	2.000	1.650000	101.138000	69,387.50	114,387.50	183,775.00	114,387.50
03/01/2019	-	-	-	-	-	-	68,937.50	68,937.50	-	68,937.50
09/01/2019	-	45,000.00	45,280.80	2.000	1.850000	100.624000	68,937.50	113,937.50	182,875.00	113,937.50
03/01/2020	-	-	-	-	-	-	68,487.50	68,487.50	-	68,487.50
09/01/2020	-	45,000.00	44,772.30	2.000	2.100000	99.494000	68,487.50	113,487.50	181,975.00	113,487.50
03/01/2021	-	-	-	-	-	-	68,037.50	68,037.50	-	68,037.50
09/01/2021	-	305,000.00	315,723.80	3.000	2.400000	103.516000	68,037.50	373,037.50	441,075.00	373,037.50
03/01/2022	-	-	-	-	-	-	63,462.50	63,462.50	-	63,462.50
09/01/2022	-	315,000.00	325,517.85	3.000	2.500000	103.339000	63,462.50	378,462.50	441,925.00	4,188,462.50
03/01/2023	-	-	-	-	-	-	58,737.50	58,737.50	-	-
09/01/2023	-	325,000.00 *	332,549.75	3.000	2.650000	102.323000	58,737.50	383,737.50	442,475.00	-
03/01/2024	-	-	-	-	-	-	53,862.50	53,862.50	-	-
09/01/2024	-	340,000.00 *	342,230.40	3.000	2.900000	100.656000	53,862.50	393,862.50	447,725.00	-
03/01/2025	-	-	-	-	-	-	48,762.50	48,762.50	-	-
09/01/2025	-	350,000.00 *	348,446.00	3.000	3.050000	99.556000	48,762.50	398,762.50	447,525.00	-
03/01/2026	-	-	-	-	-	-	43,512.50	43,512.50	-	-
09/01/2026	-	360,000.00 *	353,178.00	3.000	3.200000	98.105000	43,512.50	403,512.50	447,025.00	-
03/01/2027	-	-	-	-	-	-	38,112.50	38,112.50	-	-
09/01/2027	-	375,000.00 *	363,648.75	3.000	3.300000	96.973000	38,112.50	413,112.50	451,225.00	-
03/01/2028	-	-	-	-	-	-	32,487.50	32,487.50	-	-
09/01/2028	-	385,000.00 *	368,564.35	3.000	3.400000	95.731000	32,487.50	417,487.50	449,975.00	-
03/01/2029	-	-	-	-	-	-	26,712.50	26,712.50	-	-
09/01/2029	-	400,000.00 *	383,172.00	3.125	3.500000	95.793000	26,712.50	426,712.50	453,425.00	-
03/01/2030	-	-	-	-	-	-	20,462.50	20,462.50	-	-
09/01/2030	-	410,000.00 *	389,491.80	3.125	3.550000	94.998000	20,462.50	430,462.50	450,925.00	-
03/01/2031	-	-	-	-	-	-	14,056.25	14,056.25	-	-
09/01/2031	-	425,000.00 *	406,716.50	3.250	3.600000	95.698000	14,056.25	439,056.25	453,112.50	-
03/01/2032	-	-	-	-	-	-	7,150.00	7,150.00	-	-
09/01/2032	-	440,000.00 *	417,502.80	3.250	3.650000	94.887000	7,150.00	447,150.00	454,300.00	-
Total	-	4,655,000.00	4,573,645.80				1,702,860.42	6,357,860.42	6,357,860.42	5,670,147.92
Acc Int	-	-	-				-8,200.21	-8,200.21	-	-
Grand Ttls	-	4,655,000.00	4,573,645.80				1,694,660.21	6,349,660.21	6,357,860.42	5,670,147.92

* - Bonds callable ... 09/01/2022@100.000

TIC (Incl. all expenses) 3.72230792% Average Coupon 3.07989375%
TIC (Arbitrage TIC) 3.29948875% Average Life (yrs) ... 11.88 IRS Form 8038-G NIC = 3.316419% (with Adjstmnt of \$0.00).
Bond Years 55,289.58 WAM (yrs) 11.708858 NIC = 3.227036% (with Adjstmnt of \$0.00).

Fort Bend Municipal Utility District No. 155
Refunding Analysis Savings Report
Advance Refunding of the Series 2008 Bonds (BBB-, Insured)

Dates	Maturing Amount	Proceeds @ Issue Date	Coupon	Yield	Interest Amount	Total Debt Service	Escrowed Debt	FY Begins 01/01 Savings	Cumulative Savings(1)	PV of Savings 3.72230792%
2015	10,000	10,051.80	2.000	0.550000	58,572.92	68,572.92	110,831.25	33,258.33	33,258.33	32,703.53
2016	40,000	40,592.40	2.000	0.900000	140,375.00	180,375.00	221,662.50	41,287.50	74,545.83	39,989.57
2017	40,000	40,694.40	2.000	1.250000	139,575.00	179,575.00	221,662.50	42,087.50	116,633.33	39,281.77
2018	45,000	45,512.10	2.000	1.650000	138,775.00	183,775.00	221,662.50	37,887.50	154,520.83	34,155.27
2019	45,000	45,280.80	2.000	1.850000	137,875.00	182,875.00	221,662.50	38,787.50	193,308.33	33,692.02
2020	45,000	44,772.30	2.000	2.100000	136,975.00	181,975.00	221,662.50	39,687.50	232,995.83	33,217.56
2021	305,000	315,723.80	3.000	2.400000	136,075.00	441,075.00	481,662.50	40,587.50	273,583.33	32,733.27
2022	315,000	325,517.85	3.000	2.500000	126,925.00	441,925.00	483,662.50	41,737.50	315,320.83	32,397.39
2023	325,000	332,549.75	3.000	2.650000	117,475.00	442,475.00	484,912.50	42,437.50	357,758.33	31,709.22
2024	340,000	342,230.40	3.000	2.900000	107,725.00	447,725.00	485,412.50	37,687.50	395,445.83	27,166.19
2025	350,000	348,446.00	3.000	3.050000	97,525.00	447,525.00	490,162.50	42,637.50	438,083.33	29,528.72
2026	360,000	353,178.00	3.000	3.200000	87,025.00	447,025.00	488,506.26	41,481.26	479,564.59	27,661.29
2027	375,000	363,648.75	3.000	3.300000	76,225.00	451,225.00	491,081.26	39,856.26	519,420.85	25,590.45
2028	385,000	368,564.35	3.000	3.400000	64,975.00	449,975.00	492,181.26	42,206.26	561,627.11	26,056.19
2029	400,000	383,172.00	3.125	3.500000	53,425.00	453,425.00	492,231.26	38,806.26	600,433.37	23,064.52
2030	410,000	389,491.80	3.125	3.550000	40,925.00	450,925.00	491,231.26	40,306.26	640,739.63	23,035.80
2031	425,000	406,716.50	3.250	3.600000	28,112.50	453,112.50	494,181.26	41,068.76	681,808.39	22,571.77
2032	440,000	417,502.80	3.250	3.650000	14,300.00	454,300.00	495,262.50	40,962.50	722,770.89	21,648.86
	\$4,655,000	\$4,573,645.80			\$1,702,860.42	\$6,357,860.42	\$7,089,631.31	\$722,770.89		\$536,203.39
Acc Int					-8,200.21	-8,200.21		\$8,200.21		\$8,200.21
Grnd Total	\$4,655,000	\$4,573,645.80			\$1,694,660.21	\$6,349,660.21	\$7,089,631.31	\$730,971.10		\$544,403.60

(1) Includes: -9,000.00 Transfer. and \$0.00 New Funds.

Fort Bend Municipal Utility District No. 155

Partial Form 8038-G Report (Rev. 11-2000)

Advance Refunding of the Series 2008 Bonds (BBB-, Insured)

Dated Date = 04/01/2015

Series 2015 Refunding Bonds

Delivery Date = 04/22/2015

Part III Description of Obligations. (Complete for the entire issue for which this form is being filed.)

	(a) Final maturity date	(b) Issue price	(c) Stated redemption price at maturity	(d) Weighted average maturity	(e) Yield
21	09/01/2032	\$4,573,645.80	\$4,655,000.00	11.709 years	3.299489%

Part IV Uses of Proceeds of Bond Issue (including underwriters' discount)

22	Proceeds used for accrued interest		22	8,200.21
23	Issue price of entire issue (enter amount from line 21, column (b))		23	4,573,645.80
24	Proceeds used for bond issuance costs (including underwriters' discount)	24	181,032.50	##
25	Proceeds used for credit enhancement	25	19,073.58	##
26	Proceeds allocated to reasonably required reserve or replacement fund	26	0.00	##
27	Proceeds used to currently refund prior issues	27	0.00	##
28	Proceeds used to advance refund prior issues	28	4,371,357.31	##
29	Total (add lines 24 through 28)	29	4,571,463.39	
30	Nonrefunding proceeds of the issue (subtract line 29 from line 23 and enter amount here)	30	2,182.41	

Part V Description of Refunded Bonds (Complete this part only for refunding bonds.)

31	Enter the remaining weighted average maturity of the bonds to be currently refunded	=>	0.0000 years
32	Enter the remaining weighted average maturity of the bonds to be advance refunded	=>	12.4900 years
33	Enter the last date on which the refunded bonds will be called	=>	09/01/2015
34	Enter the date(s) the refunded bonds were issued		See each Issue's O/S

Note: \$9,000.00 in transferred dollars were allocated to adjust downward the amounts reflected in lines 27 & 28.

**Fort Bend Municipal Utility District No. 155
Proof of Federal Arbitrage Yield**

Advance Refunding of the Series 2008 Bonds (BBB-, Insured)

Dated Date 04/01/2015

Series 2015 Refunding Bonds

Delivery Date 04/22/2015

Dates	Face Amounts	Proceeds to: Bondholder(+) Issuer(-)	Interest to: Bondholder(+) Issuer(-)	Recoverable, Recurring Fees	Total Debt Service	Disc Term Bond Adjstmt for Yld Calc	BAB "Direct Pymt" Adjustment	Total (1) Adjusted Cash Flow	PV of Adj D/S to 04/22/2015 @ 3.29948875%
04/22/2015	0.00	-4,573,645.80	-8,200.21	0.00	0.00	0.00	0.00	-4,581,846.01	-4,581,846.01
09/01/2015	10,000.00	10,051.80	58,572.92	0.00	68,572.92	0.00	0.00	68,572.92	67,773.48
03/01/2016	0.00	0.00	70,187.50	0.00	70,187.50	0.00	0.00	70,187.50	68,243.40
09/01/2016	40,000.00	40,592.40	70,187.50	0.00	110,187.50	0.00	0.00	110,187.50	105,396.67
03/01/2017	0.00	0.00	69,787.50	0.00	69,787.50	0.00	0.00	69,787.50	65,669.84
09/01/2017	40,000.00	40,694.40	69,787.50	0.00	109,787.50	0.00	0.00	109,787.50	101,633.03
03/01/2018	0.00	0.00	69,387.50	0.00	69,387.50	0.00	0.00	69,387.50	63,191.25
09/01/2018	45,000.00	45,512.10	69,387.50	0.00	114,387.50	0.00	0.00	114,387.50	102,482.09
03/01/2019	0.00	0.00	68,937.50	0.00	68,937.50	0.00	0.00	68,937.50	60,760.12
09/01/2019	45,000.00	45,280.80	68,937.50	0.00	113,937.50	0.00	0.00	113,937.50	98,792.40
03/01/2020	0.00	0.00	68,487.50	0.00	68,487.50	0.00	0.00	68,487.50	58,420.04
09/01/2020	45,000.00	44,772.30	68,487.50	0.00	113,487.50	0.00	0.00	113,487.50	95,234.06
03/01/2021	0.00	0.00	68,037.50	0.00	68,037.50	0.00	0.00	68,037.50	56,167.66
09/01/2021	305,000.00	315,723.80	68,037.50	0.00	373,037.50	0.00	0.00	373,037.50	302,959.21
03/01/2022	0.00	0.00	63,462.50	0.00	63,462.50	0.00	0.00	63,462.50	50,704.04
09/01/2022	315,000.00	325,517.85	63,462.50	0.00	378,462.50	0.00	0.00	378,462.50	297,469.16
03/01/2023	0.00	0.00	58,737.50	0.00	58,737.50	0.00	0.00	58,737.50	45,418.03
09/01/2023	325,000.00	332,549.75	58,737.50	0.00	383,737.50	0.00	0.00	383,737.50	291,904.47
03/01/2024	0.00	0.00	53,862.50	0.00	53,862.50	0.00	0.00	53,862.50	40,307.58
09/01/2024	340,000.00	342,230.40	53,862.50	0.00	393,862.50	0.00	0.00	393,862.50	289,960.31
03/01/2025	0.00	0.00	48,762.50	0.00	48,762.50	0.00	0.00	48,762.50	35,316.17
09/01/2025	350,000.00	348,446.00	48,762.50	0.00	398,762.50	0.00	0.00	398,762.50	284,115.97
03/01/2026	0.00	0.00	43,512.50	0.00	43,512.50	0.00	0.00	43,512.50	30,499.24
09/01/2026	360,000.00	353,178.00	43,512.50	0.00	403,512.50	0.00	0.00	403,512.50	278,243.96
03/01/2027	0.00	0.00	38,112.50	0.00	38,112.50	0.00	0.00	38,112.50	25,854.13
09/01/2027	375,000.00	363,648.75	38,112.50	0.00	413,112.50	0.00	0.00	413,112.50	275,692.22
03/01/2028	0.00	0.00	32,487.50	0.00	32,487.50	0.00	0.00	32,487.50	21,328.79
09/01/2028	385,000.00	368,564.35	32,487.50	0.00	417,487.50	0.00	0.00	417,487.50	269,641.71
03/01/2029	0.00	0.00	26,712.50	0.00	26,712.50	0.00	0.00	26,712.50	16,972.74
09/01/2029	400,000.00	383,172.00	26,712.50	0.00	426,712.50	0.00	0.00	426,712.50	266,726.63
03/01/2030	0.00	0.00	20,462.50	0.00	20,462.50	0.00	0.00	20,462.50	12,582.98
09/01/2030	410,000.00	389,491.80	20,462.50	0.00	430,462.50	0.00	0.00	430,462.50	260,407.66
03/01/2031	0.00	0.00	14,056.25	0.00	14,056.25	0.00	0.00	14,056.25	8,365.30
09/01/2031	425,000.00	406,716.50	14,056.25	0.00	439,056.25	0.00	0.00	439,056.25	257,054.98
03/01/2032	0.00	0.00	7,150.00	0.00	7,150.00	0.00	0.00	7,150.00	4,118.18
09/01/2032	440,000.00	417,502.80	7,150.00	0.00	447,150.00	0.00	0.00	447,150.00	253,364.93
Totals	4,655,000.00	0.00	1,694,660.21	0.00	6,357,860.42	0.00	0.00	1,776,014.41	-19,073.58
								<i>Plus PV of Bond Insurance</i>	19,073.58
									0.00

(1) -- Adjustments to cash flow are based on the following "yield to call" optional redemption schedule:

FTBEND_MUD155: NEW2015REF

Prepared by: Rathmann & Associates -- Houston, Texas

01/08/2015 @ 10:40 v10.1 -- Run "A"

Fort Bend Municipal Utility District No. 155
Escrow Sufficiency & Balance Report
 Advance Refunding of the Series 2008 Bonds (BBB-, Insured)
 Escrow Settlement Date Is 04/22/2015

Dates	Proceeds from Original Restricted Esc	Less Amts to be Invested in 0% SLGs	Plus Maturing Amts Invested in 0% SLGs	Adjusted Proceeds from Rstrct'd Esc	Present Value @ 0.03019506%	Proceeds from 'Other' Investments	Old D/S Requirement	Escrow New Balance	Escrow Old Balance
04/22/2015	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.31	0.31
09/01/2015	4,380,830.94	0.00	0.00	4,380,830.94	4,380,357.00	0.00	4,380,831.25	0.00	0.00
Totals	\$4,380,830.94	\$0.00	\$0.00	\$4,380,830.94	\$4,380,357.00	\$0.00	\$4,380,831.25		
Cost of SLG Securities			\$4,380,357.00		Escrow Arbitrage YLD after Reinvestment in 0% SLGs = 0.03019506%				
Cost of 'Other' Restricted Investments			\$0.00						
Escrow Starting Balance			\$0.31						
	Total Escrow Cost ...		\$4,380,357.31		SLG Rates Were Taken From SLG Table Dated 01/08/2015				

Fort Bend Municipal Utility District No. 155
U. S. Treasury SLG Investments
 Advance Refunding of the Series 2008 Bonds (BBB-, Insured)
 Escrow Settlement Date Is 04/22/2015

Payment Dates	SLG Principal	SLG Rates Subscribed	Interest	Total SLG Receipts	Receipts PV'd @ 0.03019506%	SLG Rates From Table
09/01/2015	4,380,357	0.030000	473.94	4,380,830.94	4,380,357.00	0.030000
Totals	\$4,380,357		\$473.94	\$4,380,830.94	\$4,380,357.00	

SLG Rates were taken from a SLG table dated 01/08/2015

Fort Bend Municipal Utility District No. 155
Advance Refunding of the Series 2008 Bonds (BBB-, Insured)

Dated Date = 07/01/2008

Series 2008 Unlimited Tax Bonds to Refund

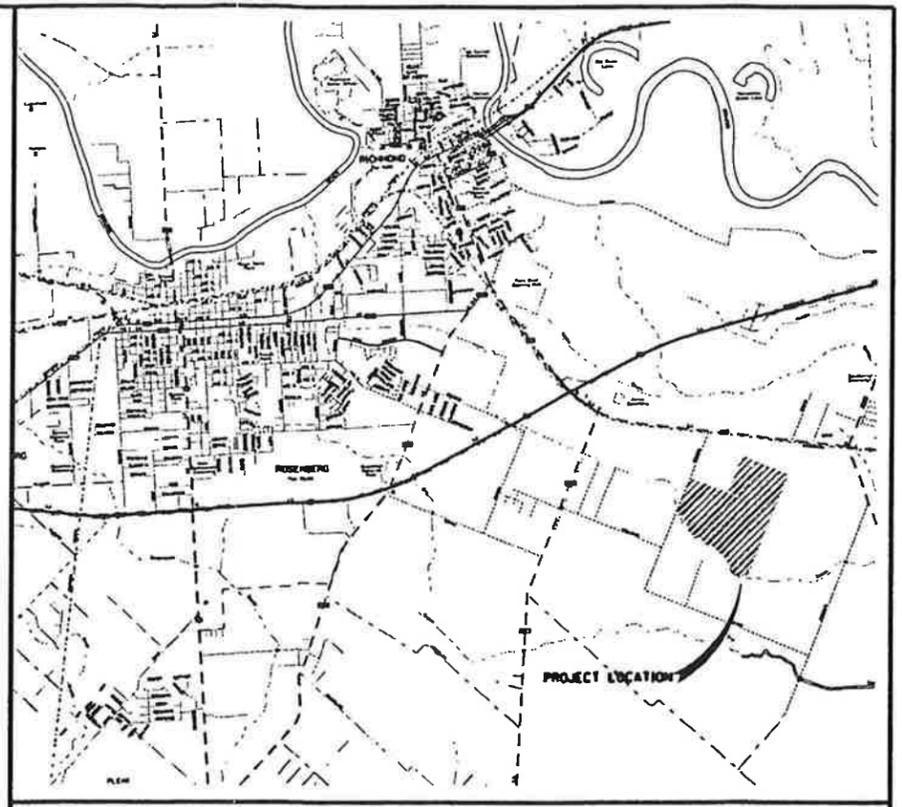
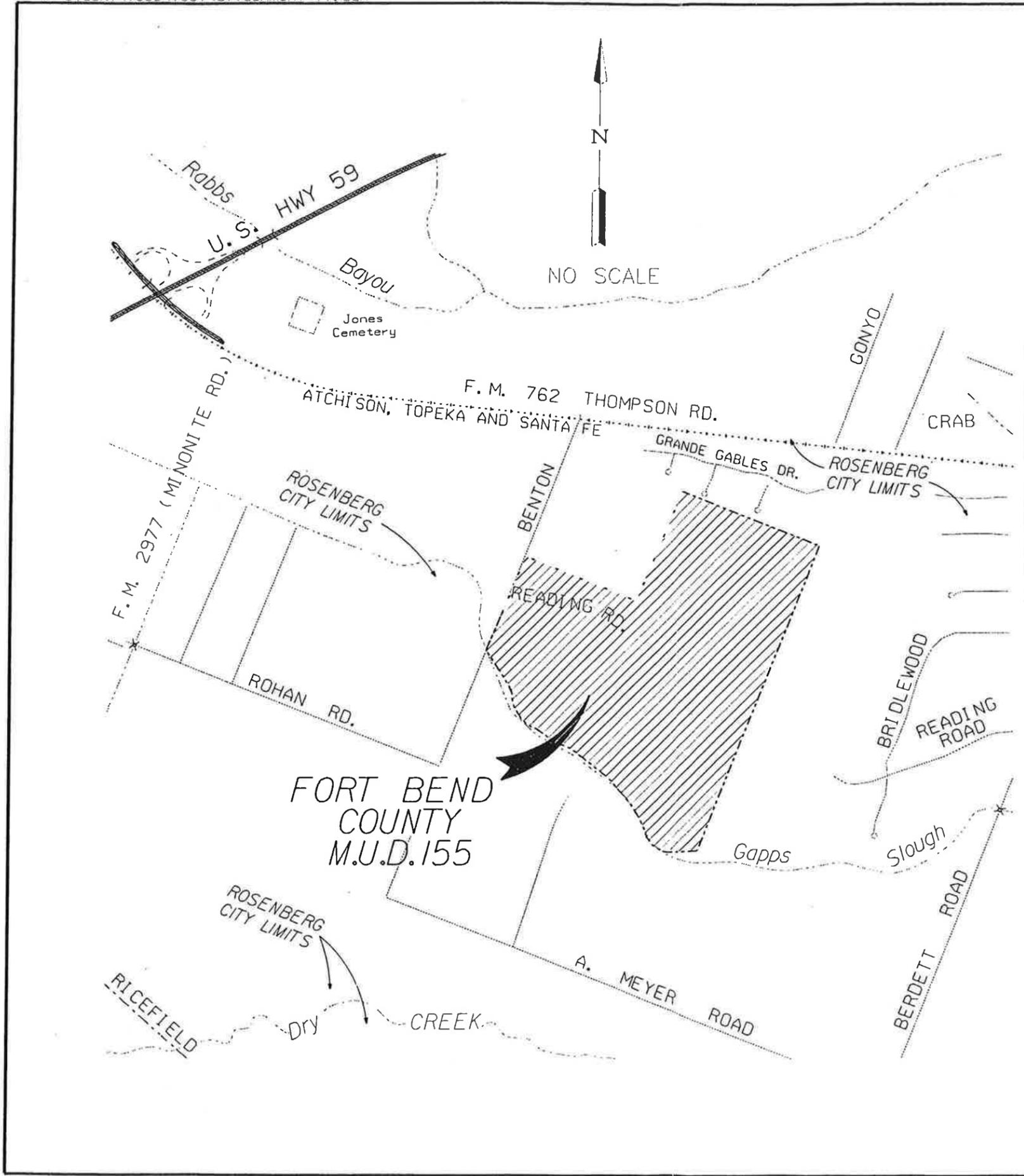
Delivery Date = 07/10/2008

Dates	Term Bond Maturities	Bond Redemptions	Proceeds	Coupon Rate	Yield	Price	Interest Amount	Total Debt Service	Fiscal Year Debt Service	Debt Service to Call
03/01/2015	-	-	-	-	-	-	110,831.25	110,831.25	-	110,831.25
09/01/2015	-	-	-	4.500	4.400000	100.602000	110,831.25	110,831.25	221,662.50	4,380,831.25
03/01/2016	-	-	-	-	-	-	110,831.25	110,831.25	-	-
09/01/2016	-	- *	-	4.500	4.500000	100.000000	110,831.25	110,831.25	221,662.50	-
03/01/2017	-	-	-	-	-	-	110,831.25	110,831.25	-	-
09/01/2017	-	- *	-	4.600	4.600000	100.000000	110,831.25	110,831.25	221,662.50	-
03/01/2018	-	-	-	-	-	-	110,831.25	110,831.25	-	-
09/01/2018	-	- *	-	4.700	4.700000	100.000000	110,831.25	110,831.25	221,662.50	-
03/01/2019	-	-	-	-	-	-	110,831.25	110,831.25	-	-
09/01/2019	-	- *	-	4.800	4.800000	100.000000	110,831.25	110,831.25	221,662.50	-
03/01/2020	-	-	-	-	-	-	110,831.25	110,831.25	-	-
09/01/2020	-	- *	-	4.900	4.900000	100.000000	110,831.25	110,831.25	221,662.50	-
03/01/2021	-	-	-	-	-	-	110,831.25	110,831.25	-	-
09/01/2021	(1)	260,000.00 *	260,000.00	5.000	5.000000	100.000000	110,831.25	370,831.25	481,662.50	-
03/01/2022	-	-	-	-	-	-	104,331.25	104,331.25	-	-
09/01/2022	535,000.00 (1)	275,000.00 *	275,000.00	5.000	5.000000	100.000000	104,331.25	379,331.25	483,662.50	-
03/01/2023	-	-	-	-	-	-	97,456.25	97,456.25	-	-
09/01/2023	(2)	290,000.00 *	286,815.80	5.000	5.104377	98.902000	97,456.25	387,456.25	484,912.50	-
03/01/2024	-	-	-	-	-	-	90,206.25	90,206.25	-	-
09/01/2024	595,000.00 (2)	305,000.00 *	301,651.10	5.000	5.100000	98.902000	90,206.25	395,206.25	485,412.50	-
03/01/2025	-	-	-	-	-	-	82,581.25	82,581.25	-	-
09/01/2025	(3)	325,000.00 *	322,136.75	5.125	5.202704	99.119000	82,581.25	407,581.25	490,162.50	-
03/01/2026	-	-	-	-	-	-	74,253.13	74,253.13	-	-
09/01/2026	665,000.00 (3)	340,000.00 *	337,004.60	5.125	5.200000	99.119000	74,253.13	414,253.13	488,506.26	-
03/01/2027	-	-	-	-	-	-	65,540.63	65,540.63	-	-
09/01/2027	(4)	360,000.00 *	357,760.80	5.250	5.301533	99.378000	65,540.63	425,540.63	491,081.26	-
03/01/2028	-	-	-	-	-	-	56,090.63	56,090.63	-	-
09/01/2028	740,000.00 (4)	380,000.00 *	377,636.40	5.250	5.300000	99.378000	56,090.63	436,090.63	492,181.26	-
03/01/2029	-	-	-	-	-	-	46,115.63	46,115.63	-	-
09/01/2029	(5)	400,000.00 *	394,816.00	5.250	5.352566	98.704000	46,115.63	446,115.63	492,231.26	-
03/01/2030	-	-	-	-	-	-	35,615.63	35,615.63	-	-
09/01/2030	820,000.00 (5)	420,000.00 *	414,556.80	5.250	5.350000	98.704000	35,615.63	455,615.63	491,231.26	-
03/01/2031	-	-	-	-	-	-	24,590.63	24,590.63	-	-
09/01/2031	(6)	445,000.00 *	443,473.65	5.375	5.400585	99.657000	24,590.63	469,590.63	494,181.26	-
03/01/2032	-	-	-	-	-	-	12,631.25	12,631.25	-	-
09/01/2032	915,000.00 (6)	470,000.00 *	468,387.90	5.375	5.400000	99.657000	12,631.25	482,631.25	495,262.50	-
Total	4,270,000.00	4,270,000.00	4,239,239.80				2,930,462.56	7,200,462.56	7,200,462.56	4,491,662.50
Acc Int							-5,541.56	-5,541.56		
Grand Totls	4,270,000.00	4,270,000.00	4,239,239.80				2,924,921.00	7,194,921.00	7,200,462.56	4,491,662.50

* - Bonds callable ... 09/01/2015@100.000

TIC (Incl. all expenses) 5.26441294% Average Coupon 5.21453028%
TIC (Arbitrage TIC) 5.26441294% Average Life (yrs) ... 19.30 IRS Form 8038-G NIC = 5.290536% (with Adjstmnt of \$0.00).
Bond Years 82,411.67 WAM (yrs) 19.273360 NIC = 5.251855% (with Adjstmnt of \$0.00).

Term bonds and their respective sinking payments are marked by "(n)" where each "n" identifies each respective term bond.



VICINITY MAP
 NOT TO SCALE

ATTACHMENT IV	
BEAZER HOMES TEXAS, L.P. BONBROOK PLANTATION, L.P.	
LOCATION MAP	
FORT BEND COUNTY M.U.D. No. 155	
LJA Engineering & Surveying, Inc.	
2929 Briarpark Drive Suite 600 Houston, Texas 77042-3703	Phone 713.953.5200 Fax 713.953.5026
DATE: MARCH 2006	JOB NO. 1032-1001



CITY COUNCIL COMMUNICATION

February 03, 2015

ITEM #	ITEM TITLE
C	MUD No. 158 Refunding Bond Sale - \$3,500,000
ITEM/MOTION	
Consideration of and action on approval of the issuance of Fort Bend County Municipal Utility District No. 158 Refunding Tax Bonds, Series 2015, in an amount not to exceed \$3,500,000.00.	
FINANCIAL SUMMARY	ELECTION DISTRICT

Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

- Yes No N/A

Source of Funds: N/A

- District 1
- District 2
- District 3
- District 4
- City-wide
- ETJ

SUPPORTING DOCUMENTS:

1. Lentz Correspondence – 01-27-15
2. Location Map

MUD #: 158 (River Run/Rivers Mist)

APPROVALS

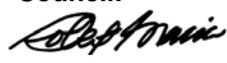
Submitted by:


 Charles A. Kalkomey, P.E.
 City Engineer

Reviewed by:

- Exec. Dir. of Administrative Services 
- Asst. City Manager for Public Services
- City Attorney *JM/rl*
- City Engineer
- (Other)

Approved for Submittal to City Council:


 Robert Gracia
 City Manager

EXECUTIVE SUMMARY

Fort Bend County Municipal Utility District No. 158 (MUD No. 158) is located in the City's Extraterritorial Jurisdiction (ETJ), at the southwest corner of Reading Road and Benton Road. The development is identified as the River Run on the Brazos and Rivers Mist subdivisions.

City Council consented to the creation of MUD No. 158 on December 14, 2004, through Ordinance No. 2004-29, and which was originally proposed as a 158.54 acre development. The Water Supply and Wastewater Services and Development Agreements between the City and Ventana Development Reading, LP, were executed on February 22, 2005. City Council approved Ordinance No. 2006-19 on August 15, 2006, consenting to the addition of approximately 59 acres. MUD No. 158 now is comprised of approximately 217.5 acres.

Following is MUD No. 158's bond sale history to date. The first bond first sale was approved through Ordinance No. 2007-35 on August 21, 2007, in the amount of \$1,460,000. The second sale was approved through Ordinance No. 2009-29 on August 18, 2009, in the amount of \$1,870,000. The third sale was approved on June 21, 2011, through Ordinance No. 2011-16 in the amount of \$1,400,000. The fourth sale was approved on April 17, 2012, through Ordinance No. 2012-15 in the amount \$1,600,000. The fifth sale was approved on February 19, 2013, through Ordinance No. 2013-14 in the amount of \$1,600,000. The sixth sale was approved on April 15, 2014, through Ordinance No. 2014-16 in the amount of \$1,650,000.

MUD No. 158 has the opportunity to "refund" or "refinance" portions of existing bonds by issuing new bonds at a lower rate of interest than the existing bonds, thus ensuring significant reduction in interest expense for the issuer. Staff has reviewed the request and associated documentation and found it to be in compliance with applicable City Ordinances. Staff is recommending approval of the issuance of Fort Bend County Municipal Utility District No. 158 Refunding Tax Bonds, Series 2015, in an amount not to exceed \$3,500,000.00.

700 Milam Street
Suite 500
Houston, Texas 77002

713.654.8679 Direct
713.654.8638 Fax

Greg Lentz
Vice President

greg.lentz@firstsw.com

January 27, 2015

Via E-mail: joycev@ci.rosenberg.tx.us

Ms. Joyce Vasut
City of Rosenberg
2210 Fourth Street
Rosenberg, Texas 77471

**Re: Fort Bend County Municipal Utility District No. 158 (the “District”)
Unlimited Tax Refunding Bonds, Series 2015 (the “Bonds”)**

Dear Joyce:

At the District’s meeting on January 7, 2015, the District’s Board of Directors approved proceeding with issuing its first series of refunding bonds. The purpose of the Bonds is to advance refund and defease outstanding portions of the District’s Series 2007 and Series 2009 unlimited tax bonds, which are callable on September 1, 2016 and September 1, 2017, respectively. The Bonds are structured to comply with the City of Rosenberg’s below proposed requirements for refundings and will be verified by an independent accounting firm, Grant Thornton LLP, on the day of pricing.

- The net present value savings is three percent (3%) or more of the principal amount of the refunded bonds;
- The debt service savings is structured on a uniform basis, i.e. the spread from the greatest annual debt service savings to the least annual debt service savings is not more than \$5000 plus interest thereon; and
- The date of the last scheduled maturity of the refunding bonds is not later than the latest scheduled maturity of the refunded bonds.

This financing, as prepared January 26, 2015 (attached), is projected to provide 19.18% in present value savings (\$529,233), \$720,457 of gross savings, and reflects a uniform savings structure with no extension of debt. Also, the attached analysis reflects a bond issue in the principal amount of \$3,125,000 and we are requesting City approval for an amount “**not to exceed \$3,500,000,**” which allows for fluctuations resulting from changes in the market and interest rates.

Joyce Vasut
City of Rosenberg
January 27, 2015
Page 2 of 2

The District would like to sell the Bonds as soon as possible and capture all possible savings. Please let us know if you need any additional information.

Thank you for your assistance with this financing.

Sincerely yours,



Greg Lentz
Vice President

Enclosure

cc: Mr. Greer Pagan, Allen Boone Humphries Robinson LLP
Ms. Jeanne H. McDonald, Jeanne H. McDonald PC

SOURCES AND USES OF FUNDS

FORT BEND COUNTY MUD NO. 158

Unlimited Tax Refunding Bonds, Series 2015

*****Preliminary - For Discussion Purposes Only*****

Based on SAMCO's BQ AA Insured (BAM/AG) Scale (S&P: 'BBB' Underlying)

As of January 26, 2015

Dated Date 02/01/2015
 Delivery Date 02/26/2015

Sources:

Bond Proceeds:

Par Amount	3,125,000.00
Accrued Interest	5,242.62
Net Premium	19,236.65

3,149,479.27

Uses:

Refunding Escrow Deposits:

Cash Deposit	74,487.56
SLGS Purchases	<u>2,918,507.00</u>
	2,992,994.56

Other Fund Deposits:

Accrued Interest	5,242.62
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Delivery Date Expenses:

Cost of Issuance	103,225.00
Underwriter's Discount	31,250.00
Insurance (35 bps)	<u>14,262.81</u>
	148,737.81

Other Uses of Funds:

Additional Proceeds	2,504.28
---------------------	----------

3,149,479.27

SUMMARY OF REFUNDING RESULTS

**FORT BEND COUNTY MUD NO. 158
Unlimited Tax Refunding Bonds, Series 2015**

*****Preliminary - For Discussion Purposes Only*****

**Based on SAMCO's BQ AA Insured (BAM/AG) Scale (S&P: 'BBB' Underlying)
As of January 26, 2015**

Dated Date	02/01/2015
Delivery Date	02/26/2015
Arbitrage yield	2.564655%
Escrow yield	0.281185%
Value of Negative Arbitrage	70,874.37
Bond Par Amount	3,125,000.00
True Interest Cost	2.707807%
Net Interest Cost	2.684216%
All-In TIC	3.064036%
Average Coupon	2.650700%
Average Life	11.400
Par amount of refunded bonds	2,760,000.00
Average coupon of refunded bonds	5.527103%
Average life of refunded bonds	12.835
PV of prior debt to 02/26/2015 @ 3.064036%	3,524,732.10
Net PV Savings	529,233.26
Percentage savings of refunded bonds	19.175118%

SAVINGS

FORT BEND COUNTY MUD NO. 158

Unlimited Tax Refunding Bonds, Series 2015

Preliminary - For Discussion Purposes Only

Based on SAMCO's BQ AA Insured (BAM/AG) Scale (S&P: 'BBB' Underlying)

As of January 26, 2015

Date	Prior Debt Service	Refunding Cash Flow	Savings	Annual Savings	Present Value to 02/26/2015 @ 3.0640363%
02/26/2015		-5,242.62	5,242.62		5,242.62
03/01/2015	74,487.50		74,487.50		74,456.05
09/01/2015	74,487.50	124,038.02	-49,550.52		-48,782.25
01/31/2016				30,179.60	
03/01/2016	74,487.50	36,946.88	37,540.63		36,400.89
09/01/2016	74,487.50	81,946.88	-7,459.38		-7,123.77
01/31/2017				30,081.25	
03/01/2017	74,487.50	36,496.88	37,990.63		35,733.94
09/01/2017	124,487.50	131,496.88	-7,009.38		-6,493.53
01/31/2018				30,981.25	
03/01/2018	73,312.50	35,546.88	37,765.63		34,458.40
09/01/2018	173,312.50	180,546.88	-7,234.38		-6,501.24
01/31/2019				30,531.25	
03/01/2019	70,881.25	34,096.88	36,784.38		32,557.86
09/01/2019	170,881.25	174,096.88	-3,215.63		-2,803.20
01/31/2020				33,568.75	
03/01/2020	68,438.75	32,696.88	35,741.88		30,687.66
09/01/2020	178,438.75	182,696.88	-4,258.13		-3,600.82
01/31/2021				31,483.75	
03/01/2021	65,713.75	31,196.88	34,516.88		28,748.28
09/01/2021	180,713.75	181,196.88	-483.13		-396.31
01/31/2022				34,033.75	
03/01/2022	62,817.50	29,696.88	33,120.63		26,759.18
09/01/2022	182,817.50	184,696.88	-1,879.38		-1,495.49
01/31/2023				31,241.25	
03/01/2023	59,761.25	27,371.88	32,389.38		25,384.63
09/01/2023	189,761.25	187,371.88	2,389.38		1,844.38
01/31/2024				34,778.75	
03/01/2024	56,418.75	27,371.88	29,046.88		22,083.18
09/01/2024	196,418.75	192,371.88	4,046.88		3,030.25
01/31/2025				33,093.75	
03/01/2025	52,738.13	24,071.88	28,666.25		21,141.08
09/01/2025	202,738.13	199,071.88	3,666.25		2,663.03
01/31/2026				32,332.50	
03/01/2026	48,758.13	24,071.88	24,686.25		17,660.59
09/01/2026	208,758.13	199,071.88	9,686.25		6,825.00
01/31/2027				34,372.50	
03/01/2027	44,473.75	20,571.88	23,901.88		16,587.32
09/01/2027	214,473.75	205,571.88	8,901.88		6,084.47
01/31/2028				32,803.75	
03/01/2028	39,920.00	20,571.88	19,348.13		13,024.98
09/01/2028	214,920.00	200,571.88	14,348.13		9,513.28
01/31/2029				33,696.25	
03/01/2029	35,162.50	17,871.88	17,290.63		11,291.27
09/01/2029	225,162.50	207,871.88	17,290.63		11,120.89
01/31/2030				34,581.25	
03/01/2030	30,007.50	15,021.88	14,985.63		9,492.94
09/01/2030	230,007.50	215,021.88	14,985.63		9,349.70
01/31/2031				29,971.25	
03/01/2031	24,580.00	12,021.88	12,558.13		7,716.93
09/01/2031	239,580.00	217,021.88	22,558.13		13,652.74
01/31/2032				35,116.25	
03/01/2032	18,732.50	8,818.75	9,913.75		5,909.52
09/01/2032	128,732.50	103,818.75	24,913.75		14,626.82
01/31/2033				34,827.50	
03/01/2033	15,487.50	7,275.00	8,212.50		4,748.79
09/01/2033	135,487.50	112,275.00	23,212.50		13,219.86
01/31/2034				31,425.00	
03/01/2034	11,947.50	5,568.75	6,378.75		3,577.98
09/01/2034	136,947.50	110,568.75	26,378.75		14,573.14
01/31/2035				32,757.50	
03/01/2035	8,260.00	3,796.88	4,463.13		2,428.48
09/01/2035	143,260.00	113,796.88	29,463.13		15,789.62

SAVINGS

FORT BEND COUNTY MUD NO. 158
Unlimited Tax Refunding Bonds, Series 2015
*****Preliminary - For Discussion Purposes Only*****
Based on SAMCO's BQ AA Insured (BAM/AG) Scale (S&P: 'BBB' Underlying)
As of January 26, 2015

Date	Prior Debt Service	Refunding Cash Flow	Savings	Annual Savings	Present Value to 02/26/2015 @ 3.0640363%
01/31/2036				33,926.25	
03/01/2036	4,277.50	1,940.63	2,336.88		1,233.46
09/01/2036	149,277.50	116,940.63	32,336.88		16,810.66
01/31/2037				34,673.75	
	4,790,302.50	4,069,845.40	720,457.10	720,457.10	529,233.26

Savings Summary

Dated Date	02/01/2015
Delivery Date	02/26/2015
PV of savings from cash flow	529,233.26
Net PV Savings	<u>529,233.26</u>

BOND PRICING

FORT BEND COUNTY MUD NO. 158
Unlimited Tax Refunding Bonds, Series 2015
*****Preliminary - For Discussion Purposes Only*****
Based on SAMCO's BQ AA Insured (BAM/AG) Scale (S&P: 'BBB' Underlying)
As of January 26, 2015

Bond Component	Maturity Date	Amount	Rate	Yield	Price	Yield to Maturity	Call Date	Call Price	Call Date for Arb Yield	Call Price for Arb Yield	Premium (-Discount)
Bond Component:											
	09/01/2015	80,000.00	2.000%	0.500%	100.768						614.40
	09/01/2016	45,000.00	2.000%	1.000%	101.498						674.10
	09/01/2017	95,000.00	2.000%	1.100%	102.225						2,113.75
	09/01/2018	145,000.00	2.000%	1.450%	101.877						2,721.65
	09/01/2019	140,000.00	2.000%	1.600%	101.735						2,429.00
	09/01/2020	150,000.00	2.000%	1.800%	101.045						1,567.50
	09/01/2021	150,000.00	2.000%	2.050%	99.696						-456.00
	09/01/2022	155,000.00	3.000%	2.250%	105.157						7,993.35
	09/01/2023	160,000.00			100.000						
	09/01/2024	165,000.00	4.000%	2.600%	109.499	2.853%	09/01/2022	100.000	09/01/2022	100.000	15,673.35
	09/01/2025	175,000.00			100.000						
	09/01/2026	175,000.00	4.000%	2.800%	108.080	3.157%	09/01/2022	100.000	09/01/2022	100.000	14,140.00
	09/01/2027	185,000.00			100.000						
	09/01/2028	180,000.00	3.000%	3.150%	98.359						-2,953.80
	09/01/2029	190,000.00	3.000%	3.200%	97.692						-4,385.20
	09/01/2030	200,000.00	3.000%	3.250%	96.972						-6,056.00
	09/01/2031	205,000.00	3.125%	3.300%	97.785						-4,540.75
		<u>2,595,000.00</u>									<u>29,535.35</u>
2032 Term Bond:											
	09/01/2032	95,000.00	3.250%	3.400%	97.951						-1,946.55
	09/01/2033	105,000.00	3.250%	3.400%	97.951						-2,151.45
		<u>200,000.00</u>									<u>-4,098.00</u>
2036 Term Bond:											
	09/01/2034	105,000.00	3.375%	3.500%	98.121						-1,972.95
	09/01/2035	110,000.00	3.375%	3.500%	98.121						-2,066.90
	09/01/2036	115,000.00	3.375%	3.500%	98.121						-2,160.85
		<u>330,000.00</u>									<u>-6,200.70</u>
		<u>3,125,000.00</u>									<u>19,236.65</u>

BOND PRICING

FORT BEND COUNTY MUD NO. 158
Unlimited Tax Refunding Bonds, Series 2015
*****Preliminary - For Discussion Purposes Only*****
Based on SAMCO's BQ AA Insured (BAM/AG) Scale (S&P: 'BBB' Underlying)
As of January 26, 2015

Dated Date	02/01/2015	
Delivery Date	02/26/2015	
First Coupon	09/01/2015	
Par Amount	3,125,000.00	
Premium	19,236.65	
	<hr/>	
Production	3,144,236.65	100.615573%
Underwriter's Discount	-31,250.00	-1.000000%
	<hr/>	
Purchase Price	3,112,986.65	99.615573%
Accrued Interest	5,242.62	
	<hr/>	
Net Proceeds	3,118,229.27	

SUMMARY OF BONDS REFUNDED

FORT BEND COUNTY MUD NO. 158

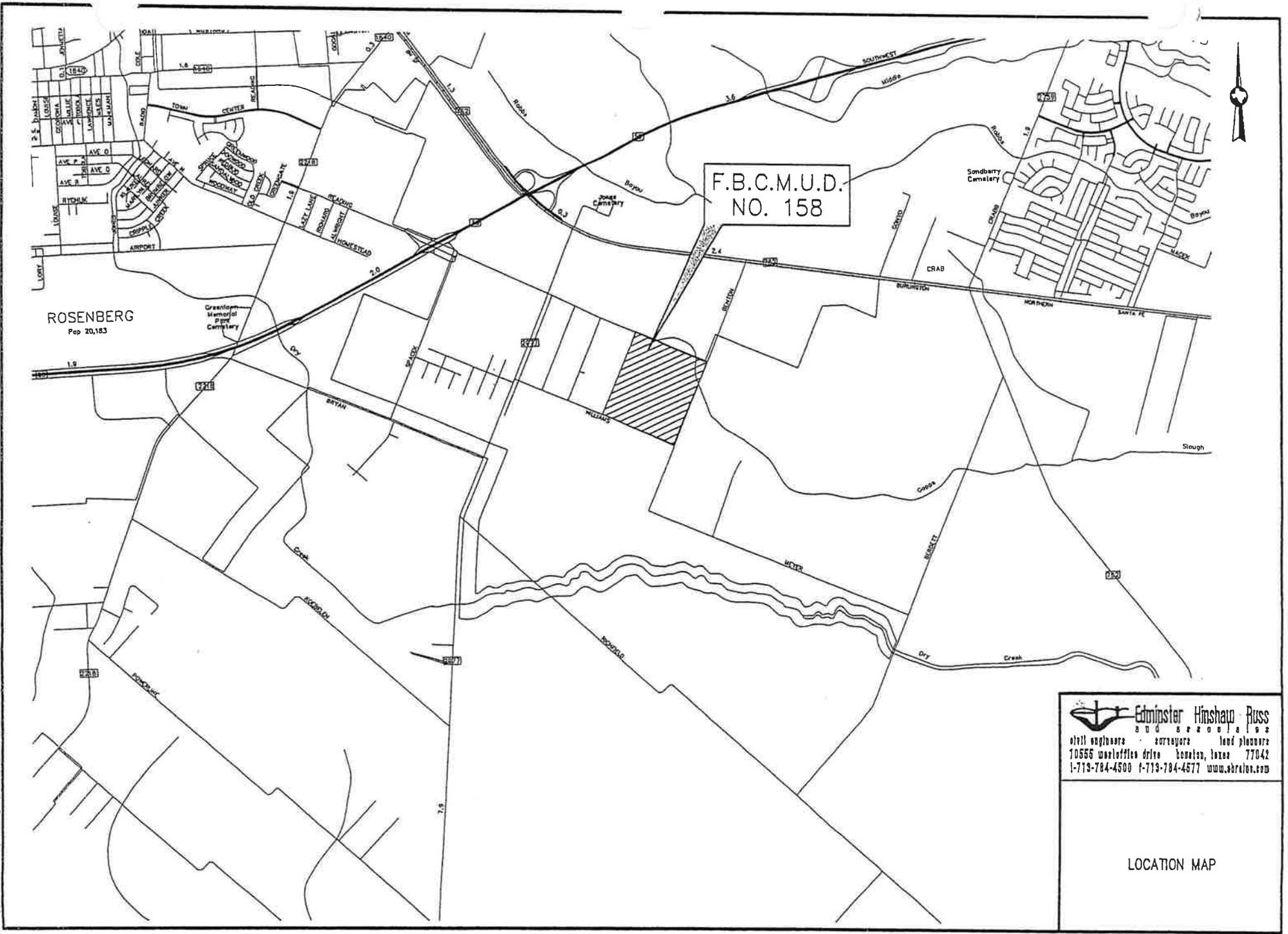
Unlimited Tax Refunding Bonds, Series 2015

Preliminary - For Discussion Purposes Only

Based on SAMCO's BQ AA Insured (BAM/AG) Scale (S&P: 'BBB' Underlying)

As of January 26, 2015

Bond	Maturity Date	Interest Rate	Par Amount	Call Date	Call Price	
UNLIMITED TAX BONDS, SERIES 2007, 2007:						
SERIAL	09/01/2017	4.700%	50,000.00	09/01/2015	100.000	
	09/01/2018	4.750%	55,000.00	09/01/2015	100.000	
2023TERM	09/01/2019	4.750%	55,000.00	09/01/2015	100.000	
	09/01/2020	4.750%	60,000.00	09/01/2015	100.000	
	09/01/2021	4.750%	60,000.00	09/01/2015	100.000	
	09/01/2022	4.750%	65,000.00	09/01/2015	100.000	
	09/01/2023	4.750%	70,000.00	09/01/2015	100.000	
2027TERM	09/01/2024	4.875%	75,000.00	09/01/2015	100.000	
	09/01/2025	4.875%	80,000.00	09/01/2015	100.000	
	09/01/2026	4.875%	85,000.00	09/01/2015	100.000	
	09/01/2027	4.875%	90,000.00	09/01/2015	100.000	
2031TERM	09/01/2028	5.000%	90,000.00	09/01/2015	100.000	
	09/01/2029	5.000%	100,000.00	09/01/2015	100.000	
	09/01/2030	5.000%	105,000.00	09/01/2015	100.000	
	09/01/2031	5.000%	110,000.00	09/01/2015	100.000	
			<u>1,150,000.00</u>			
UNLIMITED TAX BONDS, SERIES 2009, 2009:						
SERIAL	09/01/2018	5.000%	45,000.00	09/01/2016	100.000	
	09/01/2019	5.050%	45,000.00	09/01/2016	100.000	
	09/01/2020	5.200%	50,000.00	09/01/2016	100.000	
	09/01/2021	5.350%	55,000.00	09/01/2016	100.000	
	09/01/2022	5.500%	55,000.00	09/01/2016	100.000	
	09/01/2023	5.600%	60,000.00	09/01/2016	100.000	
	09/01/2024	5.700%	65,000.00	09/01/2016	100.000	
	09/01/2025	5.800%	70,000.00	09/01/2016	100.000	
	2036TERM	09/01/2026	5.900%	75,000.00	09/01/2016	100.000
		09/01/2027	5.900%	80,000.00	09/01/2016	100.000
		09/01/2028	5.900%	85,000.00	09/01/2016	100.000
		09/01/2029	5.900%	90,000.00	09/01/2016	100.000
		09/01/2030	5.900%	95,000.00	09/01/2016	100.000
		09/01/2031	5.900%	105,000.00	09/01/2016	100.000
		09/01/2032	5.900%	110,000.00	09/01/2016	100.000
09/01/2033		5.900%	120,000.00	09/01/2016	100.000	
09/01/2034		5.900%	125,000.00	09/01/2016	100.000	
09/01/2035	5.900%	135,000.00	09/01/2016	100.000		
09/01/2036	5.900%	145,000.00	09/01/2016	100.000		
			<u>1,610,000.00</u>			
			<u>2,760,000.00</u>			




Edminster Hinshaw Russ
 civil engineers · surveyors · land planners
 10555 Waffleford Drive Houston, Texas 77042
 1-713-784-4500 1-713-784-4577 www.ehrruss.com

LOCATION MAP



CITY COUNCIL COMMUNICATION

February 03, 2015

ITEM #	ITEM TITLE
D	Final Plat of Bonbrook Plantation North Section Fourteen
ITEM/MOTION	
Consideration of and action on a Final Plat of Bonbrook Plantation North Section Fourteen, a subdivision of 23.506 acres of land situated in the Wiley Martin League, Abstract 56, Fort Bend County, Texas; 60 lots, 4 reserves (5.150 acres), 1 Block.	
FINANCIAL SUMMARY	ELECTION DISTRICT

Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

- Yes No N/A

Source of Funds: N/A

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

SUPPORTING DOCUMENTS:**MUD #:** 155 (Bonbrook Plantation)

1. Final Plat of Bonbrook Plantation North Section Fourteen
2. Exhibit C - Third Revision to Development Plan for Bonbrook Plantation - 08-20-14
3. Planning Commission Meeting Minute Excerpt – 12-17-14
4. Planning Commission Meeting Minute Excerpt – 10-15-14

APPROVALS**Submitted by:**

Travis Tanner
 Travis Tanner, AICP
 Executive Director of
 Community Development

Reviewed by:

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

Approved for Submittal to City Council:

Robert Gracia
 Robert Gracia
 City Manager

EXECUTIVE SUMMARY

The Final Plat of Bonbrook Plantation North Section Fourteen is located off of Reading Road, east of its intersection with Benton Road in the northwest part of Bonbrook Plantation. The proposed Plat contains 23.506 acres, 60 residential lots, and four (4) reserves consisting of 5.150 acres.

The proposed lots are a minimum of sixty feet (60') in width. This is in accordance with the revised Land Plan for Bonbrook Plantation, which the Planning Commission (Commission) approved on August 20, 2014. The amended Land Plan was also approved by City Council as an Amendment to the Development Agreement (Exhibit "C") on December 16, 2014.

In addition to the revised Land Plan, the Commission approved the Preliminary Plat of this subdivision on October 15, 2014. The Commission later recommended approval to City Council of the Final Plat on December 17, 2014. The proposed Final Plat is not in conflict with any applicable regulations or with the approved Preliminary Plat. Staff recommends approval of the Final Plat of Bonbrook Plantation North Section Fourteen.

STATE OF TEXAS
COUNTY OF FORT BEND
CITY OF ROSENBERG

WE, BONBROOK PLANTATION, L.P., A TEXAS LIMITED PARTNERSHIP, ACTING BY AND THROUGH JOHN N. TAYLOR, EXECUTIVE MANAGER OF TAYLOR & WEIDNER, L.L.C., MANAGING GENERAL PARTNER OF BONBROOK PLANTATION, L.P., A TEXAS LIMITED PARTNERSHIP, OWNERS OF THE 23.506 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING MAP OF BONBROOK PLANTATION NORTH SECTION FOURTEEN, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION AND DEVELOPMENT PLAT OF SAID PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID MAPS OR PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND OURSELVES, OUR HEIRS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL ELEVEN FEET, SIX INCHES (11' 6") FOR TEN FEET (10' 0") PERIMETER GROUND EASEMENTS OR SEVEN FEET, SIX INCHES (7' 6") FOR FOURTEEN FEET (14' 0") PERIMETER GROUND EASEMENTS OR FIVE FEET, SIX INCHES (5' 6") FOR SIXTEEN FEET (16' 0") PERIMETER GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16' 0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY THE AERIAL EASEMENT TOTALS TWENTY ONE FEET, SIX INCHES (21' 6") IN WIDTH.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL TEN FEET (10' 0") FOR TEN FEET (10' 0") BACK-TO-BACK GROUND EASEMENTS, OR EIGHT FEET (8' 0") FOR FOURTEEN FEET (14' 0") BACK-TO-BACK GROUND EASEMENTS OR SEVEN FEET (7' 0") FOR SIXTEEN FEET (16' 0") BACK-TO-BACK GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16' 0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO BOTH SIDES AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY THE AERIAL EASEMENT TOTALS THIRTY FEET (30' 0") IN WIDTH.

FURTHER, WE DO HEREBY DECLARE THAT ALL PARCELS OF LAND DESIGNATED AS LOTS ON THIS PLAT ARE INTENDED FOR THE CONSTRUCTION OF SINGLE FAMILY RESIDENTIAL DWELLING UNITS THEREON AND SHALL BE RESTRICTED FOR SAME UNDER THE TERMS AND CONDITIONS OF SUCH RESTRICTIONS FILED SEPARATELY.

FURTHER, WE DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE RESTRICTED TO PREVENT THE DRAINAGE OF ANY SEPTIC TANKS INTO ANY PUBLIC OR PRIVATE STREET, PERMANENT ACCESS EASEMENT, ROAD OR ALLEY OR ANY DRAINAGE DITCH, EITHER DIRECTLY OR INDIRECTLY.

FURTHER, WE DO HEREBY DEDICATE TO THE PUBLIC A STRIP OF LAND TWENTY (20) FEET WIDE ON EACH SIDE OF THE CENTER LINE OF ANY AND ALL BAYOUS, CREEKS, GULLIES, RAVINES, DRAINS AND DRAINAGE DITCHES LOCATED IN SAID SUBDIVISION, AS EASEMENTS FOR DRAINAGE PURPOSES. FORT BEND COUNTY OR ANY OTHER GOVERNMENTAL AGENCY SHALL HAVE THE RIGHT TO ENTER UPON SAID EASEMENT AT ANY AND ALL TIMES FOR THE PURPOSES OF CONSTRUCTION AND MAINTENANCE OF DRAINAGE FACILITIES AND STRUCTURES.

FURTHER, WE DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS SUBDIVISION AND ADJACENT TO ANY DRAINAGE EASEMENT, DITCH, GULLY, CREEK OR NATURAL DRAINAGE WAY SHALL HEREBY BE RESTRICTED TO KEEP SUCH DRAINAGE WAYS AND EASEMENTS CLEAR OF FENCES, BUILDINGS, EXCESSIVE VEGETATION AND OTHER OBSTRUCTIONS TO THE OPERATIONS AND MAINTENANCE OF THE DRAINAGE FACILITY AND THAT SUCH ABUTTING PROPERTY SHALL NOT BE PERMITTED TO DRAIN DIRECTLY INTO THIS EASEMENT EXCEPT BY MEANS OF AN APPROVED DRAINAGE STRUCTURE.

FURTHER, WE DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF ALL PROPERTY IMMEDIATELY ADJACENT TO THE BOUNDARIES OF THE ABOVE AND FOREGOING SUBDIVISION OF BONBROOK PLANTATION NORTH SECTION FOURTEEN WHERE BUILDING SETBACK LINES OR PUBLIC UTILITY EASEMENTS ARE TO BE ESTABLISHED OUTSIDE THE BOUNDARIES OF THE ABOVE AND FOREGOING SUBDIVISION AND DO HEREBY MAKE AND ESTABLISH ALL BUILDING SETBACK LINES AND DEDICATE TO THE USE OF THE PUBLIC, ALL PUBLIC UTILITY EASEMENTS SHOWN IN SAID ADJACENT ACREAGE.

FURTHER, WE DO HEREBY ACKNOWLEDGE THE RECEIPT OF THE "ORDERS FOR REGULATION OF OUTDOOR LIGHTING IN THE UNINCORPORATED AREAS OF FORT BEND COUNTY, TEXAS", AND DO HEREBY COVENANT AND AGREE, AND SHALL COMPLY WITH THIS ORDER AS ADOPTED BY FORT BEND COUNTY COMMISSIONERS' COURT ON MARCH 23, 2004, AND ANY SUBSEQUENT AMENDMENTS.

IN TESTIMONY WHEREOF, BONBROOK PLANTATION, L.P., A TEXAS LIMITED PARTNERSHIP, HAS CAUSED THESE PRESENTS TO BE SIGNED BY TAYLOR & WEIDNER, L.L.C., ITS MANAGING GENERAL PARTNER, BY JOHN N. TAYLOR, ITS EXECUTIVE MANAGER, THEREUNTO AUTHORIZED, THIS _____ DAY OF _____, 2015.

BONBROOK PLANTATION, L.P., A TEXAS LIMITED PARTNERSHIP
BY: TAYLOR & WEIDNER, L.L.C., MANAGING GENERAL PARTNER

By: _____
JOHN N. TAYLOR, EXECUTIVE MANAGER

STATE OF TEXAS
COUNTY OF FORT BEND

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JOHN N. TAYLOR, EXECUTIVE MANAGER OF TAYLOR & WEIDNER, L.L.C., KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2015.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES:

I, GARY D. NUTTER, A REGISTERED PROFESSIONAL LAND SURVEYOR, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF LAND SURVEYING AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND CORRECT; WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND AND THAT ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON (OR OTHER SUITABLE PERMANENT METAL) PIPES OR RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN FIVE EIGHTHS (5/8) INCH WITH CAP MARKED "LJA ENG" AND A LENGTH OF NOT LESS THAN THREE (3) FEET (SEE NOTE 11).

GARY D. NUTTER, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 5659

I, MICHAEL WANG, A PROFESSIONAL ENGINEER LICENSED IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT MEETS ALL REQUIREMENTS OF FORT BEND COUNTY AND THE CITY OF ROSENBERG, TO THE BEST OF MY KNOWLEDGE.

MICHAEL WANG, P.E.
LICENSED PROFESSIONAL ENGINEER
TEXAS LICENSE NO. 92053

THIS IS TO CERTIFY THAT THE PLANNING COMMISSION OF THE CITY ROSENBERG, TEXAS HAS APPROVED THIS PLAT AND SUBDIVISION OF BONBROOK PLANTATION NORTH SECTION FOURTEEN IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF ROSENBERG AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2015.

PETE PAVLOVSKY, CHAIRMAN

WAYNE POLDRACK, SECRETARY

THIS IS TO CERTIFY THAT THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS HAS APPROVED THIS PLAT AND SUBDIVISION OF BONBROOK PLANTATION NORTH SECTION FOURTEEN IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF ROSENBERG AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2015.

VINCENT M. MORALES, JR., MAYOR
LINDA CERNOSEK, CITY SECRETARY

WE, TEXAS CAPITAL BANK, NATIONAL ASSOCIATION, OWNER AND HOLDER OF LIENS AGAINST THE PROPERTY DESCRIBED IN THE PLAT KNOWN AS BONBROOK PLANTATION NORTH SECTION FOURTEEN, SAID LIENS BEING EVIDENCED BY INSTRUMENT OF RECORD IN THE CLERK'S FILE NO. 2015016426 AND 2015096793 OF THE O.P.R.O.R.P. OF FORT BEND COUNTY, TEXAS, DO HEREBY IN ALL THINGS SUBORDINATE OUR INTEREST IN SAID PROPERTY TO THE PURPOSES AND EFFECTS OF SAID PLAT AND THE DEDICATIONS AND RESTRICTIONS SHOWN HEREIN TO SAID SUBDIVISION PLAT AND WE HEREBY CONFIRM THAT WE ARE THE PRESENT OWNER OF SAID LIENS AND HAVE NOT ASSIGNED THE SAME NOR ANY PART THEREOF.

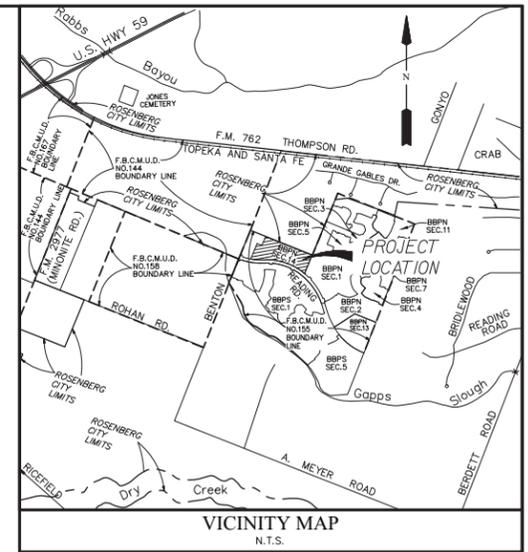
By: _____
TEXAS CAPITAL BANK, NATIONAL ASSOCIATION

STATE OF TEXAS
COUNTY OF FORT BEND

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED (NAME OF PERSON(S) SIGNING THE PLAT OR INSTRUMENT), (CORPORATION TITLES IF APPROPRIATE), KNOWN TO ME TO BE THE PERSON(S) WHOSE NAME(S) ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2015.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES:



I, RICHARD W. STOLLEIS, FORT BEND COUNTY ENGINEER, DO HEREBY CERTIFY THAT THE PLAT OF THIS SUBDIVISION COMPLIES WITH ALL OF THE EXISTING RULES AND REGULATIONS OF THIS OFFICE AS ADOPTED BY THE FORT BEND COUNTY COMMISSIONERS' COURT. HOWEVER, NO CERTIFICATION IS HEREBY GIVEN AS TO THE EFFECT OF DRAINAGE FROM THIS SUBDIVISION ON THE INTERCEPTING DRAINAGE ARTERY OR PARENT STREAM OR ON ANY OTHER AREA OR SUBDIVISION WITHIN THE WATERSHED.

RICHARD W. STOLLEIS, P.E.
FORT BEND COUNTY ENGINEER

APPROVED BY THE COMMISSIONERS' COURT OF FORT BEND COUNTY, TEXAS, THIS _____ DAY OF _____, 2015.

RICHARD MORRISON, PRECINCT 1, COUNTY COMMISSIONER
GRADY PRESTAGE, PRECINCT 2, COUNTY COMMISSIONER

ROBERT E. HEBERT
COUNTY JUDGE

W. A. (ANDY) MEYERS, PRECINCT 3, COUNTY COMMISSIONER
JAMES PATTERSON, PRECINCT 4, COUNTY COMMISSIONER

I, LAURA RICHARD, COUNTY CLERK IN AND FOR FORT BEND COUNTY, HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORDATION IN MY OFFICE ON _____, 2015 AT _____ O'CLOCK _____ M. IN PLAT NUMBER _____ OF THE PLAT RECORDS OF FORT BEND COUNTY, TEXAS.

WITNESS MY HAND AND SEAL OF OFFICE, AT RICHMOND, TEXAS. THE DAY AND DATE LAST ABOVE WRITTEN.

LAURA RICHARD, COUNTY CLERK
FORT BEND COUNTY, TEXAS

By: _____
DEPUTY

BONBROOK PLANTATION NORTH SECTION FOURTEEN

A SUBDIVISION OF 23.506 ACRES OF LAND SITUATED IN THE WILEY MARTIN LEAGUE, ABSTRACT 56, FORT BEND COUNTY, TEXAS.

60 LOTS 4 RESERVES (5.150 ACRES) 1 BLOCK

DECEMBER 3, 2014 JOB NO. 1799-1107-310

OWNERS:
BONBROOK PLANTATION, L.P.
A TEXAS LIMITED PARTNERSHIP
BY: TAYLOR & WEIDNER, L.L.C., MANAGING GENERAL PARTNER
JOHN N. TAYLOR, EXECUTIVE MANAGER
2909 CEDAR RIDGE TRAIL, FRIENDSWOOD, TEXAS 77546 PH. (832) 338-8866

ENGINEER:
LJA Engineering, Inc.
2929 Briarpark Drive Phone 713.953.5200
Suite 600 Fax 713.953.5026
Houston, Texas 77042 FRN - F-1386
T.B.P.L.S. Firm No. 10110501

GARY D. NUTTER, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR,
TEXAS REGISTRATION NO. 5659

MICHAEL WANG
LICENSED PROFESSIONAL ENGINEER,
TEXAS REGISTRATION NO. 92053

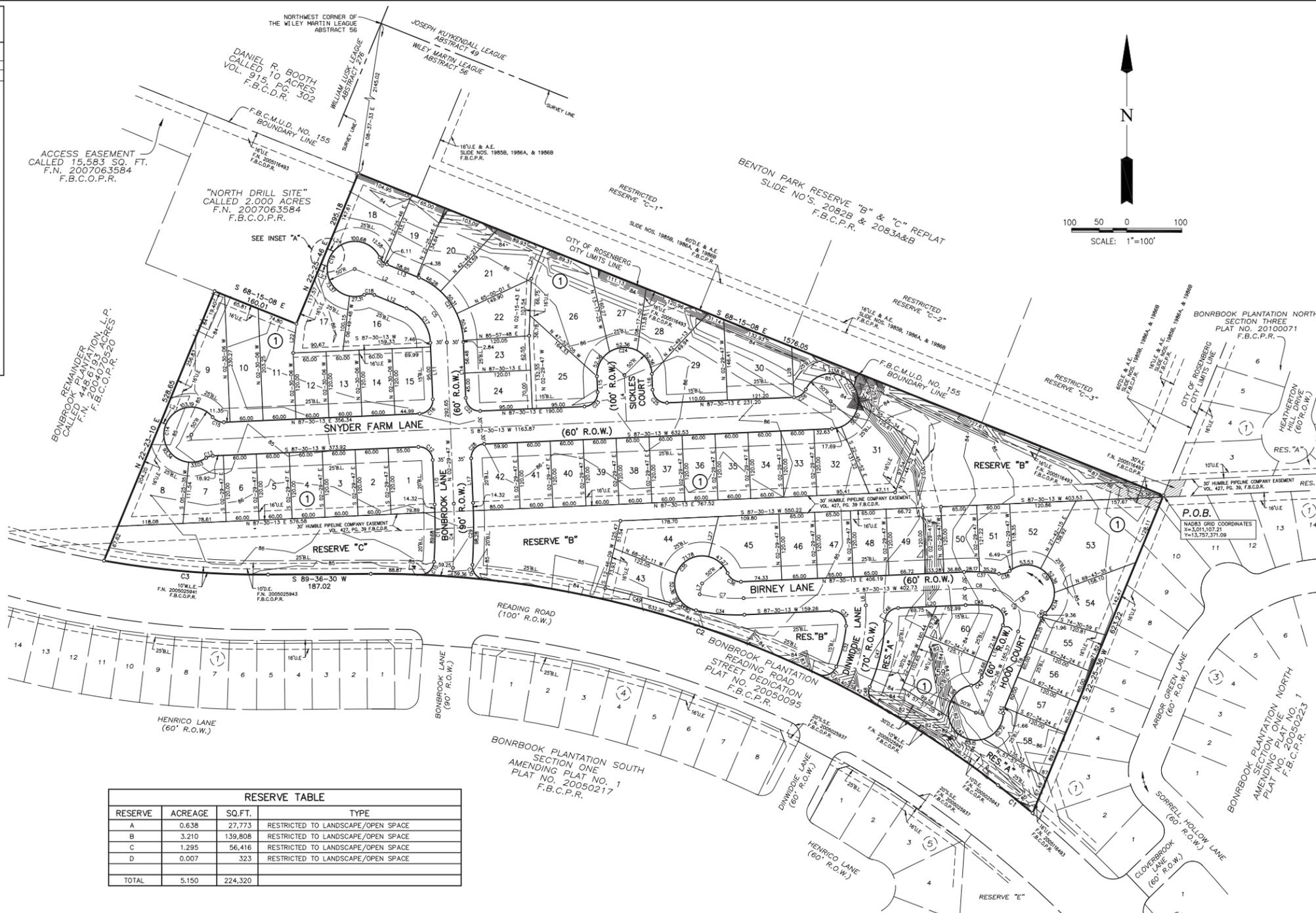
RESERVE	QUALIFYING ACREAGE	PERCENTAGE	ALLOCATED PRIVATE PARK ACREAGE
"F" (SECTION ONE)	6.77 AC.	25%	1.692 AC. * SEE NOTES
REQUIRED PUBLIC PARK DEDICATION: 60 LOTS DIVIDED BY 160/LOT X .50 = 0.188 AC.			
REQUIRED PUBLIC PARK FEE: 60 LOTS X \$350.00/LOT X .50 = \$10,500.00			

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
C1	2050.00	2-15-44	80.94	40.47	80.93	N 51-19-08 W
C2	1850.00	37-56-30	1225.08	635.93	1202.82	N 71-25-15 W
C3	1650.00	10-24-41	299.83	150.33	299.41	N 85-11-09 W
C4	1000.00	6-41-31	116.80	58.47	116.73	N 00-50-58 E
C5	100.00	66-00-33	115.21	64.95	108.94	N 34-33-59 W
C6	300.00	29-58-37	156.96	80.32	155.17	N 12-29-31 E
C7	300.00	15-21-32	80.42	40.45	80.18	S 84-49-01 E
C8	300.00	10-14-19	53.61	26.88	53.54	N 87-22-38 W
C9	55.00	104-41-05	100.49	71.27	87.08	N 29-54-56 W
C10	25.00	88-40-55	38.69	24.43	38.69	N 48-01-11 E
C11	965.00	6-10-31	104.01	52.05	103.96	N 00-35-28 E
C12	25.00	90-00-00	39.27	25.00	35.36	N 47-29-47 W
C13	25.00	29-55-35	13.06	6.68	12.91	S 72-32-25 W
C14	50.00	263-03-24	229.56	56.46	74.86	N 09-06-19 E
C15	25.00	53-07-48	23.18	12.50	22.36	S 65-55-53 E
C16	25.00	90-00-19	39.27	25.00	35.36	N 42-30-03 E
C17	70.00	66-00-32	80.64	45.47	76.26	N 34-33-58 W
C18	25.00	42-50-00	18.69	9.81	18.26	N 88-59-14 W
C19	50.00	265-40-01	231.84	53.93	73.33	N 22-25-46 E
C20	25.00	42-50-00	18.69	9.81	18.26	S 46-09-14 E
C21	130.00	66-00-32	149.77	84.44	141.62	S 34-33-58 E
C22	25.00	90-00-00	39.27	25.00	35.36	S 47-29-47 E
C23	25.00	90-00-00	39.27	25.00	35.36	N 42-30-13 E
C24	50.00	180-00-00	157.08	INFINITY	100.00	N 87-30-13 E
C25	25.00	90-00-00	39.27	25.00	35.36	S 47-29-47 E
C26	25.00	62-10-55	27.13	15.08	25.82	N 56-24-45 E
C27	50.00	242-10-57	211.34	82.91	85.63	S 33-35-13 E
C28	25.00	90-00-00	39.27	25.00	35.36	S 42-30-13 W
C29	1035.00	6-14-01	112.61	56.36	112.55	S 00-37-13 W
C30	25.00	87-42-32	38.27	24.02	34.64	S 40-07-02 E
C31	25.00	93-52-08	40.96	26.75	36.53	N 68-40-31 E
C32	265.00	16-29-22	76.27	38.40	76.00	N 13-29-46 E
C33	25.00	97-44-52	42.65	28.63	37.66	N 43-37-21 W
C34	330.00	15-21-32	88.46	44.50	88.20	N 84-49-01 W
C35	50.00	235-10-12	205.22	95.70	88.63	N 40-26-50 E
C36	25.00	70-31-44	30.77	17.68	28.87	S 57-13-56 E
C37	325.00	11-11-18	63.46	31.83	63.36	S 86-54-08 E
C38	25.00	47-22-17	20.67	10.97	20.09	N 75-00-22 E
C39	50.00	177-03-31	154.51	194.57	99.97	S 40-09-01 E
C40	25.00	25-57-09	11.32	5.76	11.23	S 35-24-10 W
C41	25.00	21-02-22	9.18	4.64	9.13	S 11-54-25 W
C42	50.00	258-48-31	225.85	60.86	77.27	N 49-12-31 W
C43	25.00	57-46-09	25.21	13.79	24.15	N 51-18-40 E
C44	25.00	104-28-39	45.59	32.27	39.53	N 29-48-43 W
C45	265.00	10-26-45	48.31	24.22	48.25	N 87-16-25 W
C46	25.00	84-50-37	37.02	22.85	33.73	S 45-04-54 W
C47	335.00	20-59-14	122.71	62.05	122.03	S 13-09-13 W
C48	25.00	84-21-28	36.81	22.65	33.57	S 18-31-54 E
C49	1870.00	3-45-32	122.68	61.36	122.66	N 75-21-05 W

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 04-11-44 E	15.56
L2	N 67-34-14 W	114.32
L3	S 02-29-47 E	10.00
L4	N 02-29-47 W	83.77
L5	N 02-29-47 W	20.00
L6	N 02-29-47 W	22.64
L7	S 12-51-45 W	20.00
L8	S 13-55-57 W	28.03
L9	S 67-34-24 E	15.00
L10	N 02-29-47 W	80.68
L11	N 02-30-06 W	102.46
L12	N 67-34-14 W	63.33
L13	S 67-34-14 E	63.33
L14	S 02-30-23 E	101.48

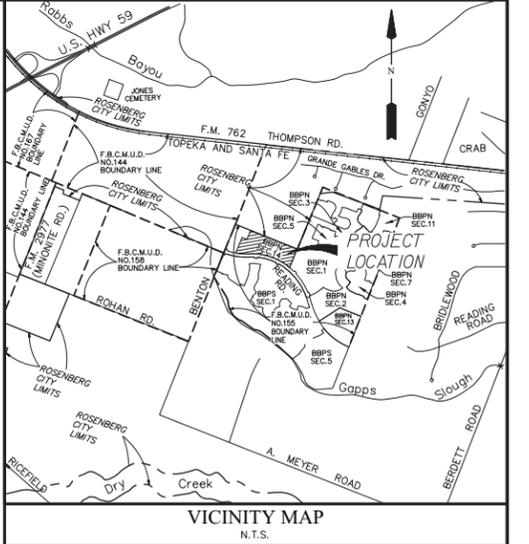
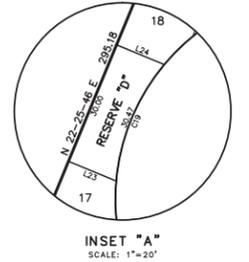


RESERVE	ACREAGE	SQ.FT.	TYPE
A	0.638	27,773	RESTRICTED TO LANDSCAPE/OPEN SPACE
B	3.210	139,808	RESTRICTED TO LANDSCAPE/OPEN SPACE
C	1.295	56,416	RESTRICTED TO LANDSCAPE/OPEN SPACE
D	0.007	323	RESTRICTED TO LANDSCAPE/OPEN SPACE
TOTAL	5.150	224,320	

NOTES:

- B.L. INDICATES BUILDING LINE; U.E. INDICATES UTILITY EASEMENT; STM.S.E. INDICATES STORM SEWER EASEMENT; W.L.E. INDICATES WATER LINE EASEMENT; S.S.E. INDICATES SANITARY SEWER EASEMENT; D.E. INDICATES DRAINAGE EASEMENT; P.L. INDICATES PROPERTY LINE.
- BENCHMARK: (EXAMPLE: A BRASS DISK STAMPED K-1219, SET IN A CONCRETE HEADWALL LOCATED IN FORT BEND COUNTY, 0.15 MILE SOUTH OF THE INTERSECTION OF STATE HIGHWAY 36 AND MEYER ROAD, SET IN THE TOP OF A CONCRETE HEADWALL AND 1.7 FEET SOUTH OF THE NORTH END OF THE EAST CONCRETE HEADWALL OF A CULVERT, 24 FEET EAST OF THE CENTERLINE OF STATE HIGHWAY 36, AND LEVEL WITH THE HIGHWAY'S SURFACE). NAVD-88 ELEV.=91.69 FEET
- T.B.M. PROJECT BENCHMARK SET 5/2" IRON ROD WITH CAP MARKED "LJA ENG" A PROJECT BENCHMARK WILL BE INSTALLED AND DOCUMENTED PER CITY OF ROSENBERG REQUIREMENTS PRIOR TO ACCEPTANCE OF CONSTRUCTION.
- ELEVATIONS USED FOR DELINEATING CONTOUR LINES ARE BASED UPON U.S.C. & G.S. DATUM, NVD-88 (1991 ADJ.)
- THIS PLAT WAS PREPARED TO MEET CITY OF ROSENBERG AND FORT BEND COUNTY REQUIREMENTS.
- THIS PLAT WAS PREPARED FROM INFORMATION FURNISHED BY STEWART TITLE COMPANY, FILE NO. 1415745007, ISSUED OCTOBER 24, 2014, EFFECTIVE OCTOBER 16, 2014. THE SURVEYOR HAS NOT ABSTRACTED THE ABOVE PROPERTY.
- THIS PLAT LIES WHOLLY WITHIN THE FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 155, FORT BEND SUBSIDIENCE DISTRICT, FORT BEND COUNTY DRAINAGE DISTRICT, LAMAR CONSOLIDATED I.S.D., THE ETJ OF THE CITY OF ROSENBERG, AND FORT BEND COUNTY.
- IN ACCORDANCE WITH FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) NUMBER 48157C026LS, REVISED APRIL 2, 2014, THIS PLAT LIES OUTSIDE OF THE 0.2% ANNUAL CHANGE FLOODPLAIN AND LIES WHOLLY WITHIN UNSHADDED ZONE X.
- APPROVAL OF THIS PLAT WILL EXPIRE ONE YEAR FROM CITY COUNCIL APPROVAL IF NOT RECORDED IN THE REAL PROPERTY RECORDS OF THE COUNTY OF FORT BEND.
- THE PIPELINES AND/OR PIPELINE EASEMENTS WITHIN THE LIMITS OF THE SUBDIVISION ARE AS SHOWN.
- FIVE-EIGHTHS (5/8") INCH IRON RODS THREE FEET (3') IN LENGTH ARE SET ON ALL PERIMETER BOUNDARY CORNERS, ALL ANGLE POINTS, ALL POINTS OF CURVATURE AND TANGENCY, AND ALL BLOCK CORNERS, UNLESS OTHERWISE NOTED.

- THE MINIMUM SLAB ELEVATION SHALL BE 86.09 FEET, TWELVE INCHES (12") ABOVE THE 100-YEAR FLOOD PLAIN ELEVATION AND MAXIMUM PONDING ELEVATION, EIGHTEEN INCHES (18") ABOVE NATURAL GROUND, OR TWELVE INCHES (12") ABOVE THE TOP OF CURB AT THE FRONT OF THE LOT, WHICHEVER IS HIGHER. THE TOP OF SLAB ELEVATION AT ANY POINT ON THE PERIMETER OF THE SLAB SHALL NOT BE LESS THAN EIGHTEEN INCHES ABOVE NATURAL GROUND.
- ALL LOTS SHALL HAVE A MINIMUM OF FIVE (5) FOOT SIDE BUILDING LINE.
- A MINIMUM DISTANCE OF 10' SHALL BE MAINTAINED BETWEEN RESIDENTIAL DWELLINGS.
- THE DRAINAGE SYSTEM FOR THIS SUBDIVISION IS DESIGNED IN ACCORDANCE WITH THE FORT BEND COUNTY DRAINAGE CRITERIA MANUAL, WHICH ALLOWS STREET PONDING IN INTENSE RAINFALL EVENTS.
- THIS PLAT LIES WITHIN FORT BEND COUNTY LIGHTING ORDINANCE ZONE NO. 2.
- ALL EASEMENTS ARE CENTERED ON LOT LINES UNLESS OTHERWISE INDICATED.
- THE COORDINATES SHOWN HEREON ARE TEXAS STATE PLANE COORDINATES, SOUTH CENTRAL ZONE (GRID NAD 83) AND MAY BE BROUGHT TO SURFACE BY APPLYING THE FOLLOWING COMBINE SCALE FACTOR OF 0.99986482.
- SIDEWALKS SHALL BE BUILT OR CAUSED TO BE BUILT THROUGH RESTRICTIVE COVENANTS WITHIN ALL ROAD RIGHTS-OF-WAY DEDICATED TO THE PUBLIC.
- SIDEWALKS SHALL BE BUILT OR CAUSED TO BE BUILT NOT LESS THAN 5- FEET IN WIDTH ON BOTH SIDES OF ALL DEDICATED RIGHTS-OF-WAY WITHIN SAID PLAT AND ON CONTIGUOUS RIGHT-OF-WAY OF ALL PERIMETER ROADS SURROUNDING SAID PLAT, IN ACCORDANCE WITH ADA REQUIREMENTS.
- ALL DRAINAGE EASEMENTS SHALL BE KEPT CLEAR OF FENCES, BUILDINGS, VEGETATION AND OTHER OBSTRUCTIONS FOR THE PURPOSE OF THE OPERATION AND MAINTENANCE OF THE DRAINAGE FACILITY BY THE APPROPRIATE ENTITY. ALL PROPERTY SHALL DRAIN INTO DRAINAGE EASEMENTS ONLY THROUGH APPROVED DRAINAGE STRUCTURES.
- ALL LOTS SHALL HAVE A MINIMUM FIVE-FOOT (5') SIDE YARD BUILDING LINE.
- ALL RESERVES RESTRICTED TO LANDSCAPE/OPEN SPACE ARE TO BE MAINTAINED BY THE HOMEOWNER ASSOCIATION.



LOT AREA SUMMARY

BLOCK 1			BLOCK 1, CONT.		
LOT	LOT WIDTH AT BL.	SQ. FT.	LOT	LOT WIDTH AT BL.	SQ. FT.
1	80'	9,465	31	71'	12,522
2	60'	7,200	32	60'	8,810
3	60'	7,200	33	60'	7,200
4	60'	7,200	34	60'	7,200
5	60'	7,200	35	60'	7,200
6	60'	7,200	36	60'	7,200
7	66'	8,160	37	60'	7,200
8	60'	7,200	38	60'	7,200
9	102'	15,264	39	60'	7,200
10	60'	7,200	40	60'	7,200
11	60'	7,200	41	60'	7,200
12	60'	7,200	42	84'	10,254
13	60'	7,200	43	61'	8,261
14	60'	7,200	44	131'	13,308
15	70'	8,255	45	144'	13,609
16	63'	12,378	46	65'	7,800
17	77'	10,616	47	65'	7,800
18	105'	13,096	48	65'	7,800
19	65'	8,725	49	66'	8,006
20	60'	10,633	50	65'	7,811
21	60'	14,453	51	60'	7,426
22	60'	9,775	52	68'	10,331
23	60'	7,313	53	74'	23,113
24	70'	8,286	54	68'	11,077
25	78'	13,364	55	60'	7,741
26	68'	20,042	56	60'	7,200
27	62'	9,860	57	60'	7,200
28	68'	10,094	58	74'	9,539
29	78'	15,556	59	113'	12,037
30	121'	14,438	60	97'	10,270

TOTAL SQUARE FOOTAGE OF LOTS CONTAINED IN THIS PLAT 591,447 SF. (60' = 9,887 SF. AVERAGE LOT SIZE)

60' LOTS = 60

TOTAL LOTS = 60

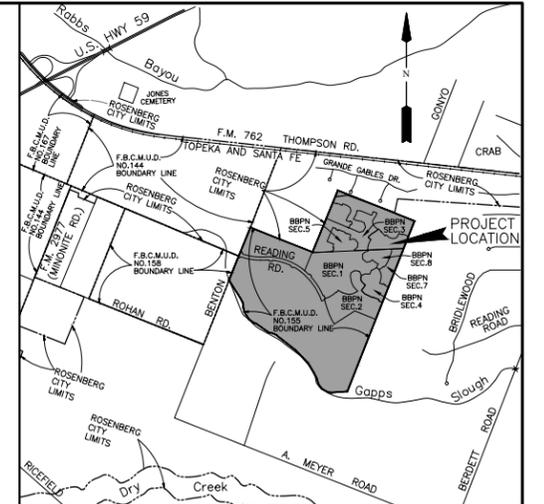
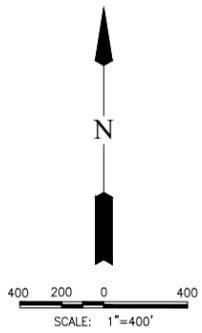
BONBROOK PLANTATION NORTH SECTION FOURTEEN

A SUBDIVISION OF 23.506 ACRES OF LAND SITUATED IN THE WILEY MARTIN LEAGUE, ABSTRACT 56, FORT BEND COUNTY, TEXAS.
 60 LOTS 4 RESERVES (5.150 ACRES) 1 BLOCK
 DECEMBER 3, 2014 JOB NO. 1799-1107-310

OWNERS:
BONBROOK PLANTATION, L.P.
 A TEXAS LIMITED PARTNERSHIP
 BY: TAYLOR & WEIDNER, L.L.C., MANAGING GENERAL PARTNER
 JOHN N. TAYLOR, EXECUTIVE MANAGER
 2909 CEDAR RIDGE TRAIL, FRIENDSWOOD, TEXAS 77546 PH. (832) 338-8866

ENGINEER:
LJA Engineering, Inc.
 2929 Briarpark Drive Phone 713.953.5200
 Suite 600 Fax 713.953.5026
 Houston, Texas 77042 FRN - F-1386
 T.B.P.L.S. Firm No. 10110501
 MICHAEL WANG LICENSED PROFESSIONAL ENGINEER, TEXAS REGISTRATION NO. 92053

GARY D. NUTTER, R.P.L.S., REGISTERED PROFESSIONAL LAND SURVEYOR, TEXAS REGISTRATION NO. 5659



VICINITY MAP
N.T.S.
KEY MAPS NO. 606Y

RESERVE	QUALIFYING ACREAGE	PERCENTAGE	ALLOCATED PRIVATE PARK ACREAGE
"F" (SECTION ONE)	6.77 AC.	10%	1.692 AC. * SEE NOTES
REQUIRED PUBLIC PARK DEDICATION: 1300 LOTS DIVIDED BY 160/LOT X .50 = 4.063 AC.			
REQUIRED PUBLIC PARK FEE: 1300 LOTS X \$350.00/LOT X .50 = \$227,500			

- NOTES FOR BONBROOK NORTH:
- THE PRIVATE PARK ACREAGE OF 1.692 ACRES INDICATED IN THE ABOVE CHART LIES WITHIN BONBROOK PLANTATION NORTH SECTION ONE. THE REQUIRED PRIVATE PARK ACREAGE FOR SECTION ONE WAS 0.337, WHICH LEAVES A 1.355 SURPLUS TO SATISFY THE PARK REQUIREMENT FOR FUTURE SECTIONS.
 - THE PRIVATE PARK ACREAGE REQUIRED FOR SECTION TWO WAS 0.325. THE SURPLUS REMAINING AFTER SECTION TWO IS 1.03 ACRES.
 - THE PRIVATE PARK ACREAGE REQUIRED FOR SECTION THREE WAS SATISFIED WITH PARK AREA DESIGNATED ON THE SECTION THREE PLAT.
 - THE PRIVATE PARK ACREAGE REQUIRED FOR SECTION FOUR IS 0.138. THE SURPLUS REMAINING AFTER SECTION FOUR IS 0.892 ACRES.
 - THE PRIVATE PARK ACREAGE REQUIRED FOR SECTION FIVE WAS SATISFIED WITH PARK AREA DESIGNATED ON THE SECTION FIVE PLAT.
 - THE PRIVATE PARK ACREAGE REQUIRED FOR SECTION SIX IS 0.125. THE SURPLUS REMAINING AFTER SECTION SIX IS 0.767 ACRES.
 - THE PRIVATE PARK ACREAGE REQUIRED FOR SECTION SEVEN IS 0.106. THE SURPLUS REMAINING AFTER SECTION SEVEN IS 0.661 ACRES.
 - THE PRIVATE PARK ACREAGE REQUIRED FOR SECTION EIGHT IS 0.088. THE SURPLUS REMAINING AFTER SECTION EIGHT IS 0.573 ACRES.
 - THE PRIVATE PARK ACREAGE REQUIRED FOR SECTION NINE IS 0.206. THE SURPLUS REMAINING AFTER SECTION NINE IS 0.367 ACRES.
 - THE PRIVATE PARK ACREAGE REQUIRED FOR SECTION TEN IS 0.122. THE SURPLUS REMAINING AFTER SECTION TEN IS 0.245 ACRES.
 - THE PRIVATE PARK ACREAGE REQUIRED FOR SECTION ELEVEN IS 0.109. THE SURPLUS REMAINING AFTER SECTION ELEVEN IS 0.136 ACRES.
 - THE PRIVATE PARK ACREAGE REQUIRED FOR SECTION TWELVE IS 0.106. THE SURPLUS REMAINING AFTER SECTION TWELVE IS 0.033 ACRES.
 - THE PRIVATE PARK ACREAGE REQUIRED FOR SECTION THIRTEEN IS 0.104. THE SURPLUS REMAINING AFTER SECTION THIRTEEN IS 0.071 ACRES.
 - THE PRIVATE PARK ACREAGE REQUIRED FOR SECTION FOURTEEN IS 0.188. THE SURPLUS REMAINING AFTER SECTION FOURTEEN IS 0.011 ACRES.

- NOTES FOR BONBROOK SOUTH:
- BONBROOK PLANTATION SOUTH SECTION ONE CONTAINS A SURPLUS OF 2.881 ACRES OF PRIVATE PARK LAND. THIS SURPLUS CAN BE UTILIZED TO SATISFY THE PUBLIC PARK LAND REQUIREMENTS SET FORTH BY ORDINANCE NO. 2003-52 IN FUTURE SECTIONS.
 - BONBROOK PLANTATION SOUTH SECTION TWO CONTAINS A SURPLUS OF 1.966 ACRES OF PRIVATE PARK LAND. THIS SURPLUS CAN BE UTILIZED TO SATISFY THE PUBLIC PARK LAND REQUIREMENTS SET FORTH BY ORDINANCE NO. 2003-52 IN FUTURE SECTIONS.
 - BONBROOK PLANTATION SOUTH SECTION THREE CONTAINS A SURPLUS OF 0.1063 ACRES OF PRIVATE PARKLAND. THIS SURPLUS CAN BE UTILIZED TO SATISFY THE REQUIREMENTS SET FORTH BY ORDINANCE NO. 2003-52 FOR FUTURE SECTIONS OF BONBROOK PLANTATION SOUTH.
 - BONBROOK PLANTATION SOUTH SECTION FOUR CONTAINS A SURPLUS OF 3.275 ACRES OF PRIVATE PARK LAND. THIS SURPLUS CAN BE UTILIZED TO SATISFY THE PUBLIC PARK LAND REQUIREMENTS SET FORTH BY ORDINANCE NO. 2003-52 IN FUTURE SECTIONS.
 - BONBROOK PLANTATION SOUTH SECTION FIVE CONTAINS A SURPLUS OF 1.539 ACRES OF PRIVATE PARK LAND. THIS SURPLUS CAN BE UTILIZED TO SATISFY THE PUBLIC PARK LAND REQUIREMENTS SET FORTH BY ORDINANCE NO. 2003-52 IN FUTURE SECTIONS.
 - ALL FEES IN LIEU OF LAND SHALL BE PAID TO THE CITY OF ROSENBERG PRIOR TO THE FILING OF THE FINAL PLAT WITH THE FORT BEND COUNTY CLERK.

BONBROOK PLANTATION LOT ANALYSIS 2014

BONBROOK PLANTATION NORTH LOT ANALYSIS

(TYP. 50' x 120')	= 102 LOTS (13%)
(TYP. 55' x 120')	= 250 LOTS (33%)
(TYP. 60' x 115')	= 85 LOTS (11%)
(TYP. 65' x 115')	= 328 LOTS (43%)
TOTAL LOTS = 765	

BONBROOK PLANTATION SOUTH LOT ANALYSIS

(TYP. 50' x 120')	= 129 LOTS (24%)
(TYP. 55' x 120')	= 123 LOTS (23%)
(TYP. 60' x 120')	= 161 LOTS (30%)
(TYP. 65' x 120')	= 122 LOTS (23%)
TOTAL LOTS = 535	

BONBROOK OVERALL 2014

(TYP. 50' x 120')	= 231 LOTS (18%)
(TYP. 55' x 120')	= 373 LOTS (28%)
(TYP. 60' x 120')	= 246 LOTS (19%)
(TYP. 65' x 120')	= 450 LOTS (35%)
1300 LOTS TOTAL	

EXHIBIT C - THIRD REVISION A DEVELOPMENT PLAN FOR BONBROOK PLANTATION

BEING 448.62± ACRES OF LAND OUT OF THE WILEY MARTIN LEAGUE, ABSTRACT 56, FORT BEND COUNTY, TEXAS

AUGUST 13, 2014 JOB NO. 1799-1106-324

OWNERS:
BONBROOK PLANTATION, L.P.
JOHN TAYLOR, PRESIDENT
1625 CORNICHE, LEAGUE CITY, 77573
(281) 334-5499

BEAZER HOMES U.S.A.
GREG COLEMAN, LD MANAGER - HOUSTON
10235 WEST LITTLE YORK, SUITE 200, HOUSTON, TEXAS 77040
(713) 897-2100

ENGINEER:
LJA Engineering, Inc.
2929 Briarpark Drive Suite 600
Houston, Texas 77042
Phone 713.953.5200
Fax 713.953.5026
FRN-F-1386
T.B.P.L.S. Firm No. 10110501

- GENERAL NOTES
- ALL PUBLIC STREET RIGHT-OF-WAYS ARE 60' UNLESS OTHERWISE NOTED.
 - ALL CUL-DE-SAC RADII ARE 50' UNLESS OTHERWISE NOTED.

Disclaimer and Limited Warranty

THIS LAND PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE CITY OF ROSENBERG ORDINANCE NO. 98-06 IN EFFECT AT THE TIME THIS PLAN WAS PREPARED ALONG WITH ANY VARIANCE OR VARIANCES TO THE PROVISIONS OF THE AFORESAID ORDINANCE WHICH ARE SUBSEQUENTLY GRANTED BY THE CITY OF ROSENBERG PLANNING COMMISSION. THIS LAND PLAN WAS PREPARED FOR THE LIMITED PURPOSE OF GUIDANCE IN THE PREPARATION OF ACTUAL ENGINEERING AND DEVELOPMENT PLANS. THIS LIMITED WARRANTY IS MADE IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, AND NEITHER KERRY R. GILBERT & ASSOCIATES, INC., NOR ANY OF ITS OFFICERS, OR DIRECTORS, OR EMPLOYEES MAKE ANY OTHER WARRANTIES OR REPRESENTATIONS, EXPRESS OR IMPLIED CONCERNING THE DESIGN, LOCATION, QUALITY, CHARACTER OF ACTUAL UTILITIES OR OTHER FACILITIES IN, ON, OVER, OR UNDER THE PREMISES INDICATED IN THE LAND PLAN.

Date \ Time : Wed, 13 Aug 2014 8:16am
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No. 83, and being a replat of Reserve "C" of Deedco Subdivision No. 19 (Slide No. 1357/A; Plat Records of Fort Bend County, Texas) together with a call 0.216 acre tract of land (Fort Bend County Clerk's File No. 2003173704), both being in the J.D. Vermillion Survey, Abstract No. 341, all inclusive being in the City of Rosenberg, Fort Bend County, Texas; 0 lots, 2 reserves, 1 block. The motion carried unanimously.

4. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF BONBROOK PLANTATION NORTH SECTION FOURTEEN, A SUBDIVISION OF 23.506 ACRES OF LAND SITUATED IN THE WILEY MARTIN LEAGUE, ABSTRACT 56, FORT BEND COUNTY, TEXAS; 60 LOTS, 4 RESERVES (5.150 ACRES), 1 BLOCK.

Executive Summary: The Final Plat of Bonbrook Plantation North Section Fourteen is located off of Reading Road, east of its intersection with Benton Road in the northwest part of Bonbrook Plantation. The proposed Plat contains 23.506 acres, 60 residential lots, and four (4) reserves consisting of 5.150 acres.

The proposed lots are a minimum of sixty feet (60') in width. This is in accordance with the revised Land Plan for Bonbrook Plantation, which the Planning Commission recently approved on August 20, 2014. The amended Land Plan was submitted to City Council as an Amendment to the Development Agreement (Exhibit "C") for their consideration on December 16, 2014.

In addition to the revised Land Plan, the Planning Commission approved the Preliminary Plat of this subdivision on October 15, 2014. The proposed Final Plat is not in conflict with any applicable regulations or with the approved Preliminary Plat. Staff recommends that the Planning Commission recommend approval to City Council of the Final Plat of Bonbrook Plantation North Section Fourteen.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Poldrack inquired about the price range of the homes in the subdivision.
- Mr. Tanner replied that he was not sure of the price range.
- Commissioner Parsons inquired if this is the last section of Bonbrook.
- Mr. Tanner replied that Section 14 is the last section.

Action Taken: Commissioner Parsons moved, seconded by Commissioner Casias, to recommend approval to City Council of the Final Plat of Bonbrook Plantation North Section Fourteen, a subdivision of 23.506 acres of land situated in the Wiley Martin League, Abstract 56, Fort Bend County, Texas; 60 lots, 4 reserves (5.150 acres), 1 block. The motion carried unanimously.

5. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF COTTONWOOD SECTION THREE-C, A SUBDIVISION OF 8.368 ACRES OF LAND LOCATED IN THE S.A. STONE SURVEY NO. 10, A-392, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS; 41 LOTS, 1 RESERVE, 3 BLOCKS.

Executive Summary: The Final Plat of Cottonwood Section Three-C consists of 8.368 acres and 41 residential lots. It is located off of Barton Creek and Pease River Lanes, immediately southwest of Cottonwood Section Three-B. The Plat is within the City Limits and located in Fort Bend County MUD No. 148.

All proposed lots are fifty feet (50') in width and a minimum of 6,000 square feet in size. The Land Plan was approved before the current standards relating to lot size. The Plat conforms to the approved Land Plan dated April 2003.

Previously, the Planning Commission has inquired about the overall number of lots in the Cottonwood development, the number that have been developed, and the number of lots remaining. The Land Plan for Cottonwood, dating back to 2003, provided for 629 total lots, most of which are fifty feet (50') in width. At this time 353 lots (or 56 percent) have been recorded. Looking at it another way, 438 lots (or 70 percent) have either been recorded or approved by the Planning Commission. Therefore approximately 191 lots (or 30 percent) remain to come before the Commission.

The Planning Commission approved the Preliminary Plat of this subdivision on November 19, 2014. There being no conflicts with applicable regulations or with the approved Preliminary Plat, staff recommends that the Commission recommend approval to City Council of the Final Plat of Cottonwood Section Three-C.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Mr. Tanner stated that the Planning Commission inquired about the number of lots developed in the Cottonwood development, as well as the number of lots remaining. Some research, dating back to 2003, was done prior to the meeting, and we found that the land plan provided for 629 total lots, most of which are 50' in width, which complied with the standards in effect at the time. There are 353 lots (56%) that have

IN TWO BLOCKS OUT OF THE ROBERT E. HANDY SURVEY, A-187, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS.

Executive Summary: The Preliminary Plat of The Reserve at Brazos Town Center Section Five is located off of Town Center Boulevard, to the east of its intersection with FM 2218. It is located within the City Limits and in Fort Bend County MUD No. 167. The Plat consists of approximately 21.4 acres, with 73 single-family residential lots and three (3) reserves.

The typical lot size for the subdivision is fifty-five (55') feet in width. This is per the approved Land Plan, as amended on September 30, 2014 (see attached). Per the amended Development Agreement, the subdivision must comply with the following requirements.

- Residences shall be a minimum of 2,000 square feet in size;
- Residence shall have three-sided masonry exterior;
- The tract shall have a maximum of 73 lots or 3.4 units per acre;
- The tract shall have a minimum of three (3) acres in landscape/open space reserves or .04 acres per lot; and,
- The minimum lot size shall be 7,000 square feet.

The proposed Preliminary Plat is not in conflict with any applicable regulations or with the approved Land Plan or Development Agreement for Brazos Town Center. That being said, staff recommends approval of the Preliminary Plat of The Reserve at Brazos Town Center Section Five.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Poldrack inquired if the landscaping reserves meet the requirement or if they exceed the requirement.
- Mr. Tanner replied the landscaping reserves exceed the requirement.
- Commissioner Parsons inquired if the mean value of these houses has been established.
- Mr. Tanner replied that he did not have that information.
- Commissioner Parsons replied that he would like to table this item until we have some idea of the sales price.
- Mr. Tanner replied that we cannot legally hold the plat for that information. The developer can be held to the standards established in the development agreement but the price of the homes is not sufficient to hold approval of a plat.
- Commissioner Poldrack replied that the developer answered that question at the last meeting. In the September 17th minutes, the developer estimated the townhomes to be between 200K and 250K and the single-family homes to be in the 375K range.
- Commissioner Parsons requested that Mr. Tanner try to determine the median home price from the developers and bring that to the Commission when possible for future residential plats.

Action Taken: Commissioner Casias moved, seconded by Vice Chairperson Phipps, to approve the Preliminary Plat of The Reserve at Brazos Town Center Section Five, being 21.4 acres of land containing 73 lots (55' x 130' typ.) and three reserves in two blocks out of the Robert E. Handy Survey, A-187, City of Rosenberg, Fort Bend County, Texas. The motion carried unanimously.

4. CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF BONBROOK PLANTATION NORTH SECTION FOURTEEN, A SUBDIVISION OF 23.506 ACRES OF LAND SITUATED IN THE WILEY MARTIN LEAGUE, ABSTRACT 56, FORT BEND COUNTY, TEXAS.

Executive Summary: The Preliminary Plat of Bonbrook Plantation North Section Fourteen is located off of Reading Road, east of its intersection with Benton Road, in the northwest part of Bonbrook Plantation. The proposed Plat contains 23.506 acres, 60 residential lots, and four (4) reserves consisting of 5.150 acres.

The proposed lots are a minimum of sixty feet (60') in width. This is in accordance with the revised Land Plan for Bonbrook Plantation, which the Planning Commission recently approved on August 20, 2014. The amended Land Plan still must be submitted to City Council as an amendment to the Development Agreement (Exhibit "C"). The effective and revised Land Plans are attached for reference.

The proposed Preliminary Plat is not in conflict with any applicable regulations. Staff recommends approval of the Preliminary Plat of Bonbrook Plantation North Section Fourteen with the following contingency:

- Development Agreement (Exhibit "C") to be formally amended by City Council action before Final Plat approval.

Key Discussion:

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

Action Taken: Commissioner Parsons moved, seconded by Commissioner Casias, to approve the Preliminary Plat of Bonbrook Plantation North Section Fourteen, a subdivision of 23.506 acres of land situated in the Wiley Martin League, Abstract 56, Fort Bend County, Texas, contingent upon prior approval by City Council of the third revision of the Land Plan for Bonbrook Plantation, recommended for approval by the Planning Commission at its August 20, 2014 meeting. The motion carried unanimously.

5. CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF ROSENBERG 36 INDUSTRIAL PARK, A SUBDIVISION OF 18.214 ACRES OF LAND BEING A PARTIAL REPLAT OF LOT NO. 17 OF ROSENBERG FARMS SUBDIVISION (VOLUME 3, PAGE 575; DEED RECORDS OF FORT BEND COUNTY, TEXAS, AND VOLUME 4, PAGE 25; PLAT RECORDS OF FORT BEND COUNTY, TEXAS) BEING A CALL 17.135 ACRE TRACT (FORT BEND COUNTY CLERK'S FILE NO. 2014072299) TOGETHER WITH A CALL 0.754 ACRE TRACT (FORT BEND COUNTY CLERK'S FILE NO. 2012014590) AND A CALL 0.32 ACRE TRACT (FORT BEND COUNTY CLERK'S FILE NO. 2014033291), ALL BEING IN THE HENRY SCOTT SURVEY, ABSTRACT NO. 83, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS.

Executive Summary: As previously discussed, the Preliminary Plat of Rosenberg 36 Industrial Park consists of 18.214 acres and two (2) nonresidential reserves. It is a partial replat of Lot No. 17 of Rosenberg Farms Subdivision. The Plat is located on the south side of State Highway 36, northwest of its intersection with U.S. Highway 90A, and in the West Fort Bend Management District.

The Plat proposes to subdivide the 18.214 acres into two (2) reserves to accommodate a new site development on Reserve "B" and future development of Reserve "A." As discussed, there are no issues with the proposed subdivision that conflict with City ordinances. Newly created reserves in the proposed subdivision will be subject to the West Fort Bend Management District's development standards as noted on the plat.

There being no issues in conflict with City ordinances, staff recommends approval of the Preliminary Plat of Rosenberg 36 Industrial Park.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Casias inquired if the reason for the public hearing was for a partial replat, correct? If so, then we may assume all the guidelines were followed and letters were mailed out.
- Mr. Tanner replied that state law requires a public hearing on the Agenda. It also states that if the plat meets all the requirements, then it must be approved. For residential replats that were originally platted as single-family lots, then the property owners within 200 feet must be notified in writing. There are more requirements for replats of residential areas.
- Commissioner Casias stated that the public hearing was held but the only way anyone could attend the public hearing was if they knew about it.
- Mr. Tanner replied that state law dictates that even if a public hearing is held, if the plat in question meets the platting requirements, then it must be approved. Even if there were public comments, the Planning Commission and City Council would have to approve it if it met all requirements.
- Commissioner Poldrack inquired what is planned for that tract.
- Mr. Tanner replied that the state parole office wishes to relocate from Spur 10 to this tract. There will be future development on Reserve "A," closer to US 90A.
- Commissioner Parsons stated that there should be enough right-of-way to widen both SH 36 and US 90A.

Action Taken: Commissioner Parsons moved, seconded by Commissioner Poldrack, to approve the Preliminary Plat of Rosenberg 36 Industrial Park, a subdivision of 18.124 acres of land being a partial replat of Lot No. 17 of Rosenberg Farms Subdivision (Volume 3, Page 575; Deed Records of Fort Bend County, Texas, and Volume 4, Page 25; Plat Records of Fort Bend County, Texas) being a call 17.135 acre tract (Fort Bend County Clerks' File No. 2014072299) together with a call 0.754 acre tract (Fort Bend County Clerk's File No. 2012014590) and a call 0.32 acre tract (Fort Bend County Clerk's File No. 2014033291), all being in the Henry Scott Survey, Abstract No. 83, City of Rosenberg, Fort Bend County, Texas. The motion carried unanimously.

6. CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF THE TOWNHOMES AT BRAZOS TOWN CENTER, BEING 20.1 ACRES OF LAND CONTAINING 139 LOTS (24'28' X115' TYP.) AND FIVE RESERVES



CITY COUNCIL COMMUNICATION

February 03, 2015

ITEM #	ITEM TITLE
2	Resolution No. R-1915- Budget Amendment 15-08

ITEM/MOTION

Consideration of and action on Resolution No. R-1915, a Resolution authorizing the City Manager to execute, for and on behalf of the City, Budget Amendment 15-08, in the amount of \$14,560.00 for Grounds Maintenance Services at Macario Garcia and Travis Parks.

FINANCIAL SUMMARY

ELECTION DISTRICT

Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

- Yes No N/A

Source of Funds:

See Attached

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

SUPPORTING DOCUMENTS:

1. Resolution No. R-1915
2. McCarthy Memorandum -01-12-15

MUD #: N/A

APPROVALS

Submitted by:


 Joyce Vasut
 Executive Director of
 Administrative Services

Reviewed by:

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

Approved for Submittal to City Council:


 Robert Gracia
 City Manager

EXECUTIVE SUMMARY

The Parks and Recreation Department currently has three (3) vacant positions that they have not been able to fill. In order to properly maintain the City parks, Parks and Recreation Director Darren McCarthy is requesting the City to enter into a Grounds Maintenance Services Agreement for Macario Garcia and Travis Parks. Please see the attached memorandum for additional information.

Budget Amendment 15-08, in the amount of \$14,560.00, will allocate funds for Grounds Maintenance Services for Macario Garcia and Travis Parks by utilizing savings from three (3) vacant positions in the Parks Department.

Budget Amendment 15-08 is included as Exhibit "A" to Resolution No. R-1915. Staff recommends approval of Resolution No. R-1915 as presented.

RESOLUTION NO. R-1915

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY OF ROSENBERG, TEXAS, BUDGET AMENDMENT 15-08 IN THE AMOUNT OF \$14,560.00 FOR GROUNDS MAINTENANCE SERVICES AT MACARIO GARCIA AND TRAVIS PARKS.

* * * * *

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

Section 1. The City Council hereby authorizes Budget Amendment 15-08 (Amendment), in the amount of \$14,560.00 for grounds maintenance services at Macario Garcia and Travis Parks. A copy of such Amendment is attached hereto as Exhibit "A" and made a part hereof for all purposes.

PASSED, APPROVED, AND RESOLVED this ____ day of _____ 2015.

ATTEST:

APPROVED:

Linda Cernosek, **City Secretary**

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

CITY OF ROSENBERG, TEXAS
REQUEST FOR BUDGET AMENDMENT

NUMBER: 15-08

Fund: 101

Departments: General, Child Safety and Forfeiture Funds

Fiscal Year: 2014-15

Item [] was [X] was not included in the Department's original budget request.

Type of expenditure: () Recurring (X) Nonrecurring

Type of adjustment: (X) line-item transfer [] department transfer
() request for additional funds [] accounting correction

The budget amendment requested will require the following revisions:

FUND BALANCE/RETAINED EARNINGS ACCOUNT(S):

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ORIGINAL BUDGET (1)</u>	<u>REQUESTED TRANSFER</u>	<u>AMENDED BUDGET</u>
		\$ -	\$ -	\$ -
		-	-	-
		-	-	-
		-	-	-
		-	-	-
	TOTAL	\$ -	\$ -	\$ -

REVENUE ACCOUNT(S):

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ORIGINAL BUDGET (1)</u>	<u>REQUESTED TRANSFER</u>	<u>AMENDED BUDGET</u>
		-	\$ -	\$ -
		\$ -	-	-
		-	-	-
		-	-	-
	TOTAL	\$ -	\$ -	\$ -

EXPENSE ACCOUNT(S):

<u>101-1953-540-1010</u>	<u>Salaries and Wages - Parks Dept</u>	\$ 345,157.00	\$ (14,560.00)	\$ 330,597.00
<u>101-19536-540-6245</u>	<u>Grounds Maintenance - Park Mowing</u>	39,936.00	14,560.00	54,496.00
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
	TOTAL	\$ 385,093.00	\$ -	\$ 385,093.00

Reason(s) for Amendment Please explain the reason(s) the amendment is requested.
(Attach additional sheets if necessary.)

This budget adjustment will allocate funds for contracting grounds maintenance services at Macario Garcia and Travis Park using savings from three (3) vacant positions.

Department Head _____ Date _____ Director of Finance _____ Date _____

Assistant City Manager _____ Date _____

City Manager _____ Date _____ Mayor/City Council (if between divisions or capital outlay) _____ Date _____

ACCOUNTING USE ONLY: DATE POSTED: _____

Group #: _____

POSTED BY: _____



Memo

From the desk of
Darren McCarthy, CPRP
Parks and Recreation Director

To: Robert Gracia, City Manager
Date: January 12, 2015
Re: 2015 Parks Landscape Maintenance

In the month of December, 2014 the Parks Department lost two (2) additional employees through attrition. The department is currently down three (3) employees based on the FY 15 budget. If these positions are not filled by March 1, 2015 it will not be possible to maintain the parks at a level that our citizens have come to expect.

Since the quality of the applications coming to the department recently has not been worth considering, we have contacted our current mowing contractors to receive quotes for landscape maintenance at Macario Garcia, Sunset and Travis Parks. The quote total for each contractor is outlined below:

A's Camo Cutters

Macario Garcia Park: \$12,480 per year
Sunset Park: \$22,464 per year
Travis Park: \$12,480 per year
Three (3) park total: \$47,424

Landscape Professionals

Macario Garcia Park: \$17,550 per year
Sunset Park: \$35,100 per year
Travis Park: \$17,550 per year
Three (3) park total: \$70,200

EarthFirst Landscaping

Macario Garcia Park: \$18,000 per year
Sunset Park: \$27,125 per year
Travis Park: \$17,000 per year
Three (3) park total: \$62,125

Based on these quotes I would recommend contracting Macario Garcia Park and Travis Park with A's Camo Cutters February, 2015 through October, 2015 on a trial-basis. If they work out well, the department may not need to fill two (2) of the three (3) open positions. Additionally, one of our mowers, the 2008 Kubota ZD 331, would not need to be replaced in this or next budget year if there are less areas that Parks staff is specifically tasked to mow in future budget years.

I have attached the scope of work for your review as well as the PAF and general services contract that would require your signature if you concur with this recommendation. Please let me know if you need any additional information.

Cc: JT/JV/PR/LO



CITY COUNCIL COMMUNICATION

February 03, 2015

ITEM #	ITEM TITLE
3	Resolution No. R-1917 -The CHURCH Donation

ITEM/MOTION

Consideration of and action on Resolution No. R-1917, a Resolution authorizing the City Manager to accept, for and on behalf of the City, a donation from the CHURCH for the purchase and installation of soccer field lighting at Community Park.

FINANCIAL SUMMARY	ELECTION DISTRICT
-------------------	-------------------

Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

- Yes No N/A

Source of Funds:

Donation

District 1

District 2

District 3

District 4

City-wide

N/A

SUPPORTING DOCUMENTS:

1. Resolution No. R-1917
2. Parks and Recreation Board Meeting Minute Excerpt – 11-20-14

MUD #: N/A

APPROVALS

Submitted by:

Darren McCarthy
Parks and Recreation
Director

Reviewed by:

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

Approved for Submittal to City Council:

Robert Gracia
City Manager

EXECUTIVE SUMMARY

At the regularly scheduled November Parks and Recreation Board (Board) meeting, Pastor Jimn Kyles of the CHURCH presented a proposal to provide funding for lighting of the newly created soccer field at Community Park. After some brief discussion, the Board unanimously recommended accepting the donation of lighting for the soccer field as presented.

Staff and the Board recommend approval of Resolution No. R-1917 as presented.

RESOLUTION NO. R-1917

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AUTHORIZING THE CITY MANAGER TO ACCEPT, FOR AND ON BEHALF OF THE CITY OF ROSENBERG, TEXAS, A DONATION FROM THE CHURCH FOR THE PURCHASE AND INSTALLATION OF SOCCER FIELD LIGHTING AT COMMUNITY PARK.

* * * * *

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

Section 1. The City Council hereby approves and accepts a donation from the CHURCH for the purpose of funding the purchase and installation of soccer field lighting for Community Park.

Section 2. The City Manager is hereby authorized to accept said donation and to negotiate and execute any documentation necessary to facilitate said purchase and installation.

PASSED, APPROVED, AND RESOLVED this ____ day of _____ 2015.

ATTEST:

APPROVED:

Linda Cernosek, **City Secretary**

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

center of the Sports Complex, but with a wind load of 110 miles per hour. The larger structure will be able to accommodate all parties renting in the Sports Complex. Julia Worley asked if the structure was able to be taken down during the hurricane seasons, if needed, and Darren replied yes. Teresa Bailey questioned the warranty about organizations adding promotional banners onto the structure. Darren will look into warranty issues and agreements regarding temporary banners. Rudy Guerrero asked if there would be a delay to execute the project due to the change in the wind load. Teresa mentioned being under budget already, any additions would be minor.

ACTION: Ray Kueck made a motion, seconded by William Allen, to approve the USA Shade Proposal for Seabourne Creek Regional Sports Complex with the wind load increase and any changes necessary to lower installation costs. The motion carried unanimously by a vote of those present.

3. CONSIDERATION OF AND ACTION ON A PROPOSAL FROM THE CHURCH REGARDING IMPROVEMENTS TO COMMUNITY PARK.

Key Discussion: Darren McCarthy, Parks and Recreation Director, introduced Pastor Jimn Kyles from the CHURCH. Pastor Kyles mentioned how the CHURCH wanted to invest back into the city. After meeting with Darren and Lydia, one project would be to add lights to the soccer field at Community Park for players to continue playing after sunset. Other additions would be swing mats at various parks, laying mulch at Harwood Park, and making improvements to the fishing dock at Seabourne Creek Nature Park. All projects will be funded through money raised by the CHURCH and Pastor Kyles wishes to be considered in the future when other improvements are needed that the CHURCH can respond to.

ACTION: Rudy Guerrero made a motion, seconded by Julia Worley, to approve the CHURCH Proposal for the improvements to the Rosenberg Parks system, as discussed. The motion carried unanimously by a vote of those present.

4. CONSIDERATION OF AND ACTION ON A PROPOSED FUN RUN BY THE CHURCH ON MARCH 7, 2015.

Key Discussion: Darren McCarthy, Parks and Recreation Director, introduced Trey Rodriguez to discuss a Fun Run opportunity as a way to generate awareness on human trafficking. Pastor Jimn Kyles mentioned that the CHURCH has been working with an organization, called Trafficking Hope, which has a Hope House in Louisiana that houses 30 women a year to pull them out of that. The CHURCH will also launch a Cares Initiative later in the city this year with the Police Department, including the entire southwest region of Texas. Trey proposed for the run to be held on March 7th, at Seabourne Creek Nature Park. The goal for this event is to raise awareness nationwide and all proceeds will be donated to Trafficking Hope. Darren also mentioned the CHURCH came out to the Lunches of Love Fun Run to model the event in hopes for success.

ACTION: George Zepeda made a motion, seconded by Rudy Guerrero, to approve The Fun Run held by the CHURCH on March 7th in Community Park. The motion carried unanimously by a vote of those present.

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

Key Discussion: Darren McCarthy, Parks and Recreation Director, announced to the board that Bonbrook has been developing brand new roof tops and has brought in \$27,475 just in this fiscal year. The \$19,709 in encumbered expenditures was for the playground improvements at Harwood Park. The new number will reflect the new shade structure, including electricity up to the storage building, boardwalk repairs at Seabourne Creek Park, and new irrigation.

Darren presented Board Members with the following Rental Summary Report:

- Pavilion rentals for the month of October totaled \$1,111.50
- Field rentals for the month of October totaled \$268
- Gazebo rentals for the month of October totaled \$150



CITY COUNCIL COMMUNICATION

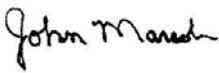
February 03, 2015

ITEM #	ITEM TITLE
4	Resolution No. R-1906 - Awarding Bid No. 2015-03 for Lift Station No. 11 Replacement
ITEM/MOTION	
Consideration of and action on Resolution No. R-1906, a Resolution awarding Bid No. 2015-03 for construction of the Lift Station No. 11 Replacement; and, authorizing the City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same.	

FINANCIAL SUMMARY	ELECTION DISTRICT
Annualized Dollars: <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring <input type="checkbox"/> N/A	<input type="checkbox"/> District 1 <input type="checkbox"/> District 2 <input type="checkbox"/> District 3 <input checked="" type="checkbox"/> District 4 <input type="checkbox"/> City-wide <input type="checkbox"/> N/A
Budgeted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Source of Funds: 423-0000-550-7031 (CP1411)	MUD #: N/A

SUPPORTING DOCUMENTS:

1. Bid Summary Form
2. Proposal
3. Kalkomey Correspondence w/out Attachment – 01-29-15
4. Resolution No. R-1906
5. Project Location Map
6. Resolution No. R-1801 – 06-17-14
7. City Council Meeting Minute Excerpt – 06-17-14

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

EXECUTIVE SUMMARY
<p>Bids were received on Wednesday, January 21, 2015, for construction of the Lift Station No. 11 Replacement Project. A total of four (4) bids were opened and tabulated as indicated on the attached bid summary form.</p> <p>Staff recommends Bid No. 2015-03 be awarded to R+B Group, Inc., for the base bid amount of \$1,201,800.00. The attached correspondence from Charles Kalkomey, City Engineer, recommends same. Should the bid be awarded as recommended, the proposal from R+B Group, Inc., will be attached and serve as Exhibit "A" to Resolution No. R-1906. The contract time is 180 calendar days.</p> <p>The Lift Station No. 11 Replacement Project is included in the FY2015 Capital Improvement Plan approved by City Council on June 17, 2014.</p> <p>Staff recommends approval of Resolution No. R-1906 which will award Bid No. 2015-03 and provide authorization for the City Manager to negotiate and execute all required documents necessary to facilitate the Agreement.</p>

BID SUMMARY
Bid No. 2015-03
Lift Station No. 11 Replacement

BID NO.	COMPANY	TOTAL BID	CALENDAR DAYS
1.	R + B Group 1213 N. Durham Drive Houston, Texas 77008	\$1,201,800.00	180
2.	Liftwater Construction Company 22803 Schiel Road Cypress, Texas 77433	\$1,305,350.00	180
3.	Peltier Brothers Construction, Ltd. 11603-B Windfern Houston, Texas 77064	\$1,491,160.00	180
4.	T & C Construction Ltd. 5411 Killough Houston, Texas 77086-4011	\$1,702,600.00	180

BID FORM

Bidding Firm: R + B Group, Incoprated
Address: 1213 North Durham Drive
City, State, Zip: Houston, Texas 77008
Date: Wednesday, January 21, 2015
Telephone: 713 862-5800

Owner: City of Rosenberg
Address: P.O. Box 32
2110 Fourth Street
Rosenberg, Texas 77471

Bid Location: City of Rosenberg City Hall Council Chamber
2110 Fourth Street,
Rosenberg, Texas 77471
Attention: Mayor Vincent M. Morales, Jr.
Telephone: (832) 595-3340

**BID FOR CONSTRUCTION OF
LIFT STATION NO. 11 REPLACEMENT**

Gentlemen:

Having received and examined the bidding documents and having examined the project site, I the undersigned bidder, submit this bid. The bidding documents I have examined include the project specifications and drawings for the subject project and addenda listed as follows:

1. Contract Documents and Technical Specifications dated January 2015.
2. Drawings including 27 Sheets dated January 2015.
3. Addenda as acknowledged below:

<u>No.</u>	<u>Date</u>	<u>No.</u>	<u>Date</u>
One.	1/19/2015		

In submitting this bid, I agree:

- (1) To hold my bid open until 60 calendar days following the bid date.
- (2) To accept the provisions of the instructions to bidders regarding the disposition of the bid security.
- (3) To enter into a contract with the Owner by executing an agreement on the basis of this bid and to furnish a performance bond, a payment bond, and a certificate of insurance as required by the condition of the contract, all within 14 days of contract award.
- (4) To accomplish the work in accord with the contract documents.

(5) To provide a fully functional lift station within 180 calendar days from date of Notice to Proceed.

Item No.	Description of Item with Unit Bid Price in Written Words	Unit	Approx. Quantity	Unit Price	Total Amount
----------	--	------	------------------	------------	--------------

- Construction of the City of Rosenberg Lift Station No. 11 Replacement, including but not limited to a demolition of the existing lift station wet well, piping, concrete and associated appurtenances; bypass pumping operations; a sixteen-foot diameter lift station wet well complete with two submersible pumps; riser piping and guiderails for the ultimate phase for four pumps; valves; coatings; manholes (all depths) and influent piping; on site force main piping; water line and yard hydrant; vinyl-coated chain link fencing; swing gate; sliding gate; concrete pavement; trench safety system; site grading and drainage; storm sewer inlet; diesel generator and subbase fuel tank; all associated electrical work; laboratory services; and all else specified and shown on the construction documents and not specifically addressed in separate bid items, complete, in place for a fully functioning lift station.

@ ONE MILLION ONE HUNDRED THOUSAND

DOLLARS ZERO CENTS L.S. 1 \$ 1,100,000 \$ 1,100,000⁰⁰
Per Lump Sum

- Trench Safety

@ FIVE DOLLARS AND

NO CENTS L.F. 160 \$ 5 \$ 800⁰⁰
Linear Feet

- Installation and Programming of SCADA at Lift Station No. 11 Site, Wastewater Treatment Plant, and Seabourne Creek Park.

@ Ninety-Eight Thousand

Allowance 1 \$ 98,000 \$ 98,000
Allowance

- Construction staking to be performed by Jones & Carter, Inc.

@ Three Thousand

Allowance 1 \$ 3,000 \$ 3,000
Allowance

TOTAL: \$ 1,201,800⁰⁰

MAJOR EQUIPMENT MANUFACTURERS

Base Bid. Only the acceptable manufacturers listed shall be used in determining the BASE BID. The Contractor must include the name of a manufacturer from this list for each item in the tabulation or circle the manufacturer. Failure to do so may disqualify the Bid.

Substitutions. Any manufacturer not used in the base bid tabulation, including those not listed as an acceptable manufacturer, may be listed as a substitution. The cost of any modifications required to use the substituted equipment shall be included in the equipment cost on the page PB-10.

The Bidder understands that after a contract is awarded, the Owner may select items of any other manufacturer listed in the following tabulation. If awarded the contract, the Bidder agrees to furnish and install any substitutions listed for the price indicated. The BASE BID will then be adjusted accordingly.

If a contract includes items of equipment of any manufacturer which may require any modification or deviation from the plans, the undersigned agrees to prepare and submit detailed drawings to the Engineer showing all modifications in structures, piping, electrical and mechanical work, required to adapt the plans to the equipment selected. The Bidder further understands that the Engineer will review said detailed drawings of modifications and either approve them or indicate thereon changes necessary to comply with the project requirements. Detailed drawings which are not approved will be revised then resubmitted to the engineer. The prices listed in the following tabulation are "installed" prices and take into consideration any of the construction changes that may be required.

LIST OF ACCEPTABLE BASE BID EQUIPMENT MANUFACTURERS

<u>EQUIPMENT ITEM</u>	<u>MANUFACTURER</u>
LIFT STATION PUMPS	Flygt
GENERATORS	Caterpillar Cummins MTU
MANHOLE AND WET WELL COATINGS	Spectra Shield

LIST OF BASE BID EQUIPMENT MANUFACTURERS

<u>Equipment Item</u>	<u>Base Bid</u>		<u>Substitutions</u>
	<u>Manufacturer</u>	<u>Manufacturer</u>	<u>Add (Deduct) from Base Bid</u>
PROTECTIVE COATING AND PAINTING	<u>SPECTRA SHIELD</u>	_____	_____

LIST OF SUBCONTRACTORS

ELECTRICAL	<u>PFEIFFER & SON</u>
PAINTER	<u>CONCRETE CONSERVATION, INC.</u>

As bidder I acknowledge that:

1. The Owner reserves the right to reject any and all bids.
2. The award of the Contract may be made on the BASE BID only or any combination of the BASE BID, ALTERNATES, and selected SUBSTITUTIONS.
3. The contract price may be increased or decreased, or the contract time reduced or extended to compensate for changes in the work as ordered by the Engineer and provided for in the Conditions of the Contract.

Furthermore, as bidder I certify that:

1. I am the only person or party associated with or having an interest in this bid and it is made without collusion involving any other person, partnership or corporation.
2. The amounts given in this bid have been carefully checked and are submitted as correct and final. Attached is a bid bond in the amount of five percent (5%) of the maximum total bid amount.

Bidder's
Signature: 

Title: President

SEAL

Witness: 

-- o o --

ROSENBERG	AUSTIN
SAN ANTONIO	DALLAS
THE WOODLANDS	HOUSTON
BRYAN/COLLEGE STATION	BRENHAM
	GREENSPPOINT

January 29, 2015

Texas Board of Professional Engineers Registration No. F-439

Mr. Robert Gracia, City Manager
City of Rosenberg
Post Office Box 32
Rosenberg, Texas 77471

Re: City of Rosenberg
Construction of Lift Station No. 11 Replacement
Jones & Carter, Inc. Project Number R0001-150-00

Dear Mr. Gracia:

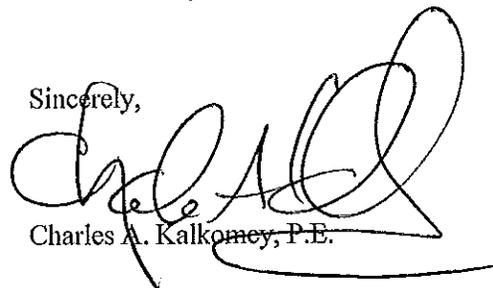
We received bids for the referenced contract in the City of Rosenberg Council Chambers on January 21, 2015 at 10:00 A.M. Bids were publicly opened and read at that time. This project includes the abandonment and replacement of Lift Station No. 11 located on F.M. Highway 2218 adjacent to the Fort Bend County Appraisal District offices.

Four (4) contractors submitted proposals for this work. A summary tabulation of the bids is enclosed for your review. R + B Group, Inc. submitted the lowest Base Bid proposal in the amount of \$1,201,800.00. The contract time was set at 180 calendar days.

The City has worked with R + B Group, Inc. previously at Wastewater Treatment Plant 1A, and Jones & Carter, Inc. has two current projects where R + B Group is the contractor. We have not had any issues with the quality of their work.

We recommend that the referenced contract be awarded to R + B Group, Inc. on the basis of the Base Bid in the total amount of \$1,201,800.00 and a contract time of 180 calendar days. Please call should you have any questions.

Sincerely,



Charles A. Kalkomey, P.E.

CAK:dme

P:\PROJECTS\R0001 - City of Rosenberg\0150-00 - Lift Station No. 11 Replacement\Construction\Letters\ROA LS_11.doc

Enclosure

cc: R + B Group, Inc.
Mr. John Maresh – Assistant City Manager, City of Rosenberg

RESOLUTION NO. R-1906

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AWARDED BID NO. 2015-03 FOR CONSTRUCTION OF THE LIFT STATION NO. 11 REPLACEMENT; AND, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY OF ROSENBERG, TEXAS, APPROPRIATE DOCUMENTS AND/OR AGREEMENTS REGARDING SAME.

* * * * *

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

Section 1. The approval and award of Bid No. 2015-03 to _____, in the amount of \$_____ for construction of the Lift Station No. 11 Replacement Project.

Section 2. The City Manager is hereby authorized to negotiate and execute any documentation necessary to facilitate said Project.

Section 3. A copy of the Proposal is attached hereto as Exhibit "A" and made a part hereof for all purposes.

PASSED, APPROVED, AND RESOLVED this ____ day of _____ 2015.

ATTEST:

APPROVED:

Linda Cernosek, TRMC, **City Secretary**

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



Avenue N

Airport Avenue

FM 2218

Lift Station No. 11 Site

Ft. Bend Central Appraisal District

Terra Flora

Suburban Estates

RESOLUTION NO. R-1801

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, APPROVING CAPITAL IMPROVEMENT PLAN PRIORITIES FOR FY2015.

* * * * *

WHEREAS, the City staff of the City of Rosenberg has identified its priorities for Capital Improvement Projects; and,

WHEREAS, the City Manager has recommended twenty-five (25) Capital Improvement Projects to be addressed in FY2015; and,

WHEREAS, the FY2015 Budget will include funding for the majority of the recommended Capital Improvement Projects and recommendations for funding other projects; now, therefore,

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

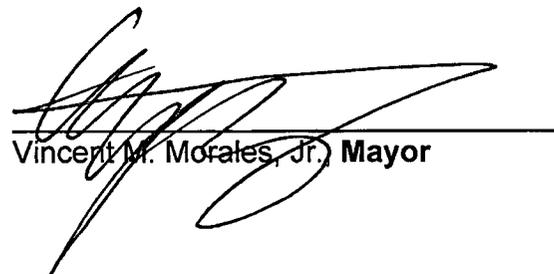
Section 1. City Council hereby approves the FY2015 Capital Improvements Plan for the City of Rosenberg which is attached hereto as Exhibit "A" and made a part hereof for all purposes.

PASSED, APPROVED, AND RESOLVED this 17th day of June 2014.

ATTEST:


Linda Cernosek, City Secretary

APPROVED:


Vincent M. Morales, Jr., Mayor



FY2015 CAPITAL IMPROVEMENT PROJECTS

GENERAL/STREETS AND DRAINAGE PROJECTS

1. Airport Avenue – Phase Two
2. Bamore Road – Phase Four
3. Bryan Road
4. Drainage Improvements East of Lane Drive
5. Dry Creek Drainage Improvements
6. FM 2218 from US Highway 59 to State Highway 36 (TxDOT)
7. Road Extension and Drainage - Rosenberg Business Park – Phase I
8. Seabourne Creek Drainage – Phase Three
9. Sidewalks – Replace/Removal of Existing
10. Spacek Road Improvements – Phase II
11. Traffic Signal at Reading Road and Town Center Boulevard
12. Traffic Signal for Reading Road at Spacek Road
13. US Highway 59/I-69 Expansion from FM 762 to Spur 10 (TxDOT)

WATER AND WASTEWATER PROJECTS

14. Alternate Water Project (GRP)
15. Backup and Portable Generators for Utility System
16. FM 2977 Water Line Extension (GRP)
17. FM 2977 Water Storage Tank (GRP)
18. Lift Station No. 11 Replacement
19. North Side Water Improvements – Phase Two
20. Sanitary Sewer Pipe Bursting Project
21. Spacek Road Sewer Lift Station
22. Spacek Road Sewer Line
23. Utility Adjustments for US 59/I-69 Project (TxDOT)
24. Utility Extensions to serve FM 2218 Rosenberg Business Park – Phase I
25. Utility Replacement/Relocation for Avenue H, Avenue I and Downtown

- The general consensus of Council was to proceed with the request by staff to add one (1) Technology Specialist position at this time.

Action: Councilor Bolf made a motion, seconded by Councilor Grigar to approve one Information Technology Specialist position. The motion carried by a unanimous vote of those present.

7. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1804, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, BUDGET AMENDMENT 14-15 IN THE AMOUNT OF \$15,079.00 FOR THE ADDITION OF AN INFORMATION TECHNOLOGY SPECIALIST.**

Executive Summary: In the previous Agenda item, Executive Director of Information Services, Angela Fritz, requested the addition of an Information Technology Specialist. If City Council authorizes the position, a Budget Amendment is needed to fund this position for the remainder of FY2014.

Budget Amendment 14-15, in the amount of \$15,079.00 will provide funding for an Information Technology Specialist for the remainder of FY2014.

Budget Amendment 14-15 is included as Exhibit "A" to Resolution No. R-1804. In order to add this position in FY2014, staff recommends approval of Resolution No. R-1804 as presented.

Key discussion points:

- Joyce Vasut read the Executive Summary regarding Resolution No. R-1804.

Action: Councilor Grigar made a motion, seconded by Councilor Euton to approve Resolution No. R-1804, a Resolution authorizing the City Manager to execute, for and on behalf of the City, Budget Amendment 14-15 in the amount of \$15,079.00 for the addition of an Information Technology Specialist. The motion carried by a unanimous vote of those present.

8. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1801, A RESOLUTION APPROVING CAPITAL IMPROVEMENT PLAN PRIORITIES FOR FY2015.**

Executive Summary: During the FY2015 Budget process, staff reviewed the current Capital Improvement Plan (CIP) and is recommending that a total of twenty-five (25) projects be addressed in FY2015. Exhibit "A" to Resolution No. R-1801 lists the twenty-five (25) individual projects. The Planning Commission met on May 21, 2014, and also recommended approval of the projects proposed for the FY2015 CIP. These projects were also presented to City Council at the May 27, 2014 City Council Workshop.

Existing or proposed funding is available for all or a portion of twenty (20) of the Capital Projects that will be addressed in FY2015. There are two (2) projects for which funding needs have not been determined. The three (3) remaining Capital Projects are not completely funded. Funding for these projects may include the issuance of Certificates of Obligation or other funding sources. Funding for these projects will be addressed during FY2015.

Approval of Resolution No. R-1801 will establish the City's FY2015 Capital Improvements Plan and allow for the projects to be properly included in the proposed FY2015 Budget. Staff recommends approval of Resolution No. R-1801.

Key discussion points:

- Joyce Vasut gave an overview of the item regarding Resolution No. R-1801 and the City's FY 2015 Capital Improvements Plan.

Questions:

- Councilor Benton expressed concern with #11 – Traffic signal Reading Road at Town Center Boulevard and asked how urgent it is.
- John Maresh explained that is tied to a development agreement. The developer that is working on the project from Fire Station 2 will trigger when they have to put up fifty percent (50%) of the money for that traffic signal. There is a timeframe by which the City has to come up with the remaining fifty percent (50%). They are getting close to the triggering point.
- Councilor Grigar asked if the items are the twenty-five in each of the two areas that surfaced to the top.
- Joyce Vasut explained staff looked at the 2014 list and any projects that were not complete or not substantially complete by September 30th were left on the list. Staff then looked at 2015 in the five year plan and pulled those out that staff felt needed to rise to the top. A lot of these are projects that are started that we need to complete that we have County mobility funding. We need to move on that project so we do not lose the funding. #11 that was referred to is based on the development agreement

that we think will need action during FY2015. The developer will pay one-half and we have requested the other half from the RDC.

- Items 15, 16, and 17 are all GRP projects that are part of the Subsidence mandate we need to get done. At this time, all except three are funded in one way or another with available funds. The other three, which is Airport Road and Bryan Road that was discussed at the Workshop meeting. Airport Road and Bryan Road will need additional funding and we discussed certificates of obligation and Council felt they could agree to that. Staff will bring back those options along with the budget. The majority of these will be funded in the fiscal year.

Action: Councilor Grigar made a motion, seconded by Councilor Euton to approve Resolution No. R-1801, a Resolution approving Capital Improvement Plan Priorities for FY2015. The motion carried by a unanimous vote of those present.

9. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1802, A RESOLUTION APPROVING CAPITAL IMPROVEMENT PLAN PRIORITIES FOR FY2016 TO FY2019.**

Executive Summary: Pursuant to the City Charter which requires a five-year Capital Improvement Plan (CIP), staff has prepared a proposed schedule for Capital Projects in FY2016, FY2017, FY2018 and FY2019. The development of the CIP for FY2016 to FY2019 is based on several factors, including but not limited to:

- Deadline for compliance with the Fort Bend Subsidence District mandate,
- Availability of Fort Bend County Mobility Funds,
- Possibility of a City Bond Election in 2015,
- Results of the City Facilities Assessment, and
- Needs Identified in the Five Year Strategic Plan.

The proposed FY2016-FY2019 CIP was attached to Resolution No. R-1802 as Exhibit "A" and will allow City Council to approve the proposed FY2016-FY2019 Capital Improvement Plan for the City of Rosenberg. Staff recommends approval of Resolution No. R-1802.

Key discussion points:

- Joyce Vasut gave an overview of the item regarding Resolution No. R-1802. Exhibit A to Resolution No. R-1802 was included in the agenda packet.

Questions:

- Councilor Euton – FY2017 Streets and Drainage – 3rd Street at Intersection with Avenue E – what does that entail?
- John Maresh stated this is a carryover project that has been on the CIP for several years and has never been ranked high enough to be funded. It is at the intersection of 3rd Street where there is a rise in the street and a hump as you approach Avenue N. It would be to cutout that section of 3rd Street and reconstruct it.
- FY2018 – Brooks Avenue what is the plan?
- This is a long range future project that was placed on the list recently. That would be an improvement project to reconstruct that street with curb and gutter.
- FY 2019 – Klauke Road extension – is that still on our radar?
- It is long range for 2019. There have been discussions about addressing some connectivity and other ways.
- FY2018 – Brazos River Trail Project – Councilor Euton stated she objected to that project because some of the residents would be displaced in the north area of town.
- Darren McCarthy, Director of Parks and Recreation stated it has nothing to do with residential displacement. It is a paddle trail utilizing the resources of the Brazos River. Fort Bend Green at the direction of Judge Hebert just completed a three year master plan study of that. Councilor McConathy was part of the group in the Rosenberg segment. That will be coming to Council in a future Workshop after the budget is complete. Mayor Morales, Councilor McConathy and Robert Gracia have copies of that master plan. Staff plans to distribute to Council when it is brought to Council in a Workshop.
- Councilor Grigar – FY2018 – Streets and Drainage – Avenue C Extension; Avenue D Street Paving and Drainage – is that in connection to get an east/west connection because of railroad crossing closures?
- John Maresh stated that is specifically the crossing and east to Rawson Road and would connect there. That is the only access in and out over that grade crossing that would provided that connectivity.
- Avenue D – this is long range. We have been focusing with our CDBG funds to try to get the infrastructure of the sanitary sewer replaced. The application we have before the County now is for waterline replacements. We hope to complete that in the next 3 to 5 years and then we could do some street and sidewalk improvements.



CITY COUNCIL COMMUNICATION

February 03, 2015

ITEM #	ITEM TITLE
5	Resolution No. R-1919 - Amendment No. 1 to Water Supply Agreement

ITEM/MOTION

Consideration of and action on Resolution No. R-1919, a Resolution authorizing the Mayor to execute, for and on behalf of the City, the First Amendment to the Water Supply Agreement, by and between the City and Brazosport Water Authority.

FINANCIAL SUMMARY	ELECTION DISTRICT
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Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

- Yes No N/A

Source of Funds:

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

SUPPORTING DOCUMENTS:

MUD #: N/A

1. Resolution No. R-1919
2. Resolution No. R-1884 without Exhibit "A" (Water Supply Agreement) – 12-02-14
3. Resolution No. R-1844 (Letter of Intent) – 10-21-14
4. Resolution No. R-1869 (Groundwater Reduction Plan) – 08-19-14
5. City Council Meeting Minute Excerpt – 12-02-14
6. City Council Meeting Minute Excerpt – 10-21-14
7. City Council Meeting Minute Excerpt – 08-19-14

APPROVALS

Submitted by:

John Maresh
Assistant City Manager of
Public Services

Reviewed by:

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

Approved for Submittal to City Council:

Robert Gracia
City Manager

EXECUTIVE SUMMARY

On December 02, 2014, City Council authorized the Mayor to execute a Water Supply Agreement (Agreement) with the Brazosport Water Authority (BWA) as required by the amended Groundwater Reduction Plan. The Agreement provides a mechanism allowing for compliance with the Fort Bend Subsidence District (District) unfunded mandate to reduce groundwater withdrawals by 30% beginning October 01, 2016, by constructing a pipeline supplying treated surface water to the City. The Agreement specifies a take or pay water volume of 3 million gallons per day, which would meet the 30% reduction mandate effective in 2016. The District mandate also requires an additional 30% reduction of groundwater withdrawals, effective in 2025. The Agreement as currently written does not obligate BWA to supply the additional treated surface water that will be required to meet the 2025 reduction mandate.

Shortly after the City and BWA entered into the Agreement, the Texas Department of Criminal Justice (TDCJ) elected to not participate in the BWA expansion project making an additional 2.7 million gallons of water per day immediately available to Rosenberg. The Agreement does include a provision which allows the City an option to acquire the additional 2.7 million gallons of water per day initially allocated to TDCJ. This additional water supply places the City in a unique position to be able to meet the District's 60% reduction mandate in 2025. Equally as important, the City must acquire the additional water in order to keep the overall project financially feasible to both BWA and the City. Time is of the essence in order to maintain a construction schedule that will meet the District's 30% reduction mandate beginning with the October 01, 2016 permit year.

The proposed Amendment No. 1 to the Agreement is included in the packet. Please note the amendment is still

under final review by BWA staff and may include some slight revisions prior to the February 03, 2015 City Council meeting. If revisions are made, an updated copy will be provided at the City Council meeting. Staff will provide City Council with cost and water rate information during the meeting.

Staff does recommend approval of Resolution No. R-1919, authorizing the Mayor to execute Amendment No. 1 to the Water Supply Agreement to acquire an additional 2.7 million gallons of water per day and place the City in a position to satisfy the District's 60% reduction mandate in 2025.

RESOLUTION NO. R-1919

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE, FOR AND ON BEHALF OF THE CITY OF ROSENBERG, TEXAS, THE FIRST AMENDMENT TO THE WATER SUPPLY AGREEMENT, BY AND BETWEEN THE CITY OF ROSENBERG, TEXAS, AND BRAZOSPORT WATER AUTHORITY.

* * * * *

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

Section 1. The City Council of the City of Rosenberg hereby authorizes the Mayor to execute the First Amendment (Amendment) to the Water Supply Agreement by and between the City of Rosenberg and the Brazosport Water Authority.

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

PASSED, APPROVED, AND RESOLVED this ____ day of _____ 2015.

ATTEST:

APPROVED:

Linda Cernosek, **CITY SECRETARY**

Vincent M. Morales, Jr., **MAYOR**

**FIRST AMENDMENT TO
WATER SUPPLY AGREEMENT BETWEEN
BRAZOSPORT WATER AUTHORITY
AND
THE CITY OF ROSENBERG**

THIS First Amendment to the Water Supply Agreement Between Brazosport Water Authority And the City of Rosenberg (this "Agreement") is effective as of the ____ day of _____, 2015, between the Brazosport Water Authority ("BWA") a conservation and reclamation district and a governmental agency and body politic and corporate of the State of Texas created by 1985 Tex. Laws. Reg. Sess. Chap. 449 at 3063, as amended (the "Act") and pursuant to Article XVI, Section 59 of the Texas Constitution and the City of Rosenberg, Texas, a Texas home rule municipality, situated in Fort Bend County ("Rosenberg"). BWA and Rosenberg may be collectively referred to as the "Parties."

Recitals

Whereas, BWA and Rosenberg entered into that certain Water Supply Agreement, dated December 2, 2014 (the "Original Agreement").

Whereas, Rosenberg exercised its option under the Original Agreement to add a portion of the 2,760,000 gallons per day, previously allocated to the Texas Department of Criminal Justice.

Whereas, the Parties desire to amend the Original Agreement to specify that Contract Quantity of Water is 5,700,000 gallons per day and to provide for Rosenberg paying debt service payments associated with 5,700,000 gallons per day one month after the Participating Customers approve the bond resolution and Rosenberg will begin paying operational cost payments associated with 3,000,000 gallons per day one month after water is delivered to Rosenberg.

Amendment

NOW, THEREFORE, in consideration of the mutual covenants, obligations, and benefits set forth in this Agreement, BWA and Rosenberg agree to amend the Original Agreement as follows:

1. Section 3.1, captioned "Definitions," shall be amended by revising the definition of "Operating Costs" and "Contract Quantity of Water" to read as follows:
 - a. For purposes of clarity, the term "*Operating Costs*" shall be replaced with the term "*Operational and Maintenance Costs*" throughout the entirety of the Original Agreement, and the definition of "*Operating Costs*" shall remain and apply to the term "*Operational and Maintenance Cost*."
 - b. "*Contract Quantity of Water*" shall mean 5,700,000 gallons of water per day as averaged over any 365 consecutive days by dividing the number of gallons of water delivered by

BWA to Rosenberg during the 365 day period divided by 365 days, unless the Contract Quantity of Water increases as a result of future System expansions funded in whole or in part by Rosenberg, or by mutual agreement of the Parties in writing and as permitted by the capabilities of the System.

2. Section 7.2 shall be amended to read as follows:

Section 7.2. Price of Contract Quantity of Water. It is agreed that the price charged by BWA and payable by Rosenberg for the Contract Quantity of Water is based on the price paid by Participating Customers, now or as adjusted in the future, plus Eighteen Cents (\$0.18) per 1,000 gallons, provided, however, the Eighteen Cents(\$0.18) per thousand gallons shall be added only to the portion of the rate designed to recover System Operational and Maintenance Costs and the Eighteen Cents (\$0.18) per thousand gallons will not be added to the portion of the rate designed to recover Capital Costs. The specific price for the Contract Quantity of Water will be based on the Annual System Budget prior to the beginning of each Fiscal Year.

BWA and Rosenberg further agree and acknowledge that it is the intent of the parties that the Capital Cost shall be allocated by BWA among all of BWA's customers as a System expense and that Rosenberg will not be allocated the entire portion, or even a greater portion, of the Capital Cost, or any portion of the Capital Cost, for any System facility or equipment, including but not limited to the annual debt service payments for the pipeline and related facilities used by BWA to deliver water to Rosenberg, unless mutually agreed to by both parties.

BWA agrees that it will not change its rate design in a manner intended to shift, or that has the effect of shifting, a greater portion of the Capital Costs or Operational and Maintenance Costs to Rosenberg.

3. Section 8.3 Commencement of Billing shall be amended to read as follows:

Section 8.3. Commencement of Billing.

Prior to Delivery of Water—Invoicing of Capital Costs on 5.7 MGD:
Prior to the delivery of water by BWA to Rosenberg, BWA will commence invoicing Rosenberg for Rosenberg's proportionate share of the Capital Costs one (1) month after approval by the Participating Customers of this Agreement and the bond resolution or as required by the bond covenants for the Project Bonds. The formula for determining Rosenberg's proportionate share of the Capital Costs shall be same formula as used for the Participating Customers. Invoicing to Rosenberg on the Capital Costs shall be based on the full 5,700,000 gallons per day

making up the Contract Quantity of Water. BWA and Rosenberg acknowledge that the intent of the parties under this Agreement is that the Eighteen Cents (\$0.18) per 1,000 gallons is only added to the rate per thousand gallons associated with the Operating and Maintenance costs paid by BWA's Participating Customers and is not added to the rate associated with the Capital Costs.

After Delivery of Water—Invoicing of Operational and Maintenance Costs: Beginning with the month after BWA begins delivery of water to Rosenberg pursuant to this Agreement, for purposes other than testing of facilities, BWA will commence invoicing Rosenberg for the rate paid by the Participating Customers for Operational and Maintenance Costs plus Eighteen Cents (\$0.18) per thousand gallons on 3,000,000 gallons per day of the Contract Quantity of Water on a take or pay basis. In the event Rosenberg requests additional water in excess of the 3,000,000 gallons per day, up to the Contract Quantity of Water of 5,700,000 gallons per day, Rosenberg will make such request in writing and commence paying for the rate paid by the Participating Customers for Operational and Maintenance Costs plus Eighteen Cents (\$0.18) per thousand gallons for said additional water on a take or pay basis. If Rosenberg requests additional water in excess of the 3,000,000 per day pursuant to this section, the amount of water delivered to Rosenberg cannot be reduced. Following delivery of water to Rosenberg, Rosenberg will continue being billed for Capital Costs based on the full 5,700,000 gallons per day of the Contract Quantity of Water.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in duplicate as of the date and year first written in this Agreement.

BRAZOSPORT WATER AUTHORITY

By: _____

Juan Longoria, President

Date: _____

Attest:

By: _____

J.R. Norris, Secretary

Date: _____

THE CITY OF ROSENBERG, TEXAS

By: _____
Vincent Morales, Mayor

Date: _____

Attest:

By: _____
Linda Cernosek, City Secretary

Date: _____

RESOLUTION NO. R-1884

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE, FOR AND ON BEHALF OF THE CITY OF ROSENBERG, TEXAS, A WATER SUPPLY AGREEMENT, BY AND BETWEEN THE CITY OF ROSENBERG, TEXAS, AND BRAZOSPORT WATER AUTHORITY TO SUPPLY A POTABLE WATER SOURCE.

* * * * *

WHEREAS, the City Council recognizes the importance of compliance with Fort Bend Subsidence District regulatory requirements regarding the implementation of groundwater reduction; and,

WHEREAS, the City Council has been committed to address said regulatory requirements related to the limitation of groundwater production; and,

WHEREAS, the Groundwater Reduction Plan Amendment identifying the Brazosport Water Authority as the source of alternative surface water supply to meet the unfunded mandate to reduce groundwater withdrawal by thirty percent (30%) by October 01, 2016, was approved by the Fort Bend Subsidence District Board of Directors on September 19, 2014, and subsequently ratified by the City Council of Rosenberg by the passage of Resolution No. R-1869 on October 21, 2014; and,

WHEREAS, the City Council and Brazosport Water Authority entered into a Letter of Intent to negotiate a Water Supply Contract for supply of potable water; 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 the Mayor to execute a Water Supply Agreement (Agreement) to supply a potable water source.

Section 2. The City Council of the City of Rosenberg hereby authorizes the Mayor, on behalf of the City, to exercise the option under Section 1.1(c) of the Water Supply Agreement to acquire all, or part, of the water supply reserved by Brazosport Water Authority for the Texas Department of Criminal Justice.

Section 3. A copy of said Agreement is attached hereto as Exhibit "A" and made a part hereof for all purposes.

PASSED, APPROVED, AND RESOLVED this 1st day of December 2014.

ATTEST:

Linda Cernosek
Linda Cernosek, CITY SECRETARY

APPROVED:

Vincent M. Morales, Jr.
Vincent M. Morales, Jr., MAYOR



RESOLUTION NO. R-1844

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF INTENT, BY AND BETWEEN THE CITY OF ROSENBERG, TEXAS, AND BRAZOSPORT WATER AUTHORITY REGARDING AN ALTERNATIVE WATER SUPPLY PROJECT.

* * * * *

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

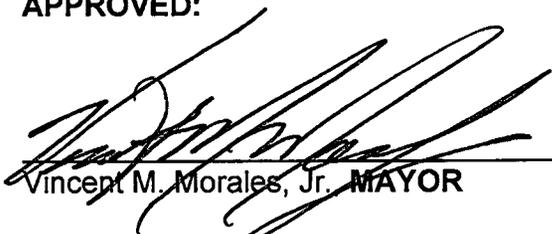
Section 1. The City Council of the City of Rosenberg hereby authorizes the Mayor to execute a Letter of Intent regarding an alternative water supply project, by and between the City of Rosenberg and the Brazosport Water Authority, attached hereto as Exhibit "A" and made a part hereof for all purposes.

PASSED, APPROVED, AND RESOLVED this 19th day of August 2014.

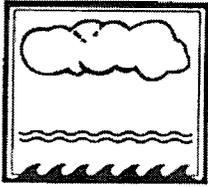
ATTEST:


Linda Cernosek, CITY SECRETARY

APPROVED:


Vincent M. Morales, Jr. MAYOR





**BRAZOSPORT
WATER
AUTHORITY**

MEMBER CITIES

ANGLETON

BRAZORIA

CLUTE

FREEPORT

LAKE JACKSON

OYSTER CREEK

RICHWOOD

August 15, 2014

City of Rosenberg
Attn: Mr. Vincent Morales, Mayor
2110 4th Street
Rosenberg, Texas 77471

Re: Letter of Intent for Supply of Water by Brazosport Water Authority to City of Rosenberg

Dear Mr. Morales:

On behalf of the Brazosport Water Authority ("BWA"), allow this to serve as a letter of intent for BWA to supply water to the City of Rosenberg ("Rosenberg"). I request you present this letter to your City Council for approval and execution. The term "Parties" herein shall refer to BWA and Rosenberg.

BWA staff, legal counsel, engineering and financial advisors have already invested relatively significant resources into this potential project and will continue to do so moving forward. This includes meetings with the staff of BWA member cities and a special meeting on July 16, 2014, with the staff of all BWA member cities to discuss the logistics of the project and the potential benefit to the member cities. The special meeting included a presentation by Allen Woelke of CDM Smith.

In the coming weeks, BWA representatives and staff will be making additional presentations of this project to the City Councils comprising the BWA member cities. Concurrently with those presentations, BWA bond counsel and financial advisor will continue their ongoing communication with the Texas Water Development Board regarding the issuance of approximately \$43,500,000.00 in bonds necessary to fund this project. BWA general counsel will also be providing Rosenberg's attorney a draft of the proposed contract.

I include this information to communicate the priority and resources BWA has allocated towards this potential project. BWA understands the deadline imposed on Rosenberg to obtain an alternative source of potable water. While BWA cannot provide a guaranty water can be delivered by the deadline imposed on Rosenberg due to the innumerable factors and variables attendant with such projects, BWA is willing to take reasonable action to complete the project as soon as practicable and without exposing BWA or its member cities to liability resulting from

any failure to provide water by the deadline imposed on Rosenberg.

1. **Purpose of Letter of Intent:** The Parties intend for this Letter of Intent to continue negotiations for the sale of potable water to Rosenberg and justify the expense of resources that will accompany logistical planning and formal contract negotiation. This Letter of Intent is merely a guide to the preparation of a mutually satisfactory agreement. Unless specifically set forth herein to the contrary, this document shall in no way be binding on either party or require the Parties to enter into a formal contract.
2. **Deadline for Proceeding with Water Supply Contract:** The following provisions in this section shall represent binding and enforceable agreements of the parties:
 - a. The Parties agree that either party may unilaterally terminate this Letter of Intent and the potential water supply contract for any reason by October 8, 2014, upon written notice to the other party.
 - b. In the event a majority in number and a majority in interest of the BWA member cities fail to approve a bond resolution authorizing the indebtedness necessary to construct the improvements necessary to supply potable water to Rosenberg by October 8, 2014, this Letter of Intent and the potential water supply contract either party may terminate this agreement upon written notice to the other party.
 - c. In the event BWA is unable to secure the issuance of bonds necessary to financing this project for any reason by December 1, 2014, this Letter of Intent and the potential water supply contract either party may terminate this agreement upon written notice to the other party.
 - d. In the event Rosenberg chooses to terminate this Letter of Intent and the potential water supply contract by October 8, 2014, Rosenberg shall reimburse BWA its reasonable and necessary expenses incurred in this project from June 3, 2014 to the date of termination, including but not limited to attorney's fees, alignment study fees, engineering fees, surveying fees and associated expenses. BWA will provide reasonable substantiation of any such expenses in which reimbursement is sought. BWA will notify Rosenberg of the alignment study fees.
3. **Proposed Terms Contract for Supply of Water:** The proposed water supply contract will include provisions covering at least the following subjects, which specific language shall be subject to further negotiation of the Parties:

- a. **Conditions Precedent.** The water supply contract will contain a condition precedent to the enforceability of the water supply contract requiring the approval of the bond resolution by a majority in number and majority in interest of the BWA member cities and issuance of said bonds.

The parties will continue discussion and negotiation regarding the requirement that BWA and TDCJ enter into an agreement for the sale of water to the Ramsey Complex & Darrington Units and whether this should be a condition precedent to a contract with Rosenberg.

- b. **Non-Guaranty of Timely Completion.** The BWA board understands and

acknowledges Rosenberg has a deadline to have an alternative supply of water. While BWA will continue to act diligently and in good faith to timely complete this project, there are innumerable factors that may preclude or impede the timely completion of this project due to no fault of BWA, including but not limited to the following potential issues: failure of BWA member cities to approve a bond resolution and other matters related to the issuance of bonds; environmental; obtaining right of ways, including condemnation proceedings; discovery of artifacts invoking the National Historic Preservation Act of 1966, the Antiquities Code of Texas or similar law protecting the discovery of artifacts; labor disputes, work slowdowns and stoppages, orders by any Court or administrative agency; acts of God and other acts of force majeure; failure or denial of any permitting required by any governmental authority; failure of any contractor or subcontractor to timely complete the scope of work; and any other act beyond the reasonable control of the Parties.

BWA will agree to impose and include deadlines within contracts with all contractors and subcontractors; however, ultimately BWA will not be liable to Rosenberg for any failure to timely complete the project. It is critical and material to BWA that there is no potential liability to BWA for any failure to timely complete this project, which will be acknowledged in the water supply contract. BWA will act diligently and in good faith to timely complete this project. Rosenberg is under a deadline to have an alternative source of potable water which may or may not be feasible in light of the innumerable variables that may occur during the course of constructing approximately 32 miles of pipeline.

BWA will require contractors to pay liquidated damages for failure to timely complete the project in a reasonable amount and if, as and when BWA receives liquidated damages from contractor, BWA shall remit the liquidated damages to Rosenberg to the extent Rosenberg has been damaged.

- c. Non-Participating Customer. Rosenberg would be a non-participating customer, meaning it will not have a representative on the BWA board.
- d. Pipeline Construction and Ownership. BWA will construct and own the pipeline and all other improvements necessary to deliver water to Rosenberg. The cost of the pipeline will be borne equally by all BWA customers, participating and non-participating alike.
- e. Term of Contract. The term of the contract will run concurrently with the term of the bonds issued to construct the improvements necessary to deliver water to Rosenberg and thereafter until the payment in full of the principal, premium, if any, and interest and related fees of said bonds. Thereafter, the contract may continue annually so long as Rosenberg continues to pay for the contract quantity of water.
- f. Take or Pay Contract of Potable Water. BWA will agree to provide a contract

quantity of potable water to Rosenberg, and Rosenberg will enter into a *take or pay contract* meaning it will pay for the contract quantity of potable water each month whether actually used or not. The water will be of a quality conforming to the standards of the Texas Department of Health and the Texas Commission on Environmental Quality.

- g. *Proposed Rate and Payment.* Rosenberg will agree to pay \$0.18 more than the BWA participating customers per 1,000 gallons of water at the contract quantity of three (3) million gallons of water per day. Rosenberg will pay for its contract quantity of water on a monthly basis. The parties may mutually agree to supply an additional contract quantity of water and subject to availability.

As with all BWA customers, the rate includes an operational cost and capital cost (i.e. debt service of bonds). Each year and prior to the fiscal year, BWA prepares a budget that will itemize estimates of all capital costs and operational costs, which may increase the rate per 1,000 gallons equally for all BWA customers.

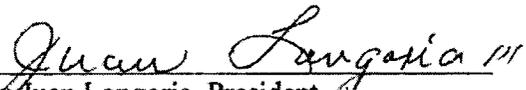
- h. *Commencement of Payments.* Rosenberg will begin payment on the capital cost one month after a water supply contract is signed, which amount will increase after the bonds for this project have been issued. Rosenberg will begin payment of the operational costs upon substantial completion of the pipeline unless bond covenants require payments earlier..
- i. *Water Conservation and Drought Contingency.* The Parties will acknowledge and agree to take actions necessary to carry out water conservation and the terms of the BWA Drought Contingency Plan, as it currently exists and hereafter amended.
- j. *Rosenberg's Waste Water.* BWA would like to discuss Rosenberg's waste water discharge; specifically, the prospect of providing a raw water source for Rosenberg through a bed and bank permit.
- k. *Rosenberg Oversize Rights.* Rosenberg will have the right to oversize the pipeline at its own cost and related facilities and if Rosenberg oversizes the pipeline, Rosenberg will have the exclusive right to the use of the additional capacity provided by the oversizing.
- l. *Not Exclusive.* BWA acknowledges that it will not be Rosenberg's exclusive source of water or additional water.
- m. *Additional Water.* BWA, based on the availability water, will agree to sell additional water to Rosenberg if and when needed so long as the contract is in effect.

These items are certainly not all of the terms to be included in a water supply contract, but they

do represent several terms the BWA board sees as integral. In the coming weeks, BWA general counsel will prepare a draft contract for your review and BWA bond counsel and financial advisor will continue their ongoing preparation of information required by the Texas Water Development Board for issuance of bonds or other bond issuing agencies.

If Rosenberg is in agreement with the terms of this Letter of Intent, including the binding provisions in Section 2: Deadline of October 8th, please indicate same by signing and returning at your earliest convenience. Should you have any questions, do not hesitate to communicate with BWA staff or legal counsel.

BRAZOSPORT WATER AUTHORITY


By Juan Longoria, President

AGREED to and ACCEPTED on this the ___ day of _____, 2014.

CITY OF ROSENBERG

By: _____
Vincent Morales, Jr., Mayor

RESOLUTION NO. R-1869

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, RATIFYING AN AMENDED GROUNDWATER REDUCTION PLAN (GRP) REGARDING CONVERSION TO AN ALTERNATIVE WATER SOURCE AS APPROVED BY THE FORT BEND SUBSIDENCE DISTRICT.

* * * * *

WHEREAS, the City Council recognizes the importance of compliance with regulatory requirements regarding the implementation of groundwater reduction; and,

WHEREAS, the City Council has been committed to address said regulatory requirements related to the limitation of groundwater production; and,

WHEREAS, compliance requirements necessitated the preparation and submission of a Groundwater Reduction Plan (GRP) to the Fort Bend Subsidence District; and,

WHEREAS, on November 05, 2013, the City Council authorized the preparation and submission of an amended GRP to the Fort Bend Subsidence District; and,

WHEREAS, an Amendment identifying the Brazosport Water Authority as the source of alternative surface water supply to meet the mandate to reduce groundwater withdrawal by thirty percent (30%) by October 01, 2016, was prepared; and,

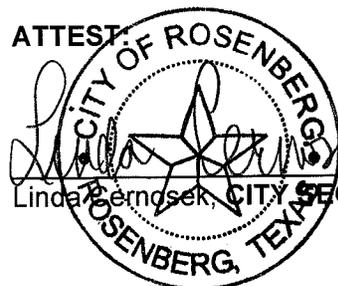
WHEREAS, the Amendment to said GRP was submitted on August 21, 2014, and subsequently approved by the Fort Bend Subsidence District Board of Directors on September 19, 2014; now, therefore,

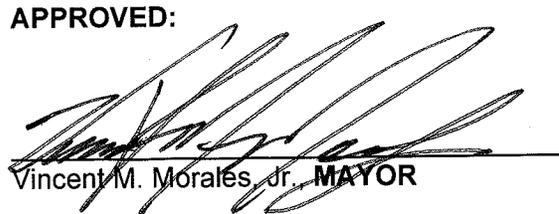
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROSENBERG:

Section 1. The City Council of the City of Rosenberg hereby ratifies the City's Amended GRP, as submitted and approved by the Fort Bend Subsidence District Board of Directors.

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

PASSED, APPROVED, AND RESOLVED this 21st day of October 2014.

ATTEST:

Linda Gernosek, CITY SECRETARY

APPROVED:

Vincent M. Morales, Jr. MAYOR



6415 Reading Road
Rosenberg, Texas 77471-5655

TEL 281 342 2033
FAX 281 232 9909

ROSENBERG	AUSTIN
SAN ANTONIO	DALLAS
THE WOODLANDS	HOUSTON
BRYAN/COLLEGE STATION	BRENHAM
	GREENSPRING

September 12, 2014

Texas Board of Professional Engineers Registration No. F-439

Mr. Michael J. Turco
General Manager
Fort Bend Subsidence District
Post Office Box 427
Richmond, Texas 77469-0427

Reference: Amended Groundwater Reduction Plan Submittal
City of Rosenberg

Dear Mr. Turco:

We are pleased to submit this revised amendment to the Groundwater Reduction Plan on behalf of the City of Rosenberg, Quadvest, L.P. (Bridlewood Estates), Fort Bend County Municipal Utility District No. 5, Fort Bend County Municipal Utility District No. 155, Fort Bend County Municipal Utility District No. 162, and Fort Bend County Freshwater Supply District No. 2 for your consideration and certification by the Fort Bend Subsidence District Board of Directors. The amendment provides the details for the required 30% conversion to an alternate water supply beginning in October 2016.

If you have any questions, do not hesitate to contact the undersigned, or Mr. John Maresh, Assistant City Manager, City of Rosenberg (832-595-3310).



Sincerely,

Charles A. Kalkomey, P.E.
Texas Registration No. 46208

CAK/mon
GRP Amendment Cover Letter 091214.doc

cc: Mr. John Maresh, Assistant City Manager, City of Rosenberg

**CITY OF ROSENBERG
AMENDED GROUNDWATER REDUCTION PLAN
FORT BEND COUNTY SUBSIDENCE DISTRICT**

SECTION 1 – INTRODUCTION

The City of Rosenberg (City) currently has an approved Groundwater Reduction Plan (GRP) to comply with the Fort Bend Subsidence District's requirements for partial conversion of groundwater to an alternate source of water. The Fort Bend Subsidence District (FBSD) requires well permittees with a total water demand in excess of ten (10) million gallons per year to convert 30% of their groundwater usage to an alternate source by 2016, with 60% conversion by 2025.

The purpose of this report is to present an amendment to the City's GRP. This amendment provides for a timely conversion to an alternate water source which projects to be a more reliable and less costly option for the City and its water users.

SECTION 2 – WATER DEMAND PROJECTIONS

The GRP Participants involved in this amendment have not changed from the current approved GRP. No additional participants have been added. The water demand projections within the current GRP had projected an aggressive increase in demands based on the development trends in place at that time. However, those increased demands did not occur in 2011 and 2012. The amended projected demands were adjusted for that change in development and modified to reflect the development trends currently underway. Potential additional GRP Participants considered in the current GRP remain in the amended water demand projections with an adjustment in time.

Based on these factors, the projected alternate water source demands for the 30% reduction and the future 60% reduction did not alter the proposed 3.0 MGD alternate water source demand between 2016 and 2024 and the proposed 6.5 MGD alternate water source demand between 2025 and 2050.

SECTION 3 – PLANS FOR WATER REDUCTION

This section details the plan for conversion to an alternate water source. The plan includes the use of raw water from the Brazos River treated to drinking water standards and the construction of certain water system improvements by the City and others.

A. Surface Water Source

The City is in negotiations with the BWA for the sale and transport of treated surface water to the City. The basic terms of the agreement and contract for the sale of the water have been established. The BWA is obtaining approval from the current contractual users of BWA to finalize the agreement and contract with the City. It is anticipated that this agreement and contract will be executed by the BWA and the City no later than December 31, 2014.

The BWA has water rights to the Brazos River both in the name of BWA and Dow Chemical. Dow Chemical owns and operates the pump stations and storage reservoirs that supply the untreated water to BWA. By contract, Dow Chemical must maintain a thirty (30) day supply of water in

their reservoirs to fulfill the surface water supply contracts held by BWA. The additional amount of water necessary to supply the City their contracted amount will also be stored within Dow's reservoirs through said contract.

In addition, the City has 4,500 acre feet per year of water contracted from the Brazos River Authority (BRA). This amount of water is adequate to address the City's needs until 2025. Should there be an issue with the BWA having the available surface water to provide for the City's demands, the water the City has contracted from the BRA will be available for use.

B. Surface Water Contract

As previously stated, the City is in the final stages of negotiating a surface water contract with the BWA. This contract would provide three (3) million gallons per day (MGD) of treated surface water to the City.

Under an agreement with the BWA, the City will retain its contracted raw water rights with the BRA. This annual water amount can be utilized with the contract.

On August 19, 2014, the City passed Resolution No. R-1844 authorizing the execution of a Letter of Intent (LOI), by and between the City and the Brazosport Water Authority. A copy of the executed LOI is attached hereto as Attachment "A".

C. Surface Water Treatment Plant

The BWA currently operates a surface water treatment plant at its site in Lake Jackson. The BWA currently has water supply contracts to produce 9.33 million gallons per day (MGD). (Attachment "C", Item 1) The plant currently is rated for and has the ability to produce a maximum of 17.5 MGD. (Attachment "C", Item 2) Therefore, the existing plant has the necessary capacity to provide the City with 3.0 MGD without additional improvements.

D. City Water Distribution System Analysis

This amended GRP will continue to be based on the City being the only planned user of the alternate water supply to meet the requirements of the City and the GRP participants. Therefore, the anticipated alternate water distribution and usage is based solely on the City's distribution system and usage.

The average daily flow (ADF) and peak hour demands have not significantly changed from those presented in the currently approved GRP.

E. Water Distribution System Model

The water system model was reviewed to reflect the additional system improvements that would be necessary to utilize the alternate water source from the BWA. The data contained within the currently approved GRP is still appropriate for planning purposes.

F. Proposed Water Plant and Distribution System Improvements

The City has completed construction of some of the required water system improvements that are included in the currently approved GRP. The Spur 529 Water Line Extension was completed and placed into operation in 2012. The SCADA system has been installed at all of the water plants, and has been operational since 2013. The expansion to Water Plant No. 5 has been completed and is awaiting final approval from the Texas Commission on Environmental Quality (TCEQ) to become operational.

The City is currently in design of a 16-inch water line along F.M. Highway 2977 between August Green Boulevard and Bryan Road. This will complete a water loop in the southeast portion of the City.

In 2015, the City will construct a 1,000,000 gallon elevated storage tank in the vicinity of Water Plant No. 6. This storage tank will provide not only system storage but will assist in operation of Water Plant No. 6.

In order to efficiently distribute the water, the City will also construct a water plant near the intersection of A. Meyer Road and Burdett Road. This plant will receive the surface water from the BWA, store it at this site, and then distribute the water to the City's system. Currently, this proposed plant would include 1.5 million gallons of ground storage, 4-1,500 gallon per minute booster pumps, a control building, generator, and disinfection equipment. The BWA meter would also be located at this plant site. The estimated cost of this water plant is \$3,022,000.

Along with the construction of this new water plant, the City will construct a 20-inch water line from the plant site to the intersection of A. Meyers Road and Benton Road. The construction of a 16-inch water line will also be necessary from A. Meyers Road, south along the future location of Benton Road, and then along Irby Cobb Boulevard to connect to an existing 16-inch water line.

As originally planned, the existing water plants will require conversion from chlorine gas to chloramines. This will be the last phase of the City's distribution system improvements prior to receiving surface water.

The improvements for 2025 as presented in the currently approved GRP are still appropriate for planning purposes. Depending on the identification of the additional alternate water source for 2025, there may be minor adjustments as necessary to accommodate the selected source.

G. BWA System Improvements

Although not necessary to provide the proposed contracted amount of surface water to the City, the BWA is undertaking a plant expansion project. This work will significantly upgrade the plant's electrical equipment and on-site treated water storage capacity.

In order to deliver surface water to the City, a 32 mile long transmission pipeline will be constructed from a BWA pumping facility in Angleton northwesterly to the City's proposed water plant on A. Myers Road. (Attachment "C", Item 3) This pipeline would vary from a 42-inch line to a 24-inch line. The current pipeline routing is also shown in Attachment "C".

This pipeline would initially serve the Texas Department of Criminal Justice (TDCJ) Ramsey Complex (2 MGD) and the TDCJ Darrington Unit (0.76 MGD). (Attachment "C", Item 4) The BWA will start design of the transmission line in 2014, including a routing study, with construction starting in 2015.

Within the BWA's proposed improvements to their water system are improvements to the Angleton pump station. A 5 million gallon storage tank and booster pumps will provide a station capacity of 7.2 MGD. These improvements are included in the currently planned BWA projected bond sales. Construction will start in 2015. (Attachment "C", Item 5)

H. Improvements for 2025

Generally, the improvements listed for 2025 in the current GRP are still applicable. The additional alternate water supply required for the 2025 conversion could come from the BWA. The City is investigating additional options for the 2025 conversion should water rights within the Brazos River not be available.

Should the additional alternate water supply for 2025 come from the BWA, the A. Meyers Road water plant will have land available for additional ground storage and pumps.

SECTION 4 – FUNDING

The projected costs to the City for the improvements necessary to meet the 30% reduction in ground water pumpage are included in the Implementation Schedule in Exhibit "B". These capital costs total \$11,352,000, which are considerably less than the costs projected in the current GRP. The City will continue to finance these City internal water system improvements through the City's ad valorem tax rate, Certificates of Obligation, and Revenue Bonds. The City has been collecting GRP pumping fees from water users through the City's water rates. These fees have provided the City with cash reserves that will assist in funding some of the scheduled GRP improvements without the City incurring additional debt.

The BWA will finance the improvements for which they are responsible through revenue bonds supported by user rates. The BWA anticipates utilizing Texas Water Development Board funds when possible.

SECTION 5 – ADDITIONAL CONSIDERATIONS

A. Water Reuse

The City has continued to expand its Water Reuse program since 2009. In early 2014, the reuse system was again expanded to serve Terry High School athletic fields. Further expansion of the system will include extensions to additional school district sites, a planned business park, and master planned communities.

B. Plan for Water Source Interruption

Should the City be delayed in meeting the required conversion date of September 2016, there are conversion credits available to the City. Both the reuse credits discussed above and the Waterwise program credits can be utilized to meet FBSD requirements.

Once the City begins receiving surface water, the planned conversion amount of 3 MGD will also produce over-conversion credits until 2024. All of these credits will allow the City to maintain compliance with the FBSD requirements during extreme droughts and during those periods of time when the Brazos River water is not acceptable for use as a drinking water source.

C. Plan for Change in Development Patterns

The City has completed the installation of new water meters described in the currently approved GRP. These meters have produced more accurate usage data and have allowed the City to geographically track water usage through their GIS capabilities. This will continue to allow the City to make future adjustments if necessary to the projected demands throughout the service area.

SECTION 6 – SUMMARY

The City of Rosenberg has been actively preparing for the FBSD conversion required in 2016. Conversion credits are being accumulated daily, and have been since 2009. The City has also continued its support of the Waterwise program.

The City secured BRA water rights sufficient to meet the City's conversion requirements through 2024. A number of the planned water system improvements identified in the current GRP have been completed or are currently in design. The remaining improvements are planned for completion within the next two years.

The City anticipates finalizing the contract with the BWA for the supplying of 3 MGD of treated surface water before December 31, 2014. The transmission line design is anticipated to be started by the BWA in October 2014.

An Amended Implementation Schedule is attached hereto as Attachment "B". This schedule shows the completion dates of those GRP projects in place and operational. The schedule also provides the scheduled dates for the completion of the remaining GRP projects.

Attachment "A"

Letter of Intent (LOI) for Supply of Water by Brazosport Water Authority to City of Rosenberg

RESOLUTION NO. R-1844

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF INTENT, BY AND BETWEEN THE CITY OF ROSENBERG, TEXAS, AND BRAZOSPORT WATER AUTHORITY REGARDING AN ALTERNATIVE WATER SUPPLY PROJECT.

* * * * *

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

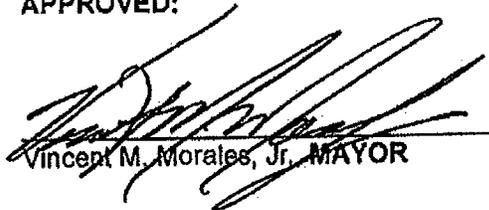
Section 1. The City Council of the City of Rosenberg hereby authorizes the Mayor to execute a Letter of Intent regarding an alternative water supply project, by and between the City of Rosenberg and the Brazosport Water Authority, attached hereto as Exhibit "A" and made a part hereof for all purposes.

PASSED, APPROVED, AND RESOLVED this 19th day of August 2014.

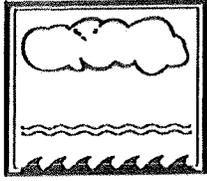
ATTEST:


Linda Cernosek, CITY SECRETARY

APPROVED:


Vincent M. Morales, Jr., MAYOR





BRAZOSPORT WATER AUTHORITY

MEMBER CITIES

ANGLETON

BRAZORIA

CLUTE

FREEMONT

LAKE JACKSON

OYSTER CREEK

RICHWOOD

August 15, 2014

City of Rosenberg
Attn: Mr. Vincent Morales, Mayor
2110 4th Street
Rosenberg, Texas 77471

Re: Letter of Intent for Supply of Water by Brazosport Water Authority to City of Rosenberg

Dear Mr. Morales:

On behalf of the Brazosport Water Authority ("BWA"), allow this to serve as a letter of intent for BWA to supply water to the City of Rosenberg ("Rosenberg"). I request you present this letter to your City Council for approval and execution. The term "Parties" herein shall refer to BWA and Rosenberg.

BWA staff, legal counsel, engineering and financial advisors have already invested relatively significant resources into this potential project and will continue to do so moving forward. This includes meetings with the staff of BWA member cities and a special meeting on July 16, 2014, with the staff of all BWA member cities to discuss the logistics of the project and the potential benefit to the member cities. The special meeting included a presentation by Allen Woelke of CDM Smith.

In the coming weeks, BWA representatives and staff will be making additional presentations of this project to the City Councils comprising the BWA member cities. Concurrently with those presentations, BWA bond counsel and financial advisor will continue their ongoing communication with the Texas Water Development Board regarding the issuance of approximately \$43,500,000.00 in bonds necessary to fund this project. BWA general counsel will also be providing Rosenberg's attorney a draft of the proposed contract.

I include this information to communicate the priority and resources BWA has allocated towards this potential project. BWA understands the deadline imposed on Rosenberg to obtain an alternative source of potable water. While BWA cannot provide a guaranty water can be delivered by the deadline imposed on Rosenberg due to the innumerable factors and variables attendant with such projects, BWA is willing to take reasonable action to complete the project as soon as practicable and without exposing BWA or its member cities to liability resulting from any failure to provide water by the deadline imposed on Rosenberg.

1. **Purpose of Letter of Intent:** The Parties intend for this Letter of Intent to continue

negotiations for the sale of potable water to Rosenberg and justify the expense of resources that will accompany logistical planning and formal contract negotiation. This Letter of Intent is merely a guide to the preparation of a mutually satisfactory agreement. Unless specifically set forth herein to the contrary, this document shall in no way be binding on either party or require the Parties to enter into a formal contract.

2. **Deadline for Proceeding with Water Supply Contract:** The following provisions in this section shall represent binding and enforceable agreements of the parties:
 - a. The Parties agree that either party may unilaterally terminate this Letter of Intent and the potential water supply contract for any reason by October 8, 2014, upon written notice to the other party.
 - b. In the event a majority in number and a majority in interest of the BWA member cities fail to approve a bond resolution authorizing the indebtedness necessary to construct the improvements necessary to supply potable water to Rosenberg by October 8, 2014, this Letter of Intent and the potential water supply contract either party may terminate this agreement upon written notice to the other party.
 - c. In the event BWA is unable to secure the issuance of bonds necessary to financing this project for any reason by December 1, 2014, this Letter of Intent and the potential water supply contract either party may terminate this agreement upon written notice to the other party.
 - d. In the event Rosenberg chooses to terminate this Letter of Intent and the potential water supply contract by October 8, 2014, Rosenberg shall reimburse BWA its reasonable and necessary expenses incurred in this project from June 3, 2014 to the date of termination, including but not limited to attorney's fees, alignment study fees, engineering fees, surveying fees and associated expenses. BWA will provide reasonable substantiation of any such expenses in which reimbursement is sought. BWA will notify Rosenberg of the alignment study fees.
3. **Proposed Terms Contract for Supply of Water:** The proposed water supply contract will include provisions covering at least the following subjects, which specific language shall be subject to further negotiation of the Parties:

- a. **Conditions Precedent.** The water supply contract will contain a condition precedent to the enforceability of the water supply contract requiring the approval of the bond resolution by a majority in number and majority in interest of the BWA member cities and issuance of said bonds.

The parties will continue discussion and negotiation regarding the requirement that BWA and TDCJ enter into an agreement for the sale of water to the Ramsey Complex & Darrington Units and whether this should be a condition precedent to a contract with Rosenberg.

- b. **Non-Guaranty of Timely Completion.** The BWA board understands and acknowledges Rosenberg has a deadline to have an alternative supply of water. While BWA will continue to act diligently and in good faith to timely complete this project, there are innumerable factors that may preclude or impede the timely

completion of this project due to no fault of BWA, including but not limited to the following potential issues: failure of BWA member cities to approve a bond resolution and other matters related to the issuance of bonds; environmental; obtaining right of ways, including condemnation proceedings; discovery of artifacts invoking the National Historic Preservation Act of 1966, the Antiquities Code of Texas or similar law protecting the discovery of artifacts; labor disputes, work slowdowns and stoppages, orders by any Court or administrative agency; acts of God and other acts of force majeure; failure or denial of any permitting required by any governmental authority; failure of any contractor or subcontractor to timely complete the scope of work; and any other act beyond the reasonable control of the Parties.

BWA will agree to impose and include deadlines within contracts with all contractors and subcontractors; however, ultimately BWA will not be liable to Rosenberg for any failure to timely complete the project. It is critical and material to BWA that there is no potential liability to BWA for any failure to timely complete this project, which will be acknowledged in the water supply contract. BWA will act diligently and in good faith to timely complete this project. Rosenberg is under a deadline to have an alternative source of potable water which may or may not be feasible in light of the innumerable variables that may occur during the course of constructing approximately 32 miles of pipeline.

BWA will require contractors to pay liquidated damages for failure to timely complete the project in a reasonable amount and if, as and when BWA receives liquidated damages from contractor, BWA shall remit the liquidated damages to Rosenberg to the extent Rosenberg has been damaged.

- c. Non-Participating Customer. Rosenberg would be a non-participating customer, meaning it will not have a representative on the BWA board.
- d. Pipeline Construction and Ownership. BWA will construct and own the pipeline and all other improvements necessary to deliver water to Rosenberg. The cost of the pipeline will be borne equally by all BWA customers, participating and non-participating alike.
- e. Term of Contract. The term of the contract will run concurrently with the term of the bonds issued to construct the improvements necessary to deliver water to Rosenberg and thereafter until the payment in full of the principal, premium, if any, and interest and related fees of said bonds. Thereafter, the contract may continue annually so long as Rosenberg continues to pay for the contract quantity of water.
- f. Take or Pay Contract of Potable Water. BWA will agree to provide a contract quantity of potable water to Rosenberg, and Rosenberg will enter into a *take or pay contract* meaning it will pay for the contract quantity of potable water each month whether actually used or not. The water will be of a quality conforming to

the standards of the Texas Department of Health and the Texas Commission on Environmental Quality.

- g. Proposed Rate and Payment. Rosenberg will agree to pay \$0.18 more than the BWA participating customers per 1,000 gallons of water at the contract quantity of three (3) million gallons of water per day. Rosenberg will pay for its contract quantity of water on a monthly basis. The parties may mutually agree to supply an additional contract quantity of water and subject to availability.

As with all BWA customers, the rate includes an operational cost and capital cost (i.e. debt service of bonds). Each year and prior to the fiscal year, BWA prepares a budget that will itemize estimates of all capital costs and operational costs, which may increase the rate per 1,000 gallons equally for all BWA customers.

- h. Commencement of Payments. Rosenberg will begin payment on the capital cost one month after a water supply contract is signed, which amount will increase after the bonds for this project have been issued. Rosenberg will begin payment of the operational costs upon substantial completion of the pipeline unless bond covenants require payments earlier.
- i. Water Conservation and Drought Contingency. The Parties will acknowledge and agree to take actions necessary to carry out water conservation and the terms of the BWA Drought Contingency Plan, as it currently exists and hereafter amended.
- j. Rosenberg's Waste Water. BWA would like to discuss Rosenberg's waste water discharge; specifically, the prospect of providing a raw water source for Rosenberg through a bed and bank permit.
- k. Rosenberg Oversize Rights. Rosenberg will have the right to oversize the pipeline at its own cost and related facilities and if Rosenberg oversizes the pipeline, Rosenberg will have the exclusive right to the use of the additional capacity provided by the oversizing.
- l. Not Exclusive. BWA acknowledges that it will not be Rosenberg's exclusive source of water or additional water.
- m. Additional Water. BWA, based on the availability water, will agree to sell additional water to Rosenberg if and when needed so long as the contract is in effect.

These items are certainly not all of the terms to be included in a water supply contract, but they do represent several terms the BWA board sees as integral. In the coming weeks, BWA general counsel will prepare a draft contract for your review and BWA bond counsel and financial advisor will continue their ongoing preparation of information required by the Texas Water

Development Board for issuance of bonds or other bond issuing agencies.

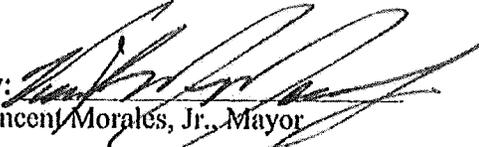
If Rosenberg is in agreement with the terms of this Letter of Intent, including the binding provisions in Section 2: Deadline of October 8th, please indicate same by signing and returning at your earliest convenience. Should you have any questions, do not hesitate to communicate with BWA staff or legal counsel.

BRAZOSPORT WATER AUTHORITY


By: Juan Longoria, President

AGREED to and ACCEPTED on this the 19th day of August, 2014.

CITY OF ROSENBERG

By: 
Vincent Morales, Jr., Mayor

Attachment "B"

Amended City of Rosenberg Surface Water Supply Implementation Schedule

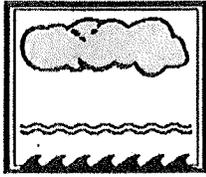
**AMENDED CITY OF ROSENBERG
SURFACE WATER SUPPLY IMPLEMENTATION SCHEDULE**

September 12, 2014

Year Scheduled	Year Completed	Responsible Entity	Description	City Project Cost
N/A	2009	City	Construct Reuse System for WWTP2	
N/A	2011	City	Reuse System for Seabourne Creek Park	
2012	2012	City	Secure Water Transmission Line Easements	
2012	2012	City	Spur 529 Water Line Extension	
N/A	2012	City	Construct Reuse System for WWTP1A	
2012	2013	City	SCADA System	
N/A	2014	City	Construct Reuse System to LCISD Terry High Campus	
2012	2014	City	500,000 Gallon Ground Storage Tank, and 2-1,500 GPM Booster Pumps at Plant No 5	
2014	2014	City	1,800 GPM Well at Plant No 5	
2014		BWA/City	Execute Surface Water Supply Contract -- BWA	
2014		City	FM 2977 Water Line Extension	\$827,000
2014		BWA	Start Design of Transmission Water Transmission Line and Angelton Pump Station Expansion	
2015		BWA	Start Construction of Water Transmission Line and Angelton Pump Station Expansion	
2015		City	Start Construction of Plant No. 7 -- A. Meyers Road and	\$3,022,000
2015		City	1,000,000 Gallon Elevated Storage Tank -- Plant No. 6	\$3,300,000
2015		City	700,000 Gallon Ground Storage Tank at Plant No. 6	\$1,600,000
2015		City	A. Meyers Road 20-inch Water Line	\$1,088,000
2015		City	Benton Road/Irby Cobb Blvd. 16-inch Water Line	\$345,000
2016		City	Existing Water Plant Chloramine Conversions	\$1,170,000
2016		BWA/City	Produce Surface Water -- 30% Conversion	

Attachment "C"

Brazosport Water Authority September 11, 2014 Additional Information Letter



BRAZOSPORT WATER AUTHORITY

MEMBER CITIES:

ANGLETON

BRAZORIA

CLUTE

FREEPORT

LAKE JACKSON

OYSTER CREEK

RICHWOOD

September 11, 2014

City of Rosenberg
Attn: John Maresh
2110 4th Street
Rosenberg, Texas 77471

RE: Additional Information for Rosenberg GRP

Hello Mr. Maresh,

Below are the responses to the additional information requested for the Rosenberg GRP.

1. State what your current contract commitments are on a daily basis.

Brazosport Water Authority is under contract currently to supply customers 9.33 million gallons of water per day.

2. State what the total average daily capacity of the treatment plant is.

The Brazosport Water Authority treatment plant in Lake Jackson has a current TCEQ rating for water production of 17.5 million gallons per day.

3. Information on the pipeline, including a proposed route, line size, costs. The route should stop at the intersection of Burdett Road and A. Meyer Road. The last section of the pipeline should be a 24-line, as Rosenberg would pay for the upsizing.

The potential route of the pipeline to serve the TDCJ Ramsey Complex, the TDCJ Darrington Unit and the City of Rosenberg is shown on the attached figure. The pipeline along this potential route consists of 36,220 lf of 42-in line, 40,520 lf of 30-in line and 95,740 lf of 24-in line. The 42-in and 30-in lines are in compliance with the recommended alternative contained in the TWDB funded Brazoria County Regional Water Facility Master Plan. The 24-in line is proposed to serve the City of Rosenberg. The total cost of the pipeline is \$40,255,000 which includes 15% for professional services and a 20% contingency. A drawing is attached.

4. List other users on this pipeline along with their demand.

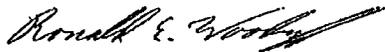
The two customers on the proposed BWA pipeline north of Angleton in addition to the City of Rosenberg (3 mgd) are the TDCJ Ramsey Complex (2mgd) which includes Ramsey, Terrell, & Stringfellow Units and the TDCJ Darrington Unit (0.76 mgd).

5. Information on the Angleton pump station. We need the storage and pumping capacity at this location. Also, if there are improvements that must be made to this station that are necessary for serving Rosenberg, then these improvements need to be identified along with their costs. If there are costs, are they a part of your current bond program?

The storage tank and pump station in Angleton to serve the BWA pipeline north of Angleton are both proposed facilities. The proposed ground storage tank has a capacity of 5 MG. The proposed pump station has a capacity of 7.2 mgd. Both of these facilities have been included in the capital cost estimates presented to the City of Rosenberg and reviewed by its engineer.

Please let us know if we can be of any further assistance.

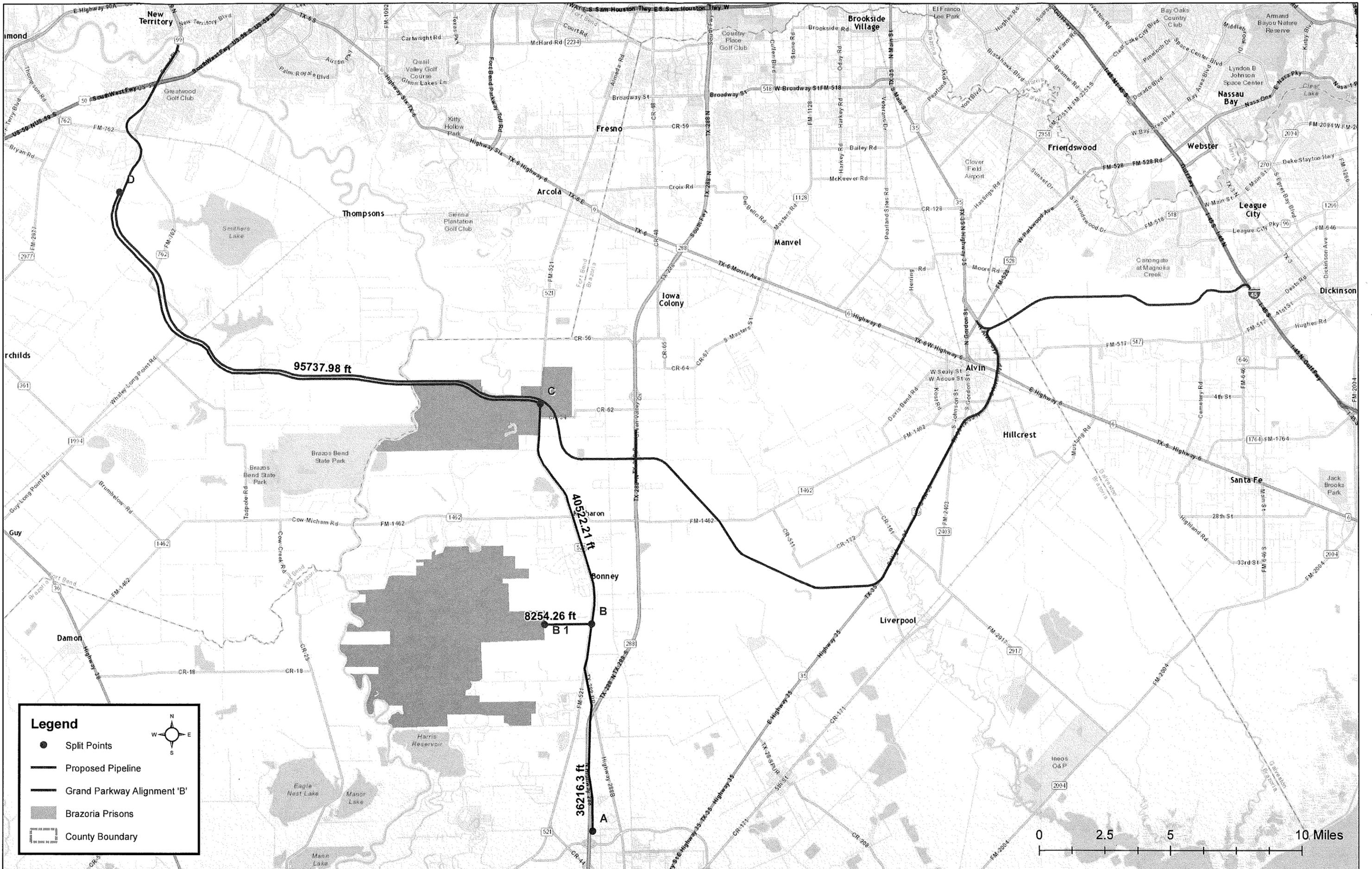
Thank you,



Ronald Woodruff
General Manager
Brazosport Water Authority
rwoodruff@bwawater.org

Cc: Charles A. Kalkomey & File

Enclosure: Map of Route



Regulations, Article XII, Sign Regulations, Section 6-367; providing regulations regarding painting of street numbers on City curbs; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; providing for severability; and providing an effective date including the verbiage in Subsection (d) which defines the Texas flag as an exclusion to this paragraph. The motion carried by a unanimous vote of those present.

7. **HOLD EXECUTIVE SESSION FOR CONSULTATION WITH ATTORNEY TO RECEIVE LEGAL ADVICE REGARDING THE ALTERNATE WATER SUPPLY PROJECT WITH BRAZOSPORT WATER AUTHORITY PURSUANT TO SECTION 551.071; TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY PURSUANT TO SECTION 551.072; AND, TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL FOR THE POSITIONS OF CITY MANAGER AND SECRETARY III PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE.**

Action: Councilor Barta made a motion, seconded by Councilor McConathy to adjourn for Executive Session. The motion carried by a unanimous vote of those present.

An Executive Session was held for consultation with Attorney to receive legal advice regarding the Alternate Water Supply Project with Brazosport Water Authority pursuant to Section 551.071; to deliberate the purchase, exchange, lease, or value of real property pursuant to Section 551.072; and, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal for the positions of City Manager and Secretary III pursuant to Section 551.074 of the Texas Government Code.

8. **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 8:38 p.m.

Councilor McConathy made a motion, seconded by Councilor Euton to direct staff to accept the counteroffer submitted for the proposed 0.856 acre Sanitary Sewer Line Easement out of 51.4768 acre tract, located at the southwest corner of U.S. Highway (I-69) and Fairgrounds Road, Fort Bend County, Texas 77471, and prepare easement documents as appropriate. The motion carried by a unanimous vote of those present.

9. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1884, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A WATER SUPPLY AGREEMENT, BY AND BETWEEN THE CITY AND BRAZOSPORT WATER AUTHORITY TO SUPPLY A POTABLE WATER SOURCE.**

Executive Summary: This item has been added to the agenda to offer City Council the opportunity to consider action on a Water Supply Agreement (Agreement) with the Brazosport Water Authority. The Agreement would provide an alternative potable water supply to the City that satisfies the Fort Bend Subsidence District (District) Regulatory Plan requirements. The City is mandated to comply with the requirement to reduce groundwater withdrawals by thirty percent (30%) on or before, October 01, 2016.

A copy of the Agreement is being provided to City Council under separate cover.

During the discussion of this Agenda item, staff will be providing a recommendation regarding approval of Resolution No. R-1884 as presented, authorizing the Mayor to execute a Water Supply Agreement by and between the City and Brazosport Water Authority to supply a potable water supply.

Action: Councilor McConathy made a motion, seconded by Councilor Barta to approve Resolution No. R-1884, a Resolution authorizing the Mayor to execute, for and on behalf of the City, a Water Supply Agreement, by and between the City and Brazosport Water Authority to supply a potable water source with the addition of Section 2 as noted by legal counsel, with reads as follows: "The City Council of the City of Rosenberg hereby authorizes the Mayor, on behalf of the City, to exercise the option under Section 1.1(c) of the Water Supply Agreement to acquire all, or part, of the water supply reserved by Brazosport Water Authority for the Texas Department of Criminal Justice". The motion carried by a unanimous vote of those present.

10. **ANNOUNCEMENTS.**

- Christmas in Rosenberg will be held this weekend, December 4-6, 2014.
- Channel 13 Food Drive at Terry High School.

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 SPECIAL MEETING MINUTES FOR AUGUST 09, 2014, SPECIAL WORKSHOP MEETING MINUTES FOR AUGUST 09, 2014, JOINT CITY COUNCIL AND ROSENBERG DEVELOPMENT CORPORATION MEETING MINUTES FOR AUGUST 14, 2014, SPECIAL MEETING MINUTES FOR AUGUST 26, 2014, WORKSHOP MEETING MINUTES FOR AUGUST 26, 2014, REGULAR MEETING MINUTES FOR SEPTEMBER 02, 2014, AND REGULAR MEETING MINUTES FOR SEPTEMBER 16, 2014.**

- B. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2014-40, AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY DELETING ALL OF SECTION 28-41 (B) AND (D), STOP SIGNS DESIGNATED, OF ARTICLE II, DIVISION 2 OF CHAPTER 28, STOP STREETS, AND SUBSTITUTING THEREFOR A NEW SECTION 28-41 (B) AND (D) OF ARTICLE II, DIVISION 2 OF CHAPTER 28 THEREOF; PROVIDING FOR A FOUR-WAY STOP AT THE INTERSECTION OF AVENUE G AND 8TH STREET; PROVIDING A PENALTY IN AN AMOUNT OF NOT LESS THAN \$1.00 OR MORE THAN \$200.00 FOR VIOLATION OF ANY PROVISION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Executive Summary: Staff recently received information from the Police Department Traffic Investigator, regarding a pattern of crashes having occurred at the intersection of Avenue G and 8th Street. A review of records identified a total of three (3) traffic crashes at this intersection over the most recent three (3) year period, all of which have occurred since October 2013. The intersection currently functions as a two-way stop, with 8th Street stopping and Avenue G being non-controlled. The recommendation is to make this a four (4) way stop intersection due to the documented number of traffic crashes that have occurred at the intersection.

Staff has prepared an Ordinance that deletes the above listed intersection from the two-way stop sign designations and will add said intersection to the four-way stop sign designations.

Staff recommends approval of Ordinance No. 2014-40 as presented.

- C. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1869, A RESOLUTION RATIFYING AN AMENDED GROUNDWATER REDUCTION PLAN (GRP) REGARDING CONVERSION TO AN ALTERNATIVE WATER SOURCE AS APPROVED BY THE FORT BEND SUBSIDENCE DISTRICT.**

Executive Summary: During the regular City Council Meeting on November 05, 2013, City Council took action authorizing the preparation and submission of an amended Groundwater Reduction Plan (GRP) to the Fort Bend Subsidence District (FBSD). The GRP Amendment was submitted on August 21, 2014, and subsequently approved by the FBSD Board of Directors on September 19, 2014. The Amendment identifies the Brazosport Water Authority (BWA) as the source of alternative water supply that will be used to satisfy the FBSD unfunded mandate to reduce groundwater withdrawal by thirty percent (30%) beginning in FBSD permit year October 01, 2016. A copy of the Amendment was included as Exhibit "A" to Resolution No. R-1869. The amended GRP also includes a schedule/timeline for various Capital Projects that the City must construct within the timeline in order to prevent disincentive fee penalties from the FBSD.

Staff recommends approval of Resolution No. R-1869 as presented.

- D. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1831, A RESOLUTION AWARDDING BID NO. 2014-13, FOR PARKS GROUNDS MAINTENANCE SERVICES; AND, AUTHORIZING THE 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, September 17, 2014, bids were received and opened for the City of Rosenberg (City) Parks Grounds Maintenance Contract. A total of two (2) bids were

G. **CONSIDERATION OF AND ACTION ON A FINAL PLAT OF SUMMER LAKES SECTION EIGHT, BEING A SUBDIVISION OF 8.574 ACRES OUT OF THE W.M. LUSK SURVEY, A-276 AND THE JANE LONG LEAGUE, A-55, IN THE CITY OF ROSENBERG, IN FORT BEND COUNTY, TEXAS (FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 144); 36 LOTS, 2 BLOCKS, 1 RESERVE (0.5214 ACRE).**

Executive Summary: The Final Plat of Summer Lakes Section Eight is located off of Lake Commons and Blue Lake Drives in the south central portion of the Summer Lakes development. The Plat consists of 8.574 acres, 36 residential lots, and one (1) reserve containing 0.5 acres.

All proposed lots are a minimum of sixty feet (60') in width as measured at the front building line. The Plat complies with the Development Agreement and approved Land Plan for Fort Bend County MUD No. 144. The Land Plan identifies the area of the Plat as single-family residential development. The Development Agreement calls for a minimum lot width of fifty feet (50') and minimum size of 6,000 square feet. All proposed lots meet these requirements.

The Preliminary Plat of Summer Lakes Section Eight was approved by the Planning Commission on June 18, 2014, and the Final Plat was recommended for approval on September 17, 2014. The Final Plat is not in conflict with any applicable regulations, with the approved Preliminary Plat, or with the Development Agreement for Fort Bend County MUD No. 144. Staff recommends approval of the Final Plat of Summer Lakes Section Eight.

H. **CONSIDERATION OF AND ACTION ON A FINAL PLAT OF SUMMER PARK SECTION TWO, BEING A SUBDIVISION OF 16.498 ACRES OUT OF THE ROBERT E. HANDY SURVEY, A-187, IN THE CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS (FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 144); 64 LOTS, 3 BLOCKS, 3 RESERVES (0.6726 ACRE).**

Executive Summary: The Final Plat of Summer Park Section Two is located off of Park Place Boulevard in the southwest portion of the Summer Park development. The Plat consists of 16.498 acres, 64 residential lots, and three (3) reserves containing 0.67 acres.

All proposed lots are a minimum of sixty feet (60') in width as measured at the front building line. The Plat complies with the Development Agreement and approved Land Plan for Fort Bend County MUD No. 144. The Land Plan identifies the area of the plat as single-family residential development. The Development Agreement calls for a minimum lot width of fifty feet (50') and minimum size of 6,000 square feet. All proposed lots meet these requirements.

The Planning Commission approved the Preliminary Plat of this subdivision on June 18, 2014, and recommended approval of the Final Plat on September 17, 2014. The Final Plat is not in conflict with any applicable regulations, with the approved Preliminary Plat, or with the Development Agreement for Fort Bend County MUD No. 144. Staff recommends approval of the Final Plat of Summer Park Section Two.

I. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1866, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AMENDMENT 3 TO: SECURITY SERVICES CONTRACT BETWEEN LAMAR CONSOLIDATED INDEPENDENT SCHOOL DISTRICT AND THE CITY OF ROSENBERG FOR POLICE SERVICES PROVIDED BY ROSENBERG POLICE OFFICERS.**

Executive Summary: Amendment 3 to the Security Services Contract (Contract) with Lamar Consolidated Independent School District (LCISD) is to provide for two additional one-year extensions to the current Contract.

This Contract automatically renewed, effective September 01, 2014, and shall expire on August 31, 2015. LCISD and the City of Rosenberg may, upon mutual consent, extend the Contract for two (2) additional one-year periods upon written request of the City of Rosenberg Police Department presented prior to the expiration of the Contract.

Amendment 3 is included at Exhibit "A" to Resolution No. R-1866. Staff recommends approval of Resolution No. R-1866 as presented.

Action: Councilor Benton made a motion, seconded by Councilor McConathy to approve all items (Items A-I) on the Consent Agenda. The motion carried by a unanimous vote.

reassignment, duties, discipline, or dismissal of the Presiding Judge of the Municipal Court pursuant to Section 551.074 of the Texas Government Code.

17. **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.

18. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1844, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF INTENT, BY AND BETWEEN THE CITY AND BRAZOSPORT WATER AUTHORITY REGARDING AN ALTERNATIVE WATER SUPPLY PROJECT.**

Executive Summary: This item has been placed on the Agenda to allow City Council the opportunity to consider authorizing the Mayor to execute a Letter of Intent with the Brazosport Water Authority (BWA) regarding the supply of an alternative water source. This is necessary in order to comply with the Fort Bend Subsidence District mandate to reduce groundwater withdrawals by 30%, effective October 01, 2016.

If the Letter of Intent is approved by City Council, staff will continue to negotiate a surface water supply contract with the BWA for consideration by City Council at a subsequent meeting.

Action: Councilor Bolf made a motion, seconded by Councilor McConathy to approve Resolution No. R-1844, a Resolution authorizing the Mayor to execute a Letter of Intent, by and between the City and Brazosport Water Authority regarding an alternative water supply project. The motion carried by a unanimous vote of those present.

19. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1817, A RESOLUTION PROVIDING FOR THE APPOINTMENT OF THE PRESIDING JUDGE OF THE MUNICIPAL COURT OF THE CITY, FOR A TWO (2) YEAR TERM BEGINNING OCTOBER 01, 2014, AND ENDING SEPTEMBER 30, 2016.**

Executive Summary: The City's current appointment of the Presiding Judge of the Municipal Court of the City of Rosenberg will expire September 30, 2014. Making the appointment of the Judge in July, but effective October 01, 2014, allows for the associated Compensation Agreement, to be considered under the following Agenda item, to be completed during the Budget preparation for FY2014-15, thereby simplifying the FY2014-15 Budget process.

James A. Baker, the present Presiding Judge, requests appointment as the Presiding Judge of the Municipal Court of the City of Rosenberg, Texas, for a two (2) year term commencing October 01, 2014, and ending September 30, 2016; and, therefore approval of Resolution No. R-1817.

Action: Councilor McConathy made a motion, seconded by Councilor Benton to approve as written with deletion of a car/transportation allowance, Resolution No. R-1817, a Resolution providing for the appointment of the Presiding Judge of the Municipal Court of the City, for a two (2) year term beginning October 01, 2014, and ending September 30, 2016. The motion carried by a unanimous vote of those present.

20. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1818, A RESOLUTION PROVIDING FOR AN ANNUAL EVALUATION AND AUTHORIZED COMPENSATION FOR THE POSITION OF PRESIDING JUDGE OF THE ROSENBERG MUNICIPAL COURT.**

Executive Summary: City Council has established an evaluation date of on or before October 1st of each year for certain "direct report" administrative positions. This item provides an opportunity for City Council to take action out of Executive Session with regard to said evaluation and establish compensation for the position of Presiding Judge of the Rosenberg Municipal Court.

City Council having contemporaneously appointed James A. Baker, Presiding Judge for the two (2) year term beginning October 01, 2014, and ending September 30, 2016, it is incumbent upon City Council to establish the compensation to be paid for that position for that term and to authorize the execution of a Compensation Agreement between the City and James A. Baker stating the compensation to be paid as so established; and, to provide for other benefits of a full time employee of the City for the two (2) year term beginning October 01, 2014, and ending September 30, 2016.

Therefore, approval of Resolution No. R-1818 is recommended with the associated Compensation Agreement attached as Exhibit "A" once compensation has been established.



CITY COUNCIL COMMUNICATION

February 03, 2015

ITEM #	ITEM TITLE
6	Resolution No. R-1873 – Authorizing Resale Deed

ITEM/MOTION

Consideration of and action on Resolution No. R-1873, a Resolution authorizing the Mayor to execute a resale deed for real property generally located at 800 6th Street and described as Tract 1: Geo Number: 7835000380130901: Lot Thirteen (13), Block Thirty-Eight (38), in the Town of Rosenberg, Fort Bend County, Texas, according to the Plat of said town shown of record in Volume P, Page 146 of the Deed Records of Fort Bend County, Texas; and for real property generally located at 802 6th Street and described as Tract 2: Geo Number: 7835000380140901: Lots Fourteen (14) and Fifteen (15) in Block Thirty-Eight (38) of the City of Rosenberg, Fort Bend County, Texas, according to the Plat of said City of Rosenberg, appearing of record in Volume P, Page 146 of the Deed Records of Fort Bend County, Texas; and, containing other provisions relating to the subject.

FINANCIAL SUMMARY	ELECTION DISTRICT
-------------------	-------------------

Annualized Dollars:

- One-time
 Recurring
 N/A

Budgeted:

- Yes No N/A

Source of Funds: N/A

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

SUPPORTING DOCUMENTS:

- Resolution No. R-1873
- Official Bid Form
- Bid Analysis
- Scott Correspondence – 09-30-14
- Proposed Resale Deed
- Location Map

MUD #: N/A

APPROVALS

Submitted by:


 Joyce Vasut
 Executive Director of
 Administrative Services

Reviewed by:

- Exec. Dir. of Administrative Services
 Asst. City Manager for Public Services
 City Attorney
 City Engineer
 Tax Attorney *MD/rl*

Approved for Submittal to City Council:


 Robert Gracia
 City Manager

EXECUTIVE SUMMARY

Mike Darlow, with Perdue, Brandon, Fielder, Collins and Mott, LLP, presented an offer received from Terry Scott to purchase three (3) lots from the City for \$18,000. The official bid form, a letter from Mr. Scott explaining the costs he plans to incur to renovate the property, along with a bid analysis and map showing the location are attached. Also, attached is a proposed resale deed should the offer be accepted by City Council.

Based upon the taxes due under the judgment and the amount needed for repair, Mr. Darlow agreed that this is a reasonable offer and would recommend approval of Resolution No. R-1873. Should City Council approve this item, approval would also be necessary by Lamar Consolidated ISD, as well as Fort Bend County in order to complete the resale.

Staff recommends approval of Resolution No. R-1873, a Resolution authorizing the resale of property that was acquired through tax foreclosure proceedings.

RESOLUTION NO. R-1873

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A RESALE DEED FOR REAL PROPERTY GENERALLY LOCATED AT 800 6TH STREET AND DESCRIBED AS TRACT 1: GEO NUMBER: 7835000380130901: LOT THIRTEEN (13), BLOCK THIRTY-EIGHT (38), IN THE TOWN OF ROSENBERG, FORT BEND COUNTY, TEXAS, ACCORDING TO THE PLAT OF SAID TOWN SHOWN OF RECORD IN VOLUME P, PAGE 146 OF THE DEED RECORDS OF FORT BEND COUNTY, TEXAS; AND FOR REAL PROPERTY GENERALLY LOCATED AT 802 6TH STREET AND DESCRIBED AS TRACT 2: GEO NUMBER: 7835000380140901: LOTS FOURTEEN (14) AND FIFTEEN (15) IN BLOCK THIRTY-EIGHT (38) OF THE CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS, ACCORDING TO THE PLAT OF SAID CITY OF ROSENBERG, APPEARING OF RECORD IN VOLUME P, PAGE 146 OF THE DEED RECORDS OF FORT BEND COUNTY, TEXAS; AND, CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, it is deemed desirable and in the best interest of the City of Rosenberg to sell certain real property; and,

WHEREAS, certain real property, referenced in Section 1 below, has been held in trust by Fort Bend County having been offered for public sale due to delinquent taxes and/or liens; and,

WHEREAS, the City Council deems the subject property is not needed for future use by the City of Rosenberg and should be sold; and,

WHEREAS, the City Council of the City of Rosenberg authorizes the Mayor to direct the preparation and facilitation of any and all documentation necessary to sell said property; now, therefore,

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

Section 1. That the City Council hereby authorizes the Mayor to execute the resale deed for said property, for and on behalf of the City of Rosenberg, generally located at 800 6th Street and 802 6th Street and described as follows:

Tract 1: Geo Number: 7835000380130901: Lot Thirteen (13), Block Thirty-Eight (38), in the Town of Rosenberg, Fort Bend County, Texas, according to the plat of said town shown of record in Volume P, Page 146 of the Deed Records of Fort Bend County, Texas; and, Tract 2: Geo Number: 7835000380140901: Lots Fourteen (14) and

Fifteen (15) in Block Thirty-Eight (38) of the City of Rosenberg, Fort Bend County, Texas, according to the plat of said City of Rosenberg, appearing of record in Volume P, Page 146 of the Deed Records of Fort Bend County, Texas.

Section 2. The Mayor is hereby authorized to accept the sale price of \$18,000.00 for said property.

Section 3. That this Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED, AND RESOLVED on the _____ day of _____ 2015.

ATTEST:

APPROVED:

Linda Cernosek, TRMC, **City Secretary**

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



**OFFICIAL BID FORM-TAX RESALE PROPERTY
FORT BEND INDEPENDENT SCHOOL DISTRICT**

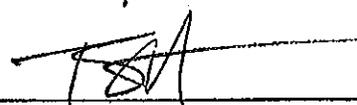
You may bid on any or all of the parcels available- *that do not already have an offer pending*. Please enter the amount you wish to bid, Fort Bend Independent School District the right to accept or reject any or all bids. **No title insurance or survey will be provided. Property is being sold "as is", "where is" and "without warranty".**

Cause Number	Account Number	Amount Offered for Resale Property	Amount due for Post-Judgment Taxes (if any)	Total Amount Offered for Property
08-DCV-162775	7835000380130901 R11760	\$5,760.50	P/J Years Due: 2013-2014 Amount Due: \$239.50	\$6,000.00
08-DCV-162775	7835000380140901 R11762	\$9,649.73	P/J Years Due: 2013-2014 Amount Due: \$2,350.27	\$12,000.00
				Total: \$18,000.00

By my signature below, I certify that I understand the conditions and limitations of this sale, as well as the restrictions on the use of the property as set forth in the Texas Property Tax code. I understand that I am responsible for post-judgment taxes, and I further understand that I am to provide for those taxes, if any, in the total amount offered for the property(ies). I agree to indemnify the Fort Bend Independent School District and its attorney and agent from any action or damages arising from the purchase of this property and agree to submit any dispute to the American Arbitration Association for resolution.

Terry Scott

Bidder's Name (Please Print or Type)
(Name wanted on deed)



Bidder's Signature

P O BOX 824

Bidder's Address (address wanted on deed)

832-526-2295

Bidder's Telephone / Email Address

Needville 77461

City Zip

12/19/14

Date

Bid Analysis

Cause No. 06-DCV-162775 Account No(s). 7835000380130901 and 7835000380140901

Description:

TRACT 1: GEO NUMBER: 7835000380130901

LOT THIRTEEN (13), BLOCK THIRTY-EIGHT (38), IN THE TOWN OF ROSENBERG, FORT BEND COUNTY, TEXAS, ACCORDING TO THE PLAT OF SAID TOWN SHOWN OF RECORD IN VOLUME P, PAGE 146 OF THE DEED RECORDS OF FORT BEND COUNTY, TEXAS.

TRACT 2: GEO NUMBER: 7835000380140901

LOTS FOURTEEN (14) AND FIFTEEN (15) IN BLOCK THIRTY-EIGHT (38) OF THE CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS, ACCORDING TO THE PLAT OF SAID CITY OF ROSENBERG, APPEARING OF RECORD IN VOLUME P, PAGE 146 OF THE DEED RECORDS OF FORT BEND COUNTY, TEXAS

Bid Amount \$18,000.00

Name of Bidder Terry Scott

Judgment/ Opening Bid Information

<u>Tax Entity</u>	<u>Tax Years</u>	<u>Amount Due</u>
7835000380140901: City of Rosenberg	2005-2012	\$3,927.83 (18%)
7835000380130901: City of Rosenberg	2005-2012	\$428.17 (2%)
7835000380140901: Fort Bend County/ Lamar Consolidated Independent School District	2005-2012	\$15,965.52(73%)
7835000380130901: Fort Bend County/ Lamar Consolidated Independent School District	2005-2012	\$1,562.16 (7%)

Total (7835000380130901 and 7835000380140901) *\$21,883.68*

TOTAL AMOUNT DUE AT TIME OF Tax Sale: \$21,883.68

Property Value (at time of Judgment)

Account No. 7835000380130901	<u>\$6,340.00</u>
Account No. 7835000380140901	<u>\$58,120.00</u>

Costs

Court Costs	<u>\$561.00</u>
Abstract Fees (PBF)	<u>\$500.00</u>
Publication Fee (Fort Bend Herald)	<u>\$457.14</u>
Constable Fee & Commission (Constable Constable Rob Cook)	<u>\$920.00</u>
Ad Litem (PBF)	<u>\$1,200.00</u>
Recording Fee (Struckoff Deed- PBF CM)	<u>\$25.00</u>
Recording Fee (Resale Deed)	<u>\$25.00</u>

Total costs: \$3,688.14

Proposed Distribution

Bid Amount \$18,000.00 - Costs \$3,688.14 - Post Jdmt \$2,336.27 (August, 2014 for 2013 Tax Years)

(ACCOUNT NO. 7835000380130901 and 7835000380140901) Net to Distribute
\$11,975.59

City of Rosenberg (7835000380130901)	\$2,155.61
City of Rosenberg (7835000380140901)	\$239.51
Fort Bend County/ Lamar-CISD (783500038013090)	\$8,742.18
Fort Bend County/ Lamar-CISD (7835000380140901)	\$838.29

**Please zero out all remaining balances for 2005-2012 tax years

Terry Scott phone/832-526-2295 [email/scootter73@gmail.com](mailto:scootter73@gmail.com)

September 30, 2014

FCAD #7835000380130901

FCAD#7835000380140901

To whom it may concern:

I am writing this memo to express interest in the above mentioned property. I have presented my bid of \$18000 based on (ROI) Return on Investment potential which includes a few factors. The formula that I use is based on the appraised value –minus- the cost of repairs and unforeseen damage that may arise once construction and repairs begin and potential for profit. So far I have accounted for the following repairs: leveling \$3500, new air conditioner \$4000, new siding \$3000, dumpster rental \$700, removal of back porch \$400, new back porch \$2500, plumbing \$1500-\$3000, electrical \$1500-\$3000, roof repairs \$3000, paint and sheetrock repairs \$600-\$1300. Please review this bid and feel free to contact me with any additional concerns. Thanks

Sincerely,

T.Scott

THE STATE OF TEXAS
COUNTY OF FORT BEND

§
§
§

RESALE DEED

NOTICE OF CONFIDENTIALITY RIGHT:

IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

KNOW ALL MEN BY THESE PRESENTS that the CITY OF ROSENBERG for itself and as Trustee for the use and benefit of the FORT BEND COUNTY, LAMAR-CONSOLIDATED INDEPENDENT SCHOOL DISTRICT, LATERAL ROAD & FLOOD CONTROL, FORT BEND COUNTY DRAINAGE, AND FORT BEND COUNTY GENERAL FUND, acting by and through its duly elected official ("GRANTOR") as authorized by Section 34.05, Texas Property Tax Code, for and in consideration of the sum of EIGHTEEN THOUSAND DOLLARS (\$18,000.00), in hand paid by TERRY SCOTT ("GRANTEE") the receipt of which is hereby acknowledged and confessed, has granted and conveyed and by these presents do grant and convey unto said grantee all right, title and interest of the CITY OF ROSENBERG for itself and as Trustee for the use and benefit of the FORT BEND COUNTY, LAMAR-CONSOLIDATED INDEPENDENT SCHOOL DISTRICT, LATERAL ROAD & FLOOD CONTROL, FORT BEND COUNTY DRAINAGE, AND FORT BEND COUNTY GENERAL FUND, in the property herein conveyed, acquired by tax foreclosure sale heretofore held, in Cause No. 08-DCV-162775, styled CITY OF ROSENBERG VS. CAVAZOS, IGNACIO, ET AL, said property being described as:

TRACT 1: GEO NUMBER: 7835000380130901
LOT THIRTEEN (13), BLOCK THIRTY-EIGHT (38), IN THE TOWN OF ROSENBERG, FORT BEND COUNTY, TEXAS, ACCORDING TO THE PLAT OF SAID TOWN SHOWN OF RECORD IN VOLUME P, PAGE 146 OF THE DEED RECORDS OF FORT BEND COUNTY, TEXAS.

TRACT 2: GEO NUMBER: 7835000380140901
LOTS FOURTEEN (14) AND FIFTEEN (15) IN BLOCK THIRTY-EIGHT (38) OF THE CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS, ACCORDING TO THE PLAT OF SAID CITY OF ROSENBERG, APPEARING OF RECORD IN VOLUME P, PAGE 146 OF THE DEED RECORDS OF FORT BEND COUNTY, TEXAS

GRANTOR excludes and excepts from this conveyance any warranties, express or implied, on the property, including, without limitation, any warranties arising by common law or Section 5.023 of the Property Code.

GRANTOR conveys the property:

- (a) "as is", "with all faults" and without any warranty as to condition or environmental hazard,
- (b) subject to all restrictions, easements, rights-of-way leases, oil, gas and mineral leases, royalties, mineral conveyances, and mineral reservations of record, if any, in the office of the County Clerk of said County,
- (c) subject to any right of redemption; and
- (d) subject to rights of parties in possession

GRANTOR disclaims any warranty, guaranty or representation, oral or written, on:

- (a) the nature and condition of the property or other items conveyed hereunder, without limitation, the water, soil and geology,
- (b) the suitability of the property conveyed hereunder for any and all activities and uses which GRANTEE may elect to conduct thereon,
- (c) the existence of any environmental hazards or conditions thereon, (including but not limited to the presence of asbestos or other hazardous materials),
- (d) compliance with applicable environmental laws, rules or regulations; and
- (e) the compliance of the property with any laws, ordinances, or regulations of any governmental entity or body.

By acceptance of this deed, GRANTEE acknowledges and agrees:

- (a) that GRANTOR acquired the property through foreclosure of a tax lien as Trustee and as such has little, if any, knowledge of the physical or economic characteristics of the property,
- (b) GRANTEE has inspected the property and is relying solely on his own investigation of the same and not on any information provided or to be provided by on behalf of GRANTOR,
- (c) that any information provided with respect to the property was obtained from a variety of sources, and
- (d) GRANTOR (1) has not made any independent investigation or verification of such information; and (2) does not make any representations as to the accuracy or completeness of such information.

- (e) that if there are any improvements on the property, GRANTOR shall not be responsible for or liable to GRANTEE for any construction defects, errors omissions, or any other conditions affecting the property.

GRANTEE or anyone claiming by, through or under GRANTEE, hereby fully releases GRANTOR, its employees, officers, directors, representatives, attorneys and agents from any and all claims that it may now have or hereafter acquire against GRANTOR, its respective employees, officers, directors, representatives, attorneys and agents for any cost, loss, liability, damage, expense, demand, action or cause of action arising from or related to the conveyance of the premises herein as well as any construction defects, errors, omissions, or other conditions affecting the property and other items conveyed hereunder. GRANTEE further acknowledges and agrees that this release shall be given full force and effect according to each of its express terms and provisions, including, but not limited to, those relating to unknown and suspected claims, damages and causes of action. This covenant releasing GRANTOR shall be a covenant running with the property and shall be binding upon GRANTEE, his successors, beneficiaries and assigns. GRANTOR hereby assigns without recourse or representation of any nature to GRANTEE, effective upon the execution and delivery hereof, any and all claims that GRANTOR may have for any such errors, omissions or defects in the property and other items conveyed hereunder. As a material covenant and condition of this conveyance, GRANTEE agrees that in the event of any such construction defects, errors, omissions or on account of any other conditions affecting the property, GRANTEE shall look solely to GRANTOR'S predecessors or to such contractors and consultants as may have contracted for work in connection with the property and other items conveyed hereunder for any redress or relief. Upon the assignment by GRANTOR of its claims, GRANTEE releases GRANTOR of all right, express or implied, GRANTEE may have against GRANTOR arising out of or resulting from any errors, omissions or defects in the property and other items conveyed hereunder. GRANTEE further understands that some of GRANTOR'S predecessors in interest may be or become insolvent, bankrupt, judgment-proof or otherwise incapable of responding in damages and GRANTEE may have no remedy against such predecessors, contractors or consultants.

GRANTEE hereby further agrees on behalf of his successors, beneficiaries and assigns to indemnify, protect, defend, save and hold harmless GRANTOR and GRANTOR'S elected and appointed officials, employees, officers, directors, representatives, attorney and agents from and against any and all debts, duties, obligation, liabilities, suits, claims, demands, cause of action, damages, losses, costs and expenses (including, without limitation, attorneys' fees and expenses and court costs) in any way relating to, connected with or arising out of the property and other items conveyed hereunder or the ownership, leasing, use, operation, maintenance and management thereof from and after the date hereof, including, without limitation, the cost of any removal of hazardous substances or contaminants from the property and other items conveyed hereunder.

TO HAVE AND TO HOLD said premises, together with all and singular the rights, privileges and appurtenances thereto in any manner belonging unto the said CITY OF ROSENBERG, his successors, beneficiaries, heirs and assigns forever, so that neither the CITY OF ROSENBERG for itself and as Trustee for the use and benefit of the FORT BEND COUNTY, LAMAR-CONSOLIDATED INDEPENDENT SCHOOL DISTRICT, LATERAL

ROAD & FLOOD CONTROL, FORT BEND COUNTY DRAINAGE, AND FORT BEND COUNTY GENERAL FUND, nor any person claiming under it shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof.

Taxes for post judgment years and for the current year are assumed by, and are to be paid by GRANTEE.

Executed this _____ day of _____, 2015.

IN TESTIMONY WHEREOF, the taxing authorities herein have caused these presents to be executed their _____ day of _____, _____.

CITY OF ROSENBERG

VINCENT M. MORALES, JR.
MAYOR

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

ACKNOWLEDGMENT

BEFORE ME, the undersigned authority, on this day personally appeared, VINCENT M. MORALES, JR., Mayor, CITY OF ROSENBERG, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____day of
_____, 2015.

SEAL

NOTARY PUBLIC, in and for the
STATE OF TEXAS
My Commission Expires: _____

Grantee:

Terry Scott
P.O. Box 824
Needville, TX 77461

After Recording Return to:

Perdue, Brandon, Fielder, Collins & Mott, L.L.P.
1235 North Loop West, Suite 600
Houston, Texas 77008
Kevin Davidson

Executed this _____ day of _____, 2015.

FORT BEND COUNTY GENERAL FUND, FORT
BEND LATERAL ROAD & FLOOD CONTROL,
AND FORT BEND COUNTY DRAINAGE
DISTRICT

ROBERT E. HEBERT
COUNTY JUDGE, FORT BEND COUNTY

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

ACKNOWLEDGMENT

BEFORE ME, the undersigned authority, on this day personally appeared, ROBERT E. HEBERT, County Judge, FORT BEND COUNTY, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2015.

SEAL

NOTARY PUBLIC, in and for the
STATE OF TEXAS
My Commission Expires: _____

Executed this _____ day of _____, 2015.

LAMAR-CONSOLIDATED INDEPENDENT
SCHOOL DISTRICT

JULIE THOMPSON
PRESIDENT, BOARD OF TRUSTEES

THE STATE OF TEXAS

§

COUNTY OF FORT BEND

§

§

ACKNOWLEDGMENT

BEFORE ME, the undersigned authority, on this day personally appeared, JULIE THOMPSON, President, Board of Trustees, LAMAR-CONSOLIDATED INDEPENDENT SCHOOL DISTRICT, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2015.

NOTARY PUBLIC, in and for the
STATE OF TEXAS
My Commission Expires: _____

SEAL



A-83
Hy Scott

R11760

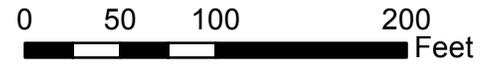
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ROSENBERG
7835-00



Created by Ft Bend Central Appraisal
District GIS Dept on 12/15/2014

Z-112



ITEM 7

Hold Executive Session to consult with City Attorney on contemplated litigation regarding Texas Department of Transportation v. Rosenberg eminent domain proceedings; to consult with the City Attorney on contemplated litigation regarding upcoming Charter Elections; and, to consult with the City Attorney to receive legal advice on legal matters, all pursuant to Section 551.071 of the Texas Government Code; and, to deliberate the potential purchase, exchange, lease, or value of real property pursuant to Section 551.072 of the Texas Government Code.

ITEM 8

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

ITEM 9

Announcements.

ITEM 10

Adjournment.