

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, June 16, 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. (Pastor Jimn Kyles, The CHURCH, Rosenberg)

Presentation of Texas Association of Government Information Technology Managers Rising Star Award. (Angela Fritz, Executive Director Information Services)

Presentation of Certificates of Achievement to 2015 Pitch, Hit and Run Skills Competition Winners. (Lydia Acosta, Recreation Programs Coordinator)

Presentation of Certificates of Appreciation to 2015 Pitch, Hit and Run Skills Competition Volunteers. (Lydia Acosta, Recreation Programs Coordinator)

Presentation of Proclamation Recognizing the Month of July 2015 as Parks and Recreation Month in the City of Rosenberg. (Cynthia McConathy, 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 Special Meeting Minutes for May 26, 2015, Workshop Meeting Minutes for May 26, 2015, Special Meeting Minutes for June 02, 2015, and Regular Meeting Minutes for June 02, 2015. (Linda Cernosek, City Secretary)

- B. Consideration of and action on Resolution No. R-1986, a Resolution acknowledging and accepting the acquisition by Utility Easements of certain property generally located along FM 2977 (Minonite Road) between Bryan Road and Lark Lane, associated with the installation of utility lines necessary to accommodate the FM 2977 16-Inch Waterline Loop Project and future water and sewer utilities as follows:
- a. 0.18 acre tract of land in the Robert E. Handy Survey, Abstract 187, City of Rosenberg, Fort Bend County, Texas, being over, through, and across Reserve "B" of Blume Addition, according to map or plat thereof recorded under Slide Number 1143A, Plat Records, Fort Bend County, Texas, with all bearings based upon the Texas Coordinate System, South Central Zone, NAD83, based upon GPS observations;
 - b. 0.05 acre tract of land, a 15-foot wide strip of land in the Robert E. Handy Survey, Abstract 187, Fort Bend County, Texas, being over, through, and across Lot 14 of Blume Addition according to map or plat thereof recorded under Slide Number 1143A, Plat Records, Fort Bend County, Texas, with all bearings based upon the Texas Coordinate System, South Central Zone, NAD83, based upon GPS observations;
 - c. 0.07 acre tract of land, a 20-foot wide strip of land in the Robert E. Handy Survey, Abstract 187, City of Rosenberg, Fort Bend County, Texas, being over, through, and across that certain called 1.0 acre tract recorded in Volume 2641, Page 899, Official Records, Fort Bend County, Texas, with all bearings based upon the Texas Coordinate System, South Central Zone, NAD83, based upon GPS observations; and,
 - d. 0.64 acre tract of land, a 20-foot wide strip of land in the Robert E. Handy Survey, Abstract 187, City of Rosenberg, Fort Bend County, Texas, being over, through, and across a portion of a called 93.890 acre tract recorded under County Clerk's File Number 2008131989, Official Public Records, Fort Bend County, Texas, with all bearings based upon the Texas Coordinate System, South Central Zone, NAD83, based upon GPS observations. (John Maresh, Assistant City Manager of Public Services)
- C. Consideration of and action on a Final Replat of Macer Reserves, being a partial replat of Reserve "C" of Kwikrose Commercial Park (Slide No. 1436/A; Plat Records of Fort Bend County, Texas) together with a portion of a call 5.00 acre tract of land (Fort Bend County Clerk's File No. 2007074320), both being in the Henry Scott Survey, Abstract 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. (Travis Tanner, Executive Director of Community Development)
- D. Consideration of and action on a Final Plat of Irby Cobb Boulevard Street Dedication No. Two, a subdivision of 3.451 acres containing 1,930 L.F. of R.O.W., out of the Eugene Wheat Survey, A-396, and the Wiley Martin League, A-56, Fort Bend County, Texas. (Travis Tanner, Executive Director of Community Development)
- E. Consideration of and action on a Final Plat of Walnut Creek Section Eleven, a subdivision of 8.764 acres containing 27 lots, 2 blocks and 1 restricted reserve out of the Eugene Wheat Survey, A-396, and the Wiley Martin League, A-56, Fort Bend County, Texas. (Travis Tanner, Executive Director of Community Development)

REGULAR AGENDA

2. Consideration of and action on Resolution No. R-1987, a Resolution approving continuing disclosure undertaking in connection with the issuance of bonds by the Brazosport Water Authority. (Joyce Vasut, Executive Director of Administrative Services)
3. Consideration of and action on Resolution No. R-1988, a Resolution authorizing the City Manager to execute, for and on behalf of the City, Budget Amendment 15-11, in the amount of \$552,000 for information technology licensing and server, certain pieces of equipment and electrical improvements for Wastewater Treatment Plant No. 1-A. (Joyce Vasut, Executive Director of Administrative Services)
4. Consideration of and action on Resolution No. R-1982, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Letter of Intent for participation in a project regarding railroad crossings and directional horns and/or quiet zones by and among the City of Rosenberg, the City of Richmond, and Fort Bend County, Texas. (John Maresh, Assistant City Manager of Public Services)

5. Consideration of and action on Resolution No. R-1992, a Resolution regarding funding for the oversizing of a water line for the Texas State Technical College (TSTC) Fort Bend Campus in an amount not to exceed \$100,000. (John Maresh, Assistant City Manager of Public Services)
6. Consideration of and action on Resolution No. R-1973, a Resolution authorizing the Parks and Recreation Department to submit an application for the 100 Trees for 100 Cities grant program. (Darren McCarthy, Parks and Recreation Director)
7. Consideration of and action on Resolution No. R-1980, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Contract Extension for Grounds Maintenance Services, by and between the City and Landscape Professionals of Texas, in the amount of \$64,362 for a term of one (1) year, terminating on June 04, 2016. (Darren McCarthy, Parks and Recreation Director)
8. Consideration of and action on Resolution No. R-1985, a Resolution authorizing acceptance of a donation of playground equipment for Community Park from Fort Bend Cares; and, authorizing the City Manager to negotiate and execute, for and on behalf of the City, any necessary documentation to facilitate the purchase and installation of same. (Darren McCarthy, Parks and Recreation Director)
9. Consideration of and action on Resolution No. R-1981, a Resolution regarding the public purpose and benefit related to the distribution of City-purchased mosquito larvicide to City of Rosenberg residents. (Jeff Trinker, Executive Director of Support Services)
10. Consideration of and action on Resolution No. R-1991, a Resolution accepting the filing of a petition by land owner for annexation of 3.483 acres of land in the Eugene Wheat Survey, A-396, Fort Bend County, Texas. (Travis Tanner, Executive Director of Community Development)
11. Review and discuss the reinstatement of the monthly City newsletter, and take action as necessary. (William Benton, Councilor, At Large Position One)
12. Hold Executive Session to consult with attorney to receive legal advice on legal matters pursuant to Section 551.071 of the Texas Government Code; to consult with City Attorney on pending litigation regarding Texas Department of Transportation v. Rosenberg eminent domain proceedings pursuant to Section 551.071 of the Texas Government Code; to deliberate the purchase, exchange, lease, or value of real property pursuant to Section 551.072 of the Texas Government Code; and, to deliberate personnel matters regarding the employment, evaluation and duties of the City Manager pursuant to Section 551.074 of the Texas Government Code.
13. Adjourn Executive Session, reconvene into Regular Session and take action as necessary as a result of Executive Session.
14. Announcements.
15. Adjournment.

[EXECUTION PAGE TO FOLLOW]

**Presentation of Texas Association of
Government Information Technology
Managers Rising Star Award.**

**Presentation of Certificates of Achievement
to 2015 Pitch, Hit & Run Skills Competition
Winners.**

2015 Pitch, Hit & Run Awards:

Boys 7-8 Year-Olds:

All-Around Champion	Tate Cloud
Pitching Champion	Tate Cloud
Hitting Champion	Tate Cloud
Running Champion	Tate Cloud

Boys 9-10 Year-Olds:

All-Around Champion	Carson Mixon
Pitching Champion	Carson Mixon
Hitting Champion	Brian Luna
Running Champion	Bradley Wright

Boys 11-12 Year-Olds:

All-Around Champion	Felix Medina
Pitching Champion	Felix Medina
Hitting Champion	Chase Cloud
Running Champion	Judson Mixon



Presented by



Tate Cloud
7-8 Year-Old Boys

2015

ALL-AROUND CHAMPION



Presented by



Tate Cloud
7-8 Year-Old Boys

2015
PITCHING CHAMPION



Presented by



Tate Cloud
7-8 Year-Old Boys

2015

HITTING CHAMPION



Presented by



Tate Cloud
7-8 Year-Old Boys

2015
RUNNING CHAMPION



Presented by



Carson Mixon
9-10 Year-Old Boys

2015

ALL-AROUND CHAMPION



Presented by



Carson Mixon
9-10 Year-Old Boys

2015
PITCHING CHAMPION



Presented by



Brian Luna
9-10 Year-Old Boys

2015

HITTING CHAMPION



Presented by



Bradley Wright
9-10 Year-Old Boys

2015
RUNNING CHAMPION



Presented by



Felix Medina
11-12 Year-Old Boys

2015
ALL-AROUND CHAMPION



Presented by



Felix Medina
11-12 Year-Old Boys

2015
PITCHING CHAMPION



Presented by



Chase Cloud
11-12 Year-Old Boys

2015
HITTING CHAMPION



Presented by



Judson Mixon
11-12 Year-Old Boys

2015

RUNNING CHAMPION

**Presentation of Certificates of Appreciation
to 2015 Pitch, Hit & Run Skills Competition
Volunteers.**

City of Rosenberg

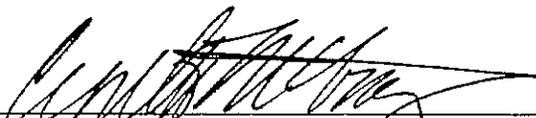
CERTIFICATE OF APPRECIATION

Presented to

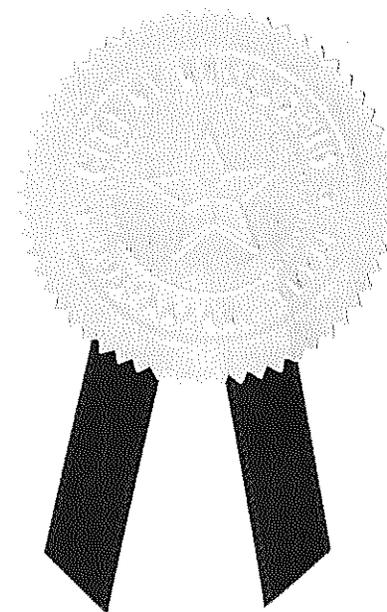
***B. F. Terry High School
National Honor Society***

In recognition of the outstanding performance in assisting the City of Rosenberg by volunteering your time and resources during the Pitch, Hit & Run Skills Challenge held in Seabourne Creek Regional Sports Complex. Your dedication and selfless work for the good of others has earned you a place of high esteem in the hearts and minds of the people of this City.

In testimony whereof, witness my hand and Seal of the City of Rosenberg, on this the 16th day of June, 2015.



Cynthia McConathy, Mayor
City of Rosenberg, Texas



City of Rosenberg

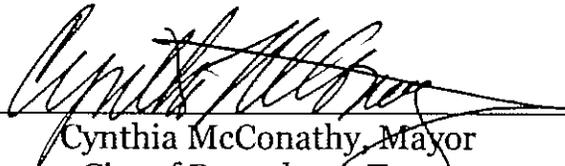
CERTIFICATE OF APPRECIATION

Presented to

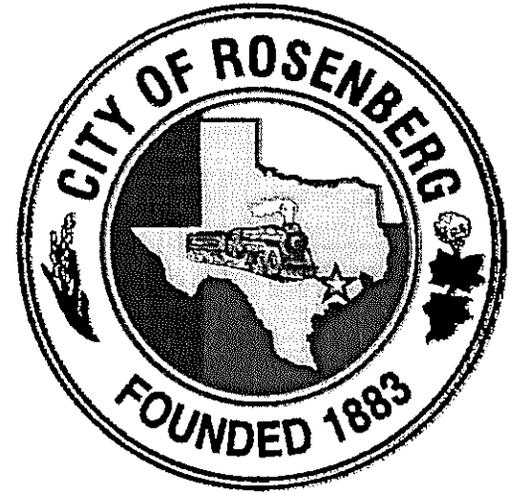
Rosenberg Lion's Club

In recognition of the outstanding performance in assisting the City of Rosenberg by volunteering your time and resources during the Pitch, Hit & Run Skills Challenge held in Seabourne Creek Regional Sports Complex. Your dedication and selfless work for the good of others has earned you a place of high esteem in the hearts and minds of the people of this City.

In testimony whereof, witness my hand and Seal of the City of Rosenberg, on this the 16th day of June, 2015.



Cynthia McConathy, Mayor
City of Rosenberg, Texas



**Presentation of Proclamation
Recognizing the Month of July 2015
as Parks and Recreation Month in the
City of Rosenberg.**

PROCLAMATION

Recognizing the Month of July 2015 as Parks and Recreation Month in the City of Rosenberg

WHEREAS, parks and recreation programs are an integral part of communities throughout this country, including Rosenberg, Texas; and,

WHEREAS, our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and,

WHEREAS, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, and also improve the mental and emotional health of all citizens; and,

WHEREAS, parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and,

WHEREAS, parks and recreation areas are fundamental to the environmental well-being of our community, and ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors;

Now, therefore, the City of Rosenberg, Texas, recognizes the benefits derived from parks and recreation resources. I, Cynthia McConathy, by virtue of the authority vested in me as mayor of the City of Rosenberg, and with the National Recreation and Park Association, do hereby proclaim the month of July as Parks and Recreation Month. We call upon our citizens and civic organizations to join us in recognizing the importance of our nation's parks and recreation facilities.

BE IT RESOLVED that during Parks and Recreation Month all citizens take advantage of our community parks and enjoy all that they have to offer.

In Witness Whereof, I have hereunto set my hand and caused the Official Seal of the City of Rosenberg to be affixed this 16th day of June 2015.

Cynthia McConathy, 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:

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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. Special City Council Meeting Minutes – May 26, 2015**
- 2. City Council Workshop Meeting Minutes – May 26, 2015**
- 3. Special City Council Meeting Minutes – June 02, 2015**
- 4. Regular City Council Meeting Minutes – June 02, 2015**

**CITY OF ROSENBERG
SPECIAL COUNCIL MEETING MINUTES**

*****DRAFT*****

On this the 26th day of May, 2015, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Special 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
Wade Goates	Fire Chief
Darrell Himly	Assistant Fire Chief
Melissa Pena	Project Director
James Lewis	Information Services Manager

CALL TO ORDER.

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

GENERAL COMMENTS FROM THE AUDIENCE.

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AGENDA

- 1. CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1974, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A DEVELOPMENT AGREEMENT, BY AND BETWEEN THE CITY AND THE HENDERSON-WESSENDORFF FOUNDATION.**

Executive Summary: The Henderson-Wessendorff Foundation is the owner of 80.033 acres of land, of which 72.446 acres located on the north side of U.S. Highway 59 (IH-69) between Louise Street and FM 2218 is currently being platted for Texas State Technical College (TSTC) to construct technical college campus facilities. The Plat includes 5.12 acres of proposed public right-of-way to be dedicated. The reason for this is that the City's Master Thoroughfare Plan calls for both a north-south (Graeber Road) and an east-west (Mons Avenue) collector on the property.

Normally, per City ordinance, all public streets within a development must be constructed at the time of platting. In this particular case, however, the streets are proposed to be developed in phases, with Graeber Road being completed approximately 1,000' north from IH-69 during the first phase of construction of the campus. An Agreement must be established to defer

construction of remaining phases since the property and rights-of-way are being platted all at once. In addition to giving the property owner the ability to defer said road construction, the Agreement would allow the public streets to drain through the private on-site detention to Dry Creek until the time at which this public street system connects to Dry Creek and can drain there in the future.

Additionally, the agreement provides the City with the option to require lines to be oversized to serve land outside the tract, provided that the City bears the costs of the oversizing. The City will be provided oversizing costs and then make the election whether to require the oversizing. Upon completion of the line, the City will credit applicable impact fees owed by the property owner against the oversizing costs and pay the property owner the difference up to \$100,000. Under current consideration is the oversizing of a water line from a 12-inch line to serve only this property to 16 inches that will ultimately be needed to support growth and development in this general area of the City and as a part of the City's Capital Improvements Program (CIP) to meet the Fort Bend Subsidence District mandate to reduce groundwater withdrawals by 60% in 2025. TSTC plans to receive bids on June 15, 2015 and the City will have to commit to the oversizing and provide a funding source no later than the June 16 City Council meeting. If the City elects not to oversize the line, the property owner will be authorized to build the line in a size only to serve the property. If the City elects to require the line under consideration to be oversized, the City will pay the Oversizing Costs minus any applicable impact fees up to \$100,000 upon completion of the line.

Staff recommends approval of Resolution No. R-1974.

Key Discussion Points: Jeanne H. McDonald, Attorney, gave an overview of the item. She pointed out that, by adding in the oversizing option now, the City positions itself to allow the adjacent tracts to develop while reducing the cost to do so in the future. Charles Kalkomey, City Engineer, added that the primary benefit of the oversizing agreement is to enable Plant #4 to connect to the rest of the system, allowing surface water from the southeast to travel along 59 to the plant. Mayor Morales explained that passage of the resolution only gives the City the option to decide whether or not to oversize the line at this time, at the City's expense but at a lower cost than would be required after TSTC completes development. However, passage of the resolution does not require that the City oversize the line, based on staff's findings after the meeting but before the June 15 deadline.

Action: Councilor Euton made a motion, seconded by Councilor Barta, to approve Resolution No. R-1974, a Resolution authorizing the Mayor to execute, for and on behalf of the City, a Development Agreement, by and between the City and the Henderson-Wessendorff Foundation. The motion carried by a unanimous vote.

2. **CONSIDERATION OF AND ACTION ON A FINAL PLAT OF TEXAS STATE TECHNICAL COLLEGE FORT BEND SECTION ONE, A SUBDIVISION OF 72.446 ACRES OF LAND SITUATED IN THE B.B.B. AND C. RAILROAD COMPANY SURVEY, SECTION 13, ABSTRACT 140, AND IN THE FRANCIS H. DEMAY SURVEY, ABSTRACT 350, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS; 5 RESERVES, (67.326 ACRES), 3 BLOCKS.**

Executive Summary: The Final Plat of Texas State Technical College Fort Bend Section One consists of 72.446 acres of land located on the north side of U.S. Highway 59 (IH-69) between Louise Street and FM 2218. Texas State Technical College (TSTC) has selected the site to develop a technical college campus.

The Final Plat consists of slightly less acreage than the Preliminary Plat (approved by the Planning Commission on May 20, 2015, and attached for referenced) because it contains only that acreage south of the centerline of Dry Creek, therefore having no frontage on Airport Avenue. Specifically, it consists of five (5) reserves with 67.326 acres in addition to 5.12 acres of proposed public right-of-way to be dedicated. As discussed, the reason for the latter is that the City's Master Thoroughfare Plan calls for both a north-south (Graeber Road) and an east-west (Mons Avenue) collector on this property. The streets will be developed in phases, with Graeber Road being completed up to the north line of Reserve "A" during the first phase of construction of the campus. An agreement had to be established to defer construction of the remaining phases of

the collector street/s as appropriate since the property is being platted all at once, hence the previous Agenda Item.

The proposed Final Plat is not in conflict with the "Subdivision" Ordinance, is in conformance with the City's Master Thoroughfare Plan, and is consistent with the approved Preliminary Plat. At their recent meeting, the Planning Commission recommended approval to City Council of the Final Plat of Texas State Technical College Fort Bend Section One contingent on a Development Agreement to defer construction of the remaining phases of the collector street/s. With said Agreement having been placed on the Agenda prior to this item, staff recommends approval of the Final Plat.

Key Discussion Points: Travis Tanner, Executive Director of Community Development gave an overview of the item. Charles Kalkomey answered some questions regarding the reserves of this plat, and Jeanne McDonald spoke about the associated tax rules.

Action: Councilor McConathy made a motion, seconded by Councilor Barta, to approve a Final Plat of Texas State Technical College Fort Bend Section One, a subdivision of 72.446 acres of land situated in the B.B.B. and C. Railroad Company Survey, Section 13, Abstract 140, and in the Francis H. Demay Survey, Abstract 350, City of Rosenberg, Fort Bend County, Texas; 5 reserves, (67.326 acres), 3 blocks. The motion carried by a unanimous vote.

3. **ADJOURNMENT.**

There being no further business, Mayor Morales adjourned the meeting at 6:28 p.m.

Linda Cernosek, TRMC, City Secretary

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

On this the 26th day of May, 2015, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a 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
Wade Goates	Fire Chief
Darrell Himly	Assistant Fire Chief
Melissa Pena	Project Director
James Lewis	Information Services Manager

CALL TO ORDER.

Mayor Morales called the meeting to order at 6:30 p.m.

AGENDA

- 1. REVIEW AND DISCUSS A PROGRESS REPORT ON THE AIRPORT AVENUE RECONSTRUCTION PROJECT – PHASE II ENGINEERING DESIGN, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**
Executive Summary: This item has been included to provide City Council with an update on the engineering design phase of the Airport Avenue Reconstruction Project – Phase II (Graeber Road to Louise Street). Representatives from Costello Engineering will provide a presentation.

Key Discussion Points: John Maresh, Assistant City Manager of Public Services, introduced Sam Kruse from Costello Engineering, who gave a brief presentation. After some discussion, the general consensus of Council was to move forward with the project, providing further updates as work continues.
- 2. REVIEW AND DISCUSS A LETTER OF INTENT REGARDING RAILROAD CROSSINGS AND DIRECTIONAL HORNS AND/OR QUIET ZONES, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**
Executive Summary: This item has been included to allow for City Council discussion regarding participation with Fort Bend County and the City of Richmond on a project to implement directional horns and/or create “quiet zones” at certain railroad crossings. The Letter of Intent from County Commissioner Richard Morrison provides some basic detail of the proposed joint project and requests participation. The Letter of Intent is the first step necessary in order to

initiate the process.

Staff is seeking direction and/or authorization for the City Manager to execute the Letter of Intent on behalf of the City.

Key Discussion Points: John Maresh read the Executive Summary and explained that, by signing the letter of intent, the City would be obligating itself to a portion of the funding for this project. The first step would be to conduct a study to determine the specifics and feasibility of accomplishing the "quiet zones," after which time a more accurate cost estimate will be available. The main concerns of the discussion were that Council does not want to give a "blank check" to the project, and they wonder about the inclusion of the West Fort Bend Management District versus working directly with Fort Bend County. The general consensus was to discuss the concerns with Commissioner Morrison and get a more accurate cost estimate for the study, as well as reasoning for the inclusion of WFBMD.

3. **REVIEW AND DISCUSS CAPITAL IMPROVEMENT PLAN PRIORITIES FOR FY2016, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: This Agenda item provides City Council the opportunity to review the status of the FY2015 Capital Improvement Projects, as well as staff's recommendation for the FY2016 Capital Improvements Projects.

The Executive Director of Administrative Services will provide a brief summary and the funding status of the proposed Projects. Discussions may be held regarding the Projects listed and recommendations made to finalize the FY2016 Capital Improvement Projects to be approved by City Council at a future meeting.

Key Discussion Points: Joyce Vasut, Executive Director of Administrative Services, gave a presentation regarding the status update of FY2015 CIP and a projection of FY16 CIP carry-over and plans. As the budget cycle moves forward, a more in-depth analysis of the funding of specific projects will be presented. The overall consensus was supportive of the direction of the Capital Improvement Projects, and each Council member gave their individual recommendations of which projects they would like more information about during the budget process, as well as which projects they consider priorities.

4. **REVIEW AND DISCUSS THE BLUE RIBBON FACILITIES TASK FORCE REPORT ON CITY FACILITIES, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: At the November 25, 2014 City Council Workshop Meeting, the City Council directed staff to form a Blue Ribbon Facilities Task Force (Task Force) in order for the City to receive citizen input regarding the Facilities Master Plan Project. The City Council formally established the Task Force and appointed its members at the Regular City Council Meeting on January 06, 2015, via Resolution No. R-1885.

The Task Force met seven (7) times between January 13, 2015, and April 13, 2015. One of the first tasks the Task Force tackled was a tour of the City's current main facilities and work areas. The subsequent meetings primarily consisted of presentations regarding existing conditions, space data analysis, and options for meeting future space needs by the architectural firm (PGAL) hired to work with the City to create the Master Plan. The Task Force considered the most efficient and cost effective means by which to provide the space necessary to serve residents in a fast-growing City.

The Task Force chairman, Dr. Dan Ives, will present the findings and priorities as determined by the Task Force members.

Key Discussion Points: Jeff Trinker, Executive Director of Support Services presented background information and introduced Dr. Dan Ives, Blue Ribbon Facilities Task Force Chairman, who gave

a presentation on some of the findings. Paul Bonnet of PGAL will present the conclusive findings at a later date. Before a plan is finalized, the utilities workers with exposure to chlorine will need to be relocated, which Support Services is currently investigating.

5. **ADJOURNMENT.**

There being no further business, Mayor Morales adjourned the meeting at 8:55 p.m.

Linda Cernosek, TRMC, City Secretary

**CITY OF ROSENBERG
SPECIAL COUNCIL MEETING MINUTES**

*****DRAFT*****

On this the 2nd day of June, 2015, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Special Session, in the Rosenberg City Hall Council Chamber, located at 2110 4th Street, Rosenberg, Texas.

PRESENT

Cynthia McConathy	Mayor
William Benton	Councilor at Large, Position 1
Amanda Barta	Councilor at Large, Position 2
Jimmie J. Pena	Councilor, District 1
Susan Euton	Councilor, District 2
Dwayne Grigar	Councilor, District 3
Lynn Moses	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
Dallis Warren	Police Chief
Wade Goates	Fire Chief
Angela Fritz	Executive Director of Information Services
Randall Malik	Economic Development Director
Kaye Supak	Executive Assistant

CALL TO ORDER.

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

ADMINISTRATION OF OATHS OF ELECTED OFFICE TO MAYOR AND CITY COUNCIL MEMBERS.

The Honorable Robert E. Hebert administered Oaths of Elected Office to Mayor Cynthia McConathy, and City Council Members William Benton, Amanda J. Barta, Jimmie J. Pena, Susan Euton and Lynn Moses.

HOLD RECEPTION HONORING NEWLY ELECTED OFFICIALS.

A reception was held honoring newly elected officials.

ADJOURNMENT.

There being no further business, Mayor McConathy adjourned the meeting at 6:15 p.m.

Linda Cernosek, TRMC, City Secretary

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 MAY 19, 2015.

B. CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2015-18, AN ORDINANCE GRANTING CONSENT TO FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 162 (WHICH INCLUDES SUNRISE MEADOW) FOR THE SALE AND ISSUANCE OF UNLIMITED TAX BONDS, SERIES 2015, IN AN AMOUNT NOT TO EXCEED \$2,000,000.

Executive Summary: Included in the agenda packet is Ordinance No. 2015-18 granting the City's consent to Fort Bend County Municipal Utility District No. 162 (MUD No. 162) located within Sunrise Meadow Subdivision, to sell and issue bonds in an amount not to exceed \$2,000,000.

On May 03, 2005, LGI Homes, Ltd., submitted a petition to the City to create a Municipal Utility District that included approximately 305.426 acres located within the Extraterritorial Jurisdiction of the City of Rosenberg, to be known as MUD No. 162. Accordingly, the Petition for Consent and associated Ordinance No. 2005-07 were approved by City Council at that time.

This will be the fourth Unlimited Tax Bond Sale for MUD No. 162:

- The first bond sale was approved by City Council through Ordinance No. 2007-47 on October 16, 2007, in the amount of \$3,495,000.
- The second bond sale for MUD No. 162 (and first sale from the March 03, 2009, Texas Commission on Environmental Quality's (TCEQ) issuance order in the amount of \$2,400,000) was considered and approved by City Council on April 21, 2009, in the amount of \$1,500,000 through Ordinance No. 2009-16.
- The second bond issuance, out of the TCEQ issuance order, provided for the sale of the remaining \$900,000. Accordingly, the remaining issuance in the amount of \$900,000 was considered and approved by City Council on January 19, 2010, through Ordinance No. 2010-03. The two (2) issuances combined to provide for the second total bond sale in the total amount of \$2,400,000.
- The third bond sale was approved by City Council through Ordinance No. 2013-28 on September 17, 2013, in the amount of \$1,600,000.

Submission documentation for this fourth sale: previous bond sale Ordinances, Bond Order authorizing the Issuance of Bonds by MUD No. 162 (Sunrise Meadow), the Preliminary Official Statement/Notice of Sale, reports, and other associated documentation is available for review in the City Secretary's Office.

Staff has reviewed the documentation and found it to be in compliance with applicable City ordinances. Staff recommends approval of Ordinance No. 2015-18, thus authorizing the fourth bond issue to proceed.

C. **CONSIDERATION OF AND ACTION ON APPROVAL OF THE ISSUANCE OF FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 167 (BRAZOS TOWN CENTER WHICH INCLUDES THE RESERVE AT BRAZOS TOWN CENTER) UNLIMITED TAX REFUNDING BONDS, SERIES 2015A, IN AN AMOUNT NOT TO EXCEED \$3,200,000.**

Executive Summary: Fort Bend County Municipal Utility District No. 167 (MUD No. 167) is a development generally identified as Brazos Town Center which includes The Reserve at Brazos Town Center. MUD No. 167 is located within the City's Corporate Limits.

MUD No. 167 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 finds that the refunding to be advantageous to MUD No. 167 and its taxpayers.

City Council consented to the creation of MUD No. 167 on June 28, 2005, through Ordinance No. 2005-14 which was originally proposed as a 121.81 acre development. A Development Agreement between the City and A-S 70 HWY 59-FM762, LP, was executed on December 07, 2004; a Water Supply and Wastewater Services Agreement was executed on December 06, 2005; and an Economic Development Agreement was executed on August 08, 2006. City Council approved Ordinance No. 2006-06 consenting to the addition of 173.8037 acres into MUD No. 167 on April 04, 2006, and Ordinance No. 2007-03 consented to the addition of 118.7858 acres into MUD No. 167 on February 06, 2007, for a total of approximately 414 acres.

Following is a list of Unlimited Tax Bond sales, Tax Road Bond Anticipation Notes, and Road Bond sale that have been previously approved by City Council:

- The first sale of Unlimited Tax Bonds was approved by City Council on July 01, 2008, through Ordinance No. 2008-20 in the amount of \$3,165,000.
- MUD No. 167's Tax Road Bond Anticipation Note was approved by City Council on November 18, 2008, through Ordinance No. 2008-48 in the amount of \$3,560,000.
- A Road Bond sale was approved by City Council on June 16, 2009, through Ordinance No. 2009-19 in the amount of \$7,000,000.
- The Texas Commission on Environmental Quality (TCEQ) issued an order approving the issuance of \$4,120,000 in bonds on September 29, 2010. However, after the tax assessment values were released at that time, MUD No. 167 revised the bond issuance to \$3,000,000. The second Unlimited Tax Bonds sale, in the amount of \$3,000,000, was approved by City Council on November 16, 2010, through Ordinance No. 2010-28, deferring the remaining \$1,120,000 to a future sale.
- The second part of the previous sale of Unlimited Tax Bonds was approved by City Council on April 17, 2012, through Ordinance No. 2012-17 in the amount of \$1,120,000 for a total of the TCEQ approved \$4,120,000.
- The third sale of Unlimited Tax Bonds was approved by City Council on November 20, 2012, through Ordinance No. 2012-43 in the amount of \$3,000,000.
- The fourth sale of Unlimited Tax Bonds was approved by City Council on May 04, 2014, through Ordinance No. 2014-20 in the amount of \$3,725,000.
- The fifth sale of Unlimited Tax Bonds was approved by City Council on April 21, 2015, through Ordinance No. 2015-11 in the amount of \$3,575,000.

While the correspondence reflects an issue in the principal amount of \$2,625,000, the financial advisor for MUD No. 167 is requesting that the City approve an amount not to exceed \$3,200,000, which will accommodate the unpredictability in the market and interest rates. The Preliminary Official Statement, various Ordinances, and other associated documentation were available for review in the City Secretary's Office in advance of the meeting.

Staff recommends approval of the issuance of Fort Bend County Municipal Utility District No.167 Unlimited Tax Refunding Bonds, Series 2015A, in an amount not to exceed

\$3,200,000.

- D. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1966, A RESOLUTION ACKNOWLEDGING THE ACQUISITION, BY UTILITY EASEMENT, OF A 20-FOOT WIDE STRIP OF LAND IN THE I. & G. N. RAILROAD COMPANY SURVEY, ABSTRACT 358, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS, BEING OVER, THROUGH AND ACROSS A PORTION OF THE RESIDUE OF THAT CERTAIN CALLED 95.5 ACRE TRACT RECORDED IN VOLUME 2002, PAGE 1972 AND PAGE 1978, OFFICIAL RECORDS, FORT BEND COUNTY, TEXAS, WITH ALL BEARINGS BASED UPON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, BASED UPON GPS OBSERVATIONS, CONTAINING 0.856 ACRES OF LAND, MORE OR LESS, AND GENERALLY LOCATED BETWEEN BAMORE ROAD AND NORTH FAIRGROUNDS ROAD, AND ASSOCIATED WITH THE RELOCATION OF UTILITY LINES NECESSARY TO ACCOMMODATE THE US HWY 59/I-69 EXPANSION PROJECT.**

Executive Summary: As a part of the US Hwy 59/I-69 expansion project, the Texas Department of Transportation (TxDOT) acquired additional road right-of-way that encroached over an existing City of Rosenberg (City) Utility Easement containing a sanitary sewer line between Bamore Road and North Fairgrounds Road. In order to eliminate the encroachment conflict with the sanitary sewer line and proposed road expansion, the City has acquired a replacement utility easement which is adjacent and parallel to the newly acquired TxDOT right-of-way. The City will install a new sanitary sewer line in the replacement utility easement so that the existing easement and sewer line can be abandoned. As a result of the Interstate designation, the City will be fully reimbursed by TxDOT for the expenses related to the utility easement acquisition and sewer line construction.

Staff has successfully completed the negotiation and has acquired said Utility Easement. Accordingly, staff recommends approval of Resolution No. R-1966 providing for acceptance of said Utility Easement generally located between Bamore Road and North Fairgrounds Road, and associated with the relocation of utility lines to accommodate the US Hwy 59/I-69 Expansion Project.

- E. **CONSIDERATION OF AND ACTION ON A SHORT FORM FINAL PLAT OF BRIDLEWOOD ESTATES, SECTION ONE PARTIAL REPLAT ONE, BEING REPLAT OF LOT 30 & 31, BLOCK 9, BRIDLEWOOD ESTATES, SECTION ONE (1), AS RECORDED IN SLIDE NO. 1560/A & B, 1561/A & B AND 1562/A & B, OF THE PLAT RECORDS OF FORT BEND COUNTY, TEXAS; BEING A SUBDIVISION OF 4.464 ACRES LOCATED IN THE WILEY MARTIN LEAGUE, A-56 FORT BEND COUNTY, TEXAS.**

Executive Summary: The Short Form Final Plat of Bridlewood Estates Section One Partial Replat One is a proposed replat consisting of 4.464 acres and one (1) lot. The property is located on the cul-de-sac of Waterwalk Court and is centrally located in Bridlewood Estates. Specifically, it is in Section One, which was originally platted in 1997.

The purpose of this replat is simply to combine two (2) existing lots into one (1) so the property owner can construct a single residence that does not result in any encroachments on existing lot lines. The replat will also result in the relocation of easements. Acceptable documentation has been provided that the applicable entities for these easements, the Fort Bend County Drainage District and Quadvest Water Utility, do not object to the proposed replat.

Because this is a replat of a previous subdivision, a public hearing was required per state law and the City's "Subdivision" Ordinance. The required hearing was held at the May 20, 2015 Planning Commission Meeting. Following the hearing, the Commission recommended approval to City Council of the Short Form Final Plat of Bridlewood Estates Section One Partial Replat One.

- F. **CONSIDERATION OF AND ACTION ON QUARTERLY FINANCIAL REPORT AND QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDED MARCH 31, 2015.**

Executive Summary: Overall, the financial status of the City is stable. Most funds have positive variances when compared to budget and prior year actual. The largest revenues of sales tax

and property tax are positive when compared to budget and expenses are within the 50% benchmark for the second quarter of FY2015.

Staff will continue to monitor the revenues and expenses. At this time, no major changes need to be made to meet budget projections. Additionally, the Quarterly Investment Report is included for your review as required by the Public Funds Investment Act.

Staff recommends the acceptance of the Quarterly Financial Reports and the Investment Report for the second quarter of Fiscal Year 2015.

Action: Councilor Benton made a motion, seconded by Councilor Euton, to approve Consent Agenda Items A, B, C, D, E, and F. The motion carried by a unanimous vote.

REGULAR AGENDA

2. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1976, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AN AMENDMENT TO INTERLOCAL COOPERATION AGREEMENT FOR THE COLLECTION OF TAXES, BY AND BETWEEN THE CITY AND FORT BEND COUNTY, TEXAS, FOR A PERIOD ENDING ON JUNE 30, 2016.**

Executive Summary: The City of Rosenberg has previously contracted with the Fort Bend County Tax Assessor/Collector, Patsy Schultz, for tax collection services. Fort Bend County has requested the City execute an Amendment to Interlocal Cooperation Agreement for the Collection of Taxes, to extend the existing agreement for another year through June 30, 2016.

The Amendment extending tax collection services with Fort Bend County is attached to Resolution No. R-1976 as Exhibit "A". Staff recommends approval of Resolution No. R-1976, a Resolution authorizing the City Manager to execute an Amendment to Interlocal Cooperation Agreement for the Collection of Taxes with Fort Bend County as the City's Tax Assessor/Collector.

Key Discussion Points: Joyce Vasut, Executive Director of Administrative Services, read the Executive Summary and explained that this agreement is necessary, as the City no longer has an in-house tax assessor-collector.

Action: Councilor Benton made a motion, seconded by Councilor Euton, to approve Resolution No. R-1976, a Resolution authorizing the City Manager to execute, for and on behalf of the City, an Amendment to Interlocal Cooperation Agreement for the Collection of Taxes, by and between the City and Fort Bend County, Texas, for a period ending on June 30, 2016. The motion carried by a unanimous vote.

3. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1978, A RESOLUTION AUTHORIZING THE CITY MANAGER TO WAIVE UNCOLLECTED MUNICIPAL COURT FEES AND COURT COSTS IN THE AMOUNT OF \$8,394.80 FOR DECEASED DEFENDANTS.**

Executive Summary: The Municipal Court Administrator and City Prosecutor have identified several accounts of deceased defendants where the court fees and court costs can no longer be collected. Since these cases have not been dismissed by the presiding judge, the City Prosecutor requested that the City Council authorize the City Manager to waive the municipal court fees and court costs for these cases in the amount of \$8,394.80. This will allow the Court Administrator to remove the cases and allow the Finance Department to remove the corresponding receivable to better reflect the financial position of the City.

Staff recommends approval of Resolution No. R-1978 as presented.

Key Discussion Points: Joyce Vasut read the Executive Summary and stated that it is the discretion of the Judge not to waive these fees.

Action: Councilor Euton made a motion, seconded by Councilor Barta, to approve Resolution No. R-1978, a Resolution authorizing the City Manager to waive uncollected municipal court fees and court costs in the amount of \$8,394.80 for deceased defendants. The motion carried by a unanimous vote.

4. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1977, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, BUDGET AMENDMENT 15-10 IN THE AMOUNT OF \$936,702 FOR ROSENBERG DEVELOPMENT CORPORATION PROFESSIONAL SERVICES FEES, PURCHASE OF WATER AND REPLACEMENT OF A POLICE VEHICLE.**

Executive Summary: Budget Amendment 15-10, in the amount of \$936,702 for the following items:

1. Increase to the RDC Outside Professional Services budget for additional legal and engineering services relative to the pending lawsuit and increased activity in development agreements.
2. Addition of a line-item to purchase water in accordance with the Agreement between the City of Rosenberg and the Brazosport Water Authority.
3. Increase the allocation for vehicles to include the purchase of a replacement vehicle for a Police Department vehicle that was wrecked.

Budget Amendment 15-10 is included as Exhibit "A" to Resolution No. R-1977. Staff recommends approval of Resolution No. R-1977 as presented.

Key Discussion Points: Joyce Vasut read the Executive Summary and answered a few general questions. Scott M. Tschirhart, City Attorney, explained to Council that the portion of the budget increase for legal services may be recoverable from the defendant, and assured Council that he is trying to recover all costs.

Action: Councilor Barta made a motion, seconded by Councilor Grigar, to approve Resolution No. R-1977, a Resolution authorizing the City Manager to execute, for and on behalf of the City, Budget Amendment 15-10 in the amount of \$936,702 for Rosenberg Development Corporation professional services fees, purchase of water and replacement of a police vehicle. The motion carried by a unanimous vote.

5. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1970, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A CONTRACT EXTENSION, BY AND BETWEEN THE CITY AND AMEGY BANK OF TEXAS, FOR THE PROVISION OF BANKING SERVICES FOR A PERIOD OF ONE (1) YEAR, EFFECTIVE JULY 01, 2015, AND ENDING JUNE 30, 2016.**

Executive Summary: On June 15, 2010, City Council awarded the Bank Depository Service Contract (Contract) to Amegy Bank of Texas under Resolution No. R-1162, for a five (5) year term, effective July 1, 2010, and ending June 30, 2015, with an option to extend the Contract for one (1) additional year.

The City and Amegy Bank of Texas have had a good working relationship for the past five (5) years and staff recommends extending the Contract for one additional year. In 2016, the Finance Department will be issuing a request for proposal for banking services.

Should City Council wish to review Resolution No. R-1162, the document was made available in the City Secretary's office in advance of the meeting.

The Contract Extension is included as Exhibit "A" to Resolution No. R-1970. Staff recommends approval of Resolution No. R-1970 as presented.

Key Discussion Points: Joyce Vasut read the Executive Summary and stated that the City has three bank accounts with Amegy and Rosenberg Development Corporation has one account. This extension will allow time for the City to request proposals in order to sign a new five year contract.

Action: Councilor Benton made a motion, seconded by Councilor Moses, to approve Resolution No. R-1970, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Contract Extension, by and between the City and Amegy Bank of Texas, for the provision of banking services for a period of one (1) year, effective July 01, 2015, and ending June 30, 2016. The motion carried by a unanimous vote.

6. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1975, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AN INTERLOCAL AGREEMENT FOR RECONSTRUCTION OF AIRPORT AVENUE FROM LOUISE STREET TO GRAEBER ROAD (2013 MOBILITY BOND PROJECT NO. 13103), BY AND BETWEEN THE CITY AND FORT BEND COUNTY.**

Executive Summary: In 2013, the citizens of Fort Bend County approved mobility project bonds for certain infrastructure improvements within Fort Bend County. The City of Rosenberg was allocated \$2,200,000 or fifty percent (50%) of construction costs (whichever amount is the lesser) for improvements to Airport Avenue – Phase II (Louise Street to Graeber Road). Fort Bend County has provided the attached Interlocal Agreement to formalize the funding allocation.

The improvements will continue to transform the existing two-lane asphalt road with open ditches into a three-lane concrete curb and gutter roadway with a continuous center left turn lane, sidewalk and underground storm drainage system. Water and sanitary sewer lines will also be replaced as required. The construction cost is currently estimated at \$4.3 million. The City of Rosenberg 2014A Certificates of Obligation allocated \$2,300,000 toward the engineering and construction costs. A copy of the FY2015 Capital Improvement Project – Airport Avenue Phase II Project Summary is included in the agenda packet.

Staff recommends approval of Resolution No. R-1975, a Resolution authorizing the Mayor to execute the Interlocal Agreement regarding the allocation of 2013 Fort Bend County mobility project funds for improvements to Airport Avenue (Louise Street to Graeber Road). The Agreement will serve as Exhibit “A” to Resolution No. R-1975.

Key Discussion Points: John Maresh, Assistant City Manager of Public Services, read the Executive Summary. The engineering should be completed around July, followed by a bid process, so construction should begin late Fall.

Action: Councilor Benton made a motion, seconded by Councilor Grigar, to approve Resolution No. R-1975, a Resolution authorizing the Mayor to execute, for and on behalf of the City, an Interlocal Agreement for Reconstruction of Airport Avenue from Louise Street to Graeber Road (2013 Mobility Bond Project No. 13103), by and between the City and Fort Bend County. The motion carried by a unanimous vote.

7. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1979, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AN AMENDED AND RESTATED ROAD IMPROVEMENT AGREEMENT, BY AND BETWEEN THE CITY AND LGI HOMES - TEXAS, LLC.**

Executive Summary: LGI Homes is the current owner and developer of the remaining undeveloped property in the Trails at Seabourne Parke. Per Resolution No. R-1762, approved on March 04, 2014, they have assumed from the previous developer all rights and responsibilities under the Water Supply and Wastewater Services Contract for Fort Bend County Municipal Utility District No. 147, dated April 20, 2004.

The development is generally located south of J. Meyer Road between State Highway 36 and FM 2218. Recordation of plats in the development last occurred in 2005. They are currently building on existing lots platted by the previous developer and are requesting to plat additional lots on which to build.

Prior to the current developer, development of the property was subject to the provisions of a “Road Improvement Agreement” dated November 27, 2007. Because that Agreement no longer accurately represents the conditions of J. Meyer Road, the Agreement must be amended before any additional sections are developed. The Acknowledgement and Assignment of Rights (Resolution No. R-1762) addressed this issue, hence the proposed modified Agreement. This Agreement is needed before the Final Plat of the Trails at Seabourne Parke Section Two can be approved.

The proposed Agreement generally provides for the following improvements to be made by the developer to J. Meyer Road:

- Remove and replace failed pavement/base areas

- Widening of pavement to provide left turn lanes at Silver Stone Lane and Park Thicket Lane
- Overlay the entire widened road section for the defined limits of work
- Restripe the road and replace existing signage
- Reconnect all existing road and driveways to the new road
- Make drainage modifications as necessary

This Agreement, included with Resolution No. R-1979 as Exhibit "A", has been reviewed by the City Attorney and by the City Engineer, and the proposed improvements have been found to be sufficient to facilitate future development of the property. Therefore, staff recommends approval of Resolution No. R-1979.

Key Discussion Points: Travis Tanner, Executive Director of Community Development presented a brief overview of the item. Staff and Council believe that the new developer has corrected some of the previous issues with Code Enforcement violations and construction debris matters.

Action: Councilor Benton made a motion, seconded by Councilor Barta, to approve Resolution No. R-1979, a Resolution authorizing the City Manager to execute, for and on behalf of the City, an Amended and Restated Road Improvement Agreement, by and between the City and LGI Homes - Texas, LLC. The motion carried by a unanimous vote.

8. **CONSIDERATION OF AND ACTION ON A FINAL PLAT OF THE TRAILS AT SEABOURNE PARKE SECTION TWO, A SUBDIVISION OF 22.691 ACRES LOCATED IN THE G.M. STONE 1/3 LEAGUE SURVEY, ABSTRACT 312, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS (FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 147); 108 LOTS, 6 BLOCKS.**

Executive Summary: The Final Plat of The Trails at Seabourne Parke Section Two consists of approximately 22.691 acres and 108 residential lots. It is located south of J. Meyer Road and off of Heath Ridge, Oak Briar, and Cottage Creek Lanes, immediately southwest of The Trails at Seabourne Parke Section One. The Plat is within the City Limits and located in Fort Bend County MUD No. 147.

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 June 2003 (see attached). Recordation of plats in this development last occurred in 2005. The development was recently assigned to a new developer, LGI Homes, that wishes to develop in accordance with the previously approved Land Plan. A Plat of this subdivision was approved by the Planning Commission and City Council in 2006 and 2007, but was never subsequently recorded and therefore expired, hence the new Plat submittal.

There are no apparent conflicts with applicable regulations or with the original Land Plan. In addition to the Utility Agreement and Land Plan, this Plat/development is subject to a Road Improvement Agreement related to improvements to J. Meyer Road that, due to conditions that have changed over the last several years since platting last occurred, must be modified to address needed road improvements before any infrastructure permits are released for the subdivision. This Agreement shall be in place prior to Final Plat approval by City Council. The Agreement was placed as an earlier item on the agenda to address this requirement. Staff recommends approval of the Final Plat of The Trails at Seabourne Parke Section Two. The Planning Commission recommended approval to City Council of the Plat on April 15, 2015, contingent on the Agreement first being approved.

Key Discussion Points: Travis Tanner presented a brief overview of the item as a continuation of the previous item. There was concern expressed regarding the smaller size of the lots, the smaller rights-of-way, and increased parking on the streets, but the original agreement was passed in 2003, so the development is vested under the previous ordinances. These concerns will be expressed to the developer, and reflected in future contracts and discussions with developers.

Action: Councilor Barta made a motion, seconded by Councilor Euton, to approve a Final Plat of The Trails at Seabourne Parke Section Two, a subdivision of 22.691 acres located in the G.M. Stone 1/3 League Survey, Abstract 312, City of Rosenberg, Fort Bend County, Texas (Fort Bend County Municipal Utility District No. 147); 108 lots, 6 blocks. The motion carried by a unanimous

vote.

9. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2015-19, AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY AMENDING DIVISION 3 OF ARTICLE II OF CHAPTER 16 THEREOF ENTITLED "GAME ROOMS AND AMUSEMENT REDEMPTION MACHINES"; PROVIDING FOR THE REGULATION OF GAME ROOMS AND THE USE OF "AMUSEMENT REDEMPTION MACHINES"; PROVIDING A PENALTY FOR VIOLATION OF ANY PROVISION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

Executive Summary: City Council adopted an Ordinance No. 2013-42 for the licensing and regulation of game rooms and the use of "amusement redemption machines" on November 05, 2013. After further review and implementation of the Ordinance for more than a year, staff is recommending further revisions and strengthening of the Ordinance to limit future locations of game rooms in areas with the potential to have a negative impact on the City and its residents.

Specifically, the distance requirements in Ordinance No. 2015-19 have been amended to restrict game rooms from establishing within a certain proximity to residences and City parks (similar to other City ordinances for salvage yards and alcoholic beverage sales, for example). Additionally, the distance requirements from places where alcohol is served or consumed have been amended to include places where alcoholic beverages are sold in any capacity.

Staff recommends approval of Ordinance No. 2015-19 as presented.

Key Discussion Points: Scott Tschirhart, City Attorney, gave the background of the item and explained the proposed modifications, including the consumption of alcoholic beverages and a 300 foot restriction in accordance with TABC guidelines.

Action: Councilor Benton made a motion, seconded by Councilor Barta, to approve Ordinance No. 2015-19, an Ordinance amending the Code of Ordinances by amending Division 3 of Article II of Chapter 16 thereof entitled "Game Rooms and Amusement Redemption Machines"; providing for the regulation of game rooms and the use of "amusement redemption machines"; providing a penalty for violation of any provision hereof; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; and providing for an effective date. The motion carried by a unanimous vote.

10. **ANNOUNCEMENTS.**

- Early Voting for the District 3 Runoff Election is currently underway at the Fort Bend County Rosenberg Annex, with Election Day on June 13, 2015, at Rosenberg City Hall.

11. **ADJOURNMENT.**

There being no further business, Mayor McConathy adjourned the meeting at 7:54 p.m.

Linda Cernosek, TRMC, City Secretary



CITY COUNCIL COMMUNICATION

June 16, 2015

ITEM #	ITEM TITLE
B	Resolution No. R- 1986 – Utility Easement Acceptance

ITEM/MOTION

Consideration of and action on Resolution No. R-1986, a Resolution acknowledging and accepting the acquisition by Utility Easements of certain property generally located along FM 2977 (Minonite Road) between Bryan Road and Lark Lane, associated with the installation of utility lines necessary to accommodate the FM 2977 16-Inch Waterline Loop Project and future water and sewer utilities as follows:

- a. 0.18 acre tract of land in the Robert E. Handy Survey, Abstract 187, City of Rosenberg, Fort Bend County, Texas, being over, through, and across Reserve "B" of Blume Addition, according to map or plat thereof recorded under Slide Number 1143A, Plat Records, Fort Bend County, Texas, with all bearings based upon the Texas Coordinate System, South Central Zone, NAD83, based upon GPS observations;
- b. 0.05 acre tract of land, a 15-foot wide strip of land in the Robert E. Handy Survey, Abstract 187, Fort Bend County, Texas, being over, through, and across Lot 14 of Blume Addition according to map or plat thereof recorded under Slide Number 1143A, Plat Records, Fort Bend County, Texas, with all bearings based upon the Texas Coordinate System, South Central Zone, NAD83, based upon GPS observations;
- c. 0.07 acre tract of land, a 20-foot wide strip of land in the Robert E. Handy Survey, Abstract 187, City of Rosenberg, Fort Bend County, Texas, being over, through, and across that certain called 1.0 acre tract recorded in Volume 2641, Page 899, Official Records, Fort Bend County, Texas, with all bearings based upon the Texas Coordinate System, South Central Zone, NAD83, based upon GPS observations; and,
- d. 0.64 acre tract of land, a 20-foot wide strip of land in the Robert E. Handy Survey, Abstract 187, City of Rosenberg, Fort Bend County, Texas, being over, through, and across a portion of a called 93.890 acre tract recorded under County Clerk's File Number 2008131989, Official Public Records, Fort Bend County, Texas, with all bearings based upon the Texas Coordinate System, South Central Zone, NAD83, based upon GPS observations.

FINANCIAL SUMMARY	ELECTION DISTRICT
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Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

- Yes No N/A

Source of Funds:

523-0000-600-7030 (CP1409)

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

SUPPORTING DOCUMENTS:

MUD #: N/A

- 1. Resolution No. R-1986

APPROVALS

Submitted by:

John Maresh
Assistant City Manager of
Public Services

Reviewed by:

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

Approved for Submittal to City Council:

Robert Gracia
City Manager

EXECUTIVE SUMMARY

In order to construct the FM 2977 16-inch Waterline Loop Project, it was necessary to acquire utility easements along the water line route. The water line project will begin at the site of the new elevated water

tank being constructed directly behind Fire Station No. 3 and will follow the road right-of-way along Lark Lane through the Blume Addition. The water line will turn and enter the acquired easements located along a property line between Lark Lane and FM 2977, where it will again turn and continue along and adjacent to the FM 2977 right-of-way to Bryan Road.

Staff has successfully completed the negotiation and has acquired said Utility Easements. Accordingly, staff recommends approval of Resolution No. R-1986 providing for acceptance of said Utility Easements generally located along FM 2977 (Minonite Road) between Bryan Road and Lark Lane, associated with the installation of utility lines necessary to accommodate the FM 2977 16-Inch Waterline Loop Project and future water and sewer utilities.

RESOLUTION NO. R-1986

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, ACKNOWLEDGING AND ACCEPTING THE ACQUISITION BY UTILITY EASEMENTS OF CERTAIN PROPERTY GENERALLY LOCATED ALONG FM 2977 (MINONITE ROAD) BETWEEN BRYAN ROAD AND LARK LANE, ASSOCIATED WITH THE INSTALLATION OF UTILITY LINES NECESSARY TO ACCOMMODATE THE FM 2977 16-INCH WATERLINE LOOP PROJECT AND FUTURE WATER AND SEWER UTILITIES AS FOLLOWS:

- A. 0.18 ACRE TRACT OF LAND IN THE ROBERT E. HANDY SURVEY, ABSTRACT 187, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS, BEING OVER, THROUGH, AND ACROSS RESERVE "B" OF BLUME ADDITION, ACCORDING TO MAP OR PLAT THEREOF RECORDED UNDER SLIDE NUMBER 1143A, PLAT RECORDS, FORT BEND COUNTY, TEXAS, WITH ALL BEARINGS BASED UPON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, BASED UPON GPS OBSERVATIONS;**
- B. 0.05 ACRE TRACT OF LAND, A 15-FOOT WIDE STRIP OF LAND IN THE ROBERT E. HANDY SURVEY, ABSTRACT 187, FORT BEND COUNTY, TEXAS, BEING OVER, THROUGH, AND ACROSS LOT 14 OF BLUME ADDITION ACCORDING TO MAP OR PLAT THEREOF RECORDED UNDER SLIDE NUMBER 1143A, PLAT RECORDS, FORT BEND COUNTY, TEXAS, WITH ALL BEARINGS BASED UPON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, BASED UPON GPS OBSERVATIONS;**
- C. 0.07 ACRE TRACT OF LAND, A 20-FOOT WIDE STRIP OF LAND IN THE ROBERT E. HANDY SURVEY, ABSTRACT 187, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS, BEING OVER, THROUGH, AND ACROSS THAT CERTAIN CALLED 1.0 ACRE TRACT RECORDED IN VOLUME 2641, PAGE 899, OFFICIAL RECORDS, FORT BEND COUNTY, TEXAS; WITH ALL BEARINGS BASED UPON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, BASED UPON GPS OBSERVATIONS; AND,**
- D. 0.64 ACRE TRACT OF LAND, A 20-FOOT WIDE STRIP OF LAND IN THE ROBERT E. HANDY SURVEY, ABSTRACT 187, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS, BEING OVER, THROUGH, AND ACROSS A PORTION OF A CALLED 93.890 ACRE TRACT RECORDED UNDER COUNTY CLERK'S FILE NUMBER 2008131989, OFFICIAL PUBLIC RECORDS, FORT BEND COUNTY, TEXAS, WITH ALL BEARINGS BASED UPON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, BASED UPON GPS OBSERVATIONS.**

WHEREAS, the City Council acknowledges that it was desirable and in the best interest of the City of Rosenberg (“City”) to acquire certain utility easements generally located at a site more particularly described in those certain Utility Easements, attached hereto as Exhibit “A”, Exhibit “B”, Exhibit “C”, and Exhibit “D”, made a part hereof for all purposes; and,

WHEREAS, the City Council acknowledges that the subject property was necessary for public use and in order to provide for future needs, services, and infrastructure of the City, in particular the installation of utility lines necessary to accommodate the FM 2977 16-Inch Waterline Loop Project and future water and sewer utilities; and,

WHEREAS, staff was directed to prepare and facilitate any and all documentation necessary to acquire those certain Utility Easements; and,

WHEREAS, the City Council acknowledges that negotiations have been successfully conducted; now, therefore,

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

Section 1. That the City Council of the City of Rosenberg acknowledges the acquisition of certain Utility Easements more particularly described as:

- a. 0.18 acre tract of land in the Robert E. Handy Survey, Abstract 187, City of Rosenberg, Fort Bend County, Texas, being over, through, and across Reserve “B” of Blume Addition, according to map or plat thereof recorded under Slide Number 1143A, Plat Records, Fort Bend County, Texas, more particularly described in Exhibit “A” attached hereto for all purposes.
- b. 0.05 acre tract of land, a 15-foot wide strip of land in the Robert E. Handy Survey, Abstract 187, Fort Bend County, Texas, being over, through, and across Lot 14 of Blume Addition according to map or plat thereof recorded under Slide Number 1143A, Plat Records, Fort Bend County, Texas, more particularly described in Exhibit “B” attached hereto for all purposes.
- c. 0.07 acre tract of land, a 20-foot wide strip of land in the Robert E. Handy Survey, Abstract 187, City of Rosenberg, Fort Bend County, Texas, being over, through, and across that certain called 1.0 acre tract recorded in Volume 2641, Page 899, Official Records, Fort Bend County, Texas, more particularly described in Exhibit “C” attached hereto for all purposes.
- d. 0.64 acre tract of land, a 20-foot wide strip of land in the Robert E. Handy Survey, Abstract 187, City of Rosenberg, Fort Bend County, Texas, being over, through, and across a portion of a called 93.890 acre tract recorded under County Clerk’s File Number 2008131989, Office Public Records, Fort Bend County, Texas, more particularly described in Exhibit “D” attached hereto for all purposes.

Section 2. That the City Council accepts the foregoing Utility Easements regarding acquisition of land necessary for public use and in order to provide for future

needs, services, and infrastructure of the City, in particular the installation of utility lines necessary to accommodate the FM 2977 16-Inch Waterline Loop Project and future water and sewer utilities at sites more particularly described in those certain Utility Easements, attached hereto as Exhibit "A", Exhibit "B", Exhibit "C", and Exhibit "D", attached hereto for all purposes.

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

ATTEST:

APPROVED:

Linda Cernosek, **City Secretary**

Cynthia McConathy, **Mayor**

2015043847
ELECTRONICALLY RECORDED
Official Public Records
4/28/2015 9:15 AM



Laura Richard
Laura Richard, County Clerk
Fort Bend County Texas
Pages: 5 Fee: \$ 25.00

UTILITY EASEMENT

THE STATE OF TEXAS
COUNTY OF FORT BEND

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KNOW ALL MEN BY THESE PRESENTS

That **BERTHA M. BLUME** ("GRANTOR"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable consideration in hand paid by the **CITY OF ROSENBERG, TEXAS**, address being P.O. Box 32; 2110 4th Street; Rosenberg, Texas 77471, a municipal corporation situated in Fort Bend County, Texas ("GRANTEE"), the receipt and sufficiency of which is acknowledged, have GRANTED, SOLD, AND CONVEYED, and by these presents to do hereby GRANT, SELL AND CONVEY unto GRANTEE, its successors and assigns, an exclusive perpetual easement for the purpose of constructing, reconstructing, operating, maintaining, and repairing Water, Sanitary Sewer, and Water Reuse Utility facilities upon, under, over, across, and along the tract or parcel of land described in the attached Exhibit "A", attached hereto and made a part hereof (the "Utility Easement").

GRANTEE, its successors, assigns, or agents, shall have the right and privilege to enter upon the land covered by the Utility Easement, and all premises adjacent to the outside boundaries of said Utility Easement, to the extent necessary and at any time that GRANTEE deems proper for the purpose of exercising GRANTEE'S rights and privileges hereunder; and for the purpose of ingress and egress to and from said Utility Easement.

GRANTOR retain title to all of the oil, gas, sulfur and other mineral interests in and under said Utility Easement, but expressly waive any and all rights of ingress and egress to the surface thereof for the purposes of exploration, developing, mining, or drilling for the same; provided, however, that operations for exploration or recovery of any such minerals shall be permissible so long as all surface operations in connection therewith are located at a point outside of the above described Utility Easement, and upon the condition that none of such operations shall be conducted so near the surface of said Utility Easement so as to interfere with the intended use thereof or in any way interfere with, jeopardize or endanger the facilities of GRANTEE or create a hazard to the public users thereof.

GRANTEE may do and perform all acts necessary to construct, reconstruct, repair, relocate, operate, or maintain water, sanitary sewer, and water reuse utility facilities and improvements within said

STEWART TITLE
1415744820/621 CO

Utility Easement and operate thereon all necessary machinery and equipment to efficiently prosecute the work.

To have and hold perpetually, the above described exclusive Utility Easement, together with all and singular the rights and appurtenances thereto in anywise belonging, including all necessary rights of ingress, egress, and regress, unto the said GRANTEE, its successors and assigns forever. And GRANTOR do hereby bind themselves, their heirs, executors, and administrators, to warrant and forever defend, all and singular, the said exclusive Utility Easement and rights unto the said GRANTEE, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Executed this 24th day of April, 2015.

GRANTOR:

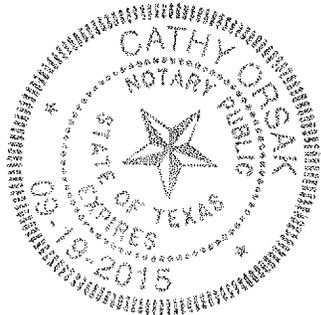
Bertha M. Blume

BERTHA M. BLUME

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

BEFORE ME, the undersigned Notary Public, on this day personally appeared **BERTHA M. BLUME** known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 27 DAY OF April, A.D., 2015.



Cathy Orsak

NOTARY PUBLIC, STATE OF TEXAS

Water Line Easement
Reserve "B"

Robert E. Handy Survey
Abstract Number 187

Exhibit "A" (1 of 3)

STATE OF TEXAS §

COUNTY OF FORT BEND §

A **METES AND BOUNDS** description of a 0.18 acre tract of land in the Robert E Handy Survey, Abstract 187, City of Rosenberg, Fort Bend County, Texas, being over, through, and across Reserve "B" of Blume Addition, according to map or plat thereof recorded under Slide Number 1143A, Plat Records, Fort Bend County, Texas, with all bearings based upon the Texas Coordinate System, South Central Zone, NAD83, based upon GPS observations.

Beginning at a ¾ inch iron rod found for the east corner of said Reserve "B", same being the south corner of the adjoining Unrestricted Reserve "A", for the east corner and **Place of Beginning** of the herein described tract, said point being in the northwest right-of-way line of F. M. Highway 2977 (100-foot wide);

Thence South 22 degrees 14 minutes 43 seconds West (called South 24 degrees 37 minutes 26 seconds West) along the southeast line of said Reserve "B", same being the northwest right-of-way line of F. M. Highway 2977, 239.11 feet (called 240.37 feet) to a ½ inch iron pipe found for the south corner of the herein described tract and the south corner of said Reserve "B", same being the east corner of an adjoining called 1.0 acre tract recorded in Volume 2641, Page 899, Official Records, Fort Bend County, Texas;

Thence North 68 degrees 12 minutes 24 seconds West along the southwest line of said Reserve "B", same being the northeast line of said adjoining called 1.0 acre tract, 20.00 feet to a point for the lower west corner of the herein described tract;

Thence North 22 degrees 14 minutes 43 seconds East establishing an interior line of the herein described tract, 224.71 feet to a reentry corner to the herein described tract;

Thence North 66 degrees 29 minutes 26 seconds West establishing an interior line of the herein described tract, 197.70 feet to a point for the upper west corner of the herein described tract, said point being in the northwest line of said Reserve "B", same being the southeast line of the adjoining Lot 13;

Thence North 22 degrees 36 minutes 05 seconds East along the northwest line of said Reserve "B", same being the southeast line of said adjoining Lot 13, at 8.37 feet pass a ½ inch iron rod found for the east corner of said Lot 13, same being the south corner of the adjoining Lot 14, and continuing for a total distance of 15.00 feet to a ½ inch iron pipe with cap marked "Kalkomey Surveying" found for the north corner of the herein described tract and the north corner of said Reserve "B", same being the west corner of the aforementioned adjoining Unrestricted Reserve "A";

Water Line Easement
Reserve "B"

Robert E. Handy Survey
Abstract Number 187

Thence South 66 degrees 29 minutes 26 seconds East (called South 64 degrees 11 minutes 46 seconds East) along the northeast line of said Reserve "B", same being the southwest line of said adjoining Unrestricted Reserve "A", 217.61 feet (called 217.38 feet) to the **Place of Beginning** and containing 0.18 acre of land, more or less.

Charlie Kalkomey Surveying
6415 Reading Road
Rosenberg, Texas 77471
(281) 342-2033




Acting By/Through Chris D. Kalkomey
Registered Professional Land Surveyor No. 5869
cdkalkomey@jonescarter.com

April 11, 2014

p:\projects\r0001 - city of rosenberg\0146-00 - 16-inch waterline ext - bryan rd to future est\survey\legal desc\reserve b easement.docx



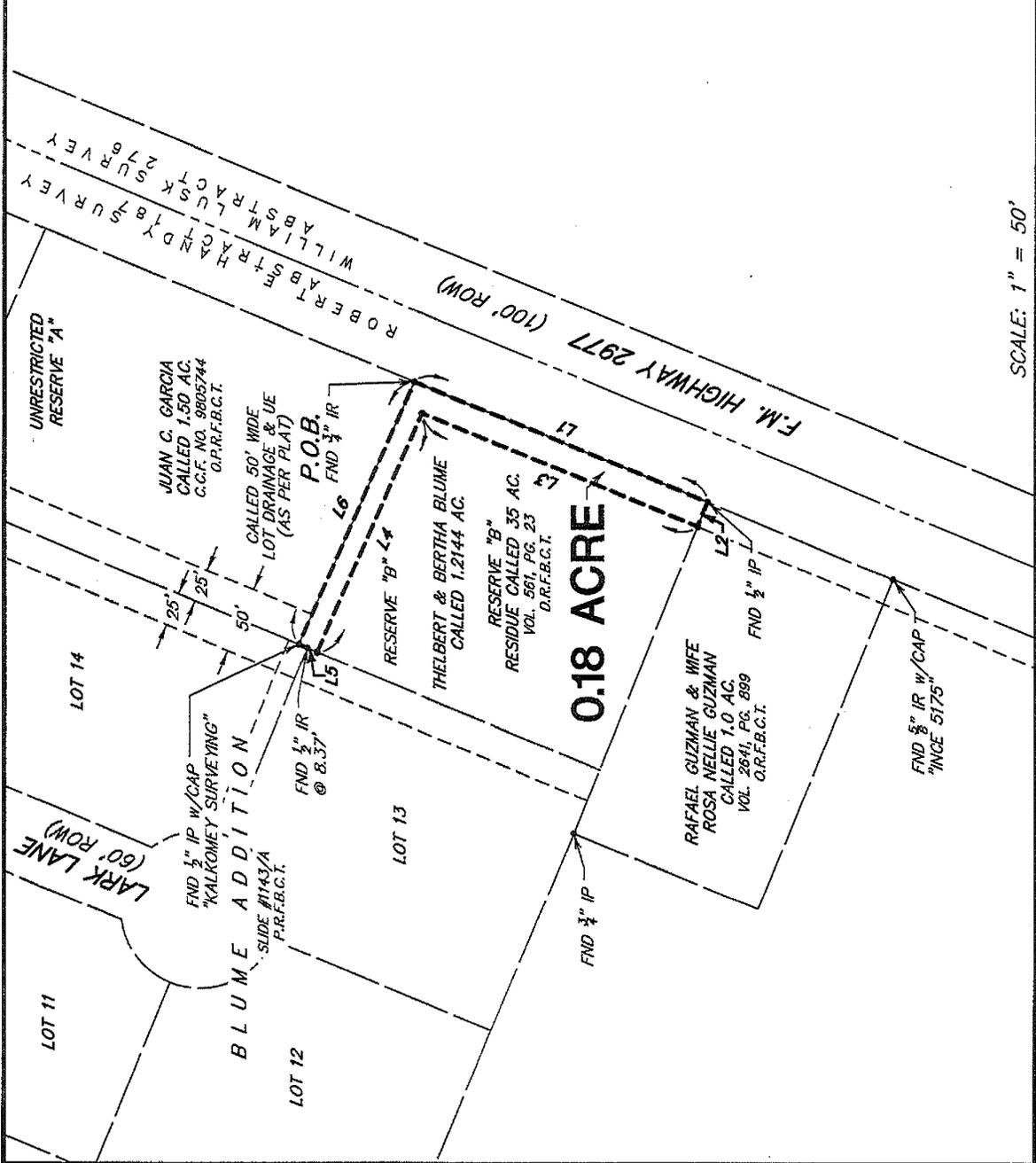
LINE	BEARING	DISTANCE
L1	S 22°14'43" W	239.11'
	CALLED S 24°37'26" W	240.37'
L2	N 68°12'24" W	20.00'
L3	N 22°14'43" E	224.71'
L4	N 66°29'26" W	197.70'
L5	N 22°36'05" E	15.00'
L6	S 66°29'26" E	217.61'
	CALLED S 64°11'46" E	217.38'

GENERAL NOTES:

1. Bearings are based upon Texas Coordinate System, South Central Zone, NAD83, based upon GPS observations.
2. For reference and further description, see metes and bounds description, job number R0001-0146-00, prepared by Charles Kalkomey Surveying, Inc. on same date.

**EXHIBIT
OF A
WATER LINE EASEMENT
BEING
0.18 ACRE
OUT OF THE
ROBERT E. HANDY SURVEY, ABSTRACT 187
CITY OF ROSENBERG
FORT BEND COUNTY, TEXAS
APRIL 2014**

CHARLES KALKOMEY
Surveyor
6415 Bessing Road, Rosenberg, Texas 77071-6688
Tel: 281-345-3665 Fax: 281-345-3665
Texas Board of Professional Land Surveying Registration No. 10048104
Jodie A. Jones & Charles Kalkomey
Rosenberg & San Antonio & The Woodlands

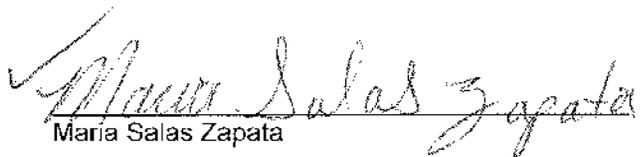


GRANTEE may do and perform all acts necessary to construct, reconstruct, repair, relocate, operate, or maintain water, sanitary sewer, and water reuse utility facilities and improvements within said Utility Easement and operate thereon all necessary machinery and equipment to efficiently prosecute the work.

To have and hold perpetually, the above described exclusive Utility Easement, together with all and singular the rights and appurtenances thereto in anywise belonging, including all necessary rights of ingress, egress, and regress, unto the said GRANTEE, its successors and assigns forever. And GRANTORS do hereby bind themselves, their heirs, executors, and administrators, to warrant and forever defend, all and singular, the said exclusive Utility Easement and rights unto the said GRANTEE, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Executed this 23 day of March, 2015.

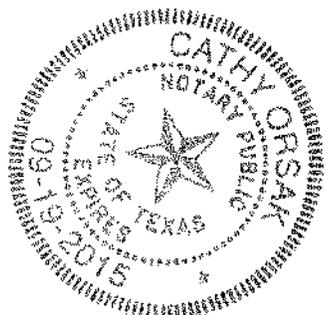
GRANTOR:


Maria Salas Zapata

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

BEFORE ME, the undersigned Notary Public, on this day personally appeared **Maria Salas Zapata**, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 23 DAY OF March, A.D., 2015.




NOTARY PUBLIC, STATE OF TEXAS

Exhibit "A" (1 of 2)

Water Line Easement
Lot 14, Blume Addition

Robert E. Handy Survey
Abstract Number 187

STATE OF TEXAS §
COUNTY OF FORT BEND §

A **METES AND BOUNDS** description of a 15-foot wide strip of land in the Robert E. Handy Survey, Abstract 187, Fort Bend County, Texas, being over, through, and across Lot 14 of Blume Addition, according to map or plat thereof recorded under Slide Number 1143A, Plat Records, Fort Bend County, Texas, with all bearings based upon the Texas Coordinate System, South Central Zone, NAD83, based upon GPS observations.

Beginning at a ½ inch iron rod found for the south corner of said Lot 14, same being the east corner of the adjoining Lot 13, for the south corner and **Place of Beginning** of the herein described 15-foot wide strip of land, said point being in the northwest line of the adjoining Reserve "B";

Thence North 67 degrees 48 minutes 21 seconds West (called North 65 degrees 36 minutes 32 seconds West) along the southwest line of said Lot 14, same being the northeast line of said adjoining Lot 13, 154.34 feet (called 154.40 feet) to a ½ inch iron pipe found for the west corner of the herein described 15-foot wide strip of land and the lower west corner of said Lot 14, same being the north corner of said adjoining Lot 13, and being in a non-tangent curve to the left, being the right-of-way line of a 60-foot radius cul-de-sac at the end of Lark Lane;

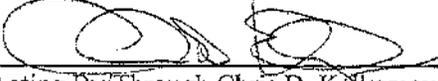
Thence along said non-tangent curve to the left, being the right-of-way line of said 60-foot radius cul-de-sac, with a central angle of 14 degrees 29 minutes 12 seconds, a radius of 60.00 feet, an arc length of 15.17 feet, and a chord bearing North 14 degrees 39 minutes 55 seconds East, 15.13 feet to a point for the north corner of the herein described 15-foot wide strip of land;

Thence South 67 degrees 48 minutes 21 seconds East establishing the northeast line of the herein described 15-foot wide strip of land, 156.43 feet to a point for the east corner of the herein described 15-foot wide strip of land, said point being in the southeast line of said Lot 14, same being the northwest line of the adjoining Unrestricted Reserve "A";

Thence South 22 degrees 36 minutes 05 seconds West along the southeast line of said Lot 14, same being the northwest line of said adjoining Unrestricted Reserve "A", at 8.37 feet pass a ½ inch iron pipe with cap marked "Kalkomey Surveying" found on said line for the west corner of said adjoining Unrestricted Reserve "A", same being the north corner of the aforementioned adjoining Reserve "B", and continuing for a total distance of 15.00 feet to the **Place of Beginning** and containing 0.05 acre of land, more or less.

Charlie Kalkomey Surveying
6415 Reading Road
Rosenberg, Texas 77471
(281) 342-2033

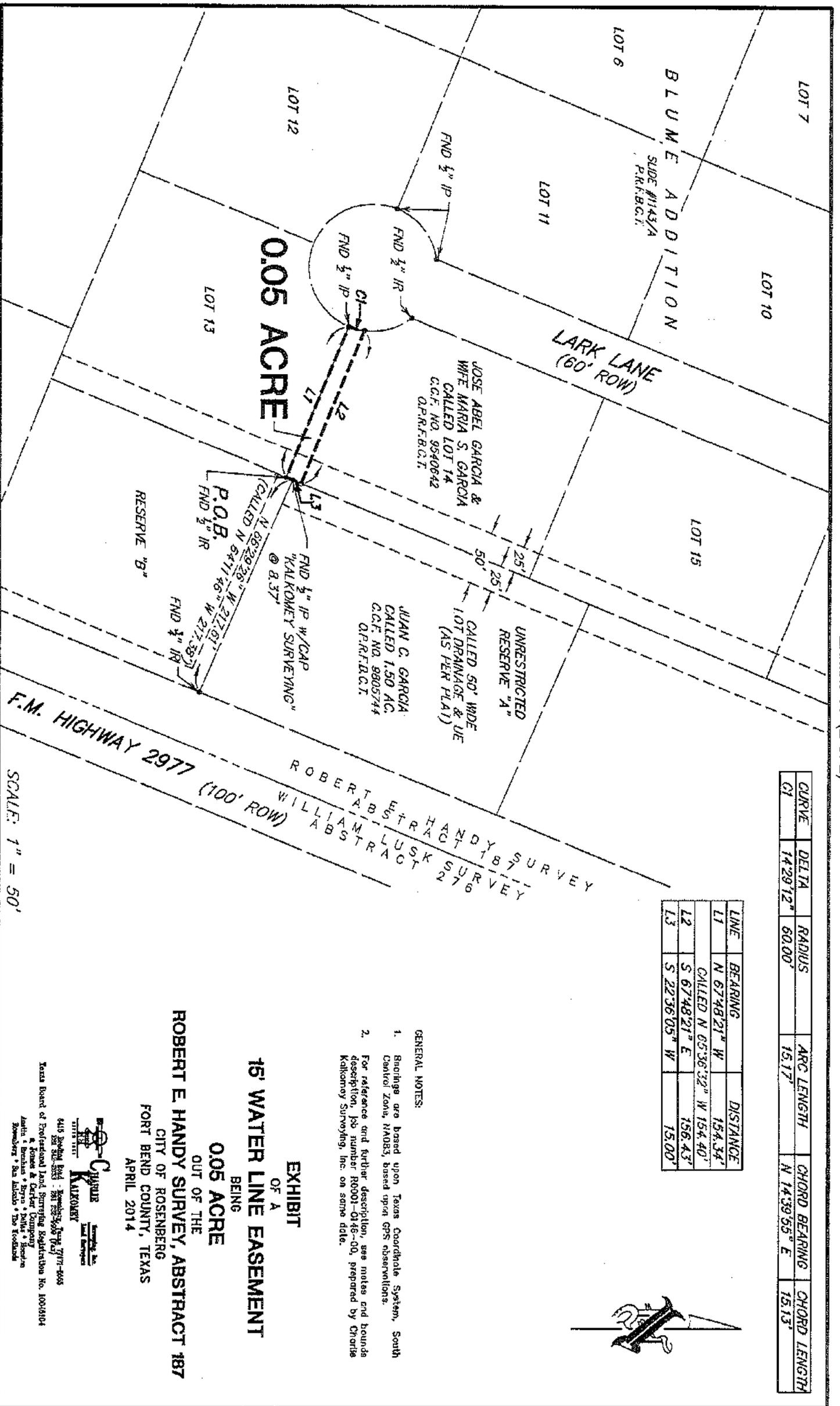



Acting By/Through Chris D. Kalkomey
Registered Professional Land Surveyor No. 5869
cdkalkomey@jonescarter.com

April 11, 2014

p:\projects\10001 - city of rosenberg\0146-00 - 16-inch waterline ext - bryan rd to future est\survey\legal desc\lot 14 easement.docx

Exhibit "A" (2 of 2)



CURVE	DELTA	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
CI	142°12'	60.00'	15.17'	N 143°55' E	15.13'

LINE	BEARING	DISTANCE
L1	N 67°48'21" W	154.34'
L2	S 67°48'21" E	154.40'
L3	S 22°36'05" W	15.00'

- GENERAL NOTES:
1. Bearings are based upon Texas Coordinate System, South Central Zone, NAD83, based upon GPS observations.
 2. For reference and further description, see notes and bounds description, job number R0001-0146-00, prepared by Charles Kalkomey Surveying, Inc. on same date.

EXHIBIT
 OF A
15' WATER LINE EASEMENT
 BEING
0.05 ACRE
 OUT OF THE
ROBERT E. HANDY SURVEY, ABSTRACT 187
 CITY OF ROSENBERG
 FORT BEND COUNTY, TEXAS
 APRIL 2014

4415 Spang Road - Rosenberg, TX 77071-6655
 Tel: 281-353-5533 Fax: 281-353-5539
 KALKOMEY Surveying, Inc.
 Texas Board of Professional Land Surveying Registration No. 10019104
 Austin • Houston • Bryan • Dallas • San Antonio • San Marcos • The Woodlands

P:\PROJECTS\R0001 - City of Rosenberg\0146-00 - 16-Inch Waterline Ext - Byron Rd to Future EST\Survey\Draw Files\Easement Layout.dwg Aug 11, 2014 - 2:55pm PED

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Official Public Records
3/2/2015 12:49 PM



Laura Richard
Laura Richard, County Clerk
Fort Bend County Texas
Pages: 5 Fee: \$25.00

UTILITY EASEMENT

THE STATE OF TEXAS
COUNTY OF FORT BEND

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§
§

KNOW ALL MEN BY THESE PRESENTS

That **RAFAEL GUZMAN** and **ROSA NELLIE GUZMAN**, ("GRANTORS"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable consideration in hand paid by the **CITY OF ROSENBERG, TEXAS**, address being P.O. Box 32; 2110 4th Street; Rosenberg, Texas 77471, a municipal corporation situated in Fort Bend County, Texas ("GRANTEE"), the receipt and sufficiency of which is acknowledged, have GRANTED, SOLD, AND CONVEYED, and by these presents to do hereby GRANT, SELL AND CONVEY unto GRANTEE, its successors and assigns, an exclusive perpetual easement for the purpose of constructing, reconstructing, operating, maintaining, and repairing Water, Sanitary Sewer, and Water Reuse Utility facilities upon, under, over, across, and along the tract or parcel of land described in the attached Exhibit "A", attached hereto and made a part hereof (the "Utility Easement").

GRANTEE, its successors, assigns, or agents, shall have the right and privilege to enter upon the land covered by the Utility Easement, and all premises adjacent to the outside boundaries of said Utility Easement, to the extent necessary and at any time that GRANTEE deems proper for the purpose of exercising GRANTEE'S rights and privileges hereunder; and for the purpose of ingress and egress to and from said Utility Easement.

GRANTORS retain title to all of the oil, gas, sulfur and other mineral interests in and under said Utility Easement, but expressly waive any and all rights of ingress and egress to the surface thereof for the purposes of exploration, developing, mining, or drilling for the same; provided, however, that operations for exploration or recovery of any such minerals shall be permissible so long as all surface operations in connection therewith are located at a point outside of the above described Utility Easement, and upon the condition that none of such operations shall be conducted so near the surface of said Utility Easement so as to interfere with the intended use thereof or in any way interfere with, jeopardize or endanger the facilities of GRANTEE or create a hazard to the public users thereof.

STEWART TITLE
1415744819/62/90

THIS IS A PUBLIC DOCUMENT
BY THE COUNTY CLERK OF FORT BEND COUNTY

UTILITY EASEMENT

THE STATE OF TEXAS
COUNTY OF FORT BEND

§
§
§

KNOW ALL MEN BY THESE PRESENTS

That **RAFAEL GUZMAN** and **ROSA NELLIE GUZMAN**, ("GRANTORS"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable consideration in hand paid by the **CITY OF ROSENBERG, TEXAS**, address being P.O. Box 32; 2110 4th Street; Rosenberg, Texas 77471, a municipal corporation situated in Fort Bend County, Texas ("GRANTEE"), the receipt and sufficiency of which is acknowledged, have GRANTED, SOLD, AND CONVEYED, and by these presents to do hereby GRANT, SELL AND CONVEY unto GRANTEE, its successors and assigns, an exclusive perpetual easement for the purpose of constructing, reconstructing, operating, maintaining, and repairing Water, Sanitary Sewer, and Water Reuse Utility facilities upon, under, over, across, and along the tract or parcel of land described in the attached Exhibit "A", attached hereto and made a part hereof (the "Utility Easement").

GRANTEE, its successors, assigns, or agents, shall have the right and privilege to enter upon the land covered by the Utility Easement, and all premises adjacent to the outside boundaries of said Utility Easement, to the extent necessary and at any time that GRANTEE deems proper for the purpose of exercising GRANTEE'S rights and privileges hereunder; and for the purpose of ingress and egress to and from said Utility Easement.

GRANTORS retain title to all of the oil, gas, sulfur and other mineral interests in and under said Utility Easement, but expressly waive any and all rights of ingress and egress to the surface thereof for the purposes of exploration, developing, mining, or drilling for the same; provided, however, that operations for exploration or recovery of any such minerals shall be permissible so long as all surface operations in connection therewith are located at a point outside of the above described Utility Easement, and upon the condition that none of such operations shall be conducted so near the surface of said Utility Easement so as to interfere with the intended use thereof or in any way interfere with, jeopardize or endanger the facilities of GRANTEE or create a hazard to the public users thereof.

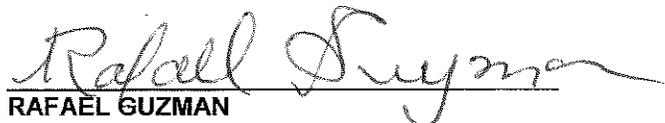
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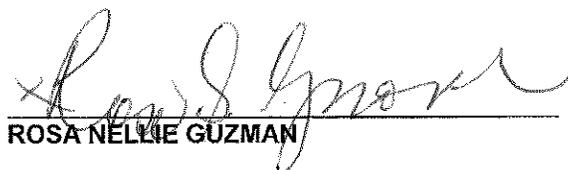
GRANTEE may do and perform all acts necessary to construct, reconstruct, repair, relocate, operate, or maintain water, sanitary sewer, and water reuse utility facilities and improvements within said Utility Easement and operate thereon all necessary machinery and equipment to efficiently prosecute the work.

To have and hold perpetually, the above described exclusive Utility Easement, together with all and singular the rights and appurtenances thereto in anywise belonging, including all necessary rights of ingress, egress, and regress, unto the said GRANTEE, its successors and assigns forever. And GRANTORS do hereby bind themselves, their heirs, executors, and administrators, to warrant and forever defend, all and singular, the said exclusive Utility Easement and rights unto the said GRANTEE, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Executed this 27th day of February , 2015.

**GRANTORS:
RAFAEL GUZMAN and ROSA NELLIE GUZMAN**


RAFAEL GUZMAN


ROSA NELLIE GUZMAN

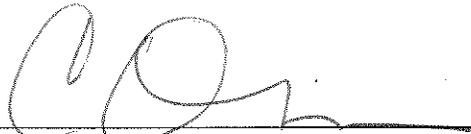
THE STATE OF TEXAS

§
§
§

COUNTY OF FORT BEND

BEFORE ME, the undersigned Notary Public, on this day personally appeared **RAFAEL GUZMAN** and **ROSA NELLIE GUZMAN**, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 27 DAY OF February, A.D., 2015.



NOTARY PUBLIC, STATE OF TEXAS

(SEAL)

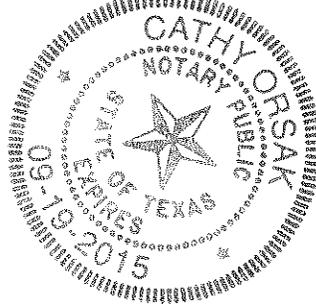


Exhibit "A" (1 of 2)

Water Line Easement
Rafael Guzman

Robert E. Handy Survey
Abstract Number 187

STATE OF TEXAS §

COUNTY OF FORT BEND §

A **METES AND BOUNDS** description of a 20-foot wide strip of land in the Robert E. Handy Survey, Abstract 187, City of Rosenberg, Fort Bend County, Texas, being over, through, and across that certain called 1.0 acre tract recorded in Volume 2641, Page 899, Official Records, Fort Bend County, Texas, with all bearings based upon the Texas Coordinate System, South Central Zone, NAD83, based upon GPS observations.

Beginning at a ½ inch iron pipe found for the east corner of said called 1.0 acre tract, same being the south corner of the adjoining Reserve "B" of Blume Addition, according to map or plat thereof recorded under Slide Number 1143A, Plat Records, Fort Bend County, Texas, for the east corner and **Place of Beginning** of the herein described tract, said point being in the northwest right-of-way line of F. M. Highway 2977 (100-foot wide);

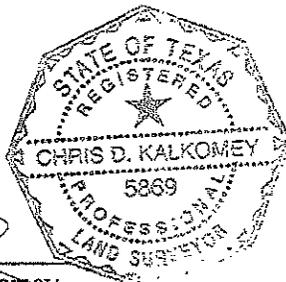
Thence South 22 degrees 45 minutes 27 seconds West along the southeast line of said called 1.0 acre tract, same being the northwest right-of-way line of F. M. Highway 2977, 152.54 feet to a 5/8 inch iron rod with cap marked "INCE 5175" found for the south corner of the herein described 20-foot wide strip of land and the south corner of said called 1.0 acre tract, same being the lower east corner of an adjoining called 93.890 acre tract recorded under County Clerk's File Number 2008131989, Official Public Records, Fort Bend County, Texas;

Thence North 67 degrees 44 minutes 12 seconds West along the southwest line of said called 1.0 acre tract, 20.00 feet to a point for the west corner of the herein described 20-foot wide strip of land;

Thence North 22 degrees 45 minutes 27 seconds East establishing the northwest line of the herein described 20-foot wide strip of land, 152.37 feet to a point for the north corner of the herein described 20-foot wide strip of land, said point being in the northeast line of said called 1.0 acre tract, same being the southwest line of the aforementioned adjoining Reserve "B";

Thence South 68 degrees 12 minutes 24 seconds East along the northeast line of said called 1.0 acre tract, 20.00 feet to the **Place of Beginning** and containing 0.07 acre of land, more or less.

Charlie Kalkomey Surveying
6415 Reading Road
Rosenberg, Texas 77471
(281) 342-2033



[Signature]
Acting By/Through Chris D. Kalkomey
Registered Professional Land Surveyor No. 5869
cdkalkomey@jonescarter.com

April 11, 2014



LINE	BEARING	DISTANCE
L1	S 22°45'27" W	152.54'
L2	N 67°44'12" W	20.00'
L3	N 22°45'27" E	152.37'
L4	S 68°12'24" E	20.00'

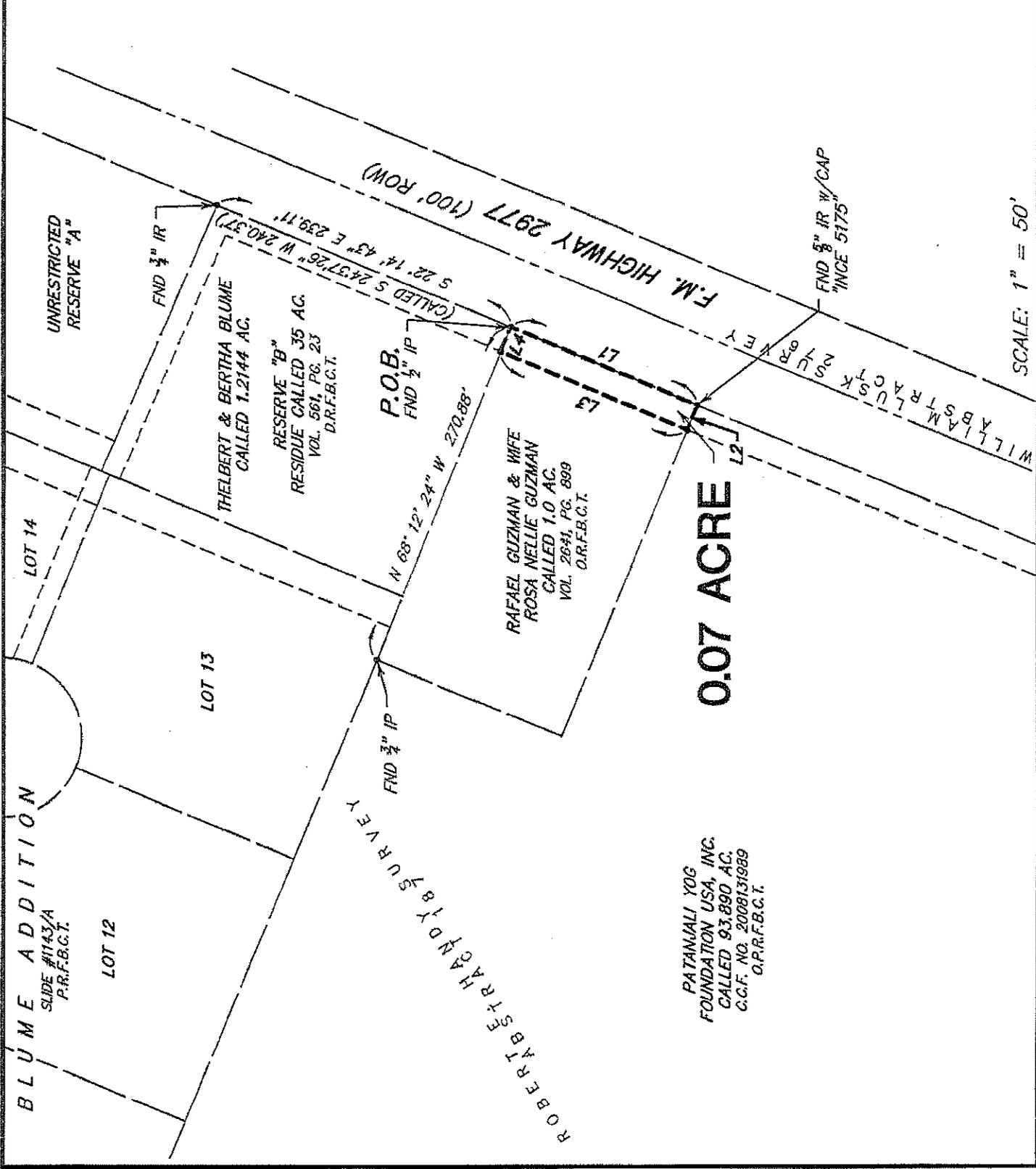
GENERAL NOTES:

1. Bearings are based upon Texas Coordinate System, South Central Zone, NAD83, based upon GPS observations.
2. For references and further description, see metes and bounds description, job number R0001-0146-00, prepared by Charlie Kalkomey Surveying, Inc. on same date.

EXHIBIT
OF A
20' WATER LINE EASEMENT
BEING
0.07 ACRE
OUT OF THE

ROBERT E HANDY SURVEY, ABSTRACT 187
CITY OF ROSENBERG
FORT BEND COUNTY, TEXAS
APRIL, 2014

CHARLIE KALKOMEY
Surveying, Inc.
418 Rossmore Road · Rosenberg, Texas 77071-0003
PH 281-582-5833 · FAX 281-582-5838 (fax)
Texas Board of Professional Land Surveying Registration No. 100410103
Austin · Beaumont · Bryan · Dallas · Houston
Rosenberg · San Antonio · The Woodlands



GRANTEE may do and perform all acts necessary to construct, reconstruct, repair, relocate, operate, or maintain water, sanitary sewer, and water reuse utility facilities and improvements within said Utility Easement and operate thereon all necessary machinery and equipment to efficiently prosecute the work.

To have and hold perpetually, the above described exclusive Utility Easement, together with all and singular the rights and appurtenances thereto in anywise belonging, including all necessary rights of ingress, egress, and regress, unto the said GRANTEE, its successors and assigns forever. And GRANTOR do hereby bind themselves, their heirs, executors, and administrators, to warrant and forever defend, all and singular, the said exclusive Utility Easement and rights unto the said GRANTEE, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Executed this 27 day of May, 2015.

(Signature Page Follows)

GRANTOR:
PYP YOG FOUNDATION, INC., NFP, an Illinois
not-for-profit corporation

BY: *Shekhar Agrawal*
Printed Name and Title:

Shekhar Agrawal, President

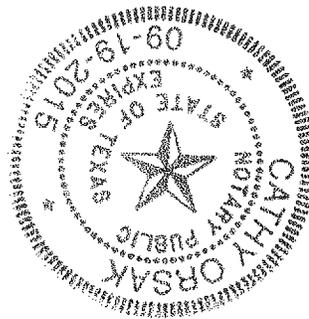
THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

BEFORE ME, the undersigned Notary Public, on this day personally appeared
Shekhar Agrawal, President of PYP YOG
Foundation, Inc., NFP, an Illinois not-for-profit corporation, known to me to be the person whose
name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same
for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 27 DAY OF MAY, A.D., 2015.

Cathy Orsak
NOTARY PUBLIC, STATE OF TEXAS

(SEAL)



Water Line Easement
Patanjali Yog Foundation

Exhibit "A" (1 of 2)

Robert E. Handy Survey
Abstract Number 187

STATE OF TEXAS §

COUNTY OF FORT BEND §

A **METES AND BOUNDS** description of a 20-foot wide strip of land in the Robert E. Handy Survey, Abstract 187, City of Rosenberg, Fort Bend County, Texas, being over, through, and across a portion of a called 93.890 acre tract recorded under County Clerk's File Number 2008131989, Official Public Records, Fort Bend County, Texas, with all bearings based upon the Texas Coordinate System, South Central Zone, NAD83, based upon GPS observations.

Beginning at a 5/8 inch iron rod with cap marked "INCE 5175" found in the northwest right-of-way line of F. M. Highway 2977 (100-foot wide) for the lower east corner of said called 93.890 acre tract, same being the south corner of an adjoining called 1.0 acre tract recorded in Volume 2641, Page 899, Official Records, Fort Bend County, Texas, for the east corner and **Place of Beginning** of the herein described 20-foot wide strip of land;

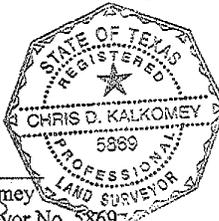
Thence South 22 degrees 21 minutes 44 seconds West along the northwest right-of-way line of F. M. Highway 2977, 1,400.69 feet to a point for the south corner of the herein described 20-foot wide strip of land, said point being in the northeast line of an adjoining called 20-foot wide Water Line Easement recorded under County Clerk's File Number 2004105734, Official Public Records, Fort Bend County, Texas;

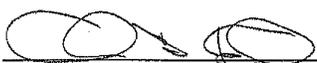
Thence North 67 degrees 48 minutes 13 seconds West along the northeast line of said adjoining called 20-foot wide Water Line Easement, 20.00 feet to a point for the west corner of the herein described 20-foot wide strip of land;

Thence North 22 degrees 21 minutes 44 seconds East establishing the northwest line of the herein described 20-foot wide strip of land, 1,400.72 feet to a point for the north corner of the herein described 20-foot wide strip of land, said point being in a northeast line of said called 93.890 acre tract, same being the southwest line of the aforementioned adjoining called 1.0 acre tract;

Thence South 67 degrees 44 minutes 12 seconds East along the southwest line of said adjoining called 1.0 acre tract, 20.00 feet to the **Place of Beginning** and containing 0.64 acre of land, more or less.

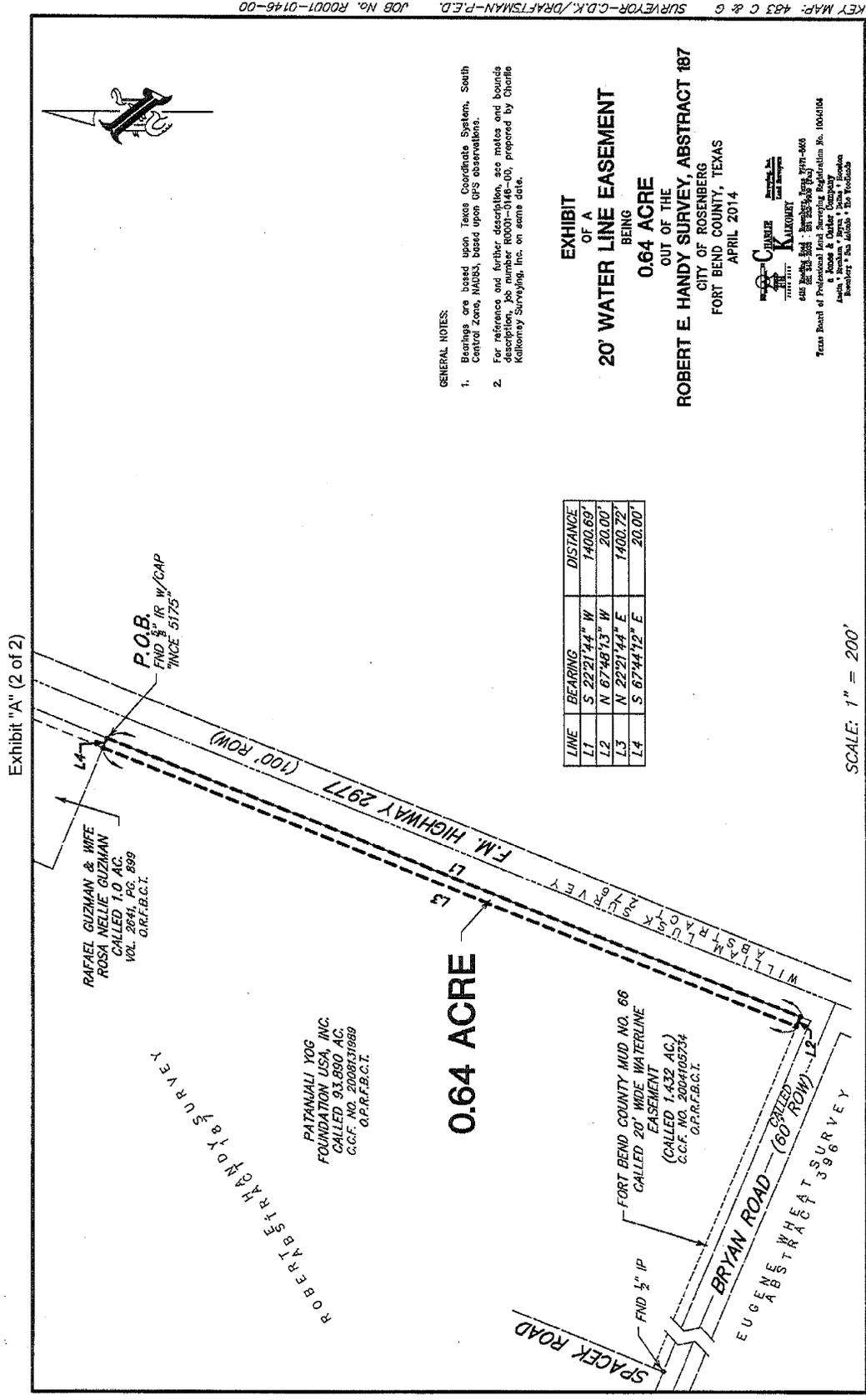
Charlie Kalkomey Surveying
6415 Reading Road
Rosenberg, Texas 77471
(281) 342-2033




Acting By/Through Chris D. Kalkomey
Registered Professional Land Surveyor No. 5869
cdkalkomey@ionescarter.com

April 11, 2014

p:\projects\0001 - city of rosenberg\0146-00 - 16-inch waterline ext - bryan rd to future est\survey\legal desc\patanjali easement.docx



F:\PROJECTS\R0001 - City of Rosenberg\0146-00 - 76-Inch Waterline Ext - Bryan Rd to Future EST\Survey\Dwg Files\Easement Layout.dwg Aug 11,2014 - 2:53pm PED



CITY COUNCIL COMMUNICATION

June 16, 2015

ITEM #	ITEM TITLE
C	Final Plat of Macer Reserves

ITEM/MOTION

Consideration of and action on a Final Replat of Macer Reserves, being a partial replat of Reserve "C" of Kwikrose Commercial Park (Slide No. 1436/A; Plat Records of Fort Bend County, Texas) together with a portion of a call 5.00 acre tract of land (Fort Bend County Clerk's File No. 2007074320), both being in the Henry Scott Survey, Abstract 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.

FINANCIAL SUMMARY	ELECTION DISTRICT
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Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

- Yes No N/A

Source of Funds: N/A

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

SUPPORTING DOCUMENTS:

MUD #: N/A

1. Final Plat of Macer Reserves
2. Planning Commission Draft Meeting Minute Excerpt – 05-20-15
3. Planning Commission Meeting Minute Excerpt – 12-17-14

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 Macer Reserves consists of 7.885 acres and two (2) nonresidential reserves. It is a partial replat of Kwikrose Commercial Park and Deedco Subdivision No. 19. The Plat is located on the west side of State Highway 36, north of its intersection with Rice Street, and in the West Fort Bend Management District.

The Plat proposes to subdivide the 7.885 acres into two (2) reserves to accommodate future development of Reserve "A" (Reserve "B" has existing improvements). 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.

A public hearing was held and the Planning Commission approved the Preliminary Plat of this subdivision on December 17, 2014. The proposed Final Plat, being consistent with the approved Preliminary Plat and in conformance with City ordinances, was recommended by the Commission for approval by City Council on May 20, 2015. That said, staff recommends approval of the Final Plat of Macer Reserves.

STATE OF TEXAS
COUNTY OF FORT BEND
CITY OF ROSENBERG

We, **MACER INTERESTS, LLC**, a Texas limited liability company, acting by and through **JAY KALLINA**, Managing Member, Owners of the 7.535 acre tract of Land described hereon as Reserve "A" and I, **JAY J. KALLINA**, individual, Owner of the 0.347 acre tract of Land described hereon as Reserve "B", Owners together of the 7.882 acre tract of Land described in the above and foregoing map of **MACER RESERVES**, 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 (except those streets designated as private 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, we do hereby dedicate for public utility purposes an unobstructed aerial easement five (5) feet in width from a plane twenty (20) feet above the ground level upward, located adjacent to all public utility easements shown hereon.

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, road or alley or any drainage ditch, either directly or indirectly.

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 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.

IN TESTIMONY WHEREOF, **MACER INTERESTS, LLC**, a Texas limited liability company, has caused these presents to be signed by **JAY KALLINA**, Managing Member, thereunto authorized this _____ day of _____, 2015, and IN TESTIMONY WHEREOF, witness my hand, **JAY J. KALLINA**, this _____ day of _____, 2015.

MACER INTERESTS, LLC
a Texas limited liability company

By: Jay Kallina
Managing Member

JAY J. KALLINA
Individual

STATE OF TEXAS
COUNTY OF FORT BEND

BEFORE ME, the undersigned authority, on this day personally appeared Jay Kallina, 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 set out, and as the act and deed of said corporation.

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

Notary Public in and for the State of Texas

STATE OF TEXAS
COUNTY OF FORT BEND

BEFORE ME, the undersigned authority, on this day personally appeared Jay J. Kallina, 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.

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

Notary Public in and for the State of Texas

PLANNING COMMISSION APPROVAL

This is to certify that the Planning Commission of the City of Rosenberg, Texas has approved this plat and subdivision of **MACER RESERVES** in conformance with the laws of the State of Texas and the ordinances of the City of Rosenberg as shown hereon and authorizes the

recording of this plat this _____ day of _____, 2015.

Pete Pavlovsky, Chairman
Wayne Poldrack, Secretary

CITY COUNCIL APPROVAL

This is to certify that the City Council of the City of Rosenberg, Texas has approved this plat and subdivision of **MACER RESERVES** in conformance with the laws of the State of Texas and the ordinances of the City of Rosenberg as shown hereon and authorizes the recording of this

plat this _____ day of _____, 2015.

Vincent M. Morales, Jr., Mayor
Linda Cernosek, City Secretary

I, Brad L. Schodek, am authorized under the laws of the State of Texas to practice the profession of surveying and hereby state 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, angles points of curvature and other points of reference have been marked with iron (or other suitable permanent ferrous metal) rods having an outside diameter of not less than five-eighths (5/8) inch except as noted hereon.

Brad L. Schodek
Registered Professional Land Surveyor
Texas Registration No. 6430

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

SUBDIVISION NOTES:

1.) 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; H.L. & P.E. INDICATES HOUSTON LIGHTING AND POWER EASEMENT; D.E. INDICATES DRAINAGE EASEMENT; P.L. INDICATES PROPERTY LINE.

2.) ELEVATION REFERENCE & TEMPORARY BENCHMARKS:

ELEVATION REFERENCE: N.G.S. L-1219 1973 [PID AW4798] - FOUND BRASS DISK SET VERTICALLY IN NORTH BRICK WALL OF THE FIRST BAPTIST CHURCH BUILDING ON THE EAST SIDE OF STATE HIGHWAY No. 36 (FIRST STREET) AT THE SOUTH SIDE OF F.M. 1640 (AVENUE J). ELEVATION = 106.14' (NAVD88)

3.) PROJECT BENCHMARK: SET BRASS DISK IN CONCRETE FOR NORTHEAST CORNER OF ORIGINAL RESERVE "C" OF DEEDCO SUBDIVISION No. 19 & FOR SOUTHEAST CORNER OF ORIGINAL CALL 0.216 TRACT.
X = 2,983,193.00'
Y = 13,756,366.68' ELEVATION = 95.50' (NAVD88)

4.) ELEVATIONS USED FOR DELINEATING CONTOUR LINES ARE BASED UPON U.S.C. & G.S. DATUM, NVD-88 (1991 ADJ.)

5.) THIS PLAT WAS PREPARED TO MEET CITY OF ROSENBERG, FORT BEND COUNTY AND WEST FORT BEND MANAGEMENT DISTRICT REQUIREMENTS.

6.) THIS PLAT WAS PREPARED RELYING ON A CITY PLANNING LETTER PREPARED BY STEWART TITLE COMPANY DATED APRIL 7, 2015 (FILE NO. 1515746813). THE SURVEYOR HAS NOT ABSTRACTED THE ABOVE PROPERTY.

7.) THIS PLAT LIES WHOLLY WITHIN FORT BEND SUBSIDENCE DISTRICT, FORT BEND COUNTY DRAINAGE DISTRICT, LAMAR CONSOLIDATED I.S.D., THE WEST FORT BEND MANAGEMENT DISTRICT, THE CITY LIMITS OF ROSENBERG, AND FORT BEND COUNTY.

8.) ALL OF MACER RESERVES APPEARS TO LIE WITHIN ZONE X - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AS PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR FORT BEND COUNTY, TEXAS, AND INCORPORATED AREAS (MAP NO. 4815700245L, MAPS REVISED APRIL 2, 2014).

9.) 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.

10.) EXCEPT AS SHOWN HEREON, THERE ARE NO PIPELINES NOR PIPELINE EASEMENTS WITHIN THE LIMITS OF THE SUBDIVISION.

11.) FIVE-EIGHTHS INCH (5/8") IRON RODS TWO FEET (2') 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.

12.) THE MINIMUM SLAB ELEVATION FOR NEW CONSTRUCTION SHALL BE 98.0 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.

13.) AS PER WEST FORT BEND MANAGEMENT DISTRICT DEVELOPMENT STANDARDS, ALL BUILDINGS SHALL BE SET BACK A MINIMUM OF FORTY FEET (40') FROM THE RIGHT-OF-WAY LINE OF STATE HIGHWAY 36, AND ALL BUILDINGS SHALL BE SET BACK A MINIMUM OF TEN FEET (10') FROM ALL SIDE AND REAR PROPERTY LINES. AS PER CITY OF ROSENBERG REQUIREMENTS, THIRTY FOOT (30') BUILDING SETBACKS ARE REQUIRED ABUTTING ANY RESIDENTIAL PROPERTY.

14.) THE DRAINAGE SYSTEM FOR THIS SUBDIVISION SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE FORT BEND COUNTY DRAINAGE CRITERIA MANUAL WHICH ALLOWS STREET PONDING DURING INTENSE RAINFALL EVENTS.

15.) THIS PLAT LIES WITHIN FORT BEND COUNTY LIGHTING ORDINANCE ZONE No. LZ3.

16.) ALL EASEMENTS ARE CENTERED ON LOT LINES UNLESS OTHERWISE INDICATED.

17.) ALL BEARINGS AND COORDINATES DEPICTED HEREON ARE REFERENCED TO THE TEXAS COORDINATES SYSTEM OF 1983 (SOUTH CENTRAL ZONE). ALL COORDINATES LISTED ARE GRID AND CAN BE BROUGHT TO SURFACE BY APPLYING A COMBINED SCALE FACTOR= 0.99986914288.

18.) SITE PLANS SHALL BE SUBMITTED TO THE CITY OF ROSENBERG FOR STAFF REVIEW AND APPROVAL PRIOR TO CONSTRUCTION. DRIVEWAY REQUIREMENTS FOR THE LOCATIONS, WIDTHS AND OFFSET FROM AN INTERSECTION AND ANY EXISTING DRIVEWAYS OR PROPOSED DRIVEWAYS, SHALL CONFORM TO THE DESIGN STANDARDS OF THE CITY OF ROSENBERG.

19.) NO OWNER OF THE LAND SUBJECT TO AN EASEMENT MAY PLACE, BUILD OR CONSTRUCT ANY PERMANENT BUILDING, STRUCTURE OR OBSTRUCTION OF ANY KIND OVER, UNDER OR UPON THE EASEMENT, PROVIDED THAT SUCH OWNER MAY CROSS OR COVER THE EASEMENT WITH A PAVED DRIVEWAY/PARKING LOT UNDER THE FOLLOWING CONDITIONS: THE DRIVEWAY SHALL BE JOINTED AT THE BOUNDARY LINE OF THE EASEMENT TO LIMIT THE AMOUNT OF PAVING THAT MUST BE REMOVED TO PROVIDE ACCESS, AND THERE SHALL BE NO OBLIGATION OF THE CITY TO REPLACE/REPAIR ANY PAVING REMOVED IN THE EXERCISE OF THIS EASEMENT.

20.) SUBJECT TO THE WEST FORT BEND MANAGEMENT DISTRICT DEVELOPMENT STANDARDS, WEST FORT BEND MANAGEMENT DISTRICT REQUIRES A TREE SURVEY AND TREE PRESERVATION PLAN PRIOR TO REMOVAL OF ANY TREES 18 INCHES IN DIAMETER OR GREATER FROM PROPERTY. WEST FORT BEND MANAGEMENT DISTRICT SHALL BE NOTIFIED PRIOR TO ANY SITE CLEARING OR CONSTRUCTION. SITE PLANS SHALL BE SUBMITTED TO THE CITY OF ROSENBERG AND WEST FORT BEND MANAGEMENT DISTRICT FOR STAFF REVIEW AND APPROVAL PRIOR TO CONSTRUCTION.

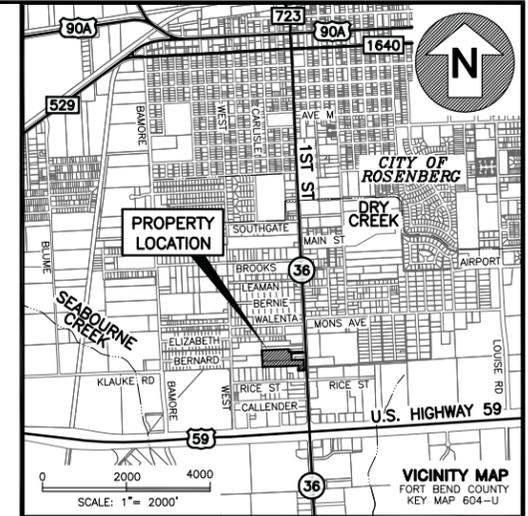
21.) THE RESERVES IN THIS SUBDIVISION ARE RESTRICTED TO NON-RESIDENTIAL USE.

22.) AN EXISTING METAL WAREHOUSE BUILDING ON RESERVE "B" OF THIS SUBDIVISION IS LOCATED WITHIN ONE FOOT (1.0') OF THE CURRENT TRACT SIDE AND REAR PROPERTY LINES, ENCRONES ON TO AND OVER THE PROPOSED TEN-FOOT (10') SIDE BUILDING LINES FOR THIS SUBDIVISION, AND ENCRONES ON TO AND OVER THE PROPOSED FORTY-FOOT (40') BUILDING LINE ALONG STATE HIGHWAY NO. 36 FOR THIS SUBDIVISION. ALL NEW CONSTRUCTION SHALL CONFORM TO SETBACK LINES AS SHOWN ON THIS PLAT AND AS ESTABLISHED BY ORDINANCE IN EFFECT AT THE TIME OF CONSTRUCTION; HOWEVER, OWNER SHALL HAVE THE RIGHT TO REPAIR AND RENOVATE THIS EXISTING BUILDING.

23.) RESTRICTIONS FOR ORIGINAL RESERVE "C" OF KWIKROSE COMMERCIAL PARK: (SLIDE No. 1436/A; PLAT RECORDS OF FORT BEND COUNTY, TEXAS).

24.) RESTRICTIONS FOR ORIGINAL RESERVE "C" OF DEEDCO SUBDIVISION NO. 19: (SLIDE No. 1357/A; PLAT RECORDS OF FORT BEND COUNTY, TEXAS).

25.) AS PER WEST FORT BEND MANAGEMENT DISTRICT DEVELOPMENT STANDARDS, ALL SURFACE PARKING SHALL BE SET BACK A MINIMUM OF THIRTY-FIVE FEET (35') FROM THE RIGHT-OF-WAY LINE OF STATE HIGHWAY 36, AND ALL SURFACE PARKING SHALL BE SET BACK A MINIMUM OF SIX FEET (6') FROM ALL SIDE AND REAR PROPERTY LINES.



MACER RESERVES

A SUBDIVISION OF 7.882 ACRES OF LAND BEING A PARTIAL REPLAT OF RESERVE "C" OF KWIKROSE COMMERCIAL PARK (SLIDE No. 1436/A; PLAT RECORDS OF FORT BEND COUNTY, TEXAS) TOGETHER WITH A PORTION OF A CALL 5.00 ACRE TRACT OF LAND (FORT BEND COUNTY CLERK'S FILE No. 2007074320), BOTH BEING IN THE HENRY SCOTT SURVEY, ABSTRACT 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
REASON FOR REPLAT: TO INCREASE THE SIZE OF TWO EXISTING RESERVES

OWNERS
AS TO RESERVE A (7.535 ACRES) **MACER INTERESTS, LLC**
3102 1ST STREET
ROSENBERG, TEXAS 77471
c/o Mr. Jay KALLINA

OWNERS
AS TO RESERVE B (0.347 ACRE) **Mr. JAY J. KALLINA**
3102 1ST STREET
ROSENBERG, TEXAS 77471
(281) 850-8829

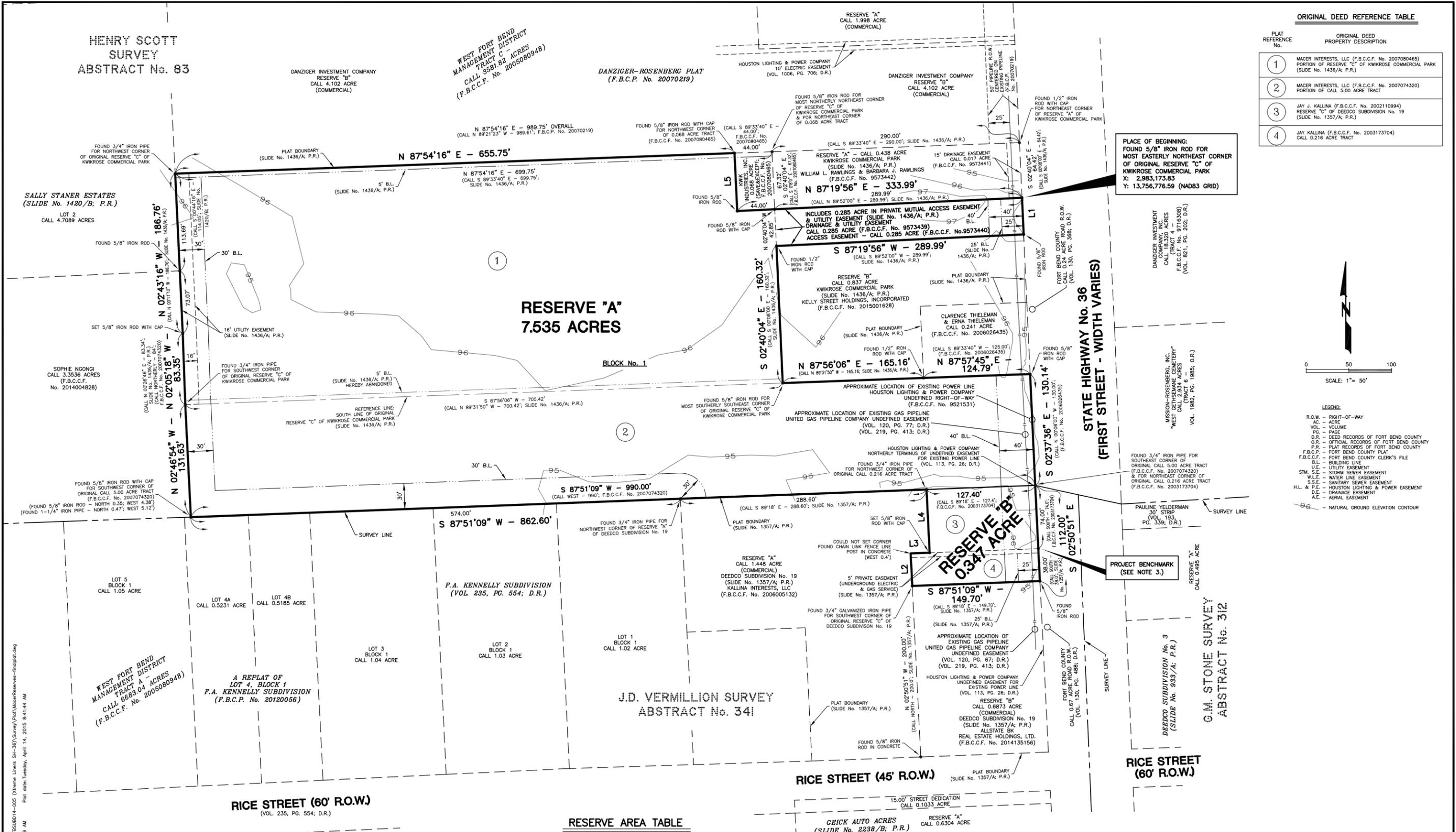
SURVEYOR AND ENGINEER
KELLY R. KALUZA & ASSOCIATES, INC.
CONSULTING ENGINEERS AND SURVEYORS
ENGINEERING FIRM No. F-1339
TEXAS LICENSED SURVEYING FIRM No. 10010000
3014 AVENUE I
ROSENBERG, TEXAS 77471
(281) 341-0808
bschodek@kellykaluza.com

File Name: \\Fs-01\work\Subdivision\2014\VEB\B011-005 (Extreme Lines SH-36)\Survey\Plat\MacerReserves-Final.plt.dwg
User: jkallina
Print Date: Tuesday, April 14, 2015 8:40:59 AM
Save Date: Tuesday, April 14, 2015 8:36:49 AM

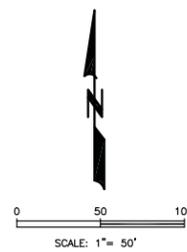
**HENRY SCOTT SURVEY
ABSTRACT No. 83**

ORIGINAL DEED REFERENCE TABLE

PLAT REFERENCE No.	ORIGINAL DEED PROPERTY DESCRIPTION
1	MACER INTERESTS, LLC (F.B.C.C.F. No. 2007080465) PORTION OF RESERVE "C" OF KWIKROSE COMMERCIAL PARK (SLIDE No. 1436/A; P.R.)
2	MACER INTERESTS, LLC (F.B.C.C.F. No. 2007074320) PORTION OF CALL 5.00 ACRE TRACT
3	JAY J. KALLINA (F.B.C.C.F. No. 2002110994) RESERVE "C" OF DEEDCO SUBDIVISION No. 19 (SLIDE No. 1357/A; P.R.)
4	JAY KALLINA (F.B.C.C.F. No. 2003173704) CALL 0.216 ACRE TRACT



PLACE OF BEGINNING:
FOUND 5/8" IRON ROD FOR MOST EASTERLY NORTHEAST CORNER OF ORIGINAL RESERVE "C" OF KWIKROSE COMMERCIAL PARK
X: 2,983,173.83
Y: 13,756,776.59 (NAD83 GRID)



- LEGEND:**
- R.O.W. - RIGHT-OF-WAY
 - AC - ACRE
 - VOL. - VOLUME
 - PG. - PAGE
 - D.R. - DEED RECORDS OF FORT BEND COUNTY
 - O.P.R. - OFFICIAL RECORDS OF FORT BEND COUNTY
 - P.R. - PLAT RECORDS OF FORT BEND COUNTY
 - F.B.C.P. - FORT BEND COUNTY PLAT
 - F.B.C.C.F. - FORT BEND COUNTY CLERK'S FILE
 - B.L. - BUILDING LINE
 - U.E. - UTILITY EASEMENT
 - S.T.M. - STORM SEWER EASEMENT
 - W.L.E. - WATER LINE EASEMENT
 - S.S.E. - SANITARY SEWER EASEMENT
 - H.L. & P.E. - HOUSTON LIGHTING & POWER EASEMENT
 - D.E. - DRAINAGE EASEMENT
 - A.E. - AERIAL EASEMENT
 - - NATURAL GROUND ELEVATION CONTOUR

RESERVE AREA TABLE

RESERVE No.	RESTRICTED USE	ACREAGE	SQUARE FOOTAGE
RESERVE "A"	NON-RESIDENTIAL	7.535	328,209
RESERVE "B"	NON-RESIDENTIAL	0.347	15,115
TOTAL		7.882	343,324

LINE	DISTANCE	BEARING
L1	42.85'	S 02°40'04" E
L2	38.00'	N 02°50'51" W
L3	22.30'	N 87°51'09" E
L4	74.00'	N 02°50'51" W
L5	67.76'	S 02°40'04" E

(CALL S 00°08'00" E - 42.85'; SLIDE No. 1436/A; P.R.)
(CALL SOUTH - 38.0'; SLIDE No. 1357/A; P.R.)
(CALL N 89°18' W - 22.30'; SLIDE No. 1357/A; P.R.)
(CALL SOUTH - 74.0'; SLIDE No. 1357/A; P.R.)
(CALL NORTH - 74.0'; F.B.C.C.F. No. 2003173704)
(CALL N 00°08'00" W - 67.76'; F.B.C.C.F. No. 2007080465)

File Name: \\FortBend\Subdivision\2014\RESUB\14-005 (Irene Lines SH-36)\Survey\Plat\MacerReserves-final.plat.dwg
Plot date: Tuesday, April 14, 2015 8:36:49 AM
Show date: Tuesday, April 14, 2015 8:36:49 AM

MACER RESERVES

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Chairperson Pavlovsky inquired about contingencies other than the city limits issue.
- Mr. Tanner replied that lots are the same size as in the land plan. Some changes to ownership as well as street layout have been made. Mr. Tanner stated that the land plan would need to be revised before going to the Planning Commission for approval.
- Mr. Parsons inquired about the drill sites located on the property.
- Mr. Kalkomey replied that the drill sites located on the property have a service agreement with oil and gas companies, and that a lease agreement restricts drilling activity for the sites.

Action Taken: Commissioner Casias moved, seconded by Commissioner Urbish to approve the Preliminary Plat of Walnut Creek Section thirteen, being 13.9 +/- acres of land containing 53 lots (60' x 120' typ) in four blocks, out of the Wiley Martin League, A-56, Fort Bend County, Texas. The action carried unanimously by those present.

9. CONSIDERATION OF AND ACTION ON A SHORT FORM FINAL PLAT OF BRIDLEWOOD ESTATES, SECTION ONE PARTIAL REPLAT ONE, BEING REPLAT OF LOT 30 & 31, BLOCK 9, BRIDLEWOOD ESTATES, SECTION ONE (1), AS RECORDED IN SLIDE NO. 1560/A & B, 1561/A & B AND 1562/A & B, OF THE PLAT RECORDS OF FORT BEND COUNTY, TEXAS; BEING A SUBDIVISION OF 4.464 ACRES LOCATED IN THE WILEY MARTIN LEAGUE, A-56 FORT BEND COUNTY, TEXAS.

Executive Summary: The Short Form Final Plat of Bridlewood Estates Section One Partial Replat One is a proposed replat consisting of 4.464 acres and one (1) lot. The property is located on the cul-de-sac of Waterwalk Court and is centrally located in Bridlewood Estates. Specifically, it is in Section One, which was originally platted in 1997.

The purpose of this replat is simply to combine two (2) existing lots into one (1) so the property owner can construct a single residence that does not result in any encroachments on existing lot lines. The replat will also result in the relocation of easements. Acceptable documentation has been provided that the applicable entities for these easements, the Fort Bend County Drainage District and Quadvest Water Utility, do not object to the proposed replat.

Staff recommends that the Planning Commission recommend approval to City Council of the Short Form Final Plat of Bridlewood Estates Section One.

Key Discussion:

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

Action Taken: Commissioner Casias moved, seconded by Commissioner Poldrack, to approve the Short Form Final Plat of Bridlewood Estates, Section One Partial Replat One being replat of Lot 30 & 31, Block 9, Bridlewood Estates, Section One (1), as recorded in Slide No. 1560/A & B, 1561A/B and 1562/A & B, of the plat records of Fort Bend County, Texas; being a subdivision of 4.464 acres located in the Wiley Martin League, A-56 Fort Bend County, Texas. The action carried unanimously by those present.

10. CONSIDERATION OF AND ACTION ON A FINAL REPLAT OF MACER RESERVES, A SUBDIVISION OF 7.882 ACRES OF LAND BEING A PARTIAL REPLAT OF RESERVE "C" OF KWIKROSE COMMERCIAL PARK (SLIDE NO. 1436/A; PLAT RECORDS OF FORT BEND COUNTY, TEXAS) TOGETHER WITH A PORTION OF A CALL 5.00 ACRE TRACT OF LAND (FORT BEND COUNTY CLERK'S FILE NO. 2007074320), BOTH BEING IN THE HENRY SCOTT SURVEY, ABSTRACT 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

Executive Summary: The Final Plat of Macer Reserves consists of 7.885 acres and two (2) nonresidential reserves. It is a partial replat of Kwikrose Commercial Park and Deedco Subdivision No. 19. The Plat is located on the west side of State Highway 36, north of its intersection with Rice Street, and in the West Fort Bend Management District.

The Plat proposes to subdivide the 7.885 acres into two (2) reserves to accommodate future development of Reserve "A" (Reserve "B" has existing improvements). 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.

A Public Hearing was held and the Planning Commission approved the Preliminary Plat of this subdivision on December 17, 2014. The proposed Final Plat is consistent with the approved Preliminary Plat and is in conformance with City ordinances. That said, staff recommends that the Planning Commission recommend approval to City Council of the Final Plat of Macer Reserves.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Parsons inquired about the future use of the property.
- Mr. Tanner replied that the property will probably be used for office or warehouse development. There may be a user for the tract, or it could be platted for another use. The tract, however, will be subject to the West Fort Bend Management District standards.
- Commissioner Parsons inquired if construction would encumber traffic on Hwy. 36 at 8:00 am and 5:00 pm.
- Commissioner Parsons stated that the City has two problems, water and mobility.

Action Taken: Commissioner Casias moved, seconded by Commissioner Urbish to approve the Final Replat of Macer Reserves, a subdivision of 7.882 acres of land being a partial replat of Reserve "C" of Kwikrose Commercial Park (Slide No. 1436/A; Plat Records of Fort Bend County, Texas) together with a portion of a call 5.00 acre tract of land (Fort Bend County Clerk's File No. 2007074320), both being in the Henry Scott Survey, Abstract 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 by a vote of three "ayes" and one abstention. **Ayes: Chairperson Pavlovsky and Commissioners Casias and Urbish. Abstention: Commissioner Parsons.**

11. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF STONECREEK ESTATES SECTION ONE, A SUBDIVISION OF 76.47 ACRES OF LAND OUT OF THE WILEY MARTIN SURVEY, A-56 FORT BEND COUNTY, TEXAS; 185 LOTS, 8 RESERVES, 9 BLOCKS.

Executive Summary: The Final Plat of Stonecreek Estates Section One adjoins the Berdett Road right-of-way immediately south of Dry Creek. The subdivision is located in Fort Bend County Municipal Utility District No. 184, for which the Development and Utility Agreements were approved by City Council on August 26, 2014. The Planning Commission recommended approval of the Development Agreement and Land Plan on August 20. The Plat is located in the Extraterritorial Jurisdiction (ETJ) with the exception of a portion of the City Limits abutting Dry Creek.

The Plat consists of 76.47 acres and 185 single-family residential lots. Additionally, the Plat contains several acres in landscape reserves and an approximately 5.18-acre recreation center site that will receive credit toward meeting parkland dedication requirements. All proposed lots are a minimum of sixty feet (60') in width with some lots being substantially larger. The Plat complies with current City ordinances related to lot size and parkland dedication.

The Preliminary Plat of this subdivision was approved by the Planning Commission on September 17, 2014. Due to the expiration provisions in the ordinance, the Preliminary Plat approval was extended by the Planning Commission on April 15, 2015. Staff has reviewed and the proposed Final Plat appears to be in conformance with the approved Land Plan, Preliminary Plat, and with applicable City ordinances. Therefore it is recommended that the Planning Commission recommend approval to City Council of the Final Plat of Stonecreek Estates Section One.

Key Discussion:

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

Action Taken: Commissioner Parsons moved, seconded by Commissioner Casias to approve the Final Plat of Stonecreek Estates Section One, a subdivision of 76.47 acres of land out of the Wiley Martin Survey, A-56 Fort Bend County, Texas; 185 lots, 8 reserves, 9 blocks. The action carried unanimously by those present.

12. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF TEXAS STATE TECHNICAL COLLEGE FORT BEND SECTION ONE, A SUBDIVISION OF 72.446 ACRES OF LAND SITUATED IN THE B.B.B. AND C. RAILROAD COMPANY SURVEY, SECTION NUMBER 13, ABSTRACT 140, AND IN THE FRANCIS H. DEMAY SURVEY, ABSTRACT 350, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS; 5 RESERVES, (67.326 ACRES), 3 BLOCKS.

conflict with City ordinances. However, a public hearing is required for replats per state law and City ordinance. Therefore staff recommends that the Planning Commission hold the required public hearing on the Preliminary Plat of Macer Reserves before taking action on the Plat.

Key Discussion:

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

Chairperson Pavlovsky opened the public hearing at 4:05 p.m. After two calls for speakers, no one stepped forward. Chairperson Pavlovsky closed the public hearing at 4:05 p.m.

3. **CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF MACER RESERVES, A SUBDIVISION OF 7.885 ACRES OF LAND BEING A PARTIAL REPLAT OF RESERVE "C" OF KWIKROSE COMMERCIAL PARK (SLIDE NO. 1436/A; PLAT RECORDS OF FORT BEND COUNTY, TEXAS) TOGETHER WITH A PORTION OF A CALL 5.00 ACRE TRACT OF LAND (FORT BEND COUNTY CLERK'S FILE NO. 2007074320), BOTH BEING IN THE HENRY SCOTT SURVEY, ABSTRACT 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.**

Executive Summary: As previously discussed, the Preliminary Plat of Macer Reserves consists of 7.885 acres and two (2) nonresidential reserves. It is a partial replat of Kwikrose Commercial Park and Deedco Subdivision No. 19. The Plat is located on the west side of State Highway 36, north of its intersection with Rice Street, and in the West Fort Bend Management District.

The Plat proposes to subdivide the 7.885 acres into two (2) reserves to accommodate future development of Reserve "A" (Reserve "B" has existing improvements). 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 Macer Reserves.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Mr. Tanner stated that there is nothing to add to this item that was not covered in previous agenda item.
- Mr. Tanner recommend approval of the Preliminary Plat of Macer Reserves.
- Chairperson Pavlovsky inquired if there were any other questions.
- Commissioner Parsons inquired if there was any idea as to the land use.
- Mr. Tanner stated that two existing reserves to the north are being combined to make it more attractive for sale, and that it was previously discussed that the land would be used for office and warehouse development, but he is not certain of the type of development. Llarance Turner with Kelly Kaluza & Associates, Inc., may be able to tell more about specific plans for the tract of land.
- Commissioner Casias inquired about the access to the tract.
- Llarance Turner with Kelly R. Kaluza & Associates, Inc., spoke on behalf of Macer Reserves subdivision.
- Mr. Turner stated that the land does not have a designated use, but it will be used for commercial. Access to the subdivision is already provided through an existing access easement and driveway.
- Mr. Turner stated that public infrastructure is in place, including water, sanitary sewer and drainage.
- Mr. Turner asked if there were any other questions.
- Commissioner Pavlovsky thanked Mr. Turner for his presentation.
- Commissioner Poldrack asked Mr. Tanner what happens when property is only partially in the West Fort Bend Management District as far as the standards applying.
- Mr. Tanner replied that standards apply only to the improvements within the District and that the intent of staff is to work with property owners to reach a practical solution. Mr. Tanner stated that we have come across a few situations where part was in and part was out of the District.
- Commissioner Parsons commented that after 1000', a property owner does not have to comply.
- Mr. Tanner replied that Commissioner Parsons was correct.

Action Taken: Commissioner Parsons moved, seconded by Commissioner Poldrack to approve the Preliminary Plat of Macer Reserves, a subdivision of 7.885 acres of land being a partial replat of Reserve "C" of Kwikrose Commercial Park (Slide No. 146/A; Plat Records of Fort Bend County, Texas) together with a portion of a call 5.00 acre tract of land (Fort Bend County Clerk's File No. 2007074320), both being in the Henry Scott Survey, Abstract

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



CITY COUNCIL COMMUNICATION

June 16, 2015

ITEM #	ITEM
D	Final Plat of Irby Cobb Blvd. Street Dedication No. Two
ITEM/MOTION	
Consideration of and action on a Final Plat of Irby Cobb Boulevard Street Dedication No. Two, a subdivision of 3.451 acres containing 1,930 L.F. of R.O.W., out of the Eugene Wheat Survey, A-396, and the Wiley Martin League, A-56, Fort Bend County, Texas.	
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 #: 152 (Walnut Creek)

1. Final Plat of Irby Cobb Boulevard Street Dedication No. Two
2. Land Plan for Walnut Creek
3. Planning Commission Meeting Minute Excerpt – 10-15-14
4. Planning Commission Meeting Minute Excerpt – 09-17-14
5. Planning Commission Meeting Minute Excerpt – 02-26-14

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 Irby Cobb Boulevard Street Dedication No. Two is a proposed right-of-way dedication plat consisting of 3.451 acres. It is located in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 152. It adjoins Walnut Creek Sections Seven and Eleven and will connect Irby Cobb Boulevard to its future intersection with Benton Road.

The Final Plat is consistent with the street layout per the approved Land Plan, will provide access further east into the development, and will facilitate an eventual second point of access into the development from Benton Road. The proposed Final Plat is not in conflict with the "Subdivision" Ordinance, the approved Land Plan, or with the Development Agreement for MUD No. 152.

The Planning Commission (Commission) approved the Preliminary Plat on February 26, 2014, and an extension of that approval was granted by the Commission on September 17, 2014. The Commission recommended approval to City Council of the Final Plat on October 15, 2014. That said, staff recommends approval of the Final Plat of Irby Cobb Boulevard Street Dedication No. Two.

STATE OF TEXAS
COUNTY OF FORT BEND

We, LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD., a Texas Limited Partnership dba Friendswood Development Company, acting by and through John W. Hammond, Vice President of LENNAR TEXAS HOLDING COMPANY, a Texas Corporation, its General Partner, owner hereinafter referred to as Owners of the 3.451 acre tract described in the above and foregoing map of IRBY COBB BOULEVARD STREET DEDICATION NO. TWO, 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 (except those streets designated as private 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, We 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. & A.E.) as indicated and depicted hereon, whereby the aerial easement totals twenty one feet, six inches (21'6") in width.

FURTHER, We 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. & A.E.) as indicated and depicted hereon, whereby the aerial easement totals thirty feet (30'0") in width.

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, 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, draws, 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 purpose 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, Owners do hereby certify that we are the owners of all property immediately adjacent to the boundaries of the above and foregoing plat of IRBY COBB BOULEVARD STREET DEDICATION NO. TWO where building setback lines or public utility easements are to be established outside the boundaries of the above and foregoing plat and do hereby make and establish all building setback lines and dedicate to the use of the public forever 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, LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD., a Texas Limited Partnership dba Friendswood Development Company, has caused these presents to be signed by John W. Hammond, Vice President of LENNAR TEXAS HOLDING COMPANY, a Texas Corporation, its General Partner,

Thereunto authorized, this _____ day of _____, 201__.

LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD.,
a Texas Limited Partnership
dba Friendswood Development Company

By: LENNAR TEXAS HOLDING COMPANY,
a Texas Corporation,
its General Partner

By: _____
John W. Hammond, Vice President

STATE OF TEXAS
COUNTY OF FORT BEND

BEFORE ME, the undersigned authority, on this day personally appeared John W. Hammond, Vice President of LENNAR TEXAS HOLDING COMPANY, 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 set out, and as the act and deed of said Corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 201__.

Notary Public in and for
Fort Bend County, Texas

My Commission Expires _____

I, Douglas W. Turner, am authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and accurate; was prepared from an actual survey of the property made on the ground under my supervision; that except as shown, all boundary corners, angle points, points of curvature and other points of reference have been marked with iron pipes or rods (or other objects of a permanent nature) having an outside diameter of not less than three fourths (3/4) inch and a length of not less than three (3) feet; and that the plat boundary corners have been tied to the Texas Coordinate System of 1983, South Central Zone.

Douglas W. Turner, R.P.L.S.
Registered Professional Land Surveyor
Texas Registration No. 3988

This is to certify that the City Planning Commission of the City of Rosenberg, Texas, has approved this plat and subdivision of IRBY COBB BOULEVARD STREET DEDICATION NO. TWO 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 _____, 201__.

By: _____
Pete Pavlovsky, Chairman

By: _____
Wayne Poldrack, Secretary

This is to certify that the City Council of the City of Rosenberg, Texas, has approved this plat and subdivision of IRBY COBB BOULEVARD STREET DEDICATION NO. TWO 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 _____, 201__.

Vincent M. Morales, Jr, Mayor

Linda Cernosek, Secretary

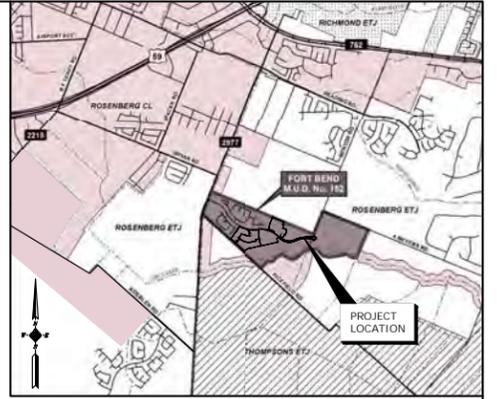
I, BRIAN D. GEROULD, A Professional Engineer licensed in the State of Texas do hereby certify that this plat meets the requirements of Fort Bend County to the best of my knowledge.

BRIAN D. GEROULD
Licensed Professional Engineer, No. 108604

THIS DOCUMENT IS RELEASED
FOR THE PURPOSE OF REVIEW
UNDER THE AUTHORITY OF
BRIAN D. GEROULD, P.E.
108604 ON 9/23/14.

NOTES

- 1. B.L. Indicates a building line
A.E. indicates an aerial easement
U.E. indicates a utility easement
STM. S.E. indicates a storm sewer easement
W.L.E. indicates a water line easement
W.M.E. indicates a water meter easement
S.S.E. indicates a sanitary sewer easement
VOL. PG. Indicates Volume, Page
F.B.C.P.R. indicates Fort Bend County Public Records
F.B.C.M.R. indicates Fort Bend County Map Records
F.B.C.D.R. indicates Fort Bend County Deed Records
O.P.R.F.B.C. indicates Official Public Records of Fort Bend County
ESMT. indicates an easement
H.L. & P. indicates Houston Lighting and Power
F.H.E. indicates a fire hydrant easement
D.E. indicates a drainage easement
TEMP. indicates temporary
L.F. indicates linear feet
● indicates a found 3/4" iron rod
○ indicates a set 3/4" iron rod
↔ indicates a street name change
- 2. The coordinates shown hereon are Texas South Central Zone No. 4204 State Plane Grid Coordinates (NAD 83) and may be brought to surface by applying the following combined scale factor: 1.000128.
- 3. All non-perimeter easements on property lines are centered unless otherwise noted.
- 4. All bearings are based on the Texas Coordinate System of 1983, South Central Zone.
- 5. Unless otherwise indicated, the building lines (B.L.) whether one or more, shown on this subdivision plat are established to evidence compliance with the applicable provisions of the City of Rosenberg, Texas, in effect at the time of this plat.
- 6. Irby Cobb Street Dedication No. Two is located partially within Zone AE and partially within Unshaded Zone X per Fema Flood Insurance Rate Map Panel 48157C0265L effective April 2, 2014. The nearest base flood elevation is 79.41 (NAVD 88).
- 7. All property to drain into the drainage easement only through an approved drainage structure.
- 8. The drainage system for this subdivision is designed in accordance with the "Fort Bend County Drainage Criteria Manual" which allows street ponding with intense rainfall events.
- 9. All drainage easements are to be kept clear of fences, buildings, vegetation and other obstructions to the operation and maintenance by the drainage facility.
- 10. Sidewalks shall be built or caused to be built through restrictive covenants not less than five (5) feet in width on both sides of all dedicated public rights-of-way within said plat and on the contiguous right-of-way of all perimeter roads surrounding said plat, in accordance with the A.D.A.
- 11. This plat lies within Fort Bend County lighting ordinance zone No. L22.
- 12. BENCHMARK: AW4239, an NGS disk with the stamping W 811 1943, located 13.0 miles northeast from Guy, Texas as follows: 7.65 miles northeast along Farm Road 1994 from the junction with State Highway 36 in Guy, thence 5.35 miles northeast along Farm Road 762, at the junction of Smithers Lake Road 49.5 feet southeast of the center line of Farm Road 762, 42.0 feet southwest of the center line of Smithers Lake Road, 11.5 feet east-southeast of a T junction telephone pole with a metal box and guy wire, 10.0 feet east-southeast of a fence corner post, 3.0 feet southwest of a fence, 8.9 feet southeast of a fence, 8.9 feet southeast of a witness post, about level with the road, and set in the top of a concrete post projecting 0.2 foot above the ground.
NAVD 88 (2001 ADJ.) ELEVATION = 75.10
PROJECT BENCHMARK: FORT BEND COUNTY MARKER NUMBER (358), a bronze disk set in concrete (05/22/14) Coordinates shown are referenced to Texas State Plane Coordinate System, South Central Zone, NAD-83 and were derived by the post-processing of static GPS observations made on (5/22/14) using National Geodetic Survey (NGS) OPUS Utility (Online Positioning User Service). The following three NGS CORS (Continuously Operating Reference Stations) were used to compute the coordinate values shown:
DE5999 ADKS Addicks 1795 Cors ARP
DJ7827 ANG5 Angleton 5 Cors ARP
DF9773 COH2 Houston 2 Coop Cors ARP
X = (3,004,303.13) US Ft.
Y = (13,749,388.01) US Ft.
Elevation = (81.89) NAVD-88
Scale Factor = (0.99986855)
- 13. Elevations used for delineating contour lines are based upon U.S.C. & G.S. Datum, NAVD 88 (2001 ADJ.)
- 14. This plat was prepared to meet City of Rosenberg and Fort Bend County requirements.
- 15. This plat was prepared from information furnished by Stewart Title Company, File No. 1415744816, Effective Date August 14, 2014. The surveyor has not abstracted the above property.
- 16. This plat lies wholly within Fort Bend County Municipal Utility District No. 152, Fort Bend Subsidence District, Fort Bend County Drainage District, Lamar Consolidated I.S.D., the ETJ of the City of Rosenberg, and Fort Bend County.
- 17. 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.
- 18. Three quarter inch (3/4") 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.
- 19. The pipelines and/or pipeline easements within the limits of this street dedication plat are as shown.
- 20. One-foot reserve dedicated to the public in fee as a buffer separation between the side and end of streets where such streets abut adjacent property. The condition of such dedication being that when the adjacent property is subdivided or re-subdivided in a recorded plat, the one-foot reserve shall thereupon become vested in the public for street right-of-way purposes and the fee title thereto shall revert to and re-vest in the dedicator, his heirs, assigns or successors.
- 21. Restrictions: Those recorded in/under Clerk's File No. 2005095085 of the Official Public Records of Fort Bend County, Texas; but omitting any covenants, condition, or restriction, if any, based on race, color, religion, sex, handicap, familial status or national origin unless and to the extent that the covenant, condition or restriction (a) is exempt under Title 42 of the United States Code or (b) relates to handicap, but does not discriminate against handicapped persons.
- 22. Fort Bend County Municipal Utility District No. 152 will be responsible for the maintenance of all drainage easements shown on this plat.



VICINITY MAP
N.T.S.
KEY MAP: 645D & 646A

I, Richard W. Stolleis, 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 _____, 201__.

Richard Morrison
Precinct 1, County Commissioner

W.A. "Andy" Meyers
Precinct 3, County Commissioner

Robert E. Hebert
County Judge

Grady Prestage
Precinct 2, County Commissioner

James Patterson
Precinct 4, County Commissioner

I, Dianne Wilson, 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

_____, 201__, at _____ o'clock ____ M. Filed in plat number(s) _____ 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.

Dianne Wilson, County Clerk
Fort Bend County, Texas

By: _____
Deputy

IRBY COBB BOULEVARD
STREET DEDICATION NO. TWO

A SUBDIVISION OF
3.451 ACRES
CONTAINING
1,930 L.F. OF R.O.W.
OUT OF THE
EUGENE WHEAT SURVEY, A-396
AND THE
WILEY MARTIN LEAGUE, A-56
FORT BEND COUNTY, TEXAS

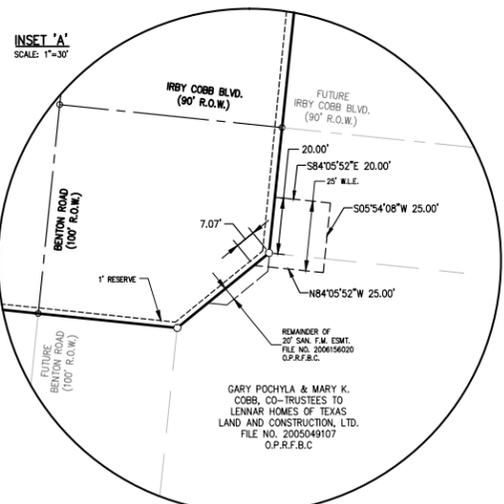
OWNER: LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD.

PLANNER: KERRY R. GILBERT & ASSOCIATES, INC.,
23501 CINCO RANCH BOULEVARD, SUITE A-250 - KATY, TEXAS 77494 - (281) 579-0340

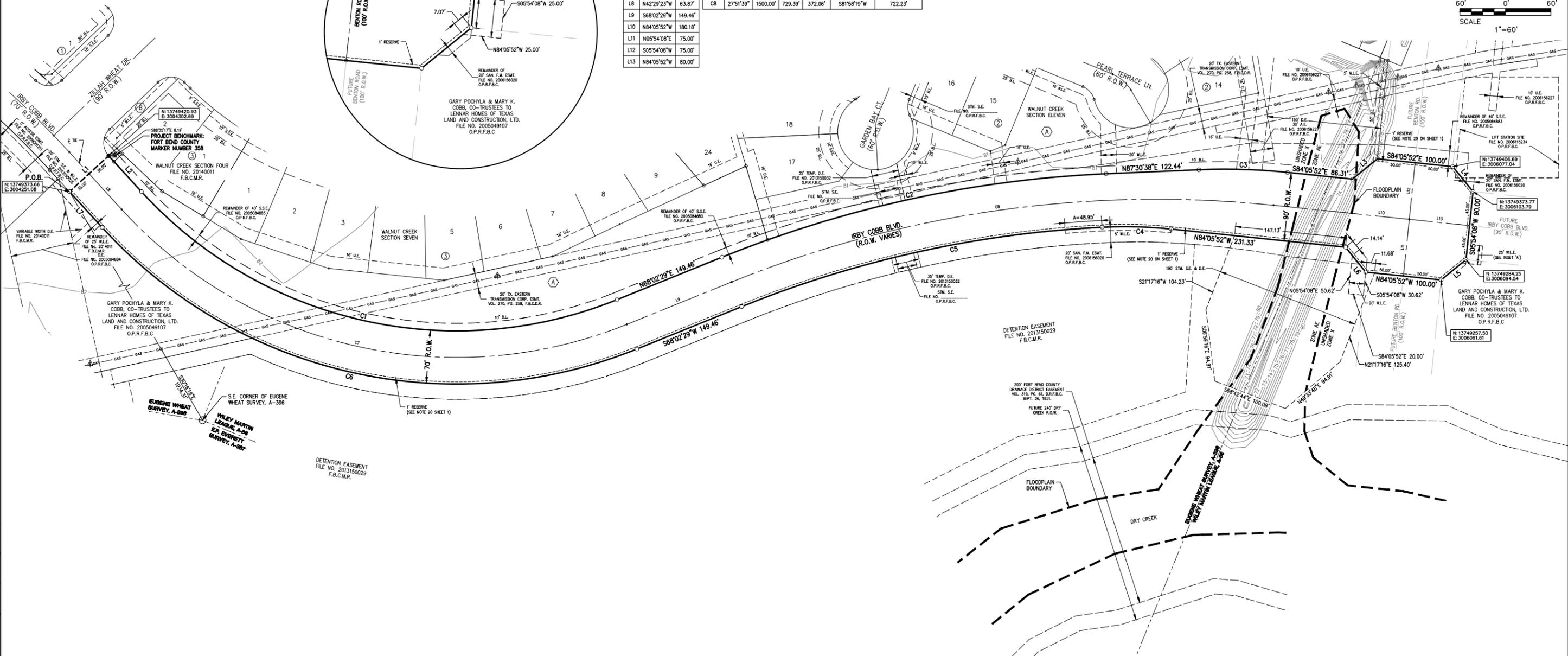
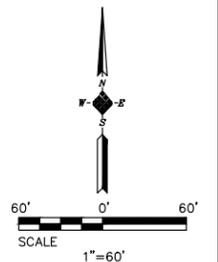
ENGINEER: IDS Engineering Group
13333 NW. Freeway,
Suite 300
Houston, Tx. 77040
713.462.3178

\\V001MFS31\Projects\0300\037115200\Irby_Cobb_Street_Ded_2\DWG\027_C-Plan\DWG (Sh. 1) Printed: Sep 25, 2014 at 10:44am by: bbrodshaw (Last Saved by: bbrodshaw)

INSET 'A'
SCALE: 1"=30'



LINE TABLE			CURVE TABLE						
LINE	BEARING	LENGTH	CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD DISTANCE
L1	N47°30'37\"/>								



**IRBY COBB BOULEVARD
STREET DEDICATION NO. TWO**

A SUBDIVISION OF
3.451 ACRES
CONTAINING
1,930 L.F. OF R.O.W.
OUT OF THE
EUGENE WHEAT SURVEY, A-396
AND THE
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OWNER: LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD.

PLANNER: KERRY R. GILBERT & ASSOCIATES, INC.

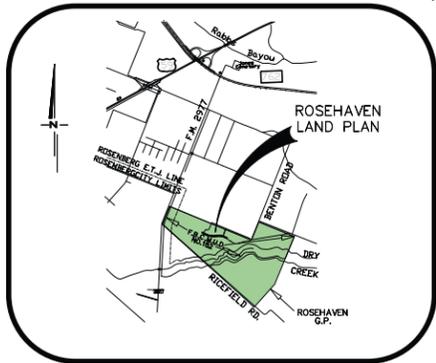
ENGINEER: IDS Engineering Group
13333 NW Freeway, Suite 300
Houston, TX 77040
713.462.3178

\\V:\DWG\Projects\0371152-00\Irby Cobb Street Ded 2\DWG\2_C-Pol\DWG [Sh. 2] Irby Cobb Street Ded 2.dwg, 25-Sep-2014 10:46am by: bgraham (last saved by: bgraham)

LOT ANALYSIS

ENTIRE PROJECT	SUB TOTAL	
(TYP.50'X120')	450 LOTS	752 LOTS (50%)
(TYP.55'X110')	302 LOTS	
(TYP.60'X110'/120')	757 LOTS	757 LOTS (50%)

1,509 TOTAL LOTS



Vicinity Map NTS

ROW WIDTH
60' (PATIO HOME ACCESS RD.)
60' (OTHER)
70'

PAVING WIDTH
36'
27'
39'

* City is granted access into 5' of the landscape reserve along each side of Irby Cobb Dr. for maintenance purposes.

ROSEHAVEN PARKLAND ANALYSIS (Revised 2008)

Park	Area (Ac.)	Credit (%)	Park Area	Park Area Status
Pocket Park 1	0.27	10%	0.03	Completed
Pocket Park 2	0.48	10%	0.05	Completed
Pocket Park 3	0.22	10%	0.02	To Be Completed
Pocket Park 4	0.36	10%	0.04	To Be Completed
Open Space	1.1	50%	0.5	To Be Completed
Neighborhood Park 1	4.5	50%	2.25	To Be Completed
Neighborhood Park 2	3.2	50%	1.6	To Be Completed
Linear Park	5.70	10%	0.57	14% Completed
Detention (NE)	3.0	25%	0.75	To Be Completed
Detention (SW)	10.05	25%	2.51	To Be Completed
Detention (SE)	7.95	25%	1.99	To Be Completed
Detention (NW)	25.1	25%	6.27	25% Completed

Total Private Park Provided = 16.58 Ac.

Total Parkland Required= 1509 Lots/160 Lots/Ac. = 9.43 Ac.
Total Private Parkland Required= 9.43 Ac. * 50% = 4.71 Ac.
Amount of Parkland Remaining (Money in Lieu of Land) = 4.71 Ac.
Payment Required = 4.71 Ac. * 160 Lots/Ac. * \$350 = \$263,760

- Notes:**
- Maintenance Responsibility for Pocket Parks, Neighborhood Park, and Open Space will be the Homeowner's Association.
 - Maintenance Responsibility for Detention Areas NW, NE, SW, & SE will be proposed FBMD No.152.
 - Neighborhood Park 1 shall contain the following improvements:
 - *Swimming Pool
 - *Cabana
 - *Playground
 - *Parking

a general plan for
WALNUT CREEK
BEING ± 527.3 ACRES of LAND

OUT of THE
EUGENE WHEAT SURVEY, A-396
FORT BEND COUNTY, TEXAS

OWNER:
LENNAR HOMES OF TEXAS LAND CONSTRUCTION
550 GREENS PARKWAY, #100
HOUSTON, TEXAS 77067
ATTN: MR. JAVIER MARTINEZ (281) 874-4467

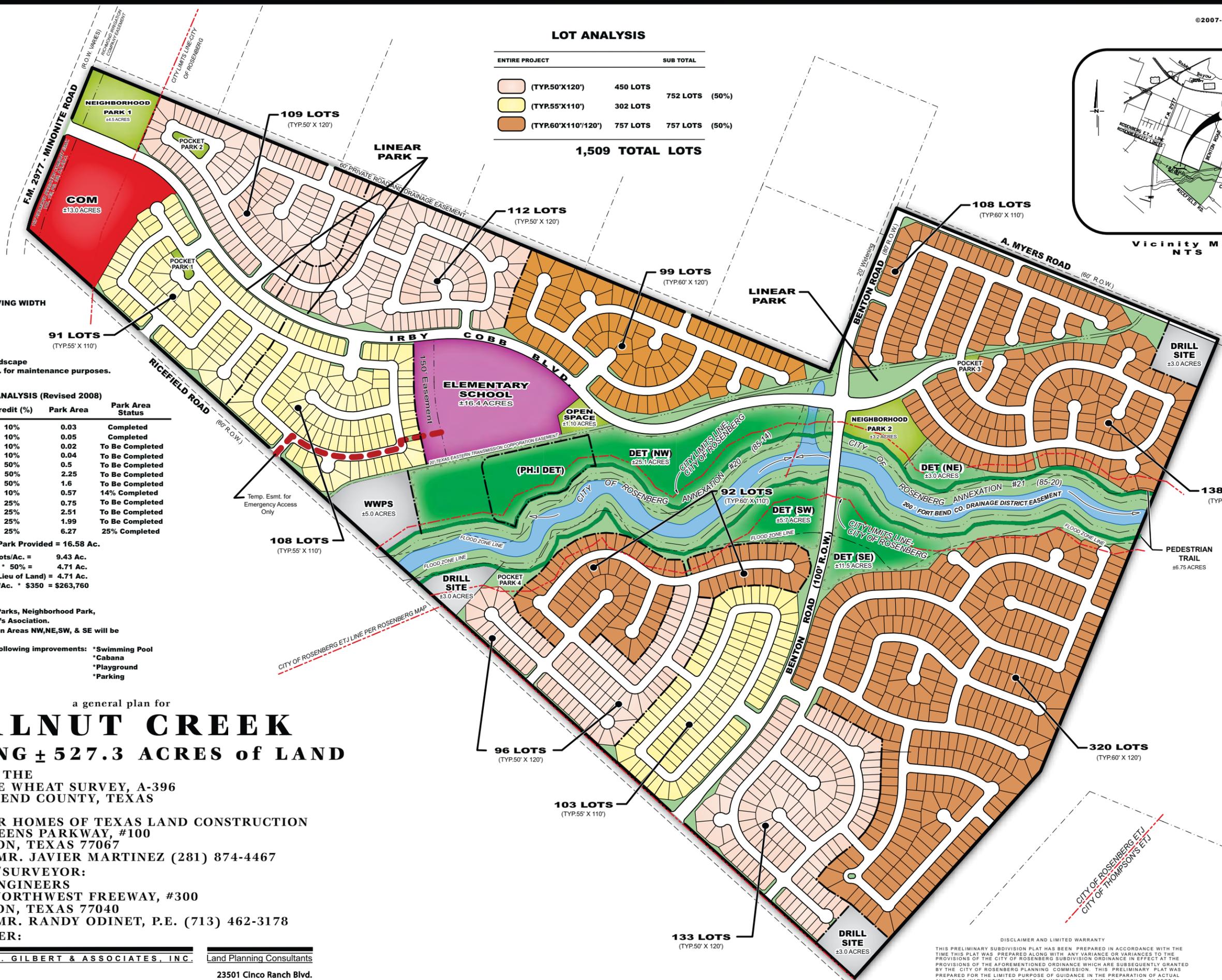
ENGINEER/SURVEYOR:
PATE ENGINEERS
13333 NORTHWEST FREEWAY, #300
HOUSTON, TEXAS 77040
ATTN: MR. RANDY ODINET, P.E. (713) 462-3178

PLANNER:
KERRY R. GILBERT & ASSOCIATES, INC. Land Planning Consultants



JANUARY 09, 2008
KGA #05504

23501 Cinco Ranch Blvd.
Suite A-250
Katy, Texas 77494
(281) 579-0340
Fax (281) 579-8212



DISCLAIMER AND LIMITED WARRANTY
THIS PRELIMINARY SUBDIVISION PLAT HAS BEEN PREPARED IN ACCORDANCE WITH THE TIME THIS PLAT WAS PREPARED ALONG WITH ANY VARIANCE OR VARIANCES TO THE PROVISIONS OF THE CITY OF ROSENBERG SUBDIVISION ORDINANCE IN EFFECT AT THE PROVISIONS OF THE AFORESAID ORDINANCE WHICH ARE SUBSEQUENTLY GRANTED BY THE CITY OF ROSENBERG PLANNING COMMISSION. THIS PRELIMINARY PLAT WAS PREPARED FOR THE LIMITED PURPOSE OF GUIDANCE IN THE PREPARATION OF ACTUAL ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, AND NEITHER KERRY R. GILBERT & ENGINEERING AND DEVELOPMENT PLANS. THIS LIMITED WARRANTY IS MADE IN LIEU OF ASSOCIATES, INC. NOR ANY OF ITS OFFICERS, OR DIRECTORS, OR EMPLOYEES MAKE ANY OTHER WARRANTIES OR REPRESENTATIONS, EXPRESS OR IMPLIED CONCERNING FACILITIES IN, ON, OVER, OR UNDER THE PREMISES INDICATED IN THE PRELIMINARY DESIGN, LOCATION, QUALITY, CHARACTER OF ACTUAL UTILITIES OR OTHER SUBDIVISION PLAT.

Action Taken: Commissioner Parsons moved, seconded by Commissioner Poldrack, to recommend approval to City Council of the Short Form Final Plat of KB Subdivision, a subdivision of 2.609 acres of land (Fort Bend County Clerk's File No. 2013096789) being a call 2.601 acre tract (Volume 2386, Page 2102; Official Records of Fort Bend County, Texas) out of the original Helen Ray Hillyer call 30 acre tract of land (Volume 438, Page 488 Deed Records of Fort Bend County, Texas) being in the Henry Scott Survey, Abstract No. 83, City of Rosenberg, Fort Bend County, Texas. The motion carried unanimously.

8. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF IRBY COBB BOULEVARD STREET DEDICATION NO. TWO, A SUBDIVISION OF 3.451 ACRES CONTAINING 1,930 L.F. OF R.O.W., OUT OF THE EUGENE WHEAT SUREVEY, A-396, AND THE WILEY MARTIN LEAGUE, A-56, FORT BEND COUNTY, TEXAS.

Executive Summary: The Final Plat of Irby Cobb Boulevard Street Dedication No. Two is a proposed right-of-way dedication plat consisting of 3.451 acres. It is located in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 152. It adjoins Walnut Creek Sections Seven and Eleven and will connect Irby Cobb Boulevard to its future intersection with Benton Road.

The Final Plat is consistent with the street layout per the approved Land Plan, will provide access further east into the development, and will facilitate an eventual second point of access into the development from Benton Road. The proposed Final Plat is not in conflict with the "Subdivision" Ordinance, the approved Land Plan, or with the Development Agreement for MUD No. 152.

Additionally, the Planning Commission approved the Preliminary Plat on February 26, 2014, and an extension of that approval was granted by the Commission on September 17, 2014. Staff recommends that the Planning Commission recommend approval to City Council of the Final Plat of Irby Cobb Boulevard Street Dedication No. Two.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Chairperson Pavlovsky inquired if this plat will complete Irby Cobb.
- Mr. Tanner replied that he believes this roadway will continue on to the east through the intersection with Benton Road.
- Commissioner Poldrack inquired when Benton Road will be completed.
- Mr. Tanner replied that he would need to verify but he believes Benton Road is in the County's mobility plan.
- Commissioner Poldrack stated that it seems the road would need to be completed before they can begin more development, especially for fire and EMS access.
- Mr. Tanner replied that as development progresses, access will need to be improved. Some of the Benton Road improvements do not lie in this subdivision and they would need to also coordinate with the County before they bring any other plats further to the east.
- Commissioner Poldrack stated that he believes that stretch of Benton Road is currently gravel. He would like to have some idea when access will be improved for the people already living there as well as for future residents.
- Mr. Tanner replied that the County's plan for Benton Road would be to have it connect from FM 762 to Williams Way which would significantly improve mobility in that area.
- Commissioner Poldrack inquired if the developer would be responsible for the majority of the improvements to Benton Road.
- Mr. Tanner replied that only a small portion of Benton Road is in this development. They will need to coordinate with the County on the improvements. The City does not have a role in these improvements as the development is not the City limits. Only through a development agreement would the City have any say on improvements in the ETJ.
- Brief discussion was held regarding a plat comment on flood elevation by the County Engineer, Richard Stolleis.

Action Taken: Vice Chairperson Phipps moved, seconded by Commissioner Urbish, to recommend approval to City Council of the Final Plat of Irby Cobb Boulevard Street Dedication No. Two, a subdivision of 3.451 acres containing 1,930 L.F. of R.O.W., out of the Eugene Wheat Survey, A-396, and the Wiley Martin League, A-56, Fort Bend County, Texas. The motion carried by a vote of five "ayes" to one abstention. **Ayes: Chairperson Pavlovsky, Vice Chairperson Phipps, Commissioners Casias, Poldrack and Urbish. Abstention: Commissioner Parsons.**

- Mr. Tanner replied that one tract is intended to be a school site and the other is smaller neighborhood businesses.

Action Taken: Commissioner Parsons moved, seconded by Commissioner Casias, to approve the Preliminary Plat of Stonecreek Estates Section One being 70.8 acres of land containing 184 lots (60' x 120') (65' x 125') (75' x 130' typ.) and seven reserves in nine blocks out of the Wiley Martin League, A-56, Fort Bend County, Texas. The motion carried unanimously.

5. CONSIDERATION OF AND ACTION ON A REQUEST BY KERRY R. GILBERT AND ASSOCIATES TO EXTEND APPROVAL BY 180 DAYS FOR THE PRELIMINARY PLAT OF IRBY COBB BOULEVARD STREET DEDICATION NO. TWO, A SUBDIVISION OF 3.451 ACRES CONTAINING 1,930 L.F. OF R.O.W. OUT OF THE EUGENE WHEAT SURVEY, A-396, AND THE WILEY MARTIN LEAGUE, A-56, FORT BEND COUNTY, TEXAS.

Executive Summary: The Planning Commission approved the Preliminary Plat of Irby Cobb Boulevard Street Dedication No. Two on February 26, 2014. Pursuant to the "Subdivision" Ordinance, the applicant has requested an extension of that approval by 180 days from the date of its expiration.

The Preliminary Plat of Walnut Creek Irby Cobb Boulevard Street Dedication No. 2 is a right-of-way dedication plat consisting of 3.4 acres. It is located in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 152. It adjoins future Walnut Creek Sections Seven and Eleven and will connect Irby Cobb Boulevard to its intersection with Benton Road.

The Preliminary Plat is consistent with the street layout per the approved Land Plan, will provide access further east into the development, and will facilitate an eventual second point of access into the development from Benton Road. The Preliminary Plat is not in conflict with the "Subdivision" Ordinance, the approved Land Plan, or with the Development Agreement for MUD No. 152.

Staff recommends extending the approval of the Preliminary Plat of Irby Cobb Boulevard Street Dedication No. Two by 180 days from the date of expiration, August 25, 2014. If approved, this extension of the Preliminary Plat approval would then expire on Friday, February 20, 2015.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Chairperson Pavlovsky inquired if there is any specific reason it has not been built.
- Mr. Tanner replied that it took more time to submit the infrastructure plans than they anticipated. Those plans have now been submitted. The delay was most likely procedural.

Action Taken: Commissioner Casias moved, seconded by Commissioner Parsons, to approve the request by Kerry R. Gilbert and Associates to extend the approval of the Preliminary Plat of Irby Cobb Boulevard Street Dedication No. Two, a subdivision of 3.451 acres containing 1,930 L.F. of R.O.W. out of the Eugene Wheat Survey, A-396, and the Wiley Martin League, A-56, Fort Bend County, Texas.

Additional Discussion:

- Commissioner Parsons stated for the record that only one extension of 180 days would be allowed.

Action Taken: Upon voting, the motion carried unanimously.

6. CONSIDERATION OF AND ACTION ON A REQUEST BY KERRY R. GILBERT AND ASSOCIATES TO EXTEND APPROVAL BY 180 DAYS FOR THE PRELIMINARY PLAT OF WALNUT CREEK SECTION SEVEN, A SUBDIVISION OF 9.621 ACRES CONTAINING 3 BLOCKS, 31 LOTS, AND 1 RESTRICTED RESERVE OUT OF THE EUGENE WHEAT SURVEY, A-396, FORT BEND COUNTY, TEXAS.

Executive Summary: The Planning Commission approved the Preliminary Plat of Walnut Creek Section Seven on February 26, 2014. Pursuant to the "Subdivision" Ordinance, the applicant has requested an extension of that approval by 180 days from the date of its expiration.

The Preliminary Plat of Walnut Creek Section Seven consists of thirty-one (31) residential lots located off of Irby Cobb Boulevard in the north central part of the Walnut Creek Development. The Plat is located in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 152. It adjoins Walnut Creek Section Four to the immediate west.

The subdivision generally consists of sixty-foot (60') lots in accordance with the approved Land Plan for Walnut Creek. Four (4) of the lots are identified as being less than 60' lots due to being less than fifty feet (50') as measured at the right-

PLANNING COMMISSION MEETING MINUTES

On this the 26th day of February 2014, the Planning Commission of the City of Rosenberg, Fort Bend County, Texas, met in a regular meeting at the Rosenberg City Hall Council Chamber, 2110 4th Street, Rosenberg, Texas 77471.

COMMISSIONERS PRESENT

Pete Pavlovsky	Planning Commission Chairperson
Lester Phipps, Jr.	Planning Commission Vice Chairperson
Wayne Poldrack	Planning Commission Secretary
Alicia Casias	Planning Commissioner
Mike Parsons	Planning Commissioner
James Urbish	Planning Commissioner

STAFF PRESENT

Travis Tanner	Executive Director of Community Services
Lora Lenzsch	City Attorney
Renée LeLaurin	Secretary II

GUESTS PRESENT

Taylor Gunn	Perry Homes (Reserve at Brazos Town Center Section Three)
Geoff Freeman	Kerry R. Gilbert & Associates, Inc. (Walnut Creek)

CALL TO ORDER

Chairperson Pavlovsky called the meeting to order at 6:00 p.m.

AGENDA

1. CONSIDERATION OF AND ACTION ON MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF JANUARY 22, 2014.

Action Taken: Commissioner Parsons moved, seconded by Commissioner Casias, to approve the minutes of the January 22, 2014 Regular Planning Commission Meeting as written. The motion carried by a vote of five "ayes" and one abstention. **Ayes: Chairperson Pavlovsky, Commissioners Casias, Parsons, Poldrack and Urbish. Vice Chairperson Phipps abstained as he was not present for the January 22, 2014 Planning Commission Meeting.**

2. CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF WALNUT CREEK IRBY COBB DR. STREET DEDICATION NO. TWO, BEING 3.4 ACRES OF LAND OUT OF THE EUGENE WHEAT SURVEY, A-396 AND WILEY MARTIN LEAGUE, A-56, FORT BEND COUNTY, TEXAS.

Executive Summary: The Preliminary Plat of Walnut Creek Irby Cobb Drive Street Dedication No. 2 is a proposed right-of-way dedication plat consisting of 3.4 acres. It is located in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 152. It adjoins Walnut Creek Sections Seven and Eleven and will connect Irby Cobb Boulevard to its future intersection with Benton Road.

The Preliminary Plat is consistent with the street layout per the approved Land Plan, will provide access further east into the development, and will facilitate an eventual second point of access into the development from Benton Road. The proposed Preliminary Plat is not in conflict with the "Subdivision" Ordinance, the approved Land Plan, or with the Development Agreement for MUD No. 152. That being said, staff recommends approval of the Preliminary Plat of Walnut Creek Irby Cobb Dr. Street Dedication No. Two provided that on the Final Plat, the street name suffix is changed from Drive to Boulevard per the existing street name.

Key Discussion:

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

Action Taken: Commissioner Casias moved, seconded by Commissioner Parsons, to approve the Preliminary Plat of Walnut Creek Irby Cobb Dr. Street Dedication No. Two, being 3.4 acres of land out of the Eugene Wheat Survey, A-396 and Wiley Martin League, A-56, Fort Bend County, Texas. The motion carried unanimously.

3. CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF WALNUT CREEK SECTION SEVEN, BEING 9.6 ACRES OF LAND CONTAINING 31 LOTS (60' X 120' TYP.) AND ONE RESERVE IN THREE BLOCKS OUT OF THE EUGENE WHEAT SURVEY, A-396, FORT BEND COUNTY, TEXAS.

Executive Summary: The Preliminary Plat of Walnut Creek Section Seven is a proposed subdivision consisting of thirty-one (31) residential lots located off of Irby Cobb Boulevard in the north central part of the Walnut Creek Development. The proposed Plat is located in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 152. It adjoins Walnut Creek Section Four to the immediate west.

The subdivision generally consists of sixty-foot (60') lots in accordance with the approved Land Plan for Walnut Creek. Four (4) of the lots are identified as being less than 60' lots due to being less than fifty feet (50') as measured at the right-of-way. All lots are a minimum of 60' as measured at the front building line. Additionally, the subdivision contains a 1.36-acre landscape reserve abutting the future Irby Cobb right-of-way.

The proposed Preliminary Plat is not in conflict with the "Subdivision" Ordinance, the approved Land Plan, or with the Development Agreement for MUD No. 152. That being said, staff recommends approval of the Preliminary Plat of Walnut Creek Section Seven.

Key Discussion:

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

Action Taken: Vice Chairperson Phipps moved, seconded by Commissioner Parsons, to approve the Preliminary Plat of Walnut Creek Section Seven, being 9.6 acres of land containing 31 lots (60' x 120' typ.) and one reserve in three blocks out of the Eugene Wheat Survey, A-396, Fort Bend County, Texas. The motion carried unanimously.

4. CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF WALNUT CREEK SECTION ELEVEN, BEING 8.7 ACRES OF LAND CONTAINING 27 LOTS (60' X 120' TYP.) AND ONE RESERVE IN TWO BLOCKS OUT OF THE EUGENE WHEAT SURVEY, A-396 & WILEY MARTIN LEAGUE, A-56, FORT BEND COUNTY, TEXAS.

Executive Summary: The Preliminary Plat of Walnut Creek Section Eleven is a proposed subdivision consisting of twenty-seven (27) residential lots located off of Irby Cobb Boulevard in the north central part of the Walnut Creek Development. The proposed Plat is located in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 152. It adjoins Walnut Creek Section Seven to the immediate west.

The subdivision generally consists of sixty-foot (60') lots in accordance with the approved Land Plan for Walnut Creek. Four (4) of the lots are identified as being less than 60' lots due to being less than fifty feet (50') as measured at the right-of-way. All lots are a minimum of 60' as measured at the front building line. Additionally, the subdivision contains a 1.88-acre landscape reserve abutting the future Irby Cobb right-of-way. This reserve should contain two (2) water line easements on the Final Plat to provide for the subdivision's water lines to connect to the main water line in the Irby Cobb right-of-way. Staff recommends this requirement as a condition of Final Plat approval.

The proposed Preliminary Plat is not in conflict with the "Subdivision" Ordinance, the approved Land Plan, or with the Development Agreement for MUD No. 152. That being said, staff recommends approval of the Preliminary Plat of Walnut Creek Section Eleven.

Key Discussion:



CITY COUNCIL COMMUNICATION

June 16, 2015

ITEM #	ITEM
E	Final Plat of Walnut Creek Section Eleven
ITEM/MOTION	
Consideration of and action on a Final Plat of Walnut Creek Section Eleven, a subdivision of 8.764 acres containing 27 lots, 2 blocks and 1 restricted reserve out of the Eugene Wheat Survey, A-396, and the Wiley Martin League, A-56, Fort Bend County, Texas.	
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 #: 152 (Walnut Creek)

1. Final Plat of Walnut Creek Section Eleven
2. Land Plan for Walnut Creek – Please refer to previous Agenda item
3. Planning Commission Meeting Minute Excerpt – 10-15-14
4. Planning Commission Meeting Minute Excerpt – 09-17-14
5. Planning Commission Meeting Minute Excerpt – 02-26-14

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 Walnut Creek Section Eleven is a proposed subdivision consisting of 8.764 acres and twenty-seven (27) residential lots located off of Irby Cobb Boulevard in the north central part of the Walnut Creek Development. The proposed Plat is located in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 152. It adjoins Walnut Creek Section Seven to the immediate west.

The subdivision generally consists of sixty-foot (60') lots in accordance with the approved Land Plan for Walnut Creek. Four (4) of the lots are identified as being less than 60' lots due to being less than fifty feet (50') as measured at the right-of-way. All lots are a minimum of 60' as measured at the front building line. Additionally, the subdivision contains a 1.866-acre landscape reserve abutting the future Irby Cobb right-of-way.

The proposed Final Plat is not in conflict with the "Subdivision" Ordinance, the approved Land Plan, or with the Development Agreement for MUD No. 152. The Planning Commission (Commission) approved the Preliminary Plat on February 26, 2014, and an extension of that approval was granted by the Commission on September 17, 2014. The Commission recommended approval to City Council of the Final Plat on October 15, 2014. That said, staff recommends approval of the Final Plat of Walnut Creek Section Eleven.

STATE OF TEXAS
COUNTY OF FORT BEND

We, LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD., a Texas Limited Partnership dba Friendswood Development Company, acting by and through John W. Hammond, Vice President of LENNAR TEXAS HOLDING COMPANY, a Texas Corporation, its General Partner, owner hereinafter referred to as Owners of the 8.763 acre tract described in the above and foregoing map of WALNUT CREEK SECTION ELEVEN, 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 (except those streets designated as private 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, We 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. & A.E.) as indicated and depicted hereon, whereby the aerial easement totals twenty one feet, six inches (21'6") in width.

FURTHER, We 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. & 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, 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, draws, 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 purpose 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, Owners do hereby certify that we are the owners of all property immediately adjacent to the boundaries of the above and foregoing plat of WALNUT CREEK SECTION ELEVEN where building setback lines or public utility easements are to be established outside the boundaries of the above and foregoing plat and do hereby make and establish all building setback lines and dedicate to the use of the public forever 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, LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD., a Texas Limited Partnership dba Friendswood Development Company, has caused these presents to be signed by John W. Hammond, Vice President of LENNAR TEXAS HOLDING COMPANY, a Texas Corporation, its General Partner,

Thereunto authorized, this _____ day of _____, 201__.

LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD.,
a Texas Limited Partnership
dba Friendswood Development Company

By: LENNAR TEXAS HOLDING COMPANY,
a Texas Corporation,
its General Partner

By: _____
John W. Hammond, Vice President

STATE OF TEXAS
COUNTY OF FORT BEND

BEFORE ME, the undersigned authority, on this day personally appeared John W. Hammond, Vice President of LENNAR TEXAS HOLDING COMPANY, 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 set out, and as the act and deed of said Corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 201__.

Notary Public in and for
Fort Bend County, Texas

My Commission Expires _____

I, Douglas W. Turner, am authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and accurate; was prepared from an actual survey of the property made on the ground under my supervision; that except as shown, all boundary corners, angle points, points of curvature and other points of reference have been marked with iron pipes or rods (or other objects of a permanent nature) having an outside diameter of not less than five eighths (5/8) inch and a length of not less than three (3) feet; and that the plat boundary corners have been tied to the Texas Coordinate System of 1983, South Central Zone.

Douglas W. Turner, R.P.L.S.
Registered Professional Land Surveyor
Texas Registration No. 3988

This is to certify that the City Planning Commission of the City of Rosenberg, Texas, has approved this plat and subdivision of WALNUT CREEK SECTION ELEVEN 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 _____, 201__.

By: _____
Pete Pavlovsky, Chairman

By: _____
Wayne Poldrack, Secretary

This is to certify that the City Council of the City of Rosenberg, Texas, has approved this plat and subdivision of WALNUT CREEK SECTION ELEVEN 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 _____, 201__.

Vincent M. Morales, Jr, Mayor

Linda Cernosek, Secretary

I, BRIAN D. GEROULD, A Professional Engineer licensed in the State of Texas do hereby certify that this plat meets the requirements of Fort Bend County to the best of my knowledge.

BRIAN D. GEROULD
Licensed Professional Engineer, No. 108604

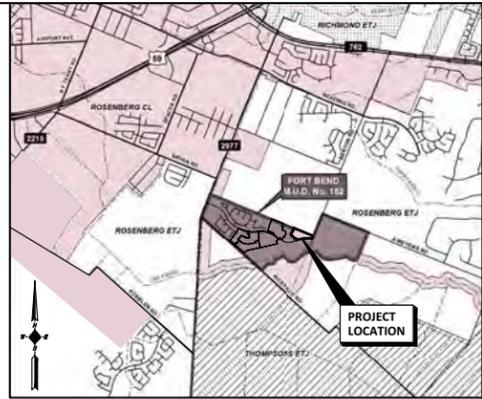
THIS DOCUMENT IS RELEASED
FOR THE PURPOSE OF REVIEW
UNDER THE AUTHORITY OF
BRIAN D. GEROULD, P.E.
108604 ON 09/23/14.

NOTES

- B.L. indicates a building line
A.E. indicates an aerial easement
U.E. indicates a utility easement
STM. S.E. indicates a storm sewer easement
W.L.E. indicates a water line easement
W.M.E. indicates a water meter easement
S.S.E. indicates a sanitary sewer easement
VOL. PG. Indicates Volume, Page
F.B.C.P.R. indicates Fort Bend County Public Records
F.B.C.M.R. indicates Fort Bend County Map Records
F.B.C.D.R. indicates Fort Bend County Deed Records
O.P.R.F.B.C. indicates Official Public Records of Fort Bend County
ESMT. indicates an easement
H.L. & P. indicates Houston Lighting and Power
F.H.E. indicates a fire hydrant easement
D.E. indicates a drainage easement
TEMP. indicates temporary
● indicates a found 3/4" iron rod
○ indicates a set 5/8" iron rod (unless otherwise noted)
↖ indicates a street name change
- The coordinates shown hereon are Texas South Central Zone No. 4204 State Plane Grid Coordinates (NAD 83) and may be brought to surface by applying the following combined scale factor: 1.000128.
- All non-perimeter easements on property lines are centered unless otherwise noted.
- All bearings are based on the Texas Coordinate System of 1983, South Central Zone.
- Unless otherwise indicated, the building lines (B.L.) whether one or more, shown on this subdivision plat are established to evidence compliance with the applicable provisions of the City of Rosenberg, Texas, in effect at the time of this plat.
- Walnut Creek Section Eleven is located partially within ZONE AE and partially within UNSHADED ZONE X per Fema Flood Insurance Rate Map (FIRM) Panel 48157C0265L which bears an effective date of April 2, 2014. The nearest base flood elevation is 79.41 (NAVD 88).
- All property to drain into the drainage easement only through an approved drainage structure.
- The minimum slab elevation shall be 82.5, eighteen inches (18") 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 (18") above natural ground.
- The drainage system for this subdivision is designed in accordance with the "Fort Bend County Drainage Criteria Manual" which allows street ponding with intense rainfall events.
- All drainage easements are to be kept clear of fences, buildings, vegetation and other obstructions to the operation and maintenance by the drainage facility.
- Sidewalks shall be built or caused to be built through restrictive covenants not less than five (5) feet in width on both sides of all dedicated public rights-of-way within said plat and on the contiguous right-of-way of all perimeter roads surrounding said plat, in accordance with the A.D.A.
- This plat lies within Fort Bend County lighting ordinance zone No. L22
- Lots are restricted to single family residential use.
- Restricted Reserve A is hereby dedicated for use as private open space. Restricted Reserve A is to be owned and maintained by the Home Owners Association, with the exception of the 80' Drainage Easement, which is to be maintained by Fort Bend County Municipal Utility District No. 152.
- BENCHMARK: AW4239, an NGS disk with the stamping W 811 1943, located 13.0 miles northeast from Guy, Texas as follows: .765 miles northeast along Farm Road 1994 from the junction with State Highway 36 in Guy, thence 5.35 miles northeast along Farm Road 762, at the junction of Smithers Lake Road 49.5 feet southeast of the center line of Farm Road 762, 42.0 feet southwest of the center line of Smithers Lake Road, 11.5 feet east-southeast of a T junction telephone pole with a metal box and guy wire, 10.0 feet east-southeast of a fence corner post, 3.0 feet southwest of a fence, 8.9 feet southeast of a fence, 8.9 feet southeast of a witness post, about level with the road, and set in the top of a concrete post projecting 0.2 foot above the ground. NAVD 88 (2001 ADJ.) ELEVATION = 75.10
- PROJECT BENCHMARK: FORT BEND COUNTY MARKER NUMBER (355), a bronze disk set in concrete (05/22/14) Coordinates shown are referenced to Texas State Plane Coordinate System, South Central Zone, NAD-83 and were derived by the post-processing of static GPS observations made on (5/22/14) using National Geodetic Survey (NGS) OPUS Utility (Online Positioning User Service). The following three NGS CORS (Continuously Operating Reference Stations) were used to compute the coordinate values shown:
DES999 ADKS Adicks 1795 Cors ARP
D17827 ANG5 Angleton 5 Cors ARP
DF8773 COH2 Houston 2 Coop Cors ARP
X = (3,004,303.13) US FL
Y = (13,749,388.01) US FL
Elevation = (81.89) NAVD-88
Scale Factor = (0.99986855)
- Each lot shall have a minimum five (5) foot interior side lot set back line.
- A minimum distance of 10' shall be maintained between residential dwellings.
- Elevations used for delineating contour lines are based upon U.S.C. & G.S. Datum, NAVD 88 (2001 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. 1415744818, Effective Date August 14, 2014. The surveyor has not abstracted the above property.
- This plat lies wholly within Fort Bend County Municipal Utility District No. 152, Fort Bend Subsidence District, Fort Bend County Drainage District, Lamar Consolidated I.S.D., the ETJ of the City of Rosenberg, and Fort Bend County.
- 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.
- Five eighths inch (5/8") 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 pipelines and/or pipeline easements within the limits of the proposed subdivision are as shown.
- Lot 3 of Block 1 is denied direct access to Pearl Terrace Ln. Lot 1 of Block 2 is denied direct access to Stonebluff Ln. Lot 16 of Block 2 is denied direct access to Garden Bay Ct. Lot 20 and 21 of Block 2 are denied direct access to Pearl Terrace Ln.
- Restrictions: Those recorded in/under Clerk's File No. 2005095085 of the Official Public Records of Fort Bend County, Texas; but omitting any covenants, condition, or restriction, if any, based on race, color, religion, sex, handicap, familial status or national origin unless and to the extent that the covenant, condition or restriction (a) is exempt under Title 42 of the United States Code or (b) relates to handicap, but does not discriminate against handicapped persons.
- The remainder of a 35' Temporary Drainage Easement that lies within the boundary of this plat shall automatically be abandoned at plat recordation in accordance with Fort Bend County Official Public Records document number 2013150032.

PARK LAND DEDICATION TABLE

TOTAL NUMBER OF LOTS:	27 LOTS
PUBLIC PARK REQUIREMENT:	27 LOTS/160 = 0.17 AC.
PUBLIC PARK DEDICATION:	0
PRIVATE PARK CREDIT PROVIDED WITH THE RECREATION CENTER. RECREATION SITE IS 43.9 ACRES. NO. OF PLATTED LOTS THUS FAR (SEC. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 & 11) = 529 LOTS. 529/2 = 265 LOTS 265 LOTS/160 = 1.66 ACRES OF CREDIT USED.	
MONEY IN LIEU OF PUBLIC PARK LAND DEDICATION:	27 LOTS/2 = 13.5 LOTS 13.5 LOTS X \$350.00/LOT = \$4,725.00



VICINITY MAP

N.T.S.
KEY MAP: 645D & 646A

I, Richard W. Stolleis, 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 _____, 201__.

Richard Morrison
Precinct 1, County Commissioner

W.A. "Andy" Meyers
Precinct 3, County Commissioner

Robert E. Hebert
County Judge

Grady Prestage
Precinct 2, County Commissioner

James Patterson
Precinct 4, County Commissioner

I, Dianne Wilson, 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 _____, 201__, at _____ o'clock _____ M. Filed in plat number(s) _____ 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.

Dianne Wilson, County Clerk
Fort Bend County, Texas

By: _____
Deputy

WALNUT CREEK SECTION ELEVEN

A SUBDIVISION OF
8.764 ACRES

CONTAINING
27 LOTS, 2 BLOCKS AND 1 RESTRICTED RESERVE

OUT OF THE
EUGENE WHEAT SURVEY, A-396
AND THE
WILEY MARTIN LEAGUE, A-56
FORT BEND COUNTY, TEXAS

OWNER: LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD.

PLANNER: KERRY R. GILBERT & ASSOCIATES, INC..
23501 CINCO RANCHO BOULEVARD, SUITE A-250 - KATY, TEXAS 77494 - (281) 579-0940

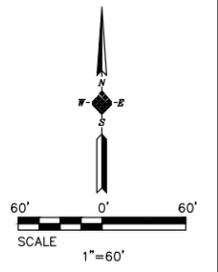
ENGINEER:

IDS
Engineering Group
IBPE F-002726 IBPLS 10110700

13333 NW. Freeway,
Suite 300
Houston, Tx 77040
713.462.3178

SEPTEMBER 24, 2014 IDS JOB NO. 0371-151-00

Sheet 1 of 2

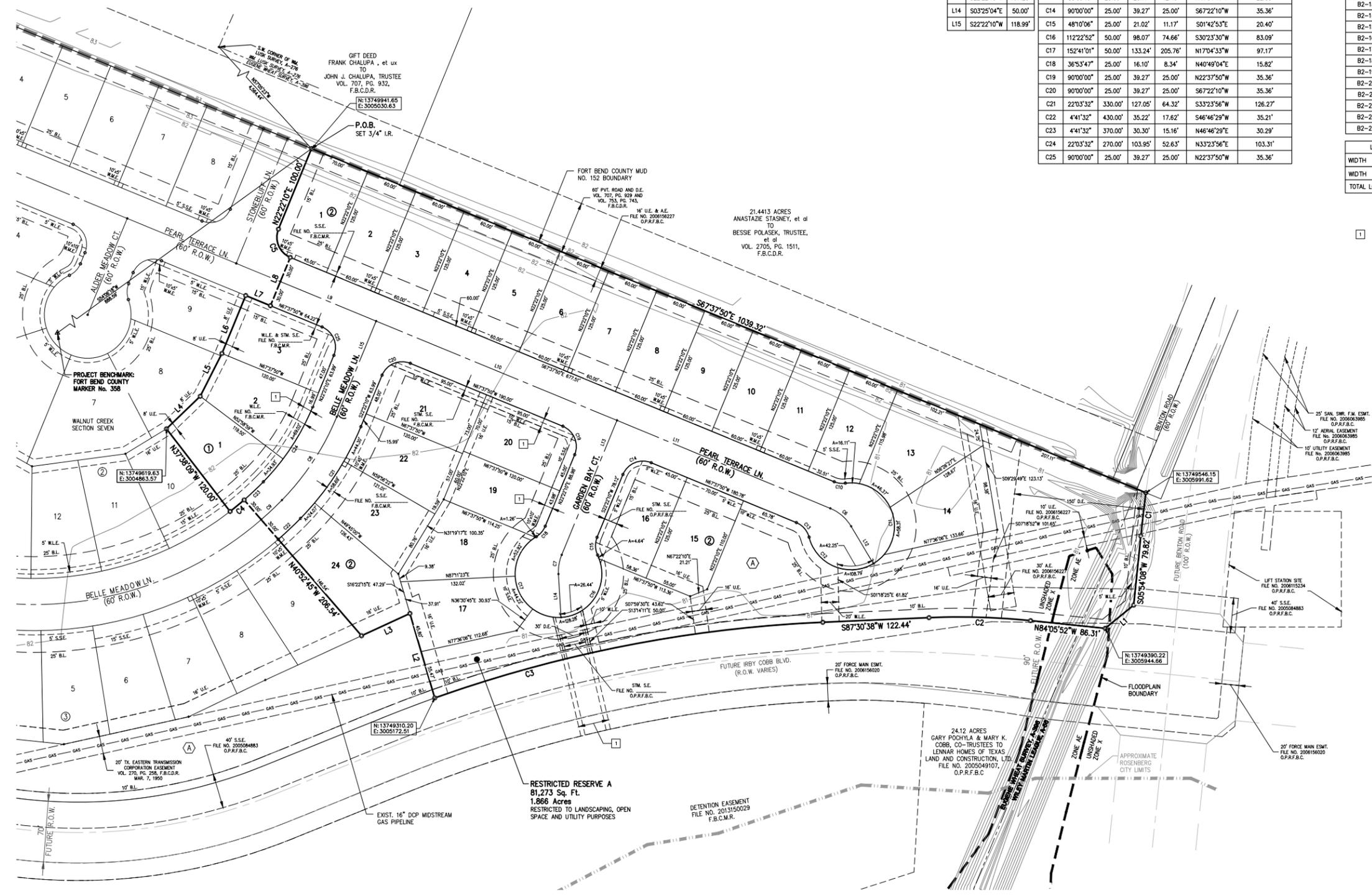


LINE TABLE			CURVE TABLE						
LINE	BEARING	LENGTH	CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD DISTANCE
L1	S50°54'08"W	42.43'	C1	1°33'12"	1850.00'	50.15'	25.08'	S06°40'44"W	50.15'
L2	N16°22'15"W	101.27'	C2	8°23'30"	800.00'	117.17'	58.69'	N88°17'37"W	117.06'
L3	S65°19'26"W	61.39'	C3	17°03'48"	1535.00'	457.14'	230.27'	S78°58'44"W	455.45'
L4	N46°09'44"E	53.95'	C4	3°14'36"	370.00'	20.94'	10.48'	S50°44'33"W	20.94'
L5	N26°56'06"E	55.22'	C5	9°00'00"	25.00'	39.27'	25.00'	N22°37'50"W	35.36'
L6	N22°22'10"E	72.00'	C6	36°49'07"	50.00'	32.13'	16.64'	N49°13'16"W	31.58'
L7	S67°37'50"E	30.78'	C7	25°47'14"	50.00'	22.50'	11.45'	S09°28'33"W	22.31'
L8	N22°22'10"E	60.00'	C8	22°03'32"	300.00'	115.50'	58.47'	S33°23'56"W	114.79'
L9	S67°37'50"E	119.22'	C9	4°41'32"	400.00'	32.76'	16.39'	S46°46'29"W	32.75'
L10	S67°37'50"E	300.00'	C10	29°58'03"	25.00'	13.08'	6.69'	S82°36'51"E	12.93'
L11	N67°37'50"W	265.79'	C11	156°47'10"	50.00'	136.82'	243.43'	S19°12'17"E	97.96'
L12	N30°48'42"W	50.00'	C12	106°17'09"	50.00'	92.75'	66.70'	N67°40'08"W	80.01'
L13	S22°22'10"W	167.25'	C13	53°06'16"	25.00'	23.17'	12.49'	N41°04'41"W	22.35'
L14	S03°25'04"E	50.00'	C14	90°00'00"	25.00'	39.27'	25.00'	S67°22'10"W	35.36'
L15	S22°22'10"W	118.99'	C15	48°10'06"	25.00'	21.02'	11.17'	S01°42'53"E	20.40'
L16	N12°22'52"	50.00'	C16	112°22'52"	50.00'	98.07'	74.66'	S30°23'30"W	83.09'
L17	S152°41'01"	50.00'	C17	152°41'01"	50.00'	133.24'	205.76'	N17°04'33"W	97.17'
L18	S65°34'47"	25.00'	C18	36°53'47"	25.00'	16.10'	8.34'	N40°49'04"E	15.82'
L19	S67°37'50"E	25.00'	C19	90°00'00"	25.00'	39.27'	25.00'	N22°37'50"W	35.36'
L20	S67°37'50"E	25.00'	C20	90°00'00"	25.00'	39.27'	25.00'	S67°22'10"W	35.36'
L21	S22°03'32"	330.00'	C21	22°03'32"	330.00'	127.05'	64.32'	S33°23'56"W	126.27'
L22	S44°13'32"	430.00'	C22	44°13'32"	430.00'	35.22'	17.62'	S46°46'29"W	35.21'
L23	S44°13'32"	370.00'	C23	44°13'32"	370.00'	30.30'	15.16'	N46°46'29"E	30.29'
L24	S22°03'32"	270.00'	C24	22°03'32"	270.00'	103.95'	52.63'	N33°23'56"E	103.31'
L25	S67°37'50"E	25.00'	C25	90°00'00"	25.00'	39.27'	25.00'	N22°37'50"W	35.36'

LOT AREA SUMMARY TABLE		
LOT NO.	SQ. FT.	AC.
B1-1	8462	0.1943
B1-2	8540	0.1961
B1-3	8506	0.1953
B2-1	8616	0.1978
B2-2	7500	0.1722
B2-3	7500	0.1722
B2-4	7500	0.1722
B2-5	7500	0.1722
B2-6	7500	0.1722
B2-7	7500	0.1722
B2-8	7500	0.1722
B2-9	7500	0.1722
B2-10	7500	0.1722
B2-11	7500	0.1722
B2-12	7387	0.1696
B2-13	10320	0.2369
B2-14	8932	0.2051
B2-15	8638	0.1983
B2-16	8536	0.1959
B2-17	9297	0.2134
B2-18	9072	0.2083
B2-19	7171	0.1646
B2-20	8266	0.1898
B2-21	8626	0.1980
B2-22	8253	0.1895
B2-23	8525	0.1957
B2-24	10879	0.2497

LOT WIDTH TABLE	
WIDTH < 60'	4 LOTS (15%)
WIDTH ≥ 60'	23 LOTS (85%)
TOTAL LOTS	27 LOTS

1 REMAINDER OF 35' TEMP. D.E. FILE NO. 2013150032 O.P.R.F.B.C. (SEE NOTE 27, SHEET 1)



WALNUT CREEK SECTION ELEVEN
 A SUBDIVISION OF
8.764 ACRES
 CONTAINING
27 LOTS, 2 BLOCKS AND 1 RESTRICTED RESERVE
 OUT OF THE
EUGENE WHEAT SURVEY, A-396
 AND THE
WILEY MARTIN LEAGUE, A-56
 FORT BEND COUNTY, TEXAS

OWNER: LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD.
 A TEXAS LIMITED PARTNERSHIP
 550 GREENS PARKWAY, SUITE 200 - HOUSTON, TEXAS 77067 - PHONE: 281-975-1000
PLANNER: KERRY R. GILBERT & ASSOCIATES, INC..
 23501 CINCO RANCH BOULEVARD, SUITE A-250 - KATY, TEXAS 77494 - (281) 579-0940

ENGINEER: **IDS Engineering Group**
 13333 NW Freeway, Suite 300
 Houston, TX 77040
 713.462.3178
 TBP# F-002726 TBP#LS 10110700

\\\houston\SSD\Projects\0371151-00\Walnut Creek_Sec_11\WALNUT_CREEK_SECTION_ELEVEN.dwg (Last Saved by: throdman)

9. **CONSIDERATION OF AND ACTION ON A FINAL PLAT OF WALNUT CREEK SECTION SEVEN, A SUBDIVISION OF 9.621 ACRES CONTAINING 3 BLOCKS, 31 LOTS, AND 1 RESTRICTED RESERVE OUT OF THE EUGENE WHEAT SURVEY, A-396, FORT BEND COUNTY, TEXAS.**

Executive Summary: The Final Plat of Walnut Creek Section Seven is a proposed subdivision consisting of 9.621 acres and thirty-one (31) residential lots located off of Irby Cobb Boulevard in the north central part of the Walnut Creek Development. The proposed Plat is located in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 152. It adjoins Walnut Creek Section Four to the immediate west.

The subdivision generally consists of sixty-foot (60') lots in accordance with the approved Land Plan for Walnut Creek. Four (4) of the lots are identified as being less than 60' lots due to being less than fifty feet (50') as measured at the right-of-way. All lots are a minimum of 60' as measured at the front building line. Additionally, the subdivision contains a 1.366-acre landscape reserve abutting the future Irby Cobb right-of-way.

The proposed Final Plat is not in conflict with the "Subdivision" Ordinance, the approved Land Plan, or with the Development Agreement for MUD No. 152. Additionally, the Planning Commission approved the Preliminary Plat on February 26, 2014 and an extension of that approval was granted by the Commission on September 17, 2014. That being said, staff recommends that the Planning Commission recommend approval to City Council the Final Plat of Walnut Creek Section Seven.

Key Discussion:

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

Action Taken: Commissioner Casias moved, seconded by Vice Chairperson Phipps, to recommend approval to City Council of the Final Plat of Walnut Creek Section Seven, a subdivision of 9.621 acres containing 3 blocks, 31 lots, and 1 restricted reserve out of the Eugene Wheat Survey, A-396, Fort Bend County, Texas. The motion carried by a vote of five "ayes" to one abstention. **Ayes:** *Chairperson Pavlovsky, Vice Chairperson Phipps, Commissioners Casias, Poldrack, and Urbish.* **Abstention:** *Commissioner Parsons.*

10. **CONSIDERATION OF AND ACTION ON A FINAL PLAT OF WALNUT CREEK SECTION ELEVEN, A SUBDIVISION OF 8.764 ACRES CONTAINING 27 LOTS, 2 BLOCKS AND 1 RESTRICTED RESERVE OUT OF THE EUGENE WHEAT SURVEY, A-396, AND THE WILEY MARTIN LEAGUE, A-56, FORT BEND COUNTY, TEXAS.**

Executive Summary: The Final Plat of Walnut Creek Section Eleven is a proposed subdivision consisting of 8.764 acres and twenty-seven (27) residential lots located off of Irby Cobb Boulevard in the north central part of the Walnut Creek Development. The proposed Plat is located in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 152. It adjoins Walnut Creek Section Seven to the immediate west.

The subdivision generally consists of sixty-foot (60') lots in accordance with the approved Land Plan for Walnut Creek. Four (4) of the lots are identified as being less than 60' lots due to being less than fifty feet (50') as measured at the right-of-way. All lots are a minimum of 60' as measured at the front building line. Additionally, the subdivision contains a 1.866-acre landscape reserve abutting the future Irby Cobb right-of-way.

The proposed Final Plat is not in conflict with the "Subdivision" Ordinance, the approved Land Plan, or with the Development Agreement for MUD No. 152. Additionally, the Planning Commission approved the Preliminary Plat on February 26, 2014, and an extension for that approval was granted by the Commission on September 17, 2014. That being said, staff recommends that the Planning Commission recommend approval to City Council of the Final Plat of Walnut Creek Section Eleven.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Parsons stated that the County Engineer's comment regarding flood elevations is the same for all three of these plats. Is that common to all these plats?
- Mr. Tanner replied that it may be standard language.

Action Taken: Commissioner Casias moved, seconded by Commissioner Urbish, to recommend approval to City Council of the Final Plat of Walnut Creek Section Eleven, a subdivision of 8.764 acres containing 27 lots, 2 blocks, and 1 restricted reserve out of the Eugene Wheat Survey, A-396, and the Wiley Martin League, A-56, Fort Bend County, Texas. The motion carried by a vote of five "ayes" to one abstention. **Ayes:** *Chairperson Pavlovsky,*

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

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

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

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

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

Key Discussion:

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

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

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

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

Staff recommends approval of the proposed Calendar as presented.

Key Discussion:

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

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

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

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

of-way. All lots are a minimum of 60' as measured at the front building line. Additionally, the subdivision contains a 1.36-acre landscape reserve abutting the future Irby Cobb right-of-way. The proposed Preliminary Plat is not in conflict with the "Subdivision" Ordinance, the approved Land Plan, or with the Development Agreement for MUD No. 152.

Staff recommends extending the approval of the Preliminary Plat of Walnut Creek Section Seven by 180 days from the date of expiration, August 25, 2014. If approved, this extension of the Preliminary Plat approval would then expire on Friday, February 20, 2015.

Key Discussion:

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

Action Taken: Commissioner Parsons moved, seconded by Commissioner Urbish, to approve the request by Kerry R. Gilbert and Associates to extend approval by 180 days for the Preliminary Plat of Walnut Creek Section Seven, a subdivision of 9.621 acres containing 3 blocks, 31 lots, and 1 restricted reserve out of the Eugene Wheat Survey, A-396, Fort Bend County, Texas. The motion carried unanimously.

7. CONSIDERATION OF AND ACTION ON A REQUEST BY KERRY R. GILBERT AND ASSOCIATES TO EXTEND APPROVAL BY 180 DAYS FOR THE PRELIMINARY PLAT OF WALNUT CREEK SECTION ELEVEN, A SUBDIVISION OF 8.764 ACRES CONTAINING 27 LOTS, 2 BLOCKS AND 1 RESTRICTED RESERVE OUT OF THE EUGENE WHEAT SURVEY, A-396, AND THE WILEY MARTIN LEAGUE, A-56, FORT BEND COUNTY, TEXAS.

Executive Summary: The Planning Commission approved the Preliminary Plat of Walnut Creek Section Eleven on February 26, 2014. Pursuant to the "Subdivision" Ordinance, the applicant has requested an extension of that approval by 180 days from the date of its expiration.

The Preliminary Plat of Walnut Creek Section Eleven consists of twenty-seven (27) residential lots located off of Irby Cobb Boulevard in the north central part of the Walnut Creek Development. The Plat is located in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 152. It adjoins Walnut Creek Section Seven to the immediate west.

The subdivision generally consists of sixty-foot (60') lots in accordance with the approved Land Plan for Walnut Creek. Four (4) of the lots are identified as being less than 60' lots due to being less than fifty feet (50') as measured at the right-of-way. All lots are a minimum of 60' as measured at the front building line. Additionally, the subdivision contains a 1.88-acre landscape reserve abutting the future Irby Cobb right-of-way. The Preliminary Plat is not in conflict with the "Subdivision" Ordinance, the approved Land Plan, or with the Development Agreement for MUD No. 152.

Staff recommends extending the approval of the Preliminary Plat of Walnut Creek Section Eleven by 180 days from the date of expiration, August 25, 2014. If approved, this extension of the Preliminary Plat approval would then expire on Friday, February 20, 2015.

Key Discussion: Mr. Tanner presented the item and reviewed the Executive Summary.

Action Taken: Commissioner Urbish moved, seconded by Commissioner Casias, to approve the Preliminary Plat of Walnut Creek Section Eleven, a subdivision of 8.764 acres containing 27 lots, 2 blocks and 1 restricted reserve out of the Eugene Wheat Survey, A-396, and the Wiley Martin League, A-56, Fort Bend County, Texas. The motion carried unanimously.

8. HOLD PUBLIC HEARING FOR A SHORT FORM FINAL PLAT OF GOLDSHIRE CENTER REPLAT OF COMMERCIAL RESERVE "A-2", A SUBDIVISION OF 4.3943 ACRES OR 191,416 SQUARE FEET OF LAND BEING A REPLAT OF COMMERCIAL RESERVE "A-2" OF GOLDSHIRE CENTER REPLAT OF COMMERCIAL RESERVE "A", RECORDED UNDER FORT BEND COUNTY CLERK'S FILE NO. 20130048, IN THE JAMES LOWERY SURVEY, ABSTRACT NO. 275, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS; 1 BLOCK, 2 RESERVES.

Executive Summary: This Agenda item consists of the required public hearing on the proposed Goldshire Center Replat of Commercial Reserve "A-2." The Plat consists of 4.3943 acres and two (2) commercial reserves. It is a replat of the previous Goldshire Center Replat of Commercial Reserve "A," which was recorded in March 2013 after coming before the Planning Commission in December 2012 and City Council in February 2013.

The Plat simply proposes to further subdivide existing Reserve "A-2" into two (2) new reserves to accommodate a new site development adjacent to the recently constructed Stripes at Reading Road and FM 1640. There are no issues with the proposed subdivision that conflict with City ordinances. However, a public hearing is required for

Key Discussion:

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

Action Taken: Commissioner Casias moved, seconded by Commissioner Parsons, to approve the Preliminary Plat of Walnut Creek Irby Cobb Dr. Street Dedication No. Two, being 3.4 acres of land out of the Eugene Wheat Survey, A-396 and Wiley Martin League, A-56, Fort Bend County, Texas. The motion carried unanimously.

3. CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF WALNUT CREEK SECTION SEVEN, BEING 9.6 ACRES OF LAND CONTAINING 31 LOTS (60' X 120' TYP.) AND ONE RESERVE IN THREE BLOCKS OUT OF THE EUGENE WHEAT SURVEY, A-396, FORT BEND COUNTY, TEXAS.

Executive Summary: The Preliminary Plat of Walnut Creek Section Seven is a proposed subdivision consisting of thirty-one (31) residential lots located off of Irby Cobb Boulevard in the north central part of the Walnut Creek Development. The proposed Plat is located in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 152. It adjoins Walnut Creek Section Four to the immediate west.

The subdivision generally consists of sixty-foot (60') lots in accordance with the approved Land Plan for Walnut Creek. Four (4) of the lots are identified as being less than 60' lots due to being less than fifty feet (50') as measured at the right-of-way. All lots are a minimum of 60' as measured at the front building line. Additionally, the subdivision contains a 1.36-acre landscape reserve abutting the future Irby Cobb right-of-way.

The proposed Preliminary Plat is not in conflict with the "Subdivision" Ordinance, the approved Land Plan, or with the Development Agreement for MUD No. 152. That being said, staff recommends approval of the Preliminary Plat of Walnut Creek Section Seven.

Key Discussion:

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

Action Taken: Vice Chairperson Phipps moved, seconded by Commissioner Parsons, to approve the Preliminary Plat of Walnut Creek Section Seven, being 9.6 acres of land containing 31 lots (60' x 120' typ.) and one reserve in three blocks out of the Eugene Wheat Survey, A-396, Fort Bend County, Texas. The motion carried unanimously.

4. CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF WALNUT CREEK SECTION ELEVEN, BEING 8.7 ACRES OF LAND CONTAINING 27 LOTS (60' X 120' TYP.) AND ONE RESERVE IN TWO BLOCKS OUT OF THE EUGENE WHEAT SURVEY, A-396 & WILEY MARTIN LEAGUE, A-56, FORT BEND COUNTY, TEXAS.

Executive Summary: The Preliminary Plat of Walnut Creek Section Eleven is a proposed subdivision consisting of twenty-seven (27) residential lots located off of Irby Cobb Boulevard in the north central part of the Walnut Creek Development. The proposed Plat is located in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 152. It adjoins Walnut Creek Section Seven to the immediate west.

The subdivision generally consists of sixty-foot (60') lots in accordance with the approved Land Plan for Walnut Creek. Four (4) of the lots are identified as being less than 60' lots due to being less than fifty feet (50') as measured at the right-of-way. All lots are a minimum of 60' as measured at the front building line. Additionally, the subdivision contains a 1.88-acre landscape reserve abutting the future Irby Cobb right-of-way. This reserve should contain two (2) water line easements on the Final Plat to provide for the subdivision's water lines to connect to the main water line in the Irby Cobb right-of-way. Staff recommends this requirement as a condition of Final Plat approval.

The proposed Preliminary Plat is not in conflict with the "Subdivision" Ordinance, the approved Land Plan, or with the Development Agreement for MUD No. 152. That being said, staff recommends approval of the Preliminary Plat of Walnut Creek Section Eleven.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Chairperson Pavlovsky inquired where the waterlines are located.
- Mr. Tanner indicated the waterlines on the map and stated that waterline easements would be needed in order to connect to the infrastructure and Irby Cobb Boulevard. It would loop the waterlines.
- Commissioner Parsons inquired about the 20-foot transmission easement.
- Mr. Tanner stated that he believes that is for a pipeline.
- Commissioner Parsons stated that he assumes there will be full disclosure to the people buying those lots that the pipeline exists.
- Mr. Tanner replied that he suspects that would be the reason the pipeline was kept away from the lots with a landscape reserve between.
- Commissioner Poldrack inquired if there are any regulations requiring a certain distance between a residence and a pipeline, dependent on what is flowing through the pipeline.
- Mr. Tanner replied that he does not believe so and the only buffer would be that easement. He would think the pipeline would run in the center of that easement and the remaining easement provides the buffer.
- Commissioner Poldrack inquired if there are any building requirements calling for a specific setback from building near the pipelines.
- Mr. Tanner replied that he does not believe so. Just about every subdivision has this issue as the pipelines preexist the development.
- Chairperson Pavlovsky stated that pipeline easements are all over.
- Mr. Tanner replied that they put these easements in landscape reserves so they do not intersect with lots.

Action Taken: Commissioner Casias moved, seconded by Commissioner Urbish, to approve the Preliminary Plat of Walnut Creek Section Eleven, being 8.7 acres of land containing 27 lots (60' x 120' typ.) and one reserve in two blocks out of the Eugene Wheat Survey, A-396 & Wiley Martin League, A-56, Fort Bend County, Texas. The motion carried unanimously.

5. CONSIDERATION OF AND ACTION ON A SHORT FORM FINAL PLAT OF LAMAR CISD ELEMENTARY SCHOOL NO. 23; 0 LOTS, 1 BLOCK, 1 RESERVE; BEING 14.26 ACRES IN THE ROBERT E. HANDY SURVEY, ABSTRACT 187, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS.

Executive Summary: The Short Form Final Plat of Lamar CISD Elementary School No. 23 fronts on the south side of August Green Drive, west of FM 2977 and adjoining the site of the City's Fire Station No. 3, currently under construction. It is located within the City Limits and in Fort Bend County MUD No. 144. The Plat consists of one (1) reserve and 14.26 acres.

Because the Plat has only one (1) reserve and does not require the dedication or alteration of any streets, it meets the criteria for a short form final plat under the "Subdivision" Ordinance. This essentially means that a Preliminary Plat did not have to be submitted. The proposed Plat is consistent with the approved Land Plan for Summer Lakes and Waterford Park, which calls for commercial development of this tract (as opposed to residential).

The proposed Short Form Final Plat is not in conflict with the "Subdivision" Ordinance, the approved Land Plan, or with the Development Agreement for MUD No. 144. That being said, staff recommends that the Planning Commission recommend approval to City Council of the Short Form Final Plat of Lamar CISD Elementary School No. 23.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Parsons inquired when they plan to build the school.
- Mr. Tanner replied that he expects it would be within the next year and a half as opposed to next fall.

Action Taken: Commissioner Parsons moved, seconded by Commissioner Poldrack, to recommend approval to City Council of the Short Form Final Plat of Lamar CISD Elementary School No. 23; 0 lots, 1 block, 1 reserve; being 14.26 acres in the Robert E. Handy Survey, Abstract 187, City of Rosenberg, Fort Bend County, Texas. The motion carried unanimously.



CITY COUNCIL COMMUNICATION

June 16, 2015

ITEM #	ITEM TITLE
2	Resolution No. R-1987 – Continuing Disclosure with Brazosport Water Authority

ITEM/MOTION

Consideration of and action on Resolution No. R-1987, a Resolution approving continuing disclosure undertaking in connection with the issuance of bonds by the 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:

See Attached

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

SUPPORTING DOCUMENTS:

MUD #: N/A

1. Resolution No. R-1987

APPROVALS

Submitted by:

Joyce Vasut
Executive Director of
Administrative Services

Reviewed by:

- Exec. Dir. of Administrative Services
- Asst. City Manager of Public Services *g.m.*
- City Attorney **DNRBHZ/rl**
- City Engineer
- City Bond Counsel **MD/jv**
- (Other)

Approved for Submittal to City Council:

Robert Gracia
City Manager

EXECUTIVE SUMMARY

The City of Rosenberg and Brazosport Water Authority (BWA) previously executed a Water Supply Agreement (Agreement) 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.

This Agreement also provides that BWA will issue bonds to finance the delivery system to provide water to Rosenberg. BWA's bond issues will be payable in part from payments received from the City of Rosenberg. Therefore, in order for BWA to comply with SEC rules and regulations regarding the issuance of bonds, the City agrees to also disclose certain financial information as required. Since the City already provides such information on a regular basis for our own debt, this request will have no impact on our operations and processes.

Resolution No. R-1987 has been reviewed by Special Counsel, Pat Lindner, Bond Counsel Marcus Deitz and approved as to form by the City Attorney. Staff recommends approval of Resolution No. R-1987 as presented.

RESOLUTION NO. R-1987

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS APPROVING CONTINUING DISCLOSURE UNDERTAKING IN CONNECTION WITH THE ISSUANCE OF BONDS BY THE BRAZOSPORT WATER AUTHORITY

WHEREAS, the City Council of the City of Rosenberg (the “City”) previously approved a Water Supply Agreement (the “Agreement”) with the Brazosport Water Authority (the “Authority”); and,

WHEREAS, the Agreement provides that the Authority will issue Project Bonds to finance the Delivery System to supply potable water to the City;

WHEREAS, the Authority’s Project Bonds are payable, in part, from payments to be made by the City to the Authority under the Agreement;

WHEREAS, in order to assist the Authority in complying with United States Securities and Exchange Commission Rule 15c2-12 (the “Rule”) in connection with the issuance of Project Bonds, the City agrees undertake to provide the information described herein; NOW THEREFORE,

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

SECTION 1.01 AUTHORIZATION. In accordance with the Agreement, the City Council hereby authorizes and approves the issuance of one or more series of Project Bonds and the Mayor, the City Manager, the Finance Director or any other duly appointed person is hereby authorized and directed to execute any necessary certificates and otherwise take any action, reasonably necessary for the Authority to proceed with the issuance and delivery of each series of the Authority’s Project Bonds.

SECTION 1.02. CONTINUING DISCLOSURE. In order to assist the Authority in complying with the Rule in connection with the issuance of Project Bonds, the City covenants and agrees as follows:

(a) So long as any Project Bonds remain outstanding, the City will provide certain updated financial information and operating data to the Municipal Securities Rulemaking Board (“MSRB”) annually in an electronic format as prescribed by the MSRB and available via the Electronic Municipal Market Access (“EMMA”) system at www.emma.msrb.org. The information to be updated includes all quantitative financial information and operating data that is customarily prepared by the City. The City shall update such information within six months after the end of each fiscal year. Any financial statements so to be provided shall be (1) prepared in accordance with the Accounting Principles described in this Resolution and (2) audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided. If audited financial statements are not so provided, then the City shall provide unaudited financial statements for the applicable fiscal year by the required time, and audited financial statements when and if audited financial statements become available. In

addition, pursuant to Section 7.10 of the Agreement, the City will provide the Authority its audited financial statements within one hundred fifty (150) days of the close of each fiscal year.

If the City changes its fiscal year, it will notify the Authority and MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to documents (i) available to the public on the MSRB's internet web site or (ii) filed with the SEC. All filings shall be made electronically, in the format specified by the MSRB.

(b) The City shall notify the MSRB in an electronic format prescribed by the MSRB, in a timely manner (not in excess of ten (10) days after the occurrence of the event), of any of the following events with respect to the Bonds:

- (i) Principal and interest payment delinquencies;
- (ii) Non-payment related defaults, if material;
- (iii) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (iv) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (v) Substitution of credit or liquidity providers or their failure to perform;
- (vi) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (vii) Modifications to rights of holders of the Bonds, if material;
- (viii) Bond calls, if material, and tender offers;
- (ix) Defeasances;
- (x) Release, substitution, or sale of property securing repayment of the Bonds, if material;
- (xi) Rating changes;
- (xii) Bankruptcy, insolvency, receivership or similar event of the City;
- (xiii) The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an

action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and

(xiv) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

The City shall notify the MSRB in an electronic format prescribed by the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with this Section by the time required by such Section.

All documents provided to the MSRB shall be accompanied by identifying information, as prescribed by the MSRB.

(c) The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an “obligated person” with respect to the Bonds within the meaning of the Rule, except that the City in any event will give the notice required by this Section of any Bond calls and defeasance that cause the City to be no longer such an “obligated person.”

The provisions of this Section are for the sole benefit of the Registered Owners and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City’s financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE REGISTERED OWNER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

No default by the City in observing or performing its obligations under this Section shall constitute a breach of or default under the Resolution for purposes of any other provision of this Resolution.

Nothing in this Section is intended to or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

(d) The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law,

or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell the Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (2) either (a) the Registered Owners of a majority in aggregate principal amount (or any greater amount required by any other provision of this Resolution that authorizes such an amendment) of the Outstanding Bonds consent to such amendment or (b) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the Registered Owners and beneficial owners of the Bonds. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with this Section an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided. The City may also amend or repeal the provisions of this Section if the SEC amends or repeals the applicable provisions of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, and the City also may amend the provisions of this Section in its discretion in any other manner or circumstance, but in any case only if and to the extent that the provisions of this sentence would not have prevented an underwriter from lawfully purchasing or selling Bonds in the primary offering of the Bonds, giving effect to (a) such provisions as so amended and (b) any amendments or interpretations of the Rule.

SECTION 1.03 FINDINGS. It is hereby found and determined that the matters and facts set out in the preamble to this Resolution are true and correct.

SECTION 1.04 SEVERABILITY CLAUSE. If any word, phrase, clause, sentence, paragraph, section or other part of this Resolution, or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Resolution and the application of such word, phrase, clause, sentence, paragraph, section or other part of this Resolution to any persons or circumstances shall not be affected thereby.

SECTION 1.05 OPEN MEETING. It is hereby officially found and determined that the meeting at which this Resolution was adopted was open to the public, and that public notice of the time, place and purpose of said meeting was given, all as required by the Texas Open Meetings Act.

PASSED AND APPROVED on this _____ day of _____ 2015.

Cynthia McConathy, Mayor
City of Rosenberg, Texas

ATTEST:

Linda Cernosek, City Secretary
City of Rosenberg, Texas

[CITY SEAL]



CITY COUNCIL COMMUNICATION

June 16, 2015

ITEM #	ITEM TITLE
3	Resolution No. R-1988 - Budget Amendment 15-11

ITEM/MOTION

Consideration of and action on Resolution No. R-1988, a Resolution authorizing the City Manager to execute, for and on behalf of the City, Budget Amendment 15-11, in the amount of \$552,000 for information technology licensing and servers, certain pieces of equipment and electrical improvements for Wastewater Treatment Plant No. 1-A.

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:

- Resolution No. R-1988
- Budget Request Forms

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
 (Other)

Approved for Submittal to City Council:


 Robert Gracia
 City Manager

EXECUTIVE SUMMARY

City staff has been working diligently to prioritize the needs as submitted for the FY2016 budget. During this assessment process, staff has identified several items that require immediate attention due to non-compliance, safety concerns and anticipated costly maintenance and repair expense.

Budget Amendment 15-11, in the amount of \$552,000 includes the following items:

- Information Technology has determined that the City is not currently compliant with Microsoft requirements for licensing. For a cost of \$93,200, the City could purchase the licensing and servers necessary to bring the City into compliance.
- Several pieces of equipment were ranked extremely high due to the safety and maintenance concerns. These requests included an asphalt patch truck for \$119,000, and a bucket truck in the amount of \$97,000. An additional request in the amount of \$20,000 is for a field maintainer requested by the Parks and Recreation Department. This request is one of the items that was not funded in the FY2015 budget. The final piece of equipment is a motor grader for \$152,000. The current motor grader is a 1999 model and has had numerous break downs that are very costly and difficult to fix due to the age of the equipment.
- The current electricity service drop for Wastewater Treatment Plant No. 1-A (WWTP No. 1-A) is leaning to the point that it is in danger of falling over. This request includes repairing and replacing the incoming electrical service drop to WWTP No. 1-A by building a new service drop and installing a manual transfer switch to quickly connect an alternative power supply. The estimated cost is \$70,800.

Budget Requests Forms have been included for all Items 1 through 3 for your review. All of these items can be funded from General Fund Balance (Items 1 and 2) and Water/Wastewater Fund Retained Earnings (Item 3). Budget Amendment 15-11 is included as Exhibit "A" to Resolution No. R-1988. Staff recommends approval of Resolution No. R-1988 as presented.

RESOLUTION NO. R-1988

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 15-11, IN THE AMOUNT OF \$552,000 FOR INFORMATION TECHNOLOGY LICENSING AND SERVERS, CERTAIN PIECES OF EQUIPMENT AND ELECTRICAL IMPROVEMENTS FOR WASTEWATER TREATMENT PLANT NO. 1-A.

* * * * *

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

Section 1. The City Council hereby authorizes Budget Amendment 15-11 (Amendment), in the amount of \$552,000 for information technology licensing and server, certain equipment purchases and electrical improvements for Wastewater Treatment Plant No. 1-A. 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**

Cynthia McConathy, **Mayor**

**City of Rosenberg
FY2016 Budget Request Form**

Title: Microsoft Server License Compliance

Type of Request: Personnel Capital (Over \$100,000) Supplemental

Describe the Request:

The city is not currently compliant with the Microsoft requirements for licenses. If this request is approved, the Technology department would purchase the licenses to bring the city into compliance. This request includes licensing for Microsoft Server, Microsoft SQL Server, Microsoft Office and Microsoft Exchange.

The Microsoft Server and Microsoft SQL Server would be a one time initial purchase under the Microsoft Government Enterprise Licensing model.

The Microsoft Office and Microsoft Exchange would be purchased under a reoccurring cloud subscription under the Government Enterprise Licensing subscription model.

Fund/Dept: Technology

Technology Related: Yes No

Included in Strategic Plan: Yes No

ESTIMATED COST OF REQUEST

One-time Costs:

Total Capital Costs \$ 93,200.00

Re-occurring Costs:

Personnel Services \$ _____

Supplies _____

**Maintenance &
Contractual Services** 61,200.00

Total Re-occurring costs \$ 61,200.00

Impact on Revenues:

(Describe additional revenues, if any)

Impact on Operating Expense:

(Provide a brief description of the re-occurring expenses noted above - maintenance, fuel, electricity, etc. - if any)

Of the \$93,200.00 there will be a yearly reoccurring cost of \$61,200.00. The 5 year subscription cost would be \$306,000.00 and would be \$13,000.00 less than updating the current configuration.

**City of Rosenberg
FY2016 Budget Request Form**

Title: Asphalt Patcher

Type of Request: Personnel Capital (Over \$100,000) Supplemental

Describe the Request:

The City's current 1999 Asphalt Patcher has met and exceeded its life expectancy. This single piece of equipment is relied on to maintain the City's network of 151 miles of local streets, not including alleys. It breaks down more and more frequently and no longer works as intended. The heating oil tank has rotted through and has been patched numerous times. Due to this condition, the asphalt does not stay at correct temp. The tacking oil tank no longer works, so potholes are patched without oil which shortens the life of the repair. The compact roller is being pieced together. Numerous hydraulic lines are constantly leaking and in need of repair. With the recent expansion of the City and additional road mileage, the truck must be operational and fully able to perform everyday that asphalt can be purchased. Employee efficiency and effective use of the City's tax dollars are compromised every time the truck breaks down and the Department is unable to keep up with the demand and expectations of the citizens. We are in need of a new asphalt patcher to fill in the ongoing problem of pot holes. The Public Works Department requests for the asphalt patcher to be replaced.

Fund/Dept: 101-5022

Technology Related: Yes No

Included in Strategic Plan: Yes No

ESTIMATED COST OF REQUEST

One-time Costs:

Total Capital Costs \$ 119,000

Re-occurring Costs:

Personnel Services \$ _____

Supplies _____

**Maintenance &
Contractual Services** _____

Total Re-occurring costs \$ _____

Impact on Revenues:

(Describe additional revenues, if any)

Impact on Operating Expense:

(Provide a brief description of the re-occurring expenses noted above - maintenance, fuel, electricity, etc. - if any)

With any piece of equipment it requires maintenance and fuel. The vehicle also plugs into a 220 outlet to keep heating oil warm. This is replacement of an existing piece of equipment, so the maintenance costs should be reduced, particularly during the new piece of equipment is under warranty and other operational costs such as fuel should remain relatively unchanged.

**City of Rosenberg
FY2016 Budget Request Form**

Title: Bucket Truck

Type of Request: Personnel Capital (Over \$100,000) Supplemental

Describe the Request:

The City's current 2003 bucket truck has met and exceeded its 10 year life expectancy. Break downs are now frequent with this vehicle that has 121,863 miles on the power train. The bucket truck is used to trim hard to reach tree limbs, work on the City's traffic signals, street lights, and is currently used as the sign truck as well. This is also the only truck the Public Works Department has to tow the City's skid steer loader and trailer. The Police, Fire and Parks Department also use the bucket truck for building maintenance tasks and for special events throughout the year. The truck operator inspection reports regularly state the steering system is worn out and has a lot of slack, which is a sign of a potential safety issue. The Public Works Department requests for the Bucket Truck to be replaced as stated in the Strategic Plan.

Bucket Truck \$92,000
Radio \$3,000
Lights \$2,000

Fund/Dept: 101-5022

Technology Related: Yes No

Included in Strategic Plan: Yes No

ESTIMATED COST OF REQUEST

One-time Costs:

Total Capital Costs \$ 97,000

Re-occurring Costs:

Personnel Services \$ _____

Supplies _____

Maintenance & Contractual Services 9200

Total Re-occurring costs \$ 9200

Impact on Revenues:

(Describe additional revenues, if any)

Impact on Operating Expense:

(Provide a brief description of the re-occurring expenses noted above - maintenance, fuel, electricity, etc. - if any)
Vehicle Loan Fund \$8,100

**City of Rosenberg
FY2016 Budget Request Form**

Title: Field Maintainer

Type of Request: Personnel Capital (Over \$100,000) Supplemental

Describe the Request:

This would replace the 2000 Toro Sand Pro.

Prolonging this request will negatively affect the quality of our softball fields, volleyball courts, and trails.

This equipment is used at a minimum on a bi-weekly basis throughout the year to maintain our softball fields for our softball program.

Fund/Dept: 1953 / Parks

Technology Related: Yes No

Included in Strategic Plan: Yes No

ESTIMATED COST OF REQUEST

One-time Costs:

Total Capital Costs \$ 20,000

Re-occurring Costs:

Personnel Services \$ _____

Supplies ~\$200/yr.

Maintenance &
Contractual Services _____

Total Re-occurring costs \$ ~\$200/yr.

Impact on Revenues:

(Describe additional revenues, if any)

Without its replacement, we may need to cancel the softball program as the field will be too hard to play on safely.

Softball revenue averages \$15,000 annually.

Impact on Operating Expense:

(Provide a brief description of the re-occurring expenses noted above - maintenance, fuel, electricity, etc. - if any)

The only expense of a new machine will be fuel and routine maintenance.

**City of Rosenberg
FY2016 Budget Request Form**

Title: Repair/Replace Service Drop for Wastewater Treatment Plant No. 1A

Type of Request: Personnel Capital (Over \$100,000) Supplemental

Describe the Request:

This request is to repair or replace the incoming electrical service drop for Wastewater Treatment Plant No. 1A. This facility is not equipped with any type of standby power and loss of electrical power for any extended period of time beyond a few hours will result in multiple TCEQ discharge permit violations and will subject the City to numerous monetary penalties, as well as negative public relations for not being proactive and properly maintaining critical public facilities.

The current service drop is leaning to the point that it is in danger of failing over and interrupting the power supply to Wastewater Treatment Plant No.1 and also creating a high voltage electrical safety danger to City employees. A picture of the leaning service drop is attached to this request form for reference.

Building a new service drop to replace the service entrance at our plant is estimated to cost \$23,000.00. This would involve building a new service next to the existing one and tying back into the new junction box that feeds the plant. In this manner we would minimize downtime.

A manual transfer switch should also be installed at the time of the service replacement. This would enable the City to rent a large, trailer mounted generator and be able to easily and quickly re-establish a power supply in the event of a prolonged power interruption due to a disaster or other unforeseen event. An estimated price on a 1200 amp fused

Fund/Dept: 501-5055

Technology Related: Yes No

Included in Strategic Plan: Yes No

ESTIMATED COST OF REQUEST

One-time Costs:

Total Capital Costs \$ 70,800.00

Re-occurring Costs:

Personnel Services \$ _____

Supplies _____

**Maintenance &
Contractual Services** _____

Total Re-occurring costs \$ _____

Impact on Revenues:

(Describe additional revenues, if any)

N/A

Impact on Operating Expense:

(Provide a brief description of the re-occurring expenses noted above - maintenance, fuel, electricity, etc. - if any)

Failure to be proactive will result in an emergency repair, which will be more costly due to the unknown time the service could fall down - weekend, holiday, overnight. Potential TCEQ discharge permit violations could result in large monetary penalties.

**City of Rosenberg
FY2016 Budget Request Form**

Title: Motor Grader (Alley Maintenance)

Type of Request: Personnel Capital (Over \$100,000) Supplemental

Describe the Request:

The City's current Fiatallis 1999 Motor Grader has met and exceeded its life expectancy. The City's Motor Grader is used daily when the ground is dry enough to clear and grade the City's Alleys. Recently the motor grader broke down and the City's Fleet staff found that the parts have become very scarce for this unit. The manufacturer of this unit is no longer in business. Fleet staff could not find a dealer that currently performs any service work on the unit. During the time that the unit went down 37 work orders came in for alley maintenance. Staff was able to find a refurbished part to get the motor grader back in operation. The City must have a dependable motor grader in order to provide an acceptable level of service.

Fund/Dept: 101-5022

Technology Related: Yes No

Included in Strategic Plan: Yes No

ESTIMATED COST OF REQUEST

One-time Costs:

Total Capital Costs \$ 152,000

Re-occurring Costs:

Personnel Services \$ _____

Supplies _____

Maintenance &
Contractual Services _____

Total Re-occurring costs \$ _____

Impact on Revenues:

(Describe additional revenues, if any)

Impact on Operating Expense:

(Provide a brief description of the re-occurring expenses noted above - maintenance, fuel, electricity, etc. - if any)

With any piece of equipment, it requires routine maintenance and fuel.



CITY COUNCIL COMMUNICATION

June 16, 2015

ITEM #	ITEM TITLE
4	Resolution No. R-1982 – Letter of Intent Regarding Railroad Crossings and Directional Horns and/or Quiet Zones

ITEM/MOTION

Consideration of and action on Resolution No. R-1982, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Letter of Intent for participation in a project regarding railroad crossings and directional horns and/or quiet zones, by and among the City of Rosenberg, the City of Richmond, and Fort Bend County, Texas.

FINANCIAL SUMMARY

ELECTION DISTRICT

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-1982
2. City Council Meeting Draft Minute Excerpt – 05-26-15

APPROVALS

Submitted by:

John Maresh
Assistant City Manager of
Public Services

Reviewed by:

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

Approved for Submittal to City Council:

Robert Gracia
City Manager

EXECUTIVE SUMMARY

City Council previously discussed the Letter of Intent submitted by Fort Bend County Precinct 1 Commissioner Richard Morrison during the May 26, 2015 City Council Workshop. Commissioner Morrison was unable to attend the Workshop due to an unexpected emergency; therefore, City Council requested the item be placed onto the next Agenda for continued discussion.

During the Workshop discussion, staff did point out that signing the Letter of Intent would obligate the City to fund a portion of the consultant fees necessary to design and estimate construction costs for the directional horns and/or quiet zones. Per Commissioner Morrison, the consultant's fee estimates are being prepared, but were not available for inclusion in the City Council Meeting packet.

Resolution No. R-1982 does include a provision authorizing the expenditure of funds for said purpose in an amount not to exceed, which has not yet been determined. If Resolution No. R-1982 is approved to authorize the City Manager to execute the Letter of Intent, a dollar amount will need to be included, or the provision may be deleted from the Resolution. If approved, a subsequent budget adjustment will also be required.

City Council action on Resolution No. R-1982 will authorize the City Manager to execute the Letter of Intent, included as Exhibit "A", and provide staff with the direction necessary to proceed.

RESOLUTION NO. R-1982

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, A LETTER OF INTENT FOR PARTICIPATION IN A PROJECT REGARDING RAILROAD CROSSINGS AND DIRECTIONAL HORNS AND/OR QUIET ZONES, BY AND AMONG THE CITY OF ROSENBERG, THE CITY OF RICHMOND, AND FORT BEND COUNTY, TEXAS.

* * * * *

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

Section 1. The City Council of the City of Rosenberg hereby authorizes the City Manager to execute a Letter of Intent for participation in a project regarding railroad crossings and directional horns and/or quiet zones, by and among the City of Rosenberg, the City of Richmond, and Fort Bend County.

Section 2. The City Council of the City of Rosenberg hereby authorizes the expenditure of funds for the City of Rosenberg portion of the consultant fees necessary to design and estimate construction costs for the directional horns and/or quiet zones in an amount not to exceed \$_____.

Section 3. A copy of said Letter of Intent 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**

Cynthia McConathy, **MAYOR**



COMMISSIONER, PRECINCT 1
Fort Bend County, Texas

RICHARD MORRISON
Commissioner

May 12, 2015

(281) 344-9400
Fax (281) 342-0587

Teri Vela
402 Morton
Richmond, Tx 77469

Robert Gracia
2110 4th Street
Rosenberg, Tx 77471

Mandi Bronsell
P.O.Box 1688
Richmond, Tx 77469

RE: LETTER OF INTENT; RAILROAD CROSSINGS & DIRECTIONAL HORNS and/or QUIET ZONES

Ladies and Gentlemen:

Per our meeting on April 16, 2015, I am writing this letter to represent the above parties' intent to install 'directional horns' and/or 'quiet zones' at the locations listed on Exhibit A, attached hereto.

All parties agree that this *Letter of Intent* is a broad policy document and not a detailed agreement regarding the funding of the installations, the timing of the installations, the type of installations, or the locations of the installations. Each unit of government or governmental board will make these specific decisions for each installation.

The key factors for cooperation are funding for the design and construction of each intersection, insurance and maintenance. I propose that this funding be based on the proportional share of each participating entities' railroad crossing or crossing. Again, this is a broad policy and the specifics can be worked out.

Finally, I believe that the West Fort Bend Management District should be in charge of the maintenance of the 'Zones.' They can contract with a maintenance company to perform the maintenance and the costs can be shared proportionately, but I'm not cemented to this idea either.

As explained in the meeting the design and construction will be less expensive if we stick to the corridor type approach. Attached as Exhibit B are preliminary cost numbers that my office has gathered. Again, these are for preliminary purposes only and to be used as guidance for budget planning purposes.

The County is willing to take the lead on hiring an experienced consultant to design and estimate cost for the different zones. We can begin as soon this letter is signed.

Thank you for your attention to this matter.

Sincerely yours,

Richard Morrison

Teri Vela
City Manager
City of Richmond

Robert Gracia
City Manager
City of Rosenberg

Mandi Bronsell
Executive Director
West Fort Bend Management District

EXHIBIT A

City of Richmond Crossings

- 2nd Street (UP)
- 4th Street (UP)
- 6th Street (UP)
- 8th Street (UP)
- 10th Street (UP)
- Myrtle/Douglas (UP)
- Collins/FM 3155 (UP)
- Private/Austin (BNSF)
- About 450 ft South of 90-A (BNSF)
- Centerpoint about .10 miles north of FM 1640 (BNSF)
- FM 1640 (BNSF)

City of Rosenberg Crossings

- Huntington Road (BNSF)
- Walnut Street (BNSF)
- 3rd Street (BNSF & UP)
- Rawson Road (BNSF & UP)

Fort Bend County Crossings

- Commercial Drive (BNSF)
- Brazos Center Blvd (BNSF)
- FM 2977 (BNSF)
- Benton Road (BNSF)

1-29-15

ESTIMATE OF COST AND TIME TO IDENTIFY AND COMPLETE THE PROJECT								
Crossing Number	Location on Hwy 762	City/County	Eqmnt & Instl Cost Estimate-Note 1	RR Charge Estimate-Note 2	Contingency +10%	Estimated Total Cost	Richmond Total	Fort Bend ETJ Total
022682X	FM 1640	Richmond	\$83,000	\$83,000	\$16,600	\$182,600	\$182,600	
022579K	Commercial Dr	Fort Bend ETJ	\$81,000	\$81,000	\$16,200	\$178,200		
022778H	Brazos Center Blvd	Fort Bend ETJ	\$81,000	\$81,000	\$16,200	\$178,200		
022678H	FM2977 (Minonite Rd)	Fort Bend ETJ	\$75,000	\$75,000	\$15,000	\$165,000		
022677B	Benton Rd	Fort Bend ETJ	\$75,000	\$75,000	\$15,000	\$165,000		
Total						\$869,000		\$686,400

Note 1: Cost estimate from Robert Albritton of Railroad Controls LTD, partnering with Quiet Zone Technologies

Note 2: James Turner, Sugar Land and Robert Albritton agree that a reasonable estimate of railroad charges is that they will be equal to equipment and installaton cost

Note 3: James Turner, Sugar Land, provided cost information on the work to be done at Easton and 90A, the crossing at the northern side of New Territory. The equipment and installation will be \$65k plus approximately \$6k miscellaneous road related items. He said sometimes more electrical work might be required that might add another \$5k. That might make a crossing like Easton cost approximately \$76K. Thats close to the estimates provided by Robert Albritton.

Note 4: ESTIMATED TIMETABLE from Robert Albritton. "I would generally expect the whole process to take 12 to 18 months. This will include the site survey, BNSF's time to generate an estimate for the interconnection, BNSF's time to write up a Wayside Horn Agreement for the Public Authority with jurisdiction over the roadway to enter into, installation and system cut-over".

Note 5: Estimated monthly recurring maintenance and inspection cost from Sugar Land is \$12k per year for annual inspections of 9 crossings. Sugar Land uses their own public works employees because the UP will not do this work. The \$12k does not include the cost of setting up a replacement parts inventory or the cost of parts used. James Turner says the first call for maintenance comes from UP when the engineer reports that the wayside horn is not working. When that happens the engineer blows the horn when he approaches the crossing.

Sources:

James Turner, City of Sugar Land, Public Works Manager, 281-275-2450

Robert Albritton, Railroad Controls LTD, Quiet Zone Technology, 1-817-820-6347

EX B

CITY OF ROSEBERG
WORKSHOP COUNCIL MEETING MINUTES

DRAFT

On this the 26th day of May, 2015, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a 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
Wade Goates	Fire Chief
Darrell Himly	Assistant Fire Chief
Melissa Pena	Project Director
James Lewis	Information Services Manager

CALL TO ORDER.

Mayor Morales called the meeting to order at 6:30 p.m.

AGENDA

1. REVIEW AND DISCUSS A PROGRESS REPORT ON THE AIRPORT AVENUE RECONSTRUCTION PROJECT – PHASE II ENGINEERING DESIGN, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.

Executive Summary: This item has been included to provide City Council with an update on the engineering design phase of the Airport Avenue Reconstruction Project – Phase II (Graeber Road to Louise Street). Representatives from Costello Engineering will provide a presentation.

Key Discussion Points: John Maresh, Assistant City Manager of Public Services, introduced Sam Kruse from Costello Engineering, who gave a brief presentation. After some discussion, the general consensus of Council was to move forward with the project, providing further updates as work continues.

2. REVIEW AND DISCUSS A LETTER OF INTENT REGARDING RAILROAD CROSSINGS AND DIRECTIONAL HORNS AND/OR QUIET ZONES, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.

Executive Summary: This item has been included to allow for City Council discussion regarding participation with Fort Bend County and the City of Richmond on a project to implement directional horns and/or create “quiet zones” at certain railroad crossings. The Letter of Intent from County Commissioner Richard Morrison provides some basic detail of the proposed joint project and requests participation. The Letter of Intent is the first step necessary in order to

initiate the process.

Staff is seeking direction and/or authorization for the City Manager to execute the Letter of Intent on behalf of the City.

Key Discussion Points: John Maresh read the Executive Summary and explained that, by signing the letter of intent, the City would be obligating itself to a portion of the funding for this project. The first step would be to conduct a study to determine the specifics and feasibility of accomplishing the "quiet zones," after which time a more accurate cost estimate will be available. The main concerns of the discussion were that Council does not want to give a "blank check" to the project, and they wonder about the inclusion of the West Fort Bend Management District versus working directly with Fort Bend County. The general consensus was to discuss the concerns with Commissioner Morrison and get a more accurate cost estimate for the study, as well as reasoning for the inclusion of WFBMD.

3. REVIEW AND DISCUSS CAPITAL IMPROVEMENT PLAN PRIORITIES FOR FY2016, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.

Executive Summary: This Agenda item provides City Council the opportunity to review the status of the FY2015 Capital Improvement Projects, as well as staff's recommendation for the FY2016 Capital Improvements Projects.

The Executive Director of Administrative Services will provide a brief summary and the funding status of the proposed Projects. Discussions may be held regarding the Projects listed and recommendations made to finalize the FY2016 Capital Improvement Projects to be approved by City Council at a future meeting.

Key Discussion Points: Joyce Vasut, Executive Director of Administrative Services, gave a presentation regarding the status update of FY2015 CIP and a projection of FY16 CIP carry-over and plans. As the budget cycle moves forward, a more in-depth analysis of the funding of specific projects will be presented. The overall consensus was supportive of the direction of the Capital Improvement Projects, and each Council member gave their individual recommendations of which projects they would like more information about during the budget process, as well as which projects they consider priorities.

4. REVIEW AND DISCUSS THE BLUE RIBBON FACILITIES TASK FORCE REPORT ON CITY FACILITIES, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.

Executive Summary: At the November 25, 2014 City Council Workshop Meeting, the City Council directed staff to form a Blue Ribbon Facilities Task Force (Task Force) in order for the City to receive citizen input regarding the Facilities Master Plan Project. The City Council formally established the Task Force and appointed its members at the Regular City Council Meeting on January 06, 2015, via Resolution No. R-1885.

The Task Force met seven (7) times between January 13, 2015, and April 13, 2015. One of the first tasks the Task Force tackled was a tour of the City's current main facilities and work areas. The subsequent meetings primarily consisted of presentations regarding existing conditions, space data analysis, and options for meeting future space needs by the architectural firm (PGAL) hired to work with the City to create the Master Plan. The Task Force considered the most efficient and cost effective means by which to provide the space necessary to serve residents in a fast-growing City.

The Task Force chairman, Dr. Dan Ives, will present the findings and priorities as determined by the Task Force members.

Key Discussion Points: Jeff Trinker, Executive Director of Support Services presented background information and introduced Dr. Dan Ives, Blue Ribbon Facilities Task Force Chairman, who gave



CITY COUNCIL COMMUNICATION

June 16, 2015

ITEM #	ITEM TITLE
5	Resolution No. R-1992 – Texas State Technical College Water Line Oversizing
ITEM/MOTION	
Consideration of and action on Resolution No. R-1992, a Resolution regarding funding for the oversizing of a water line for the Texas State Technical College (TSTC) Fort Bend Campus in an amount not to exceed \$100,000.	
FINANCIAL SUMMARY	ELECTION DISTRICT

Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

- Yes No N/A

Source of Funds: N/A

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

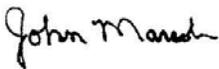
SUPPORTING DOCUMENTS:

1. Resolution No. R-1992
2. Resolution No. R-1974 – 05-26-15
3. City Council Meeting Draft Minute Excerpt – 05-26-15

MUD #: N/A

APPROVALS

Submitted by:


 John Maresh
 Assistant City Manager
 of Public Works

Reviewed by:

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

Approved for Submittal to City Council:


 Robert Gracia
 City Manager

EXECUTIVE SUMMARY

On May 26, 2015, the City of Rosenberg executed a Development Agreement (Agreement) with the Henderson-Wessendorff Foundation. Further, the Agreement provides the City with the option to require certain utility lines to be oversized to serve land outside the tract, provided that the City bears the costs of the oversizing. This Agenda item provides City Council with the opportunity to discuss proposed funding necessary to oversize a water line to support additional development around the Texas State Technical College (TSTC) Campus.

The City will be provided oversizing costs and then make the election whether to require the oversizing. Upon completion of the line, the City will credit applicable impact fees owed by the property owner against the oversizing costs and pay the property owner the difference up to a maximum amount of \$100,000. Under current consideration is the oversizing of a water line from a 12-inch line to serve only this property to a 16-inch line that will ultimately be needed to support growth and development in this general area of the City and as a part of the City's Capital Improvements Program (CIP) to meet the Fort Bend Subsidence District mandate to reduce groundwater withdrawals by 60% in 2025.

TSTC plans to receive bids on June 15, 2015, and the City will have to commit to the oversizing and provide a funding source no later than the June 16, 2015 City Council Meeting. If the City elects not to oversize the line at this time, the property owner will be authorized to build the line in a size only to serve the property. Additional

water lines or the replacement of this line with a larger one would then have to be funded at such time development occurs in this area of the City. If the City elects to require the line under consideration to be oversized, the City will pay the oversizing costs minus any applicable impact fees up to \$100,000 upon completion of the line. A budget adjustment will also be required.

Staff recognizes the long-term benefits oversizing will provide to future development of this area, and further recommends approval of Resolution No. R-1992, a Resolution regarding funding for the oversizing of a water line for the Texas State Technical College (TSTC) Fort Bend Campus in an amount not to exceed \$100,000.

RESOLUTION NO. R-1992

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, REGARDING FUNDING FOR THE OVERSIZING OF A WATER LINE FOR THE TEXAS STATE TECHNICAL COLLEGE (TSTC) FORT BEND CAMPUS IN AN AMOUNT NOT TO EXCEED \$100,000.

* * * * *

WHEREAS, on May 26, 2015, the City Council approved Resolution No. R-1974 authorizing the Mayor to execute a Development Agreement by and between the City and the Henderson-Wessendorff Foundation; and,

WHEREAS, said Development Agreement provides for the Henderson-Wessendorff Foundation to convey approximately 80.033 acres of land, in phases, to the Texas State Technical College (TSTC), an institution of higher education and an agency of the State of Texas, and Texas State Technical College Foundation plans to develop a technical education facility, in phases; and,

WHEREAS, said Development Agreement provides for the City of Rosenberg to participate in the costs associated with oversizing certain lines that will be constructed to serve said technical education facility; now therefore,

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

Section 1. The City Council hereby authorizes funding necessary to oversize the 12-inch water line to serve the TSTC Fort Bend Campus to a 16-inch water line to serve same and additional future development in an amount not to exceed \$100,000.

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

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

ATTEST:

APPROVED:

Linda Cernosek, **City Secretary**

Cynthia McConathy, **Mayor**

RESOLUTION NO. R-1974

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 DEVELOPMENT AGREEMENT, BY AND BETWEEN THE CITY OF ROSENBERG, TEXAS, AND THE HENDERSON-WESSENDORFF FOUNDATION.

* * * * *

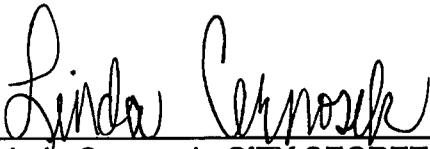
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROSENBERG:

Section 1. The City Council of the City of Rosenberg hereby authorizes the Mayor to execute a Development Agreement (Agreement) between the City and the Henderson-Wessendorff Foundation.

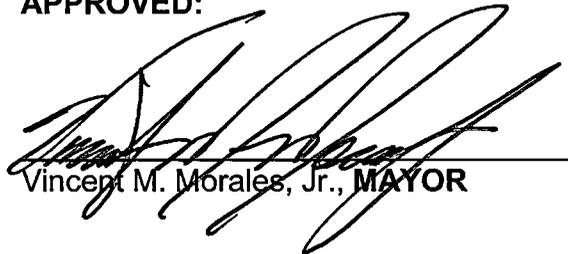
Section 2. A copy of said Agreement is attached hereto as Exhibit "A" and made a part hereof for all purposes.

PASSED, APPROVED, AND RESOLVED this 26th day of May 2015.

ATTEST:


Linda Cernosek, **CITY SECRETARY**

APPROVED:


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



STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

**DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF ROSENBERG, TEXAS
AND THE HENDERSON-WESSENDORFF FOUNDATION**

This Development Agreement (the "Agreement") is made and entered into as of _____, 2015, by THE CITY OF ROSENBERG, TEXAS, a home rule municipality in Fort Bend County, Texas, acting by and through its governing body, the City Council of Rosenberg, Texas (the "City"); and THE HENDERSON-WESSENDORFF FOUNDATION, a Texas corporation (the "Landowner").

The City is a home rule city and municipal corporation that provides a full-range of governmental services to its citizens. The Landowner owns approximately 80.033 acres of land located wholly within the City's boundaries, which acreage is more particularly described in the preliminary plat attached hereto as **Exhibit A** (the "Tract"). The City wishes to provide for the orderly, safe, and healthful development of land within the City's boundaries.

The Landowner intends to convey the Tract in phases to the Texas State Technical College (TSTC), an institution of higher education and an agency of the State of Texas, and Texas State Technical College Foundation plans to develop building one of phase one of such technical education facility, which will to be occupied and operated by the TSTC ("Building One"). The development will occur in phases; however, the Landowner anticipates platting the majority of the Tract in the near future.

The Landowner and the City have determined that the feasibility of the development of the Tract requires an agreement providing for long-term certainty in regulatory requirements and development standards regarding the Tract in as much as those regulatory requirements and development standards apply to TSTC or as otherwise agreed to herein. It is the intent of this Agreement to establish certain restrictions and commitments imposed on and made in connection with the development of the Tract. The City and the Landowner are proceeding in reliance on the enforceability of this Agreement.

AGREEMENT

NOW THEREFORE, for and in consideration of the mutual agreements, covenants, and conditions contained herein, and other good and valuable consideration, the City and the Landowner agree as follows:

Section 1. Introduction. The Tract is to be developed into a technical education facility to be occupied and operated by the Texas State Technical College.

Section 2. Platting. The Landowner will plat the entire Tract in not less than two (2) final plats in accordance with Chapter 25 of the City's Code of Ordinances (the "Ordinances"). The first such final plat will include a dedication of all of the right of way for those sections of

Mons Avenue and Graeber Road within the Tract. A copy of said final plat will be attached hereto as **Exhibit "B,"** (the "Plat"). Landowner may re-plot the Tract to adjust the location of Mons Avenue, as long as the intent of providing for Mons Avenue to traverse the entire Tract in an east-west direction is not negated.

Section 3. Road Facilities. Continued development of the Tract may require construction of two roads, Mons Avenue and Graeber Road. The City agrees that upon approval of the initial final plat, Landowner is required to construct only that portion of Graeber Road from I-69 to that point shown on **Exhibit "C"**. Thereafter, if the Landowner elects to extend Graeber Road or to construct any portion of Mons Avenue (the "Future Extensions") in connection with a future phase of development, Landowner may do so, provided that Landowner submits the customary plans and specifications for City approval and such design and construction is not at the cost and expense of the City. However, the City is not obligated to construct all or any portion of the Future Extensions to serve future phases of development by the Landowner, but nothing herein shall impair the City's right to undertake a portion or all of the Future Extensions at the City's sole cost and expense at such time as the City may decide. The City agrees to give Landowner written notice of its intent to undertake the Future Extensions at least ninety (90) days prior to commencement of design of the Future Extensions to allow the Landowner time to re-plot, provided that the City may commence such Future Extensions earlier upon receipt of written notice from Landowner that no re-plot is desired.

Section 4. Storm Water Transmission Rights. Landowner is planning to construct a connection from Graeber Road into a new detention facility and an outfall from the drainage facility into Dry Creek to serve the Tract (the "Drainage System") on Reserves C and D as shown on the Plat. Landowner agrees that the City may transmit the drainage from the Initial Phase of Graeber Road as shown on **Exhibit "C"** and the drainage from the Future Extensions to and through the Drainage System for delivery into Dry Creek; however, Landowner will not be required to increase the volume of any detention pond, and this right to transmit drainage to and through the Drainage System shall terminate at such time as both of the following conditions are met: (a) Graeber Road is extended outside the Tract and completed up to Dry Creek and (b) the drainage from the initial portion of Graeber Road and the Future Extensions is diverted away from the Drainage System. The City agrees to notify Landowner upon diversion of the drainage from the Future Extensions away from the Drainage System.

Section 5. Fee. The parties agree that the City's plat filing fees, as the City may amend them from time to time, shall be applied to the Landowner and the Tract, and the City's review fees and inspection fees with respect to the construction of public infrastructure facilities, as the City may amend them from time to time, shall be applied to the Landowner and the Tract; provided, however, any such amendments adopted by the City Council shall apply uniformly throughout the City.

Section 6. Water/Wastewater/Drainage Services. The plan for an integrated water supply, storage, and distribution system; wastewater collection and treatment system; and stormwater control and drainage system to serve the Tract shall be developed in accordance for City review and approval. Landowner shall pay all costs of designing and constructing such system including all impact fees, provided such fees are those charged by the City citywide.

Section 7. Oversizing. Landowner will pay all impacts fee for each phase of development of the Tract. The City will pay all costs of oversizing of lines as set out in this section. If the City requests a line to be oversized, i.e. made larger to serve more than the needs of the Tract (the "Oversizing"), Landowner will price such line in the size needed to serve only the Tract and price the size requested by the City and will present to the City the Oversizing Costs, which will be calculated as the difference in costs to install the two sized lines, together with a justification for such calculation. If the City elects to proceed with the Oversizing after receipt of the Oversizing Costs, the City will advise Landowner, and Landowner will proceed with construction of the oversized line. If the City elects not to proceed with the Oversizing, the City will notify the Landowner, and Landowner will install the line in the size needed to serve only the Tract. All elections by the City and all notices by the Landowner will be made in a timely manner so as not to delay construction of the project and to allow the City sufficient time to analyze the Oversizing Costs. The City may observe the construction and must approve any change orders that impact the Oversizing Costs. Upon completion of the line, the City will credit the applicable impact fees owed for the phase of development being undertaken against the Oversizing Costs and pay the difference to the Landowner up to a maximum of \$100,000.

Section 8. Termination. The City shall have the right to terminate this Agreement upon which action it shall be of no further force and effect if development on the Tract has not been initiated within 2 years from the date of this Agreement.

Section 9. Waiver of Actions under Private Real Property Rights Preservation Act. The Landowner hereby waives its right, if any, to assert any causes of action against the City accruing under the Private Real Property Rights Preservation Act, Chapter 2007, Texas Government Code (the "Act"), that the City's execution or performance of this Agreement or any authorized amendment or supplements thereto may constitute, either now or in the future, a "Taking" of Landowner's, Landowner's grantee's, or a grantee's successor's "Private Real Property," as such terms are defined in the Act. Provided, however, that this waiver does not apply to, and the Landowner and Landowner's grantees and successors do not waive their rights under the Act to assert a claim under the Act for any action taken by the City beyond the scope of this Agreement which otherwise may give rise to a cause of action under the Act. City understands and acknowledges that no covenants or terms of this Agreement may be construed as a waiver of sovereign immunity by TSTC.

Section 10. Covenant Running with the Tract. The City and the Landowner hereby acknowledge and agree that this Agreement is a covenant that runs with the Tract and will inure to the benefit of the City and Landowner and their successors, to the extent allowed by the laws and the Constitution of the State of Texas, unless terminated by the City pursuant to Section 8 hereof . This Agreement shall be recorded in the Official Records of Fort Bend County, Texas. The Landowner may convey all or a portion of the Tract to one or more persons who shall be bound by this Agreement and perform the obligations of Landowner hereunder as to that portion of the Tract to which such Landowner holds title. Landowner shall provide written notice to the City of any conveyance of all or a portion of the Tract within thirty (30) days of such conveyance.

Section 11. Notice. For the purposes of notice, the addresses of the parties, until changed as provided below, shall be as follows:

City: City of Rosenberg
P.O. Box 32
Rosenberg, Texas 77471
Attn: City Manager
(Phone) 832-595-3300
(Fax) (832) 595-3311

Landowner: The Henderson-Wessendorff Foundation
611 Morton Street
Richmond, TX 77469
Attn: Pat McDonald
(Phone) 832-342-2044
(Fax) (281) 342-1116

Section 12. Severability. If any provision of this Agreement is illegal, invalid, or unenforceable under present or future laws, then, and in that event, it is the intention of the parties hereto that the remainder of this Agreement shall not be affected.

Section 13. Waiver. Any failure by a party hereto to insist upon strict performance by the other party of any material provision of this Agreement shall not be deemed a waiver thereof or of any other provision hereof, and such party shall have the right at any time thereafter to insist upon strict performance of any and all of the provisions of this Agreement.

Section 14. Applicable Law and Venue. The construction and validity of this Agreement shall be governed by the laws of the State of Texas without regard to conflicts of law principles. Venue shall be in Fort Bend County, Texas.

Section 15. Further Documents. The parties agree that at any time after execution of this Agreement, they will, upon request of another party, execute and deliver such further documents and do such further acts and things as the other party may reasonably request in order to effectuate the terms of this Agreement.

[EXECUTION PAGES FOLLOW]

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement as of the _____ day of _____, 2015.

CITY OF ROSENBERG, TEXAS

ATTEST:

APPROVED:

CITY SECRETARY

CITY ATTORNEY

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This instrument was acknowledged before me on this _____ day of _____, 2015, by _____, as Mayor of the City of Rosenberg, Texas, a Texas municipal corporation, on behalf of said corporation.

Notary Public, State of Texas

(NOTARY SEAL)

THE HENDERSON-WESSENDORFF
FOUNDATION

By: _____

Name: _____

Title: _____

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

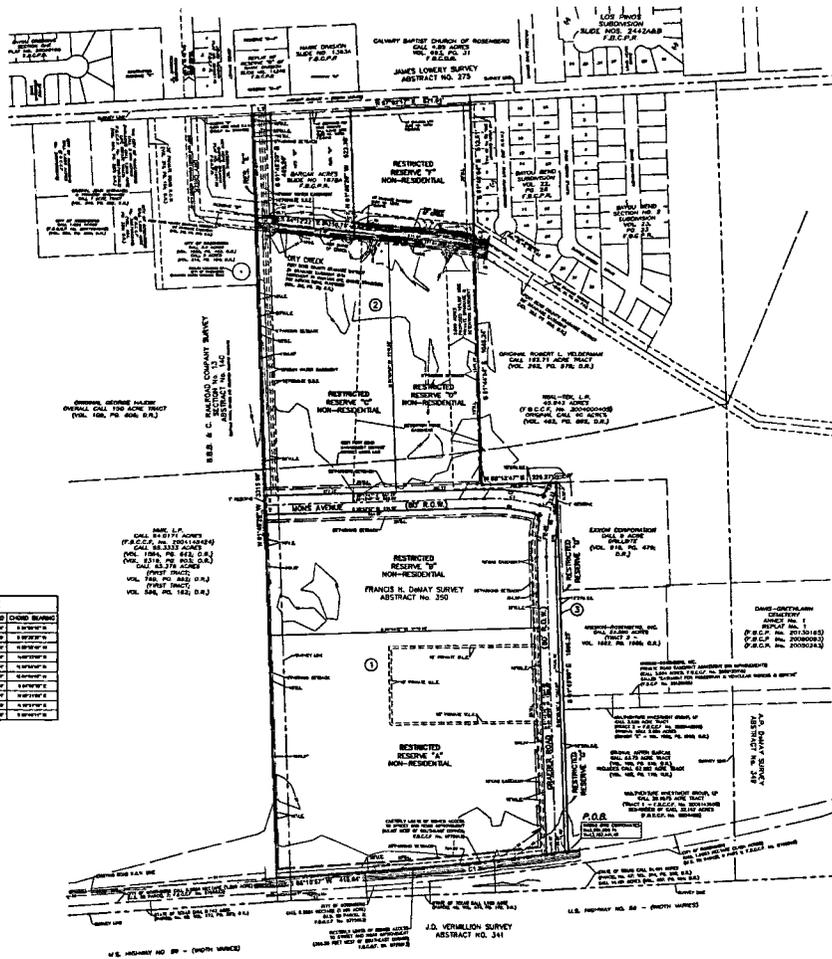
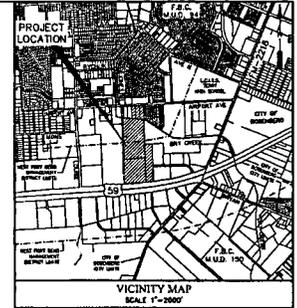
This instrument was acknowledged before me on this ____ day of _____,
2015, by _____, as _____ of THE HENDERSON-
WESSENDORFF FOUNDATION, a Texas corporation, on behalf of said corporation.

Notary Public, State of Texas

(NOTARY SEAL)

NOTE: Upon recording, please return to the City of Rosenberg Texas, c/o the City Secretary, at
2110 4th Street, Rosenberg, TX 77469.

RESERVE TABLE			
RESERVE	ADVERAGE	SQ. FT.	TYPE
A	27.897	1,213,309	RESTRICTED TO NON-RESIDENTIAL
B	16.100	674,332	RESTRICTED TO NON-RESIDENTIAL
C	16.208	680,368	RESTRICTED TO NON-RESIDENTIAL
D	8.811	364,811	RESTRICTED TO NON-RESIDENTIAL
E	8.833	365,107	RESTRICTED TO NON-RESIDENTIAL
F	6.737	283,094	RESTRICTED TO NON-RESIDENTIAL
G	6.428	269,832	RESTRICTED TO LANDSCAPE/OPEN SPACE
TOTAL	79.813	3,262,843	



CURVE TABLE					
CHAIN	BEARING	BEVEL	ARC	CHORD	CHORD BEARING
61	N 89° 00' 00" W	10.00	10.00	10.00	S 89° 00' 00" E
62	N 89° 00' 00" W	10.00	10.00	10.00	S 89° 00' 00" E
63	N 89° 00' 00" W	10.00	10.00	10.00	S 89° 00' 00" E
64	N 89° 00' 00" W	10.00	10.00	10.00	S 89° 00' 00" E
65	N 89° 00' 00" W	10.00	10.00	10.00	S 89° 00' 00" E
66	N 89° 00' 00" W	10.00	10.00	10.00	S 89° 00' 00" E
67	N 89° 00' 00" W	10.00	10.00	10.00	S 89° 00' 00" E
68	N 89° 00' 00" W	10.00	10.00	10.00	S 89° 00' 00" E
69	N 89° 00' 00" W	10.00	10.00	10.00	S 89° 00' 00" E
70	N 89° 00' 00" W	10.00	10.00	10.00	S 89° 00' 00" E
71	N 89° 00' 00" W	10.00	10.00	10.00	S 89° 00' 00" E
72	N 89° 00' 00" W	10.00	10.00	10.00	S 89° 00' 00" E
73	N 89° 00' 00" W	10.00	10.00	10.00	S 89° 00' 00" E
74	N 89° 00' 00" W	10.00	10.00	10.00	S 89° 00' 00" E
75	N 89° 00' 00" W	10.00	10.00	10.00	S 89° 00' 00" E
76	N 89° 00' 00" W	10.00	10.00	10.00	S 89° 00' 00" E
77	N 89° 00' 00" W	10.00	10.00	10.00	S 89° 00' 00" E
78	N 89° 00' 00" W	10.00	10.00	10.00	S 89° 00' 00" E
79	N 89° 00' 00" W	10.00	10.00	10.00	S 89° 00' 00" E
80	N 89° 00' 00" W	10.00	10.00	10.00	S 89° 00' 00" E

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 89° 00' 00" W	10.00
L2	N 89° 00' 00" W	10.00
L3	N 89° 00' 00" W	10.00

PRELIMINARY PLAT OF
 TEXAS STATE
 TECHNICAL COLLEGE FORT BEND
 A SUBDIVISION OF 60.23 ACRES OF LAND SITUATED IN THE S.B.B. AND C. BARLOW COMPANY SURVEY, SECTION 13, ABSTRACT NO. 320, AND IN THE FRANCIS H. DUNAY SURVEY, ABSTRACT NO. 320, CITY OF HOUSTON, FORT BEND COUNTY, TEXAS, BEING A REPEAT OF RESERVES A, B, E AND F, BARLOW ACRES, A SUBDIVISION INCORPORATED IN SALES NO. 1878A, PLAT RECORDS OF FORT BEND COUNTY, TEXAS.
 7 RESERVES (74.813 ACRES) 3 BLOCKS
 MAY 6, 2015 JOB NO. 1988-1501-310
 OWNER:
 THE HENDERSON WESSENDORFF FOUNDATION
 PAT WESSENDORFF, PRESIDENT/CEO
 8000 WESTHELL BLVD., SUITE 1000
 HOUSTON, TEXAS 77063
 ENGINEER:
 LJA Engineering, Inc.
 2025 Broadway Drive Phone 713.633.0200
 Suite 600 Fax 713.633.0206
 Houston, Texas 77002 1000-14288
 TAPLR Perm No. 1915901 SHEET 1 OF 1

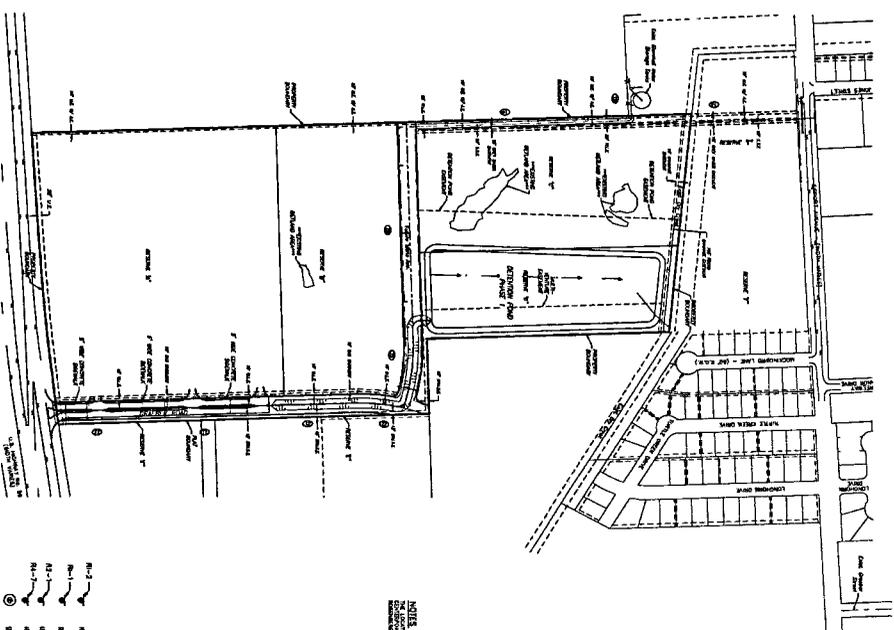
NOTES:
 1. ALL RIGHTS INCLUDING USE OF RESERVES WITHIN ENHANCED 100' BUFFER ZONE SHALL REMAIN WITH THE LANDOWNER UNLESS OTHERWISE SPECIFIED IN THIS PLAT.
 2. ALL RIGHTS INCLUDING USE OF RESERVES WITHIN ENHANCED 100' BUFFER ZONE SHALL REMAIN WITH THE LANDOWNER UNLESS OTHERWISE SPECIFIED IN THIS PLAT.
 3. ALL RIGHTS INCLUDING USE OF RESERVES WITHIN ENHANCED 100' BUFFER ZONE SHALL REMAIN WITH THE LANDOWNER UNLESS OTHERWISE SPECIFIED IN THIS PLAT.

Exhibit "C"

EXHIBIT C

NOTES

1. THIS DRAWING IS A PART OF THE TRAFFIC CONTROL PLAN AND STREET LIGHT LAYOUT FOR THE INTERSECTION OF STATE STREET AND 10TH STREET, CHICAGO, ILL.
2. THE TRAFFIC CONTROL PLAN AND STREET LIGHT LAYOUT SHALL BE CONSIDERED AS A PART OF THE TRAFFIC CONTROL PLAN AND STREET LIGHT LAYOUT FOR THE INTERSECTION OF STATE STREET AND 10TH STREET, CHICAGO, ILL.
3. THE TRAFFIC CONTROL PLAN AND STREET LIGHT LAYOUT SHALL BE CONSIDERED AS A PART OF THE TRAFFIC CONTROL PLAN AND STREET LIGHT LAYOUT FOR THE INTERSECTION OF STATE STREET AND 10TH STREET, CHICAGO, ILL.
4. THE TRAFFIC CONTROL PLAN AND STREET LIGHT LAYOUT SHALL BE CONSIDERED AS A PART OF THE TRAFFIC CONTROL PLAN AND STREET LIGHT LAYOUT FOR THE INTERSECTION OF STATE STREET AND 10TH STREET, CHICAGO, ILL.
5. THE TRAFFIC CONTROL PLAN AND STREET LIGHT LAYOUT SHALL BE CONSIDERED AS A PART OF THE TRAFFIC CONTROL PLAN AND STREET LIGHT LAYOUT FOR THE INTERSECTION OF STATE STREET AND 10TH STREET, CHICAGO, ILL.
6. THE TRAFFIC CONTROL PLAN AND STREET LIGHT LAYOUT SHALL BE CONSIDERED AS A PART OF THE TRAFFIC CONTROL PLAN AND STREET LIGHT LAYOUT FOR THE INTERSECTION OF STATE STREET AND 10TH STREET, CHICAGO, ILL.
7. THE TRAFFIC CONTROL PLAN AND STREET LIGHT LAYOUT SHALL BE CONSIDERED AS A PART OF THE TRAFFIC CONTROL PLAN AND STREET LIGHT LAYOUT FOR THE INTERSECTION OF STATE STREET AND 10TH STREET, CHICAGO, ILL.
8. THE TRAFFIC CONTROL PLAN AND STREET LIGHT LAYOUT SHALL BE CONSIDERED AS A PART OF THE TRAFFIC CONTROL PLAN AND STREET LIGHT LAYOUT FOR THE INTERSECTION OF STATE STREET AND 10TH STREET, CHICAGO, ILL.
9. THE TRAFFIC CONTROL PLAN AND STREET LIGHT LAYOUT SHALL BE CONSIDERED AS A PART OF THE TRAFFIC CONTROL PLAN AND STREET LIGHT LAYOUT FOR THE INTERSECTION OF STATE STREET AND 10TH STREET, CHICAGO, ILL.
10. THE TRAFFIC CONTROL PLAN AND STREET LIGHT LAYOUT SHALL BE CONSIDERED AS A PART OF THE TRAFFIC CONTROL PLAN AND STREET LIGHT LAYOUT FOR THE INTERSECTION OF STATE STREET AND 10TH STREET, CHICAGO, ILL.



- LEGEND**
- ⊖-1 INDICATES YIELD SIGN
 - ⊖-2 INDICATES STOP SIGN
 - ⊖-3 INDICATES SPEED LIMIT SIGN
 - ⊖-4 INDICATES KEEP RIGHT SIGN
 - ⊖-5 INDICATES DOUBLE 15,000 LUMEN LIGHT LOCATIONS
 - ⊖-6 INDICATES 8000 LUMEN LIGHT LOCATIONS
 - ⊖-7 INDICATES 5' WIDE CONCRETE MEDIAN (SEE SCHEDULE)
 - ⊖-8 INDICATES WHEEL CHAIR RAMP LOCATIONS
 - ⊖-9 INDICATES STREET INTERSECTIONS

NOTES

1. THIS DRAWING IS A PART OF THE TRAFFIC CONTROL PLAN AND STREET LIGHT LAYOUT FOR THE INTERSECTION OF STATE STREET AND 10TH STREET, CHICAGO, ILL.

DATE: 11/15/10
 DRAWN BY: J. J. JONES
 CHECKED BY: J. J. JONES
 APPROVED BY: J. J. JONES

RECORD DRAWING

THIS DRAWING IS A PART OF THE TRAFFIC CONTROL PLAN AND STREET LIGHT LAYOUT FOR THE INTERSECTION OF STATE STREET AND 10TH STREET, CHICAGO, ILL.

**TRAFFIC CONTROL PLAN
 SIGNAGE & STREET
 LIGHT LAYOUT**

ISIC PHASE I

DATE: 11/15/10

JOB NO. 1868-1501

**CITY OF ROSENBERG
SPECIAL COUNCIL MEETING MINUTES**

*****DRAFT*****

On this the 26th day of May, 2015, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Special 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
Wade Goates	Fire Chief
Darrell Himly	Assistant Fire Chief
Melissa Pena	Project Director
James Lewis	Information Services Manager

CALL TO ORDER.

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

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.

AGENDA

- 1. CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1974, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A DEVELOPMENT AGREEMENT, BY AND BETWEEN THE CITY AND THE HENDERSON-WESSENDORFF FOUNDATION.**

Executive Summary: The Henderson-Wessendorff Foundation is the owner of 80.033 acres of land, of which 72.446 acres located on the north side of U.S. Highway 59 (IH-69) between Louise Street and FM 2218 is currently being platted for Texas State Technical College (TSTC) to construct technical college campus facilities. The Plat includes 5.12 acres of proposed public right-of-way to be dedicated. The reason for this is that the City's Master Thoroughfare Plan calls for both a north-south (Graeber Road) and an east-west (Mons Avenue) collector on the property.

Normally, per City ordinance, all public streets within a development must be constructed at the time of platting. In this particular case, however, the streets are proposed to be developed in phases, with Graeber Road being completed approximately 1,000' north from IH-69 during the first phase of construction of the campus. An Agreement must be established to defer

construction of remaining phases since the property and rights-of-way are being platted all at once. In addition to giving the property owner the ability to defer said road construction, the Agreement would allow the public streets to drain through the private on-site detention to Dry Creek until the time at which this public street system connects to Dry Creek and can drain there in the future.

Additionally, the agreement provides the City with the option to require lines to be oversized to serve land outside the tract, provided that the City bears the costs of the oversizing. The City will be provided oversizing costs and then make the election whether to require the oversizing. Upon completion of the line, the City will credit applicable impact fees owed by the property owner against the oversizing costs and pay the property owner the difference up to \$100,000. Under current consideration is the oversizing of a water line from a 12-inch line to serve only this property to 16 inches that will ultimately be needed to support growth and development in this general area of the City and as a part of the City's Capital Improvements Program (CIP) to meet the Fort Bend Subsidence District mandate to reduce groundwater withdrawals by 60% in 2025. TSTC plans to receive bids on June 15, 2015 and the City will have to commit to the oversizing and provide a funding source no later than the June 16 City Council meeting. If the City elects not to oversize the line, the property owner will be authorized to build the line in a size only to serve the property. If the City elects to require the line under consideration to be oversized, the City will pay the Oversizing Costs minus any applicable impact fees up to \$100,000 upon completion of the line.

Staff recommends approval of Resolution No. R-1974.

Key Discussion Points: Jeanne H. McDonald, Attorney, gave an overview of the item. She pointed out that, by adding in the oversizing option now, the City positions itself to allow the adjacent tracts to develop while reducing the cost to do so in the future. Charles Kalkomey, City Engineer, added that the primary benefit of the oversizing agreement is to enable Plant #4 to connect to the rest of the system, allowing surface water from the southeast to travel along 59 to the plant. Mayor Morales explained that passage of the resolution only gives the City the option to decide whether or not to oversize the line at this time, at the City's expense but at a lower cost than would be required after TSTC completes development. However, passage of the resolution does not require that the City oversize the line, based on staff's findings after the meeting but before the June 15 deadline.

Action: Councilor Euton made a motion, seconded by Councilor Barta, to approve Resolution No. R-1974, a Resolution authorizing the Mayor to execute, for and on behalf of the City, a Development Agreement, by and between the City and the Henderson-Wessendorff Foundation. The motion carried by a unanimous vote.

2. **CONSIDERATION OF AND ACTION ON A FINAL PLAT OF TEXAS STATE TECHNICAL COLLEGE FORT BEND SECTION ONE, A SUBDIVISION OF 72.446 ACRES OF LAND SITUATED IN THE B.B.B. AND C. RAILROAD COMPANY SURVEY, SECTION 13, ABSTRACT 140, AND IN THE FRANCIS H. DEMAY SURVEY, ABSTRACT 350, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS; 5 RESERVES, (67.326 ACRES), 3 BLOCKS.**

Executive Summary: The Final Plat of Texas State Technical College Fort Bend Section One consists of 72.446 acres of land located on the north side of U.S. Highway 59 (IH-69) between Louise Street and FM 2218. Texas State Technical College (TSTC) has selected the site to develop a technical college campus.

The Final Plat consists of slightly less acreage than the Preliminary Plat (approved by the Planning Commission on May 20, 2015, and attached for referenced) because it contains only that acreage south of the centerline of Dry Creek, therefore having no frontage on Airport Avenue. Specifically, it consists of five (5) reserves with 67.326 acres in addition to 5.12 acres of proposed public right-of-way to be dedicated. As discussed, the reason for the latter is that the City's Master Thoroughfare Plan calls for both a north-south (Graeber Road) and an east-west (Mons Avenue) collector on this property. The streets will be developed in phases, with Graeber Road being completed up to the north line of Reserve "A" during the first phase of construction of the campus. An agreement had to be established to defer construction of the remaining phases of



CITY COUNCIL COMMUNICATION

June 16, 2015

ITEM #	ITEM TITLE
6	Resolution No. R-1973 - 100 Trees for 100 Cities Grant Program

ITEM/MOTION

Consideration of and action on Resolution No. R-1973, a Resolution authorizing the Parks and Recreation Department to submit an application for the 100 Trees for 100 Cities grant program.

FINANCIAL SUMMARY	ELECTION DISTRICT
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Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

- Yes No N/A

Source of Funds: N/A

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

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

- Resolution No. R-1973
- Parks and Recreation Board Meeting Draft Minute Excerpt – 05-28-15

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

Approved for Submittal to City Council:Robert Gracia
City Manager

EXECUTIVE SUMMARY

On May 28, 2015, at the regularly scheduled Parks and Recreation Board (Board) meeting, Darren McCarthy informed the Board of a grant program with the Texas A&M Forest Service that offers 100 cities to be given 100 tree seedlings. The Board unanimously approved the request to apply for the trees. If awarded, the trees would be placed in and around Community Park.

Staff recommends approval of Resolution No. R-1985, a Resolution authorizing application, attached as Exhibit "A", to the 100 Trees for 100 Cities grant program.

RESOLUTION NO. R-1973

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AUTHORIZING THE PARKS AND RECREATION DEPARTMENT TO SUBMIT AN APPLICATION FOR THE 100 TREES FOR 100 CITIES GRANT PROGRAM.

* * * * *

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

Section 1. The City Council hereby authorizes the Parks and Recreation Department to submit an application to 100 Trees for 100 Cities grant program for an award of one-hundred (100) trees for Rosenberg parks.

Section 2. A copy of said application 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**

Cynthia McConathy, **Mayor**



100 Trees for 100 Cities

Sign My City Up To Receive Free Trees!

As part of the year-long Texas A&M Forest Service (TFS) Centennial Anniversary celebration, register your city to receive 100 seedlings in October/November 2015.

This offer is initially open to Texas Tree City USAs by invitation only! Registration for remaining unreserved lots will be on a first come first served basis, so don't hesitate to register.

Trees are 2-3' seedlings in D-containers with an even species mix of bur oak, baldcypress, and Texas elm. They may be potted up and held by the city for future use or shared with the public through giveaways at Arbor Day celebrations.

*** 1. I want the 100 free trees**

- Yes, please!
- No, but thank you!

2. My preferred delivery date (Fall 2015 only)

MM DD YYYY

A central pick-up location may be necessary to accommodate your preferred date

/ /

3. My contact info and where to deliver my trees

Name	<input type="text"/>
Company	<input type="text"/>
Address	<input type="text"/>
Address 2	<input type="text"/>

City/Town

State/Province

ZIP/Postal Code

Country

Email Address

Phone Number

Trees will be similar to those shown below



4. Comments

DRAFT

June 9, 2015, but with the inability to clear fields for use after the rain, games were rescheduled or cancelled. Revenue is lost when tournaments have to be cancelled and if the fields cannot bounce back, teams will take their business elsewhere. Eric Ramirez asked if money was made off of the league. Lydia mentioned that each season contributes about \$5,000 above its costs into the general fund. Each tournament brings in people from all over, inviting new comers to want to play in Rosenberg and purchase product from local stores. George Zepeda questioned if the cover would blow away and Darren mentioned that the cover would be staked into the ground. George also asked where the cover would be stored and Darren said the storage unit would stay on the side of the field for the next time it would be utilized. Lydia added that the fields are used year round and with the opportunity to prevent cancellations by protecting the field, more games could be scheduled and more revenue would be brought to the city.

ACTION: Eric Ramirez made a motion, seconded by Julia Worley, to recommend the purchase of two field covers for Travis and Macario Garcia parks with the remaining Rosenberg Development Corporation Park funds. The motion carried unanimously by a vote of those present.

5. CONSIDERATION OF AND ACTION ON 100 TREES FOR 100 CITIES GRANT PROGRAM.

Key Discussion: Darren McCarthy, Parks and Recreation Director, received an email from the Houston Area Urban Forestry Council, who is working with the United States Forest Service to put together a program donating trees. Darren will be taking the item to council to add two parcels to Community Park and would like to add the trees to that area, if accepted. The trees would be small trees that can survive floods and drought.

ACTION: Julia Worley made a motion, seconded by Ray Kueck, to apply for 100 trees through the grant program. The motion carried unanimously by a vote of those present.

6. REVIEW AND DISCUSS DRONE USE IN THE PARKS, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.

Key Discussion: Darren McCarthy, Parks and Recreation Director, commented on the articles of personal drone use in the parks. Darren fears individuals testing out their drones at the Family 4th event, or crashing into power lines, the new gas line, or water infrastructure within Seabourne Creek Nature Park. He would like to work with the city attorney to create an ordinance to regulate drone use in the parks. Darren asked Kat Poppleton to inform the board of one civilian who recently visited the Parks Department building. Kat said the visitor requested permission to take pictures of the water tower behind the shop. She notified him of the House of Representatives recently creating a bill that prevents all drone use over certain water structures, gave him a copy of the HB 1481, and a number to the police department should he have any other questions. Amanda Barta commented the drones are getting out of hand. Melissa Dixon would like to say no now to protect park visitors. Darren is also concerned with what drones can carry and would rather, if given permission and if known, have only a professional be permitted to use a drone in the park. Darren will be bringing the item to the next City Council meeting to discuss options further.

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

7. REVIEW AND DISCUSS THE PARKS AND RECREATION BOARD MEMBER ATTENDANCE, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.

Key Discussion: Darren McCarthy, Parks and Recreation Director, presented the attendance record and asked if there were any discrepancies or provide a brief explanation of any absences for council to consider when their making the appointments to Parks Board. William Allen had called prior to the meeting of his absence for a work related issue. Teresa Bailey mentioned Berth Nell Kelm's absence from the meeting was due to illness. Eric Ramirez had a difficult time with his work hours, but now that he has his own dealership, he will be more available. Melissa Dixon and Eric Juarez also mentioned their absences have been related to work issues.



CITY COUNCIL COMMUNICATION

June 16, 2015

ITEM #	ITEM TITLE
7	Resolution No. R-1980 – Contract Extension for Grounds Maintenance Services

ITEM/MOTION

Consideration of and action on Resolution No. R-1980, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Contract Extension for Grounds Maintenance Services, by and between the City and Landscape Professionals of Texas, in the amount of \$64,362 for a term of one (1) year, terminating June 04, 2016.

FINANCIAL SUMMARY

ELECTION DISTRICT

Annualized Dollars:

One-time
 Recurring
 N/A

Budgeted:

Yes No N/A

Source of Funds:

101-1953-540-6240

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

SUPPORTING DOCUMENTS:

MUD #: N/A

1. Resolution No. R-1980
2. Resolution No. R-1790 - 05-20-14
3. City Council Meeting Minute Excerpt – 05-20-14

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

Approved for Submittal to City Council:

Robert Gracia
City Manager

EXECUTIVE SUMMARY

On May 20, 2014, City Council approved Resolution No. R-1790, which awarded Bid No. 2014-02 for Grounds Maintenance Services to Landscape Professionals of Texas, for a (1) year term effective June 01, 2014, through June 02, 2015. The services include mowing at the following City locations: Rosenberg City Hall, Rosenberg Police Department, Rosenberg Civic Center, Rosenberg Fire Department Administration Building, Rosenberg Fire Departments No. 1, No. 2 and No. 3, the Rosenberg Cemetery, Water Plants, and Lift Stations.

Landscape Professionals of Texas continues to perform satisfactorily and staff recommends extending the Contract for one (1) additional year. Resolution No. R-1980 would authorize a Contract Extension, attached as Exhibit "A", with Landscape Professionals of Texas.

RESOLUTION NO. R-1980

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND BEHALF OF THE CITY OF ROSENBERG, TEXAS, A CONTRACT EXTENSION FOR GROUNDS MAINTENANCE SERVICES, BY AND BETWEEN THE CITY OF ROSENBERG, TEXAS, AND LANDSCAPE PROFESSIONALS OF TEXAS, IN THE AMOUNT OF \$64,362 FOR A TERM OF ONE (1) YEAR, ENDING JUNE 04, 2016.

* * * * *

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

Section 1. The City Manager is hereby authorized to execute, for and on behalf of the City of Rosenberg, Texas, a Contract Extension for Grounds Maintenance Services, by and between the City of Rosenberg, Texas, and Landscape Professionals of Texas, for a period of one (1) year, effective June 03, 2015, and ending June 04, 2016.

Section 2. A copy of said Contract Extension 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**

Cynthia McConathy, **Mayor**

CONTRACT EXTENSION

THE STATE OF TEXAS
COUNTY OF FORT BEND

§
§
§

KNOW ALL MEN BY THESE PRESENTS:

This CONTRACT EXTENSION is entered into by and between the City of Rosenberg, Texas, a municipal corporation, hereinafter called the "CITY", and Landscape Professionals of Texas, hereinafter called the "CONTRACTOR";

Whereas, on June 1, 2014, the City and the Contractor entered into a Contract for Grounds Maintenance Services for the City of Rosenberg, hereinafter called the "CONTRACT"; and,

Whereas, the City desires to renew and extend the Contract for the additional one (1) year term, commencing on June 3, 2015, and expiring June 4, 2016;

Now, therefore, in consideration of the mutual benefits to be derived under the Contract and this Contract Extension, the parties agree as follows:

- 1. The Contract shall be renewed and extended for an additional one (1) year term, commencing on June 3, 2015, and expiring June 4, 2016; and,
- 2. The initial Contract amount of \$64,362.00 shall remain unchanged for the full term of this Contract Extension; and,
- 3. All other provisions of the Contract shall remain in full force and effect during the term of this Contract Extension.

IN WITNESS WHEREOF, the parties have executed this Contract Extension as of the ____ day of _____ 2015.

CITY OF ROSENBERG, TEXAS

ATTEST:

Robert Gracia, City Manager

Linda Cernosek, TRMC, City Secretary

CONTRACTOR:

LANDSCAPE PROFESSIONALS OF TEXAS

By: 

Name: Jeremy Thompson

Title: General Manager

**GOVERNMENTAL CONTRACT AND PURCHASING RIDER
FOR CONTRACTS WITH THE CITY OF ROSENBERG, TEXAS**

(Version 07/16/2014)

By submitting a response to a solicitation or bid, or by entering into a contract for goods or services and/or by accepting a purchase order, the contracting party identified below agrees that the below terms and conditions shall govern all agreements with the City unless otherwise agreed to by a specifically executed provision within the contract and if permissible by law. Absent a specifically executed provision, the below terms are BINDING and SUPERSEDE any and all other terms and/or conditions whether oral or written.

1. Application. This Governmental Rider applies to, is part of, and takes precedence over any conflicting provision in or attachment to the Grounds Maintenance Services for the City of Rosenberg (Contract) (attached hereto) of Landscape Professionals of Texas, (Vendor). The Contract involved in this Rider is described as follows:

Grounds Maintenance Services

2. Payment Provisions. The City's payments under the Contract, including the time of payment and the payment of interest on overdue amounts, are subject to Chapter 2251, Texas Government Code. City reserves the right to modify any amount due to contractor presented by invoice to the city if necessary to conform the amount to the terms of the contract.

3. Multiyear Contracts. If the City's city council does not appropriate funds to make any payment for a fiscal year after the City's fiscal year in which the contract becomes effective and there are no proceeds available for payment from the sale of bonds or other debt instruments, then the Contract automatically terminates at the beginning of the first day of the successive fiscal year. (Section 5, Article XI, Texas Constitution). It is understood and agreed the City shall have the right to terminate the agreement at the end of any City fiscal year if the governing body of the City does not appropriate funds sufficient to continue the contract, as determined by the City's budget for the fiscal year in question. The City may execute such termination by giving contractor a written notice of termination at the end of its then current fiscal year.

4. Best Value Determination. All competitive bids or proposals received shall be evaluated based on the best value for the City. Best value shall be determined any relevant criteria specifically listed in the solicitation and by considering all or part of the criteria listed below:

- a. Bid price.
- b. Reputation of the bidder and of bidder's goods and services.
- c. The quality of the bidder's goods or services.
- d. The extent to which the goods or services meet the City's needs.
- e. Bidder's past relationship with the City. All vendors shall be evaluated on their past performance and prior dealings with the City to include, but not limited to, failure to meet specifications, poor quality, poor workmanship, and late delivery.

5. Local Preference. The City Council supports the local preference option for purchasing. In accordance with Chapter 271.9051 of the State of Texas Local Government Code, the City Council may choose to award a competitive bid to a bidder whose principal place of business is in the City limits, provided that this bid is within 5% of the lowest bid price received.

6. No Ex-Parte Communications during Competitive Bidding Period. To insure the proper and fair evaluation of a response, the City prohibits ex parte communication (e.g., unsolicited) initiated by the proposed contractor to a City official or employee evaluating or considering the responses prior to the time a formal decision has been made. Questions and other communication from vendors will be permissible until 5:00 pm on the day specified as the deadline for questions. Any communication between responder and the City after the deadline for questions will be initiated by the appropriate City official or employee in order to obtain information or clarification needed to develop a proper and accurate evaluation of the

response. Ex parte communication may be grounds for disqualifying the offending responder from consideration or award of the solicitation then in evaluation, or any future solicitation.

7. Abandonment or Default. A contractor who abandons or defaults the work on the contract and causes the City to purchase the services elsewhere may be charged for any increased cost of goods, materials and/or services related thereto and shall not be considered disqualified in any re-advertisement of the service and may not be considered in future bids for the same type of work for a period of three years for the same scope of work, goods or services.

8. Disclosure of Litigation. Each contractor shall include in its proposal a complete disclosure of any civil or criminal litigation or investigation pending which involves the respondent or which has occurred in the past in which the respondent has been judged guilty or liable by a competent court regardless of whether the Court Order or Judgment is final or on appeal.

9. Cancellation., the City reserves the right to cancel the contract without penalty by providing 30 days prior written notice to the contracting party. Termination under this paragraph shall not relieve the contractor of any obligation or liability that has occurred prior to cancellation. **NOTE: This contract is subject to cancellation, without penalty, at any time the City deems the vendor to be non-compliant with contractual obligations.**

10. Annual Vendor Performance Review. The City reserves the right to review the vendor's performance at the end of each twelve month contract period and to cancel all or part of the agreement (without penalty) or continue the contract through the next period.

11. Compliance with other laws and certification of eligibility to contract. Any offer to contract with the City shall be considered an executed certification that the contractor will shall comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, (as amended during the contracting period) and any orders and decrees of any court or administrative bodies or tribunals in any matter affecting the performance of the resulting agreement, including without limitation, immigration laws, workers' compensation laws, minimum and maximum salary and wage statutes and regulations, and licensing laws and regulations. When requested, the contractor shall furnish the City with satisfactory proof of its compliance within 10 days or any contract with the City is void.

12. Compliance with all Codes, Permitting and Licensing Requirements. The successful contractor shall comply with all national, state and local standards, codes and ordinances as well as any other authorities that have jurisdiction pertaining to equipment and materials used and their application. None of the terms or provisions of the specification shall be construed as waiving any rules, regulations or requirements of these authorities. The successful bidder shall be responsible for obtaining all necessary permits, certificates and/or licenses to fulfill contractual obligations.

13. Liability and Indemnity of City. Any provision of the Contract is void and unenforceable if it: (1) limits or releases either party from liability that would exist by law in the absence of the provision; (2) creates liability for either party that would not exist by law in the absence of the provision; or (3) waives or limits either party's rights, defenses, remedies, or immunities that would exist by law in the absence of the provision.. (Section 5, Article XI, Texas Constitution)

14. Indemnity and Independent Contractor Status of Contractor. Contractor shall indemnify, save harmless and defend the City, its officers, agents, and employees from and against any and all suits, actions, legal proceedings, claims, demands, damages, costs, expenses, attorney's fees and any and all other costs or fees (whether grounded in Constitutional law, Tort, Contract, or Property Law, or raised pursuant to local, state or federal statutory provision), arising out of the performance of the resulting agreement and/or arising out of a willful or negligent act or omission of the contractor, its officers, agents, and employees. It is understood and agreed that the contractor and any employee or sub-contractor of contractor shall not be considered an employee of the City. The contractor shall not be within protection or coverage of the City's workers' compensation insurance, health insurance, liability insurance or any other insurance that the City from time to time may have in force and effect. City specifically reserves the right to reject any and all contractor's employees, representatives or sub-contractors and/or their employees for any cause, should the presence of any such person on City property or their interaction with City employees be found not in the best interest of the City, harassing, or is found to interfere with the effective and efficient operation of the City's workplace.

15. Liens. Contractor agrees to and shall indemnify and save harmless the City against any and all liens and encumbrances for all labor, goods and services which may be provided under the resulting agreement. At the City's request the contractor or subcontractors shall provide a proper release of all liens, or satisfactory evidence of freedom from liens shall be delivered to the City.

16. Confidentiality. Any provision in the Contract that attempts to prevent the City's disclosure of information that is subject to public disclosure under federal or Texas law or regulation, or court or administrative decision or ruling, is invalid. (Chapter 552, Texas Government Code)

17. Tax Exemption. The City is not liable to Vendor for any federal, state, or local taxes for which the City is not liable by law, including state and local sales and use taxes (Section 151.309 and Title 3, Texas Tax Code) and federal excise tax (Subtitle D of the Internal Revenue Code). Accordingly, those taxes may not be added to any item purchased for consumption by the City. Fuel purchased for resale shall include Federal Excise Tax under IRC Section 4081 and Texas Motor Fuel Tax if required per Texas Tax Code Chapter 162. Texas limited sales tax exemption certificates and Texas Aviation Fuel Distributor license will be furnished upon request. Vendors shall not charge for said taxes on purchases for consumption by the City. If billed, the City will remit payment less sales tax.

18. Contractual Limitations Period. Any provision of the Contract that establishes a limitations period that does not run against the City by law or that is shorter than two years is void. (Sections 16.061 and 16.070, Texas Civil Practice and Remedies Code)

19. Sovereign Immunity. Any provision of the Contract that seeks to waive the City's immunity from suit and/or immunity from liability is void unless agreed to by specific acknowledgement of the provision within the contract.

20. Governing Law and Venue. Texas law governs this Contract and any lawsuit on this Contract must be filed in a court that has jurisdiction in Fort Bend County, Texas.

21. Right to trial by Jury. Any provision of the Contract that seeks to waive an aggrieved Party's right to trial by jury is void unless agreed to by specific acknowledgement of the provision within the contract.

CITY OF ROSENBERG, TEXAS

Landscape Professionals of Texas

By: _____



Title: _____

Title: General Manager

Date: _____

Date: 5-27-15



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
5/14/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER WALKER/VGW INSURANCE P.O. Box 969 Van Alstyne TX 75495		CONTACT NAME: JACOB ALEXANDER PHONE (A/C No. Ext): (972)727-8949 FAX (A/C No): (972)727-0714 E-MAIL ADDRESS: J.ALEXANDER@INSUREWITHWALKER.COM															
INSURED Thompson Companies, Inc DBA Landscape Professionals of Texas & Metropolitan Landscape Management 3439 W Benders Landing Blvd Spring TX 77386		INSURER(S) AFFORDING COVERAGE <table border="1"> <tr> <th>INSURER</th> <th>NAIC #</th> </tr> <tr> <td>INSURER A: Ohio Security</td> <td>24082</td> </tr> <tr> <td>INSURER B: TRAVELERS CASUALTY & SURETY IL</td> <td>19046</td> </tr> <tr> <td>INSURER C: Ohio Casualty Group of Insurance Co</td> <td>24074</td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </table>		INSURER	NAIC #	INSURER A: Ohio Security	24082	INSURER B: TRAVELERS CASUALTY & SURETY IL	19046	INSURER C: Ohio Casualty Group of Insurance Co	24074	INSURER D:		INSURER E:		INSURER F:	
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INSURER D:																	
INSURER E:																	
INSURER F:																	

COVERAGES CERTIFICATE NUMBER: 15-16 GL, UMB, BA REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS

INSR LTR	TYPE OF INSURANCE	ADD'L SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER		BLS56043236	5/16/2015	5/16/2016	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Package Modification Factor 1 \$
B	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS		BA4B477587	5/16/2015	5/16/2016	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Uninsured motorist combined \$ 1,000,000
C	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 10,000		US056043236	5/16/2015	5/16/2016	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/> N/A				PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E L EACH ACCIDENT \$ E L DISEASE - EA EMPLOYEE \$ E L DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER Thompson Companies, Inc DBA Landscape Professionals of Texas and Metropolitan Landscape Management (Insured's Copy Only)	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE RICK WALKER/JACOB
---	---

RESOLUTION NO. R-1790

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AWARDING BID NO. 2014-02 FOR GROUNDS MAINTENANCE SERVICES; 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. 2014-02 to Landscape Professionals of, in the amount of \$64,362.00 for Grounds Texas Maintenance Services.

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

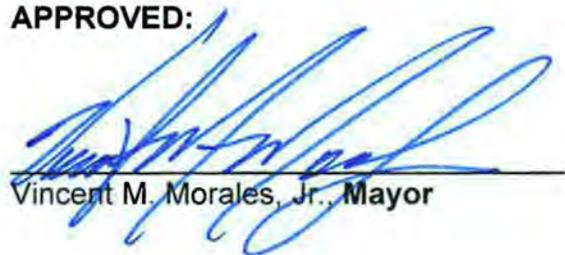
Section 3. A copy of the Proposal is attached hereto as Exhibit "A" and made a part hereof for all purposes.

PASSED, APPROVED, AND RESOLVED this 20th day of May 2014.

ATTEST:


Linda Cernosek, City Secretary

APPROVED:


Vincent M. Morales, Jr., Mayor



"Copy"

Bid Proposal

Ground Maintenance of Rosenberg City Hall, Rosenberg Police Department, Rosenberg Civic Center, Rosenberg Cemetery, Rosenberg Fire Station No. 1, Rosenberg Fire Station No. 2, Rosenberg Fire Station No. 3, Rosenberg Fire Administration Building, Rosenberg Water Plants and Rosenberg Lift Stations.

A Pre-Bid Conference has been set up for Wednesday, March 5, 2014 @ 10:00 a.m., at the Parks and Recreation Department, located at 3720 Airport Avenue, Rosenberg, Texas 77471. **Completed written bids must be received by 10:00 a.m. on Wednesday, March 19, 2014.** Mailing address is:

BID NO. 2014-02, Grounds Maintenance Services Contract for the City of Rosenberg
P.O. Box 32
Rosenberg, TX 77471-0032.

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

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

LOCATION	Quote
	1 Year, with an option for an additional 1 Year at the same price
Rosenberg City Hall	7,257.00
Rosenberg Police Department	6,489.00
Rosenberg Civic and Convention Center	8,231.00
Rosenberg Cemetery	10,809.00
Rosenberg Fire Station No. 1	1,441.00
Rosenberg Fire Station No. 2	5,549.00
Rosenberg Fire Station No. 3	5,193.00
Rosenberg Fire Administration Building	1,433.00
Rosenberg Water Plants	11,620.00
Rosenberg Lift Stations	5,080.00
Bid Alternate Fire Station No. 3 Landscape Areas	1,260.00
LUMP SUM TOTALS (without alternate)	\$64,362.00

ACCEPTANCE OF WRITTEN QUOTES:

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

DATE: 3/18/14

BIDDER: LANDSCAPE PROFESSIONALS OF TEXAS

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

BY: GERALD R THOMPSON

NAME: [Signature]

TITLE: VICE PRESIDENT

Company's Name

BY: _____
Signature

Printed or Typed Name

Street Address

City, State & Zip Code

Area Code and Phone

BIDDER CERTIFICATION

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

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

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

Bidder Must Fill in and Sign:

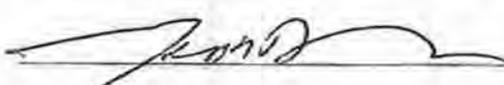
NAME OF FIRM/COMPANY: LANDSCAPE PROFESSIONALS OF TEXAS

AGENTS NAME: GERALD (JERRY) THOMPSON

AGENTS TITLE: VICE PRESIDENT

MAILING ADDRESS: 3439 W. BENDERS LANDING BLVD

CITY, STATE, ZIP: SPRING TX 71386-1765

AUTHORIZED SIGNATURE: 

DATE OF BID: 3/18/14

BIDDER INFORMATION

FULL LEGAL FIRM/COMPANY NAME: LANDSCAPE CONSULTANTS OF TEXAS d.b.a. LANDSCAPE PROFESSIONALS OF TEXAS

BUSINESS STREET ADDRESS: 3439 W. BENDERS LANDING Spring TEXAS 77386

BUSINESS MAILING ADDRESS: SAME

BUSINESS TELEPHONE NUMBER: 281-788-6926

BUSINESS FAX NUMBER: 1-281-419-0424

COUNTY: Harris MINORITY OWNED: #OF EMPLOYEES 75

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

YEAR EST. 1984 NO. OF YEARS IN BUSINESS 30 FEDERAL ID NO. 20-883-1614

NATURE OF BUSINESS: LANDSCAPE MAINTENANCE

PRINCIPALS:

NAME: GERALD Thompson TITLE: VICE PRESIDENT

NAME: Theresa Thompson TITLE: PRESIDENT

NAME: Jeremy Thompson TITLE: GENERAL MANAGER

BANK REFERENCE: AMEG4 BANK OF TEXAS

NAME OF BANK OFFICER: ANNIE BRADBURY

ADDRESS / CITY / STATE / ZIP: 4576 RESEARCH FOREST
The WOODLANDS, TX 77381

PHONE NO. 281-297-7966

BIDDER CUSTOMER / CLIENT REFERENCES

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

1. COMPANY NAME: City of West University
ADDRESS: 6104 AUDEN
CITY / STATE / ZIP: WEST UNIVERSITY PLACE, TX 77005
PHONE NO. 713-662-5894
LENGTH OF CONTRACT: 9 YEARS
NAME OF CONTACT: TIM O'CONNOR

2. COMPANY NAME: CITY OF SUGARLAND
ADDRESS: 2700 TOWN CENTER BLVD
CITY / STATE / ZIP: SUGARLAND TX 77487
PHONE NO. 281-330-3174
LENGTH OF CONTRACT: 8 YEARS
NAME OF CONTACT: ROBERT HAZELRIG

3. COMPANY NAME: REGION IV EDUCATION SERVICE CENTER
ADDRESS: 7145 TIDWELL
CITY / STATE / ZIP: HOUSTON TX 77092
PHONE NO. 713-744-6558
LENGTH OF CONTRACT: 10 YEARS
NAME OF CONTACT: STEVE CALVERT



3439 W. Benders Landing Blvd.
Spring, Texas 77386-1765
(281) 788-6926
Fax: (281) 419-0424
jerrythomp@gmail.com

TO ALL EMPLOYEES

12/15/2006

SUBJECT : LANDSCAPE PROFESSIONALS OF TEXAS -POLICY FOR A DRUG- FREE WORK PLACE.

The workplace is not immune to the influence of substance abuse. Worker safety, health, effectiveness and efficiency are adversely affected. Therefore, it is the policy of Landscape Professionals of Texas that each employee has the right to come to work and perform his or her job in an environment that is free from the illegal use of drugs. It is also in the interest of Landscape Professionals of Texas that employees be able to perform their duties while working, individually or collectively, both safely and efficiently. Landscape Professionals of Texas is firmly committed to promoting high standards of health and safety for our employees and a superior quality of service to our customers. Thus our goal is to maintain a work environment free from the effects of drug abuse.

It is the policy of Landscape Professionals of Texas that employees shall not unlawfully manufacture, distribute, dispense, possess or use a controlled substance while on the job or in the workplace, or be under the influence of a controlled substance, not prescribed to him/her by a physician, while on the job or in the workplace. Any employee violating this policy will be subject to discipline, up to and including termination of employment.

Employees who have substance abuse problems are encouraged to come forward and participate in a rehabilitation program prior to any disciplinary action.

It is the policy of Landscape Professionals of Texas that all employees be notified of this policy and that each employee receive a copy of it. A copy of this policy is also available through the payroll department.

POSTED 02/01/2007

* Member: Building Owners and Managers Association of Houston * Association of General Contractors *
* Houston Apartment Association * Galveston Apartment Association * Community Associations Institute *
* Better Business Bureau * Texas Association of Landscape Contractors *



3439 W. Benders Landing Blvd.
Spring, Texas 77386-1765
(281) 788-6926
Fax: (281) 419-0424
jerrythomp@gmail.com

ENVIRONMENTAL HEALTH AND SAFETY STATEMENT

Landscape Professionals of Texas, is committed to conducting its business operations with a continuous focus on sustaining the environment and one that protects the health and safety of its employees. Landscape Professionals of Texas strives for ongoing improvement in its environmental, health and safety program and will adhere to the following guidelines:

- Enforce compliance with all applicable laws, regulations and standards
- Conserve natural resources where ever practical and minimize waste through effective and efficient recycling methods and disposal of waste materials in an environmentally friendly manner.
- Provide necessary resources and support for employee safety and well being.
- Pro-actively identify and communicate conditions in the workplace that may present health and safety concerns to all employees including risk management practices and training.
- Conduct positive relationships with customers, suppliers and subcontractors and jointly cooperate with each others Environmental, Health and Safety programs for the good of all.

PORT OF HOUSTON-BAYPORT NORTH SHORE LANDSCAPE PROJECT #2008-0303 PROJECT SPECIFIC ENVIRONMENTAL, HEALTH AND SAFETY PLAN

- * Member: Building Owners and Managers Association of Houston * Association of General Contractors *
- * Houston Apartment Association * Galveston Apartment Association * Community Associations Institute *
- * Better Business Bureau * Texas Association of Landscape Contractors *



Charles L. Crane Agency Company
Professional Insurance Counselors

Insurance Agents and Brokers

100 North Broadway
St. Louis, MO 63102
314-241-8700
314-444-4970 (Fax)

January 18, 2010

RE: Landscape Professional of Texas. - Performance and Payment Bond Program

To Whom It May Concern,

For the past few years we've enjoyed the privilege of obtaining surety bond support for Landscape Professionals of Texas. Landscape Professionals has an established surety bond relationship with an A rated insurance company. At this time Landscape Professionals has availability within their bond program and we look forward to obtaining bonds on their behalf.

Our experience with Landscape Professionals has been excellent. We've found Jerry to be thorough and professional in every aspect of our relationship. Over the course of our relationship with Landscape Professionals we have not had a material complaint as respects their workmanship or a question as to their ability to perform on any project.

This letter is not an assumption of liability; nor is it a bid or a performance and payment bond. This letter is issued strictly as a bonding reference. We are proud to be associated with Landscape Professionals and look forward to obtaining surety bonds upon their request. I can be reached at 314-206-4118 if you have additional questions concerning Landscape's bond program.

Sincerely,



Gregory L. Stanley
Vice President
Surety and Fidelity

**LANDSCAPE PROFESSIONALS OF TEXAS
BEST VALUE CHOICE**

- ★ OVER 25 YEARS EXPERIENCE IN LANDSCAPE MAINTENANCE, INSTALLATION AND IRRIGATION SERVICES FOR THE HOUSTON AREA.
- ★ ACCREDITED MEMBER OF THE BETTER BUSINESS BUREAU.
- ★ MEMBER TEXAS NURSERY ASSOCIATION.
- ★ FINANCIAL STABILITY AND STRENGTH - SEE FINANCIAL REPORTS.
- ★ OUTSTANDING CUSTOMER ATTENTIVENESS AND RESPONSIVENESS ATTESTED BY OUR CURRENT CLIENT REFERENCES.
- ★ MANAGEMENT CAPABILITY AND EXPERIENCE - SEE BIO'S
- ★ GENERAL LIABILITY, BUSINESS AUTO AND UMBRELLA POLICIES THAT MEET OR EXCEED THE JOB REQUIREMENTS.
- ★ LICENSED IRRIGATION PROFESSIONAL ON STAFF
- ★ SUPERVISORY EXPERIENCE WITH LONG TENURE - A SUPERVISOR ASSIGNED TO EVERY CREW.
- ★ DEDICATED PROJECT MANAGER ASSIGNED TO CONTRACT.
- ★ LOW EMPLOYEE TURNOVER RATIO
- ★ DRUG - FREE WORKPLACE POLICY
- ★ ENVIRONMENTAL HEALTH AND SAFETY PROGRAM.
- ★ ZERO LOSS TIME INJURIES AND ZERO OSHA INFRACTIONS
- ★ 45 FULL - TIME EMPLOYEES AND 20 - 30 SEASONAL WORKERS AS NEEDED..
- ★ FULL- TIME MAINTENANCE MECHANIC ON STAFF.
- ★ EQUIPMENT STRENGTH - SEE EQUIPMENT LIST
- ★ SOLID VENDOR RELATIONSHIPS WITH NEGOTIATED DISCOUNTS.
- ★ VALUE PRICING



PMB 385-14019 Southwest Freeway, #301
Sugar Land, Texas 77478
(281) 343-1722
Fax: (281) 343-9308
clpot@aol.com

Business Description and Overall Operations

The field operations office is utilized as the central gathering point each morning for dispatching crews to pre-scheduled job sites. All necessary equipment, vehicles and inventory are housed at the field operations office where a full-time maintenance mechanic is employed for keeping the equipment in good repair. There are two buildings on the property used for storage and communications.

During the peak growing season there are approximately 45 full-time and 20 part-time employees available for service to our customers. Crews are dispatched in teams of 2-4 with a supervisor onboard who oversees the quality of performance at each job site. The supervisor is responsible for training and to ensure each job is completed on time, in accordance with customer and property specifications, and within the cost budget allocated. Average tenure for Supervisors at Landscape Professionals of Texas is 15 years. This is the key that drives our success.

Edwin Castillo is the Operations Manager and also a Licensed Irrigation professional who manages the daily activities of the crew supervisors to ensure proper and safe field operations, daily reporting and adequate staffing levels. Edwin is also responsible for compliance to operating policies and procedures. In addition, Edwin conducts "on the spot" job site quality inspections and assists with client relations and job cost estimating. He has been with the company for 20 years.

Edwin and all supervisors are bi-lingual in English and Spanish. Hours of operation are generally Monday through Friday with occasional Saturday work as needed.

As the season winds down, work crews are scaled back to reflect the reduced work schedule. (i.e. from weekly maintenance to bi-weekly scheduling). Edwin Castillo and the Supervisors stay on the payroll full-time throughout the year. They step in as needed to complete the work load under the reduced schedule. By providing year round employment to Edwin and his Supervisors, turnover in field management has been quite low over the past 20 years, which has provided Landscape Consultants of Texas with continuity in job quality and performance.

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* Houston Apartment Association * Galveston Apartment Association * Community Associations Institute *
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LANDSCAPE PROFESSIONALS OF TEXAS MANAGEMENT PROFILE

JERRY THOMPSON-VICE PRESIDENT/OWNER

25 years experience in general management, customer service, sales and marketing. In addition to landscape management, Jerry has a well rounded management and sales background in the transportation, security guard and human resources industries. Jerry has a Bachelor of Business Administration degree. Jerry co-manages/troubleshoots the daily operations, sales, customer relations and administration of the company.

JEREMY THOMPSON-GENERAL MANAGER

5 years experience in general management, administration and customer service. Jeremy has a Bachelor of Science Degree in Business Administration with a Major in Management. Jeremy oversee the entire operation and assists with administration, sales and marketing of the company.

EDWIN CASTILLO-OPERATION MANAGER

22 years experience in the industry. His duties include client relations, quality control, landscape maintenance-installation overseer, and irrigation supervision (Licensed irrigator #L10007458) which include checking systems, repair of systems, and daily reports submitted to the office, which in turn are sent to our customers.

TRACY MITCHELL-SALES REPRESENTATIVE

25 years experience in the industry. Tracy's duties are multi-facet as she is qualified in quality control, irrigation systems, horticulture, account management, landscape designer with a construction background, and a commercial estimator.

Action: Councilor McConathy made a motion, seconded by Councilor Grigar to approve a proposed Eagle Scout Project to restore bleachers for Sunset Park. The motion carried by a unanimous vote.

4. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1795, A RESOLUTION AUTHORIZING THE TERMINATION OF THE GENERAL SERVICES CONTRACT FOR GROUNDS MAINTENANCE SERVICES BY AND BETWEEN THE CITY AND ORIGINAL DKC ENTERPRISES, LLC; AND, AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, ANY AND/OR ALL NECESSARY DOCUMENTATION REGARDING SAME.**

Executive Summary: On Tuesday, April 01, 2014, City Council approved Resolution No. R-1746 awarding Bid Number 2014-02 for Grounds Maintenance Services to Original DKC Enterprises, LLC (DKC), for a one (1) year term effective April 09, 2014, through April 10, 2015. The services included mowing at the following City locations: Rosenberg City Hall, Rosenberg Police Department, Rosenberg Civic Center, Rosenberg Fire Department Administration Building, Rosenberg Fire Departments No. 1, No. 2 and No. 3, the Rosenberg Cemetery, Water Plants, and Lift Stations.

On May 10, 2014, staff received email correspondence from Donna Caldwell of DKC notifying the City that the company was choosing to terminate the existing Contract due to their inability to meet the City's performance standards. The General Services Contract (Contract) includes a provision located in *Section II. Standard Contractual Provisions, C. Termination Provisions (2)* that states, "Either Party to this Contract may terminate this Contract as provided in this paragraph if the other part fails to comply with its term." In order to proceed with the selection of an alternate bidder, staff recommends the termination of the existing Contract. In a subsequent Agenda item, staff will be seeking City Council's direction on the selection of another vendor to provide these services.

Staff recommends approval of Resolution No. R-1795, a Resolution authorizing the termination of the General Services Contract for Grounds Maintenance Services, by and between the City and Original DKC Enterprises, LLC; and, authorizing the City Manager to execute, for and on behalf of the City, any and/or all required documentation regarding same.

Key discussion points:

- Darren McCarthy gave an overview of the item.

Action: Councilor Bolf made a motion, seconded by Councilor Euton to approve Resolution No. R-1795, a Resolution authorizing the termination of the General Services Contract for Grounds Maintenance Services by and between the City and Original DKS Enterprises, LLC; and, authorizing the City Manager to execute, for and on behalf of the City, any and/or all necessary documentation regarding same. The motion carried by unanimous vote.

5. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1790, A RESOLUTION AWARDED BID NO. 2014-02 FOR 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 ALL NECESSARY DOCUMENTATION REGARDING SAME.**

Executive Summary: On Tuesday, April 01, 2014, City Council awarded Bid No. 2014-02 to Original DKC Enterprises, LLC, for Grounds Maintenance Services to include mowing at the following City locations: Rosenberg City Hall, Rosenberg Police Department, Rosenberg Civic Center, Rosenberg Fire Department Administration Building, Rosenberg Fire Departments No. 1, No. 2 and No. 3, the Rosenberg Cemetery, Water Plants, and Lift Stations. As stated in the previous Agenda item, staff was informed on May 10, 2014, by Original DKC Enterprises, LLC, that they would be terminating the Contract because they could not meet the performance standards.

The bid summary form for the nine (9) responses received is attached. As stated in the invitation to bid, formal bids are valid for ninety (90) days beyond the bid opening. Staff had worked with Landscape Professionals of Texas from 2009-2012 and they performed satisfactory work. Should City Council award Bid No. 2014-02 as recommended, the proposal for Landscape Professionals of Texas will be attached to Resolution No. R-1790 as Exhibit "A".

Staff recommends approval of Resolution No. R-1790, awarding Bid No. 2014-02 for a General Services Contract for Grounds Maintenance Services to Landscape Professionals of Texas in the amount of \$64,362.00. The Contract term will be for one (1) year, effective May 21, 2014, to May 22, 2015, for all facilities.

Key discussion points:

- Darren McCarthy read the Executive Summary regarding the item.

Questions/Comments:

- Councilor Euton stated there was a lower bid and asked why staff went with bid #3 instead of bid #2.
- Darren McCarthy explained this contract was brought to Council last October because we were with the current contract holder. The #2 bidder was the current contract holder at that time. City Council approved staff to go out for bids based on the work they were performing at that time.

Action: Councilor McConathy made a motion, seconded by Councilor Bolf to approve Resolution No. R-1790, a Resolution awarding Bid No. 2014-02 for 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 all necessary documentation regarding same. The motion carried by a unanimous vote.

6. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2014-22, AN ORDINANCE AUTHORIZING AND ORDERING THE ISSUANCE OF THE CITY OF ROSENBERG COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2014; AWARDING THE SALE THEREOF; AND CONTAINING MATTERS INCIDENT THERETO.**

Executive Summary: On April 01, 2014, City Council adopted Resolution No. R-1773 authorizing publication of Notice of Intention to issue Certificates of Obligation, in an aggregate principal amount not to exceed \$5,000,000 for the Lift Station No. 11 Replacement and FY2014 Sanitary Sewer Pipe Bursting Projects. The notice was published on April 04, 2014, and April 11, 2014, as required, with an amount not to exceed \$5,000,000.00. There has been no presentation of a petition by the citizens to call an election to approve the issuance of \$5,000,000.00 in Certificates of Obligation for improvements to the proposed projects, and to pay the costs incurred in connection with the issuance of the Certificates.

Ordinance No. 2014-22 authorizes the issuance of the Certificates and approves the results of the bidding process and sale of the Certificates. The Ordinance also sets forth the procedures for the finalization of the sale and delivery of the proceeds to the City. Joe Morrow of First Southwest Company and Marcus Deitz with Fulbright & Jaworski LLP, representing the City as Bond Counsel, will be present at the meeting to review the results of the sale with City Council.

Staff recommends approval of Ordinance No. 2014-22, an Ordinance authorizing and ordering the issuance of the City of Rosenberg, Texas Combination Tax and Revenue Certificates of Obligation, Series 2014; awarding the sale thereof; and containing matters incident thereto.

Key discussion points:

- Joyce Vasut, Executive Director of Administrative Services read the Executive Summary regarding the item.
- Joe Morrow of First Southwest Company reviewed the results of the sale.

Questions/Comments:

- Councilor Benton asked for examples of what the \$5 million will be used for. It will be used to replace sanitary sewer lines. Are there other items?
- Joyce Vasut stated the replacement on Lift Station No. 11.
- John Maresh stated this project will primarily focus on sanitary sewer systems, line replacements and Lift Station No. 11 located at B.F. Terry on FM 2218 and Airport Street. The \$5 million will be for the first phase. The total amount we need to replace the remainder of the collection lines and the service area for Wastewater Treatment Plant 1A is approximately \$15 million. This is just the first phase of that.
- Councilor Benton asked if the total interest for the life of this loan is \$1.8 million if we keep it for twenty years. Joyce Vasut stated yes.
- Councilor Benton asked for further explanation regarding the strengths – 11.1% year-over-year growth in taxable value.
- Joyce Vasut explained that is our taxable value within the City limits and is the City's total assessed value.



CITY COUNCIL COMMUNICATION

June 16, 2015

ITEM #	ITEM TITLE
8	Resolution No. R-1985 – Proposed Donation for Community Park

ITEM/MOTION

Consideration of and action on Resolution No. R-1985, a Resolution authorizing acceptance of a donation of playground equipment for Community Park from Fort Bend Cares; and, authorizing the City Manager to negotiate and execute, for and on behalf of the City, any necessary documentation to facilitate the purchase and installation of same.

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

Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

- Yes No N/A

Source of Funds:

Fort Bend Cares Donation

District 1

District 2

District 3

District 4

City-wide

N/A

SUPPORTING DOCUMENTS:

MUD #: N/A

1. Resolution No. R-1985
2. Parks and Recreation Board Meeting Minute Excerpt – 05-28-15

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

Approved for Submittal to City Council:

Robert Gracia
City Manager

EXECUTIVE SUMMARY

On May 28, 2015, at the regularly scheduled Parks and Recreation Board (Board) meeting, the non-profit group, Fort Bend Cares, proposed plans to add playground equipment to Community Park. The proposal consisted of a playground, shade structure, benches, and amenities. Fort Bend Cares also proposed to level the soccer field. The playground would target children ages six through twelve. After some brief discussion, the Board unanimously recommended accepting the donation of playground equipment to Community Park.

Staff and the Board recommend approval of Resolution No. R-1985 as presented.

RESOLUTION NO. R-1985

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AUTHORIZING ACCEPTANCE OF A DONATION OF PLAYGROUND EQUIPMENT FOR COMMUNITY PARK FROM FORT BEND CARES; AND, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY OF ROSENBERG, TEXAS, ANY DOCUMENTATION NECESSARY TO FACILITATE THE PURCHASE AND INSTALLATION OF SAME.

* * * * *

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

Section 1. The City Council hereby approves and accepts a donation from Fort Bend Cares for the purpose of funding the purchase and installation of playground equipment 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**

Cynthia McConathy, **Mayor**

DRAFT

Key Discussion: Item was pulled by staff as the representatives were not able to attend.

ACTION: No action taken.

3. CONSIDERATION OF AND ACTION ON PROPOSED DONATION FROM FORT BEND CARES FOR FY2016 IMPROVEMENTS TO COMMUNITY PARK.

Key Discussion: Darren McCarthy, Parks and Recreation Director, introduced the group, Fort Bend Cares, to the board to discuss a project for improvements to Community Park. Walt White, Fort Bend Cares Chairman, began by mentioning that Fort Bend Cares is a non-profit, re-granting organization. With this project, he would like the opportunity to get the community involved. After visiting various parks throughout Fort Bend County, the organization felt the most comfortable investing in the Rosenberg park system, because of how well they are maintained. Before Mr. White continued with the project, he informed the board with a brief history of how the organization developed. Doctor Robert McClendon and Jim Rice, the founders, had formed the organization ten years ago with a simple party and golf tournament. Initially the founders wanted to fund the local Boy Scouts, but with how successful the group is able to raise money each year, more opportunity allows granting to other organizations. Some successful events are the annual gala and the Doggone Fun Run. They also serve youth in Fort Bend County; giving to children in need of certain opportunities to pursue a better outcome in life, by pulling together various organizations to fund projects that otherwise would not be funded. Last year, the group was able to grant \$160,000. For the Rosenberg park improvements, the committee is currently in the process of raising funds. Mr. White then introduced his daughter and volunteer, Savannah White, Board Member Thomas Rey, and the Executive Director of Fort Bend Cares, Angie Wierzbicki. Ms. Wierzbicki mentioned that Fort Bend Cares received donations from the grants they give out, such as Rosenberg Richmond Helping Hands, The Women's Center, and Child Advocates. She showcased three prototypes of a playground that targets the six to twelve year old age group, a shaded structure to encourage use in the summertime, and benches with other amenities. She also mentioned they would like to level the soccer field. Angie included that a few organizations, one being the Church, have volunteered to assist with the project, and that funding will be received by various foundations, private individuals, large corporate donors, and small businesses. With guidance from the Parks Department and Fun Abounds, she anticipates the build date to be around October 24, 2015. Darren added that Fun Abounds is the local playground company, based in Sugar Land, and the playground they carry is a Burke product, which is the same brand as the rocket in Sunset Park. Darren credits Burke's quality and warranty, because when the tire swings at Travis and Brazos parks became inoperable, the company replaced the tire swings at no cost. Julia Worley questioned if different color choices of the playground piece could handle the heat. Darren responded that new playground units are designed to be more heat resistant, and when installed, the company fun abounds will place the slides to face the north, as the south seems to be the hottest.

ACTION: Julia Worley made a motion, seconded by Ray Kueck, to accept the Fort Bend Cares proposed additions to Community Park. The motion carried unanimously by a vote of those present.

4. CONSIDERATION OF AND ACTION ON A PROPOSAL TO USE REMAINING ROSENBERG DEVELOPMENT CORPORATION NEIGHBORHOOD PARK FUNDS TO PURCHASE SOFTBALL FIELD COVERS.

Key Discussion: Darren McCarthy, Parks and Recreation Director, informed the board there was a remaining balance of about \$7,000 in the Rosenberg Development Corporation (RDC) fund, because the RDC only approved half of the funds to be utilized for the downtown tree grate project. The city paid the other half. With the remaining funds and a recommendation from the board, Darren would like to purchase covers for Travis and Macario Garcia parks to protect the fields from the rain. Teresa Bailey asked if the product was durable and Darren responded that they were the same field covers used on college and professional fields. He also discussed the challenges with scheduling games around the rain. The entire infield is dirt and with rain, the dirt becomes mud. Even lighter rainy days will close Travis Field down for games, but if the infields were able to be kept dry, then the softball schedule would be able to stay in season. Lydia Acosta added that because of the weather, the current Spring Season has been stretched out, causing the Men's League play-offs to be pushed to June 2, 2015. Normally, the players have a couple of weeks break before the next manager's meeting, which is



CITY COUNCIL COMMUNICATION

June 16, 2015

ITEM #	ITEM TITLE
9	Resolution No. R-1981- Mosquito Larvicide Distribution
ITEM/MOTION	
Consideration of and action on Resolution No. R-1981, a Resolution regarding the public purpose and benefit related to the distribution of City-purchased mosquito larvicide to City of Rosenberg residents.	
FINANCIAL SUMMARY	ELECTION DISTRICT

Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

Yes No N/A

Source of Funds:

101-1941-530-5710

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

SUPPORTING DOCUMENTS:

1. Resolution No. R-1981
2. Mosquito Dunk Information Sheet
3. Mosquito Dunk Materials Safety Data Sheet
4. Mosquito Dunks Online Pricing

MUD #: N/A

APPROVALS

Submitted by:

Jeff Trinker
Executive Director of
Support Services

Reviewed by:

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

Approved for Submittal to City Council:

Robert Gracia
City Manager

EXECUTIVE SUMMARY

Due to the unusually wet weather and resulting standing water, the City has experienced a significantly increased number of mosquitoes this year. While spraying has been increased to three (3) times per week, this does not address standing water that is in backyards or in areas further away from the street. Staff proposes the purchase of mosquito larvicide (dunks) for distribution to City residents.

As this is a new program, tweaks will invariably be made, but at this time staff recommends the dunk distribution occur in the following manner:

- Residents may come to City Hall to request larvicide from the Citizen Relations Coordinator.
- The Citizen Relations Coordinator will verify the City residency of requestors using a valid form of identification and a street list provided by the GIS division.
- The Citizen Relations Coordinator will record the name, phone number and address of the individual requesting the larvicide. This information will be used to track the geographic distribution of the larvicide as well as to follow-up with residents, if necessary.
- The Citizen Relations Coordinator will provide up to two (2) dunks per address. Dunks can be broken into halves and quarters to treat smaller areas of standing water.

Staff anticipates an initial order of approximately 500 dunks, with the possibility of ordering additional dunks depending on resident demand. Dunks can be purchased online for about \$1.02 per dunk, and the budgetary line item for mosquito control has sufficient funds to cover the expense of the dunks for the time being.

In order to distribute mosquito dunks to City residents, the City Council must determine that there is a public purpose or benefit in doing so. Staff recommends approval of Resolution No. R-1981, thus declaring a public purpose or benefit and authorizing the distribution of mosquito dunks to the residents of the City.

RESOLUTION NO. R-1981

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, DECLARING A PUBLIC PURPOSE OR BENEFIT AND AUTHORIZING THE DISTRIBUTION OF MOSQUITO DUNKS TO THE RESIDENTS OF THE CITY.

* * * * *

WHEREAS, the City Council of the City of Rosenberg hereby recognizes that the heavy rains and flooding conditions throughout the month of May have contributed to an explosive increase in the mosquito population; and,

WHEREAS, such an increase in the mosquito population poses a nuisance and potential health concern to the residents of the City; and,

WHEREAS, the City Council has determined it to be in the best public interest to take additional measures to help control the mosquito population by offering mosquito larvicide to qualified residents of the City; now, therefore,

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

Section 1. The City Council of the City of Rosenberg hereby recognizes that the distribution of mosquito larvicide dunks to Rosenberg residents provides a public benefit by helping to control the local population of mosquitoes, which are both a nuisance and potential health concern to those residing within the City.

Section 2. The City Council of the City of Rosenberg authorizes City staff to distribute mosquito dunks to legal residents of the City.

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

ATTEST:

APPROVED:

Linda Cernosek, **CITY SECRETARY**

Cynthia McConathy, **MAYOR**

Each Dunk Kills Mosquito Larvae For 30 Days or More.

Biological
Mosquito Control

MosquitoDUNKS[®] Kills Mosquitoes

Before They're Old Enough To Bite[®]

For Organic Production

ACTIVE INGREDIENT: *Bacillus thuringiensis* subspecies *israelensis* solids, spores and insecticidal toxins*. 10.31%
INERT INGREDIENTS89.69%
TOTAL100%

*Potency: 7,000 *Aedes aegypti* (AA) International Toxic Units (ITU) per milligram primary powder (Dry weight basis). The percent active ingredient does not indicate product performance and potency measurements are not federally standardized.

Can Be Used In Fish Habitats
Place In Containerized Standing
Water Wherever It Accumulates
Near the Household:

Flower Pots • Tree Holes • Bird Baths
Roof Gutters • Rain Barrels • Old Tires
Unused Swimming Pools
Animal Watering Troughs

KEEP OUT OF REACH OF CHILDREN

CAUTION

SEE OTHER SIDE FOR MORE PRECAUTIONS
AND DIRECTIONS FOR USE



Summit[®]

...responsible solutions.

MADE IN USA

MOSQUITO DUNKS®

BIOLOGICAL MOSQUITO CONTROL

EACH DUNK KILLS MOSQUITOES FOR 30 DAYS OR LONGER

PRECAUTIONARY STATEMENTS:

Hazards to Humans: Avoid breathing dust. Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet.

Environmental Hazards: Do not apply directly to treated, finished drinking water reservoirs or drinking water receptacles when the water is intended for human consumption.

FIRST AID

If in eyes: - Hold eye open and rinse slowly and gently with water for 15-20 minutes.
- Remove contact lenses, if present, after the first 5 minutes, then continue rinsing.
- Call poison control center or doctor for treatment advise.

HOT LINE NUMBER

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-222-1222 for emergency medical treatment information.

GENERAL INFORMATION:

MOSQUITO DUNKS® float on water and will keep on working for 30 days or longer under typical environmental conditions. While floating, they slowly release a long-term, biological mosquito larvicide at the water's surface. This larvicide gradually settles in the water where it is eaten by mosquito larvae growing there. **MOSQUITO DUNKS®** may be used in all types of containerized standing water sites, except finished, treated drinking water, where mosquito larvae grow. Alternate wetting and drying will not reduce their effectiveness.

DIRECTIONS FOR USE:

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

OUTDOOR USE AROUND THE HOUSEHOLD:

Use one (1) **MOSQUITO DUNK®** for up to 100 square feet of water surface, regardless of depth. They can be used whole or broken into portions and applied to containerized standing water found near the home such as:

- animal watering troughs
- unused swimming pools
- bird baths
- old automobile tires
- flower pots
- water gardens
- rain barrels and roof gutters
- tree holes

Mosquito Dunks® can be used in any containerized standing water, except finished, treated drinking water found near the home.

To prevent them from being washed away, the **DUNKS** can be anchored using a string tied through the center hole, or they can be staked in place.

Use the following table to determine the quantity to be used.

<u>Surface Area of Standing Water</u>	<u>Use Quantity</u>
1 to 5 square ft.	1/4 DUNK
5 to 25 square ft.	1/2 DUNK
25 to 100 square ft.	1 DUNK
Above 100 square ft.	1 DUNK/ 100 sq. ft.

Preflood Treatment Around The Household: Apply **MOSQUITO DUNKS®** at the rates recommended above to any target site listed above which is known to become flooded after a rain. Use the correct amounts in accordance with the above dosage table.

INDOOR USE: For use in areas that collect water from time to time, areas such as elevator shafts, basements that flood, sump pumps and any drainage areas within buildings. Use the correct amount in accordance with the above table.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage and disposal.

PESTICIDE STORAGE Tightly close containers of unused **DUNKS/BRIQUETS**. Store in cool, dry well-ventilated place.

PESTICIDE DISPOSAL AND CONTAINER HANDLING

If empty: Nonrefillable container. Do not reuse or refill this container. Place in trash or offer for recycling, if available. Batch code or lot number is on back of label near UPC Code.

If partly filled: Call your local solid waste agency or 1-800-CLEANUP for disposal instructions. Never place unused product down any indoor or outdoor drain.

Net Weight 2.75 oz.

MOSQUITO DUNKS® are a Registered trademark of Summit Chemical Co.
U.S. Patent No. 4,631,857 Patented in Canada 1987
EPA Registration No. 6218-47 EPA Establishment No. 6218-MD-2

Summit®
...responsible solutions.

235 South Kresson St.
Baltimore, MD 21224
www.summitchemical.com



MATERIAL SAFETY DATA SHEET (OSHA 174 Sept 1985 Format).

Product Identity (Label Name) **MOSQUITO DUNKS**

SECTION 1

Manufacturer's Name SUMMIT CHEMICAL COMPANY
Address 235 SOUTH KRESSON STREET
BALTIMORE MD
Zip Code 21224
Telephone Number (410) 522-0661 / (800) 227-8664
Date Prepared 11/01/00
EPA NO. 6218-47

SECTION 2 Hazardous Ingredients/Identity Information

<u>Hazardous Components.</u>	<u>OSHA PEL</u>	<u>ACGIH TLV</u>
<u>OTHER LIMITS</u>		

NO HAZARDOUS OR TOXIC COMPONENTS.

SECTION 3 Physical Characteristics

<u>Boilina Pt.</u> N/A	<u>Sp. Gravity.</u> LESS DENSE THAN
<u>WATER.</u> <u>Vap. Press.</u> N/A	<u>Melt. Pt.</u> NONE.
<u>Vap. Density.</u> N/A	<u>Evap. Rate.</u> N/A
<u>Solubility in water.</u> N/A	
<u>Appearance.</u>	LIGHT BROWN DONUT - SHAPED DISKS.
<u>Odor.</u>	ESSENTIALLY NONE.

SECTION 4 Fire and Explosion Hazard Data

<u>Flash Point.</u> NONE.	<u>Method Used.</u>
---------------------------	---------------------

<u>Flammable Limits.</u> L.E.L. NONE.	<u>U.E.L.</u> NONE.
---------------------------------------	---------------------

Extinguishing Media.

WATER, CONVENTIONAL FIRE
EXTINGUISHERS.

Medical Conditions Generally Agravated by Exposure.

NONE KNOWN.

Emergency and First Aid Procedures.

NONE REQUIRED.

SECTION 7 Precautions For Safe Handling and Use

Steps to Be Taken in Case Material is Released or Spilled.

CLEAN UP WITH SOAP AND WATER.

Waste Disposal Method.

CONVENTIONAL TRASH REMOVAL AND LAND FILL DISPOSAL.

Precautions to Be Taken in Handling and Storage.

STORE IN A COOL DRY PLACE.

Other Precautions.

RESEAL OPENED CONTAINERS AFTER PARTIAL USE.

SECTION 8 Control Measures

Respiratory Protection (SPecify Type).

NONE NEEDED.

Ventilation.

Local Exhaust?

NONE NEEDED.

Mechanical?

NONE NEEDED.

Special?

Other?

Protective Clothing.

NONE NEEDED, WEAR NORMAL WORK CLOTHES.

Gloves?

NONE NEEDED.

Eye Protection?

NONE NEEDED.

Clothes?

NONE NEEDED.

Work/Hygenic Practice.

NO SPECIAL PRACTICES NEEDED.



BTI Mosquito Dunks

★★★★☆ Rating: 4.7

30 Reviews | 14 Q&A

\$21.50 - \$101.90

Free Shipping! 🚚

Share:

Size/Description	Price/Ea.	Qty
 pack of 20	\$21.50	<input type="text" value="0"/>
 case(s) (100 dunks each) Save! Get 5 for only \$20.38 each	\$101.90	<input type="text" value="0"/>

Total Price: **\$0.00**

 **ADD TO CART**

[add to wishlist](#)

Availability: Normally ships in 1 business day.

For large order quotes, please call us at 1-866-581-7378.



CITY COUNCIL COMMUNICATION

June 16, 2015

ITEM #	ITEM TITLE
10	Resolution No. R-1991 – Accepting Petition for Annexation
ITEM/MOTION	
Consideration of and action on Resolution No. R-1991, a Resolution accepting the filing of a petition by land owner for annexation of 3.483 acres of land out of the Eugene Wheat Survey, A-396, Fort Bend County, Texas.	
FINANCIAL SUMMARY	ELECTION DISTRICT

Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

- Yes No N/A

Source of Funds: N/A

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

SUPPORTING DOCUMENTS:

1. Resolution No. R-1991
2. Vicinity Map
3. Charter Excerpt – Part I, The Charter, Article I, Section 1.03(c)

MUD #: 152 (Walnut Creek)

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 **DNRBHZ/rl**
- City Engineer
- (Other)

Approved for Submittal to City Council:

Robert Gracia
 Robert Gracia
 City Manager

EXECUTIVE SUMMARY

City staff has received a petition from Lennar Homes, property owner of Walnut Creek (Fort Bend County MUD No. 152) for the voluntary annexation of 3.483 acres and disannexation of 8.709 acres as seen in the attached documents and vicinity map. The main purpose of the request is to not have developable properties that are in multiple jurisdictions. This could be beneficial not only to the developer, but also to the City by avoiding confusion as to what entity (City or County) is responsible for maintenance, emergency response, and other issues. Further, despite being smaller in size than the proposed disannexation tract (3.483 acres versus 8.709), the proposed annexation tract had a higher taxable value for 2014 (\$242,170) than the disannexation tract (est. \$3,136), so this would result in a net fiscal gain to the City.

However, before taking any action on the annexation or disannexation, a Resolution must first be passed accepting the filing of the petition for annexation. Resolution No. R-1991 is regarding the acceptance of the petition for annexation only and does not provide for the disannexation request; annexation and disannexation have different requirements per the City Charter. If passed, separate ordinances for annexation and disannexation of the proposed property will be placed on the July 7, 2015 City Council Agenda. Staff recommends approval of Resolution No. R-1991.

RESOLUTION NO. R-1991

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, ACCEPTING THE FILING OF A PETITION BY LAND OWNER FOR ANNEXATION OF 3.483 ACRES OF LAND IN THE EUGENE WHEAT SURVEY, A-396, FORT BEND COUNTY, TEXAS.

* * * * *

WHEREAS, pursuant to the City Charter, the City accepts the filing of the petition for annexation (attached hereto as **Exhibit "A"**); and,

WHEREAS, the City shall, not less than five (5) and not more than thirty (30) days after the filing of said petition, hear said petition and grant or refuse said petition; and,

WHEREAS, the land described in said petition is contiguous and adjacent to the City of Rosenberg; now, therefore,

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

Section 1. City Council has determined that said petition for annexation has been filed and said petition for annexation shall be heard on July 7, 2015, with notice to be sent to petitioner. City Council will listen to arguments for and against the petition and take action at that time.

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

ATTEST:

APPROVED:

Linda Cernosek, **City Secretary**

Cynthia McConathy, **Mayor**

PETITION FOR ADDITION OF LAND TO AND REMOVAL OF LAND FROM
THE CITY OF ROSENBERG, TEXAS

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

Lennar Homes of Texas Land and Construction, Ltd., a Texas limited partnership ("Petitioner"), the owner of the land hereinafter described, acting pursuant to the provisions of Chapter 43, Texas Local Government Code, particularly Section 43.028 together with all amendments and additions thereto, petition this Honorable City Council to annex the land described by metes and bounds in Exhibit "A" attached hereto ("Annexation Tract") to the City and to deannex the land described by metes and bounds in Exhibit "B" attached hereto ("Deannexation Tract") from the City. In support of this Petition, the Petitioners represent, covenant, and agree as follows:

I.

The Petitioner holds fee simple title to and full ownership of both the Annexation Tract and the Deannexation Tract and Petitioner hereby certifies that there are presently no lienholders on the Annexation Tract or the Deannexation Tract.

II.

Petitioner desires that the Deannexation Tract be disannexed in accordance with Section 43.146 of the Texas Local Government Code and not for failure to provide services as set forth in Section 43.141, Texas Local Government Code.

III.

Petitioner acknowledges that the amount of property taxes and fees collected by the City during the time the Deannexation Tract has been located within the City is less than or equal to the amount of money that the City has spent for the direct benefit of the Deannexation Tract during the same period. Petitioner waives any remedies or rights as set forth in law or equity pertaining to recovery of property taxes and fees collected by the City relative to the Deannexation Tract.

IV.

The Annexation Tract and the Deannexation Tract lie entirely within Fort Bend County, Texas and are accurately described by metes and bounds in Exhibit "A" and Exhibit "B", attached hereto and incorporated herein for all purposes.

V.

The Annexation Tract and the Deannexation Tract are located within the boundaries of extraterritorial jurisdiction of the City as defined by 42.001, Texas Local Government Code.

VI.

The Annexation Tract and the Deannexation Tract are without residents.

VII.

The Annexation Tract is contiguous to the City.

VIII.

This Petition shall constitute an election on the part of the Petitioner, its successors and assigns, for the Annexation Tract and any improvements that are now or may hereafter be constructed thereon, to become liable for all present and future debts of the City in the same manner and to the same extent as other lands and improvements in the City are liable for the City's debts. The Petitioner hereby agrees that the Annexation Tract, and all improvements thereon presently existing or to be constructed hereby assumes its share of liability for the payment of any and all bonds or other obligations to the City that are currently outstanding or hereafter issued and that are currently or hereafter voted by unissued. Petitioner also agrees that the annexation tract, and all improvements thereon presently existing or to be constructed shall be taxes equally with all other property in the City. Petitioner acknowledges, consents to, and affirmatively requests the assumption by the Annexation Tract of a pro rata share of all obligations of the City, and of the taxes levied or hereafter to be levied by the City.

IX.

The execution and submission of this Petition shall not constitute an election by Petitioners to change the tax status of the Annexation Tract or the Deannexation Tract and shall not constitute a waiver by the Petitioner of rights, powers, and privileges under the Texas Constitution and statutes regarding the tax status of the Annexation Tract or the Deannexation Tract.

WHEREFORE, the Petitioner prays that this Petition be granted, that the Annexation Tract be added to and become part of the City, that the Deannexation Tract be disannexed, discontinued and removed from the City, and that this Petition, if granted by filed for record and be recorded in the Official Records of Fort Bend County, Texas.

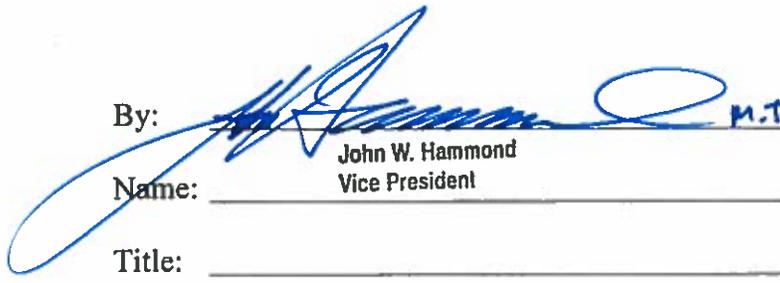
LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD., a Texas limited partnership, d/b/a/ Friendswood Development Company

By: LENNAR TEXAS HOLDING COMPANY, a Texas corporation, its General Partner

By:

Name:

Title:

 M.T.
John W. Hammond
Vice President

STATE OF TEXAS §
COUNTY OF FORT BEND §

This instrument was acknowledged before me on the 11 day of May, 2015, by John W. Hammond the Vice President of Lennar Texas Holding Company, a Texas corporation, the General Partner of Lennar Homes of Texas Land and Construction, Ltd., a Texas limited partnership, d/b/a/ Friendswood Development Company, on behalf of said corporation, company and limited partnership.




Notary Public, State of TEXAS

AFTER RECORDING, RETURN TO:
SMITH, MURDAUGH, LITTLE & BONHAM, L.L.P.
2727 Allen Parkway, Suite 1100
Houston, Texas 77019

EXHIBIT **A**

**METES AND BOUNDS DESCRIPTION
OF 3.483 ACRES OF LAND
IN THE EUGENE WHEAT SURVEY, A-396
FORT BEND COUNTY, TEXAS**

All that certain 3.483 acres of land, being a portion of the 127.00 acre tract described in the deed from Mary Pochyla, et al. to Lennar Homes of Texas Land and Construction, Ltd., recorded under File No. 2004033837, in the Official Public Records of Real Property of Fort Bend County, Texas, in the Eugene Wheat Survey, A-396, Fort Bend County, Texas, and more particularly described by metes and bounds as follows: (All bearings based on the Texas Coordinate System of 1983, South Central Zone)

BEGINNING at a 3/4 iron rod found for the north corner of Restricted Reserve "A", of ROSEHAVEN SECTION ONE REPLAT NO. ONE, according to the plat thereof recorded under File No. 20060266, in the Map Records of Fort Bend County, Texas, common to the northeast corner of the herein described tract, in the southwest line of Irby Cobb Boulevard (70' R.O.W.);

THENCE South 49° 11' 42" West – 16.06 feet, along a northeast line of said ROSEHAVEN SECTION ONE REPLAT NO. ONE, to a 3/4 iron rod found for an angle corner, common to an angle corner of the herein described tract;

THENCE North 87° 12' 18" West – 13.76 feet, continuing along said northeast line, to a 3/4 iron rod found for an angle corner, common to an angle corner of the herein described tract;

THENCE South 46° 16' 20" West – 92.22 feet, continuing along said northeast line, to a 3/4 iron rod found for an angle corner, common to an angle corner of the herein described tract;

THENCE South 15° 09' 11" West – 20.00 feet, continuing along said northeast line, to a 3/4 iron rod found for an angle corner, common to an angle corner of the herein described tract, and a point on a non-tangent curve to the left;

THENCE along said curve to the left, continuing along said northeast line, in a southwesterly direction, having a central angle of 117° 24' 45", a chord bearing and distance of South 46° 26' 48" West – 85.45 feet, a radius of 50.00 feet, and an arc distance of 102.46 feet, to a 3/4 iron rod found for the end of curve;

THENCE South 56° 15' 47" West – 101.95 feet, continuing along said northeast line, to a 3/4 iron rod found for an angle corner, common to an angle corner of the herein described tract;

THENCE South 06° 19' 46" West – 12.87 feet, continuing along said northeast line, to a 3/4 iron rod found for an angle corner, common to an angle corner of the herein described tract;

Page 2 – 3.483 Acre Tract

THENCE South 41° 49' 03" West – 119.63 feet, continuing along said northeast line, to a 3/4 iron rod found for an angle corner, common to an angle corner of the herein described tract;

THENCE South 30° 14' 43" West – 339.13 feet, continuing along said northeast line, to a 3/4 iron rod found for an angle corner, common to an angle corner of the herein described tract;

THENCE South 42° 07' 11" West – 62.03 feet, continuing along said northeast line, to the south corner of the herein described tract;

THENCE North 02° 39' 54" East – 149.34 feet to the Point of Curvature of a curve to the right;

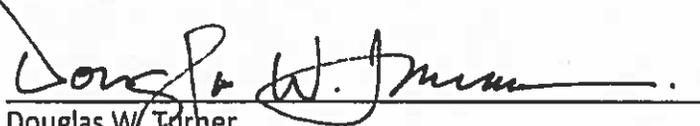
THENCE along said curve to the right, in a northerly direction, having a central angle of 19° 47' 33", a chord bearing and distance of North 12° 33' 41" East – 204.96 feet, a radius of 596.28 feet, and an arc distance of 205.98 feet, to the end of curve;

THENCE North 22° 27' 27" East – 537.14 feet to a point on a non-tangent curve to the right, in the southwest right-of-way line of said Irby Cobb Boulevard;

THENCE along said curve to the right, along said southwest right-of-way line, in a southeasterly direction, having a central angle of 28° 34' 54", a chord bearing and distance of South 55° 05' 45" East – 343.11 feet, a radius of 695.00 feet, and an arc distance of 346.70 feet, to the POINT OF BEGINNING of the herein described tract and containing 3.483 acres of land.

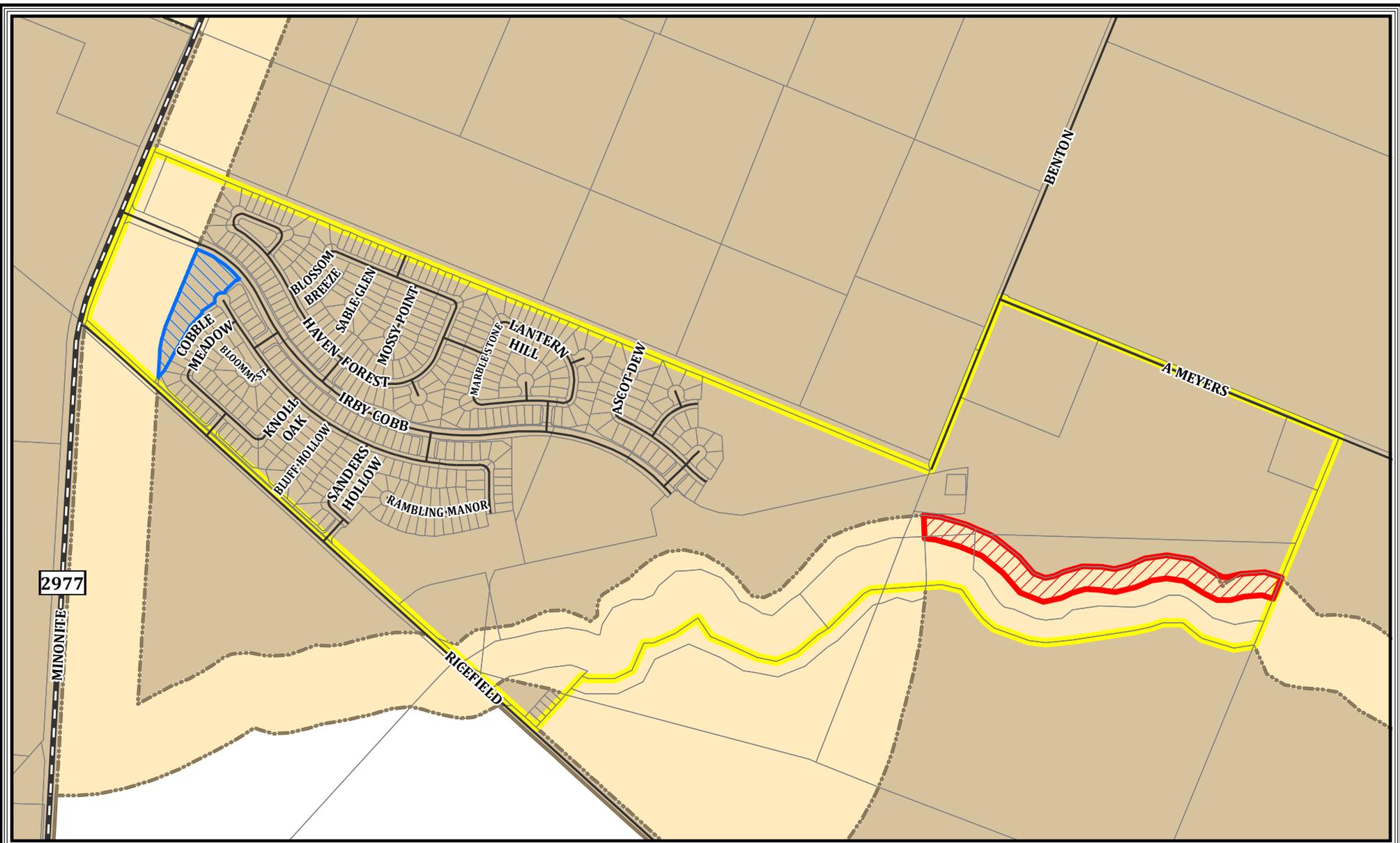
Prepared by:
IDS Engineering Group
Job No. 371-135-00-560

December 12, 2008



Douglas W. Turner
Registered Professional Land Surveyor
Texas Registration Number 3988



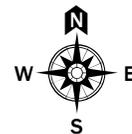
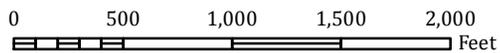


Walnut Creek Proposed Annexation & Disannexation City of Rosenberg, Texas

Created by: City of Rosenberg GIS - Paul M. Jones
 Date Created: November 20, 2014
 Original Size: 8.5" x 11"
 K:\GIS\MAPS\Planning\2014\WalnutCreek.mxd

- | | | | |
|--|----------------|--|--------------------------------|
| | Interstate | | Proposed for Annexation |
| | US Highway | | Proposed for Disannexation |
| | State Highway | | FBCAD 2014 3rd Quarter Parcels |
| | Farm-to-Market | | MUD No. 152 |
| | Public Road | | Rosenberg City Limits |
| | | | Rosenberg ETJ |

Scale:
 1:10,500
 or
 1 inch = 875 feet



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



Sec. 1.03. Extension of boundaries.

The boundaries of the City of Rosenberg may be enlarged and extended by the annexation of additional territory, irrespective of size and configuration, in any of the methods hereinafter designated:

- (a) *Extending limits in accordance with Article 974 of the Revised Civil Statutes* [V.T.C.A., Local Government Code § 43.021]. Where such additional territory adjoins the corporate limits of the city and contains three or more inhabitants qualified to vote for members of the state legislature, such adjacent territory may be annexed to the city in the manner and in conformity with the procedure set forth in Article 974 of the Revised Statutes of the State of Texas of 1925, as now or hereafter amended [V.T.C.A., Local Government Code § 43.021].
- (b) *Extension of limits by election.* The city council shall have the power to order an election or elections for the purpose of annexing territory lying adjacent to the City of Rosenberg. Such order shall include the survey notes of the area sought to be annexed. The city council shall give notice of the date and place of balloting at such election by publication of the order in a newspaper of general circulation published in the City of Rosenberg at least thirty days prior to the date on which such election is ordered. The residents of the City of Rosenberg and the territory sought to be annexed, who are qualified to vote for members of the state legislature, shall be qualified to vote at such election. The city council shall, at its next meeting, canvass the return of such election and if a majority of the votes cast at such election by the residents of Rosenberg, and if a majority of the votes cast at such election by the residents of said territory being considered for annexation, favor such annexation, the council shall declare the said territory annexed to the City of Rosenberg, and the boundary limits of the City of Rosenberg shall thereafter be extended and fixed so as to include such territory.
- (c) *Annexation of unoccupied lands on petition of owners.* The owner or owners of any land which is without residents, contiguous and adjacent to the city may, by petition in writing to the city council, request the annexation of such contiguous and adjacent land, describing it by metes and bounds. The city council shall thereafter, and not less than five and not more than thirty days after the filing of such petition, hear such petition and the arguments for and against the same, and grant or refuse such petition as the city council may see fit. If the city council grants such petition, it may by proper ordinance receive and annex such territory as a part of the city.
- (d) *Annexation by amendments to charter.* The boundary limits of the city may be fixed and additional territory added or annexed thereto by amendment to the Charter of the city.
- (e) *Extending limits by action of the city council.* The city council shall have power by ordinance to fix the boundary limits of the City of Rosenberg and to provide for the extension of said boundary limits and the annexation of additional territory lying adjacent to said city, with or without the consent of the residents or the owners of land within the territory annexed. Upon the introduction of such an ordinance in the city council it may be passed on the first reading, and thereafter shall be published in a newspaper of general circulation published in the City of Rosenberg one time, and shall not thereafter be finally acted upon until at least thirty days have elapsed after the publication thereof. Any citizen of the City of Rosenberg, or resident or owner of land within the territory to be annexed shall have the right to contest said annexation by filing with the city council a written petition setting out his reasons for said contest and after such citizen, resident or owner of land within the territory shall have been given an opportunity to be heard, said ordinance, in original or amended form, as said city council in its judgment may determine, shall be finally acted upon and any territory so annexed shall be a part of the City of Rosenberg.
- (f) *Annexation by any other method provided by law.* Additional territory may also be annexed to the city in any manner and by any procedure that may now be provided by law or that may be hereafter provided by law. Same shall be in addition to the methods hereinabove provided.
- (g) *Annexed territory to become part of the city.* Upon completion of any one of the procedures hereinabove provided, the territory so annexed shall become a part of the city, and said land

and its residents and future residents shall be entitled to all the rights and privileges of other citizens of the city and shall be bound by the acts, ordinances, resolutions and regulations of the city.

State law reference— Voter approval required under certain circumstances, V.T.C.A., Local Government Code § 43.022; annexation of sparsely occupied areas, V.T.C.A., Local Government Code § 43.028.



CITY COUNCIL COMMUNICATION

June 16, 2015

ITEM #	ITEM TITLE	
11	City Newsletter Discussion	
ITEM/MOTION		
Review and discuss the reinstatement of the monthly City newsletter, and take action as necessary.		
FINANCIAL SUMMARY		
ELECTION DISTRICT		
Annualized Dollars:	Budgeted:	
<input type="checkbox"/> One-time	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
<input checked="" type="checkbox"/> Recurring	Source of Funds: N/A	
<input type="checkbox"/> N/A		
SUPPORTING DOCUMENTS:	MUD #: N/A	
1. City Council Meeting Minute Excerpt – 02-24-15 2. City Council Meeting Minute Excerpt – 09-30-14		
APPROVALS		
Submitted by:	Reviewed by:	Approved for Submittal to City Council:
William Benton/rl	<input type="checkbox"/> Exec. Dir. of Administrative Services	 Robert Gracia City Manager
William Benton	<input type="checkbox"/> Asst. City Manager of Public Services	
Councilor, At Large	<input type="checkbox"/> City Attorney	
Position One	<input type="checkbox"/> City Engineer	
	<input type="checkbox"/> (Other)	
EXECUTIVE SUMMARY		
This item has been added to offer City Council the opportunity to discuss and/or take action regarding the reinstatement of a monthly City newsletter.		

recommendation by the Planning Commission and approval by City Council. It should also be noted that the property falls within the boundaries of the West Fort Bend Management District (District) and therefore would be subject to the District's standards.

For projects of this nature, it is generally the practice of City staff to review preliminary plans and determine in the early stages if there are any potentially major obstacles to development. For this particular project, the developer has been notified in particular that they will be responsible for meeting drainage requirements, extending utilities to the site, and for providing a traffic impact analysis (TIA) to determine if the development warrants any off-site improvements.

In the future, the developer will be requesting a resolution of support for the project from City Council and requests feedback from Council at this time. The project was discussed with the Planning Commission on February 18, 2015. The Commission generally had no objections to the project under the conditions outlined by the developer. Commissioners directed City staff to bring the Development Agreement before the Commission when appropriate and to incorporate in the Agreement the specifications discussed by the developer. This would be a "tax credit" project through the Texas Department of Housing and Community Affairs, similar to Brazos Senior Villas located at 5801 Reading Road.

Key discussion points:

- Travis Tanner, Executive Director of Community Development read the Executive Summary, discussed the prospective impact of this community to the City, showed its relative location and introduced Les Kilday.
- Les Kilday of Kilday Operating LLC gave a presentation regarding Campanile at Seabourne Creek.
- Kilday currently owns Brazos Senior Villas on Reading Road, which has 80 units that have been at full capacity for over two (2) years. The development has a long waiting list, demonstrating the need for affordable senior housing in the area.
- Kilday proposes an independent-living community of 132 seniors-only (age 55+) apartment units comprised of two-story buildings (with elevators) and single-story villas with attached garages, with 1.7 parking spaces allocated per unit.
- Units will have walk-in showers, with some fully-or partially-accessible units.
- Treasury Department provides equity through tax credits, allowing them to provide lower rents. This is not a tax-exempt development.
- Council recommends making accommodations in this community in order to have access to the common areas on the weekends.
- Kilday is seeking a parking variance, since many seniors do not have vehicles. They are also requesting a Resolution of Support from the City as part of their agreement with the State.
- The general consensus was for Kilday Operating LLC and the Planning Commission to work together in order to move forward with the project.

3. REVIEW AND DISCUSS CITY NEWSLETTER, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.

Executive Summary: Staff will present information for City Council consideration regarding printing/publication options and ballpark cost estimates as they relate to the reconfiguration of the City's printed newsletter.

Key discussion points:

- Angela Fritz, Executive Director Information Services read the Executive Summary and presented information for City Council consideration regarding printing/publication options and ballpark cost estimates as they relate to the reconfiguration of the City's printed newsletter.
- Prior to a hiatus of the newsletter for evaluation, the newsletters would go out in utility bills, saving on postage costs. This means that those residents of the newly annexed areas or apartment complexes may not receive utilities or a monthly bill from the City, so they would not receive a newsletter under the current plan.
- The purpose of the proposal is to expand distribution from just utility bill recipients to a direct mail piece, doubling distribution from 23% to 46% of the population, thereby increasing the audience of the newsletter.

- Two proposed publication types/frequencies:
 - Quarterly distribution of an 8 page piece reporting on key strategic initiative, projects, and other pertinent information 3 times per year
 - Annual distribution of a combined wall calendar/annual report piece 1 time per year
- Two print options and ballpark figures, with postage being the majority of the cost:
 - Tabloid Newsprint with Glossy Calendar – Ballpark cost \$54,000/year
 - Letter Glossy Print – Ballpark cost \$62,500/year
- After discussion, the general consensus was to try a quarterly, direct-mail newsletter on glossy paper, and to reevaluate upon feedback from the community.

4. **REVIEW AND DISCUSS PROPOSED ORDINANCE AMENDMENT REGARDING FENCING, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: This Agenda item has been included to allow for City Council discussion regarding fencing regulations and requirements. A draft Ordinance Amendment has been prepared for review and discussion.

Staff is seeking direction from City Council regarding the proposed Amendment.

Key discussion points:

- Scott Tschirhart, City Attorney presented an example of an Ordinance Amendment regarding fencing to generate discussion among and guidance from the Council.
- In the past, the Building Standards Board recommended that the Council not adopt a Property Maintenance Code, which is what used to dictate fence maintenance requirements. As a result, the City ended up without any kind of fencing standards.
- Councilors have received complaints from citizens, both from an aesthetic standpoint and a safety standpoint, with exposed nails and wires along walking paths.
- After discussion, the general consensus of Council was for Mr. Tschirhart to write an Ordinance Amendment with fewer restraints than the example presented. The main areas of concern are addressing dilapidated fences and giving residents a reasonable amount of time to repair or remove fences in disrepair, addressing vertical alignment (falling fences) separately if need be, and the Council prefers that no permits be required.

5. ***This item was pulled from the Agenda.***

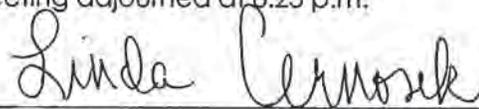
REVIEW AND DISCUSS PROPOSED ORDINANCE AMENDMENT REGARDING JUNKED VEHICLES, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.

Executive Summary: A "Junked Vehicles" Ordinance has been prepared as requested by City Council at the January 27, 2015 Workshop Meeting.

Should City Council approve the Amendment, an Ordinance adopting revised regulations for junked vehicles will be presented for consideration on a future Agenda.

6. **ADJOURNMENT.**

There being no further business, the meeting adjourned at 8:23 p.m.



Linda Cernosek, TRMC, City Secretary

RECESS SESSION, RECONVENE SESSION.

Mayor Morales recessed the session at 8:00 p.m. and reconvened the Session at 8:10 p.m.

2. REVIEW AND DISCUSS CITY'S *INSIDER* NEWSLETTER, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.

Executive Summary: This item has been included to allow for City Council discussion regarding the future publication and content of the Rosenberg *Insider* newsletter.

Key discussion points:

- Councilor Benton stated he has had people ask about the Newsletter. He asked staff to consider reinstating the Newsletter.
- Robert Gracia, City Manager asked Angela Fritz, Executive Director of Information Services to provide Council with an overview of what and why we are doing regarding the Newsletter.
- Angela Fritz stated some general information was shared with Council why we had gone away from the monthly newsletter. We are not proposing doing away with the newsletter. We are proposing to change the way in which we distribute it and the ways we communicate overall. Shifting the newsletter from a monthly to a quarterly distribution is what we are investigating now. That would let us focus some of our resources and time on other communications in other processes to try to reach a more diverse populous in the City.
- The main portion we are looking at is a plan for reinstating it on a quarterly basis to get it physically in the hands of more people in the City. It is in the City's utility bill now which only goes to about 8,200 people. We worked with Customer Service almost a year ago to add different communications medians and engage more of our community. Even within those we serve utilities to there is at least 4,000 people that are in apartments, mobile homes, or somewhere they have a master meter and are not receiving a utility bill. We are looking at a way similar to what LCISD does with their quarterly report that goes out and it would be a separate mailer. That has a better read rate. It would be going to the entire geographic area not just our utility customers.
- Our audiences are diversifying, growing and changing, and our utility audience and water customers do not necessarily equal our audience overall as a community anymore. It lets us diversify our offerings and utilize that space in the monthly newsletter to do targeted pieces toward those services, such as, water conservation, solid waste, street sweeping, leaves, and storm water pollution prevention. That is the broad context behind what we are trying to do. To do that we need some space to do that research to plan and come back with the quarterly numbers. That is what we are working on.
- Councilor Benton stated he appreciates wanting to reach more people. He liked the aspect of the monthly newsletter. How many water bill customers do we have?
- Angela Fritz stated approximately 8,200 water bills are sent out each month.
- Councilor McConathy stated it is still in the research stage about the content of that quarterly newsletter, is that correct?
- Angela Fritz stated yes. The basic idea is that we deal with the day to day issues in a timelier manner. Unfortunately, the monthly newsletter although it went out monthly it is impossible for it to be timely due to the production, printing and insertion in the utility bills. The general idea is to shift the content to some of our broader strategic goals to be able to talk about things in more depth like comprehensive planning and economic development. To deal with the day to day project updates, such as, town hall notifications, Eagle Scout projects at the parks as they happen through our press releases, the website and other tools we will be implementing in the coming year will be used.
- Councilor McConathy suggested since the newsletter will be a tangible document one of the things to include would be common numbers that our citizens and business owners would need, such as, the Community Coordinator which is the central point of collecting a lot of inquiries, questions, complaints, compliments and the like. Not everybody has access to the Internet and if they did it is very cumbersome to find the information you need quickly.
- Councilor Barta stated she has had some inquiries about it. Some citizens like it monthly and others don't mind receiving the newsletter quarterly. Are you looking at sending out 30,000 newsletters? Is it not feasible to continue the monthly until that is figured out?
- Angela Fritz stated we see it as a quarterly update. Those are the measurable strategic goals and things we set out as an organization, departments and things like that. It would be sent to Rosenberg properties. The goal is to blanket the geographic area that is covered by the City if we can financially. It is not feasible to continue the monthly newsletter.
- Councilor Grigar stated after hearing the plan he thinks quarterly distribution is fine. He likes the idea it will go out to all properties and not just utility customers. There are people in our newly annexed areas that do not get a water bill. Reaching out to those people is very beneficial in keeping them in the loop of what is happening in Rosenberg.

- Angela Fritz stated the other issue is that a lot of our residents have Richmond addresses. From a mailing standpoint you can't just select a zip code. She has been meeting with companies to get a strategy. The big question now is the dollar amount. That is why we are being conservative to find out what works. We would like to be able to do it with what we were doing before but there are a lot of variables.
- Councilor Pena stated Angela Fritz does a good job and he knows whatever decision she comes up with will be something that has been studied. He talked to a lot of people that trash the newsletter. The majority do not read it. The cost for a quarterly newsletter makes more sense and it is going to the property owner.
- Councilor Euton stated all her questions have been covered.
- Councilor Benton asked what the cost is of the current water bill newsletter.
- Angela Fritz stated currently it costs approximately \$1,100 to print and the insertion fee is about one cent per insertion. That is approximately \$1,200 per month and \$14,000 to \$15,000 per year.
- Mayor Morales stated the general consensus of Council is for staff to bring the plan back.
- No action was taken on the item.

3. **REVIEW AND DISCUSS A PROPOSAL TO ADD 1.5 ACRES OF CITY-OWNED PROPERTY TO COMMUNITY PARK, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: At the May 22, 2014 Parks and Recreation Board (Board) Meeting, staff reviewed and discussed a proposal to add 1.5 acres of adjacent City-owned property to Community Park. After a brief discussion, the Board unanimously recommended the addition of 1.5 acres of adjacent City-owned property to Community Park.

Staff has placed this item on the Agenda to receive City Council's input on proceeding with the process of adding 1.5 acres of City-owned property to Community Park.

Key discussion points:

- Darren McCarthy, Parks and Recreation Director read the Executive Summary regarding the item.
- A map was provided showing the 1.5 acres. The lot used for storage west of the park and the lot between 5th and 4th Streets addition would make Community Park a full six acres. The lot to the left of the park was used for material storage at one time. The other area has been open land. By adding the acreage it would be nice to put some trails into this park that would wind around those six acres. More trees would be planted to beautify the park. Staff is asking for permission to proceed with a title search to make 100% certain that the City does own those two pieces of property before we try to adopt them into the park.

Questions/Comments:

- Councilor Euton stated this would be a great addition to our park system and she gives her full cooperation to do the title search.
- Councilor Pena asked if this is the low side of that area. He thinks it is a good idea.
- Darren McCarthy stated the part to the left to the west is the low side. The part that is between 5th and 4th Streets is on the higher side across from Jackson Elementary.
- Councilor Grigar stated it is an excellent idea. On the extension of 3rd Street north of Avenue A and 4th Street and 5th Street south of Avenue A, are those designated as streets the City owns or could that be put in parcels instead of right of ways? Would we be obligated to extend those streets one day?
- Travis Tanner stated staff would have to investigate it to see if there are any issues with abandoning the right of way. We need to make sure there are no utilities in there. Often allies will have utilities but it doesn't mean that can't be overcome. We will have to look at it on a case by case basis.
- Councilor Grigar stated it would make it cleaner as a contiguous piece of property.
- Darren McCarthy stated as part of the title search we could call 811 to locate the utilities to make sure there is nothing in the way before it comes back to Council for adoption.
- Councilor Barta stated the area is used a lot and whatever we can do to enhance it would be great.
- Councilor Benton stated you are not suggesting purchasing anymore property, right? We assume this is all City property and maintained. He was looking at the potential marketability of the 5th Street lot. If there was interest somebody would have made the City an offer.
- Darren McCarthy stated no. We are not 100% certain and that is why staff is recommending the title search. It has been maintained as City owned property.
- Councilor McConathy asked if the parcel on the west side of the park is being considered for public access to the river as part of the Brazos River Plan.
- Darren McCarthy stated not necessarily. That would be a good parking spot to load and unload kayaks and canoes. The river access runs the road. The road curves around the playground and goes toward the river and the launch site. This parcel would not be access to that. It is accessed through

ITEM 12

Hold Executive Session to consult with attorney to receive legal advice on legal matters pursuant to Section 551.071 of the Texas Government Code; to consult with City Attorney on pending litigation regarding Texas Department of Transportation v. Rosenberg eminent domain proceedings pursuant to Section 551.071 of the Texas Government Code; to deliberate the purchase, exchange, lease, or value of real property pursuant to Section 551.072 of the Texas Government Code; and, to deliberate personnel matters regarding the employment, evaluation and duties of the City Manager pursuant to Section 551.074 of the Texas Government Code.

ITEM 13

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

ITEM 14

Announcements.

ITEM 15

Adjournment.