

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, August 04, 2015

TIME: 7:00 p.m.

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

PURPOSE: Regular City Council Meeting, agenda as follows:

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

Call to order: City Hall Council Chamber

Invocation and Pledge of Allegiance. (Reverend Jason Martin, Calvary Baptist Church, Rosenberg)

Presentation of Certificates of Appreciation to Departing Members of City of Rosenberg Boards, Committees and Commissions. (Cynthia A. McConathy, Mayor)

Presentation of Certificates of Appointment to Newly Appointed Members of City of Rosenberg Boards, Committees and Commissions. (Cynthia A. McConathy, Mayor)

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

GENERAL COMMENTS FROM THE AUDIENCE.

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

COMMENTS FROM THE AUDIENCE FOR CONSENT AND REGULAR AGENDA ITEMS.

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

CONSENT AGENDA

1. Review of Consent Agenda.
All Consent Agenda items listed are considered to be routine by the City Council and may be enacted by one (1) motion. There will be no separate discussion of Consent Agenda items unless a City Council Member has requested that the item be discussed, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Regular Agenda.
 - A. Consideration of and action on Regular Meeting Minutes for July 21, 2015. (Linda Cernosek, City Secretary)
 - B. Consideration of and action on Resolution No. R-2020, a Resolution authorizing the acceptance of a Deed Without Warranty being a 2.35 acre tract of land in the Henry Scott League, Abstract 83, City of Rosenberg, Texas, being out of and a part of a called 600-foot railroad reservation as shown on the plat of the original townsite of the City of Rosenberg, recorded in Volume P, Page 146, Deed Records, Fort Bend County, by and between the City of Rosenberg and BNSF Railway Company. (Randall Malik, Economic Development Director)
 - C. Consideration of and action on Resolution No. R-2022, a Resolution authorizing the Mayor to execute and accept, for and on behalf of the City, a Utility Conveyance and Security Reservation between the City of Rosenberg, Texas, and Fort Bend County Municipal Utility District No. 144 for certain water distribution, sanitary sewer collection, drainage, and paving facilities for The Reserve at Waterford Park. (Charles A. Kalkomey, City Engineer)

- D. Consideration of and action on a Final Plat of Fort Bend County MUD No. 184 Lift Station Site, a subdivision of 0.15 acres of land out of the Wiley Martin Survey, A-56, Fort Bend County, Texas; 1 block, 1 reserve. (Travis Tanner, Executive Director of Community Development)
- E. Consideration of and action on a Final Plat of Fort Bend County MUD No. 184 Wastewater Treatment Plant Site, a subdivision of 4.13 acres of land out of the Wiley Martin Survey, A-56, Fort Bend County, Texas; 1 block, 1 reserve. (Travis Tanner, Executive Director of Community Development)
- F. Consideration of and action on Resolution No. R-2024, a Resolution providing for the amendment of the City Council Rules of Procedure (Ninth Edition), namely Article V., entitled Agenda Order, by revising the order of Announcements by moving Announcements to appear after the Invocation and Pledge of Allegiance on Regular City Council Meeting Agendas. (Scott M. Tschirhart, City Attorney)
- G. Consideration of and action on the 10/20 Year Write Off per Texas Property Tax Code Section 33.05 "Limitation on Collection of Taxes". (Joyce Vasut, Executive Director of Administrative Services)

REGULAR AGENDA

- 2. Review and discuss a presentation regarding a proposed Eagle Scout Project by Ethan Rafei of Troop 1000 to refurbish the north fishing dock in Seabourne Creek Nature Park. (Darren McCarthy, Parks and Recreation Director)
- 3. Review and discuss a presentation regarding a proposed Eagle Scout Project by Chase Gay of Troop 1000 to refurbish a bleacher set in Travis Park. (Darren McCarthy, Parks and Recreation Director)
- 4. Consideration of and action on Resolution No. R-1972, a Resolution adopting the City of Rosenberg Facilities Master Plan. (Jeff Trinker, Executive Director of Support Services)
- 5. Consideration of and action on Resolution No. R-1995, a Resolution providing for acceptance of a Classification and Compensation Plan. (Joyce Vasut, Executive Director of Administrative Services)
- 6. Review and discuss funding for the West Fort Bend Management District, and take action as necessary. (Cynthia A. McConathy, Mayor)
- 7. Review and discuss a presentation regarding the Rosenberg Development Corporation FY2016 Budget, and take action as necessary. (Randall Malik, Economic Development Director)
- 8. Consideration of and action on Ordinance No. 2015-24, an Ordinance amending the Code of Ordinances by adding to Chapter 28, Article II, Division 4, Section 28-72 (c) thereof, establishing the lawful school zone speed limit along that portion of August Green Drive from FM 2977 (Minonite Road) to a point one-thousand four-hundred (1,400) feet northwest of FM 2977 (Minonite Road); making certain findings that the prima facie speed limit is unreasonable and unsafe during said school zone times; authorizing the placement of school zone speed limit signs along such street; providing a penalty for violation of any provision hereof; providing an effective date; and providing for severability. (John Maresh, Assistant City Manager of Public Services)
- 9. Consideration of and action on Resolution No. R-2019, a Resolution awarding Bid No. 2015-10 for Concrete Sidewalk Construction and Repair, waiving informalities in bidding; and, authorizing the City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same. (John Maresh, Assistant City Manager of Public Services)
- 10. Consideration of and action on Resolution No. R-1907, a Resolution providing authorization for the City Manager to execute a request for grant closure regarding EPA Project ID Number XP-96663401, Richmond/Rosenberg West Fort Bend County Regional Water System; and/or appropriate documents regarding same. (John Maresh, Assistant City Manager of Public Services)
- 11. Announcements.
- 12. Adjournment.

[EXECUTION PAGE TO FOLLOW]

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

by _____.

Attest:
Anne Stark, Assistant City Secretary

Approved for Posting:
Robert Gracia, City Manager

Approved:
Cynthia A. McConathy, Mayor

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

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

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

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

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

**Presentation of Certificates of Appreciation
to Departing Members of City of Rosenberg
Boards, Committees and Commissions.**

CERTIFICATES OF APPRECIATION
Departing Members
August 4, 2015 City Council Meeting

Animal Control Shelter Advisory Board

Joni Poche (Family) – (Appointed: July 1, 2008)

Building and Standards Board

Howard Stinnett – (Appointed: August 6, 2013) – *(will receive one certificate for Building and Standards Board and Image Committee)

Tim Sweat (Family) – (Appointed: March 5, 2013)

Charlie Wenzel – (Appointed: August 5, 2003)

Image Committee

Cowboy Bill – (Appointed: July 1, 2014)

Austin Hernandez (Student Advisory-Foster High School-Appointed: July 1, 2014)

Lisa McGarity – (Appointed: July 1, 2014)

Rose Pickens – (Appointed: July 28, 2009)

Howard Stinnett – (Appointed August 6, 2013)

Lila Villagomez – (Appointed: July 5, 2011)

Sergio Villagomez – (Appointed: August 6, 2013)

Lisa Wallingford – (Appointed: June 9, 2012)

Parks and Recreation Board

Eric Juarez – (Appointed: July 1, 2014)

George Zepeda – (Appointed: July 5, 2011)

Planning Commission

Alicia Casias – (Appointed: July 5, 2011)

Michael Parsons – (Appointed: June 11, 2004)

Pete Pavlovsky – (Appointed: June 17, 2003)

City of Rosenberg

CERTIFICATE OF APPRECIATION

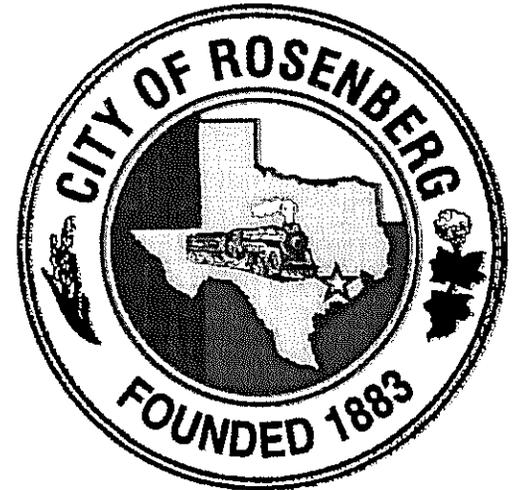
Presented to

Ms. Joni Poche

for outstanding service to the City of Rosenberg, Texas, and its citizens as a dedicated member of the Animal Control Shelter Advisory Board from July 1, 2008 through August 4, 2015.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



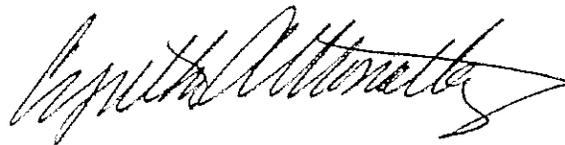
City of Rosenberg

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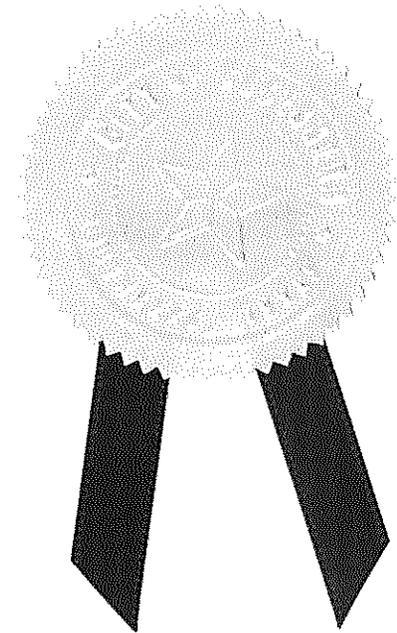
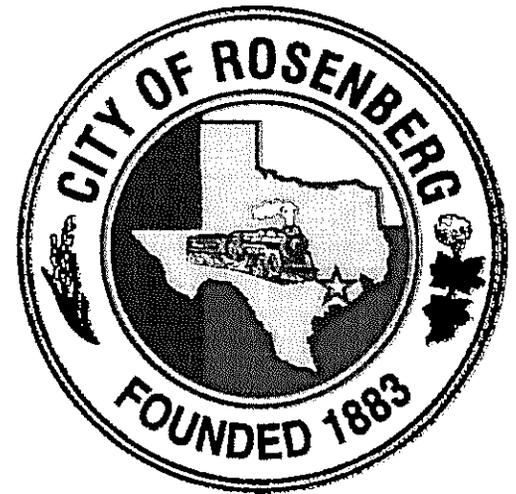
Presented to

Mr. Howard Stinnett

for outstanding service to the City of Rosenberg, Texas, and its citizens as a dedicated member of the Building and Standards Board and the Image Committee from August 6, 2013 through August 4, 2015.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



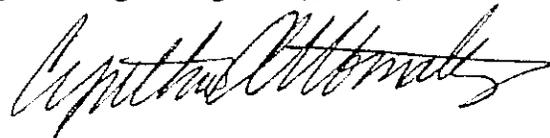
City of Rosenberg

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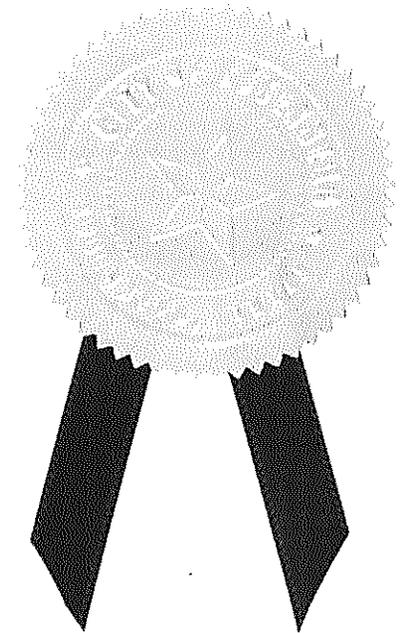
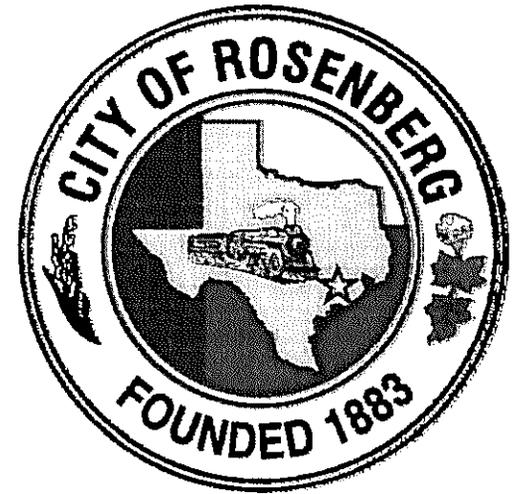
Presented to

Mr. Tim Sweat

*for outstanding service to the City of Rosenberg, Texas, and its
citizens as a dedicated member of the Building and Standards
Board from March 5, 2013 through August 4, 2015.*



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



City of Rosenberg

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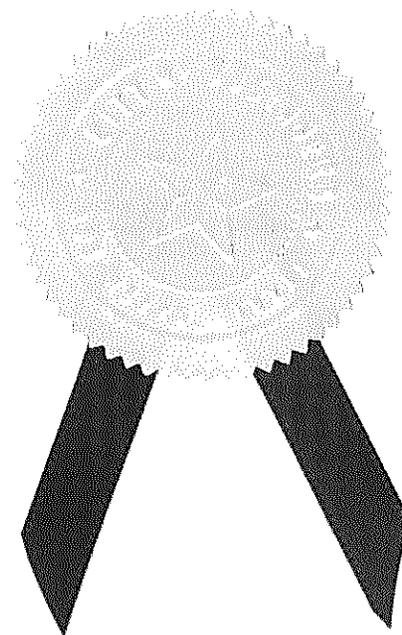
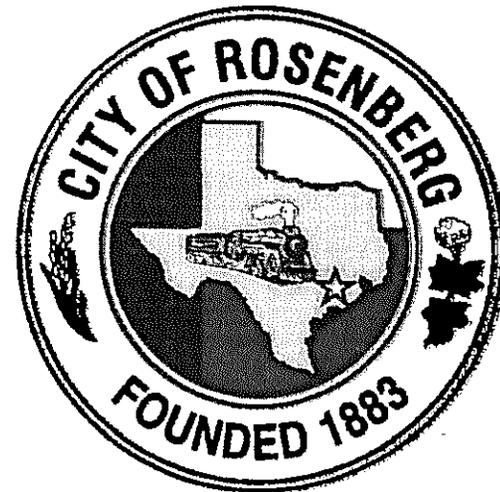
Presented to

Mr. Charlie Wenzel

*for outstanding service to the City of Rosenberg, Texas, and its
citizens as a dedicated member of the Building and Standards
Board from August 5, 2003 through August 4, 2015.*



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



City of Rosenberg

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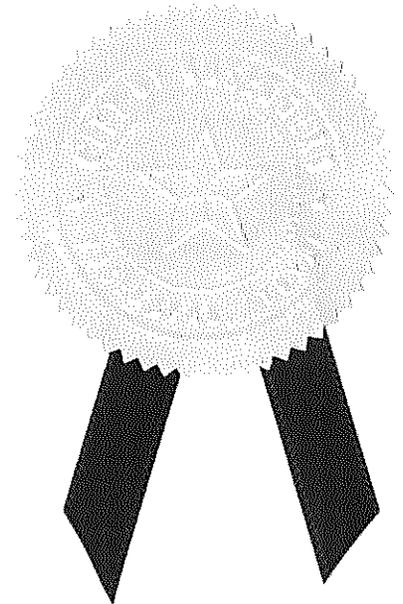
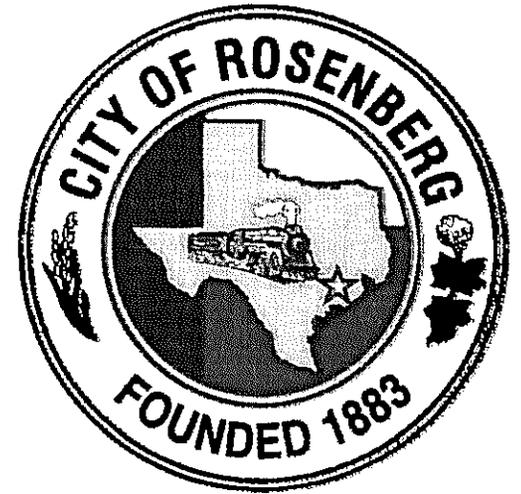
Presented to

Mr. Cowboy Bill

for outstanding service to the City of Rosenberg, Texas, and its citizens as a dedicated member of the Rental Property Appeals Board from July 1, 2014 through August 4, 2015.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



City of Rosenberg

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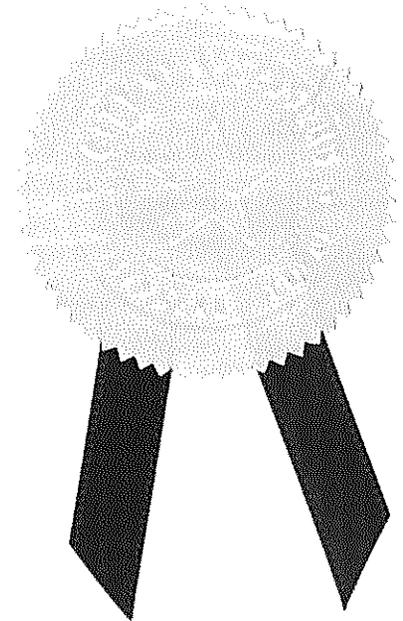
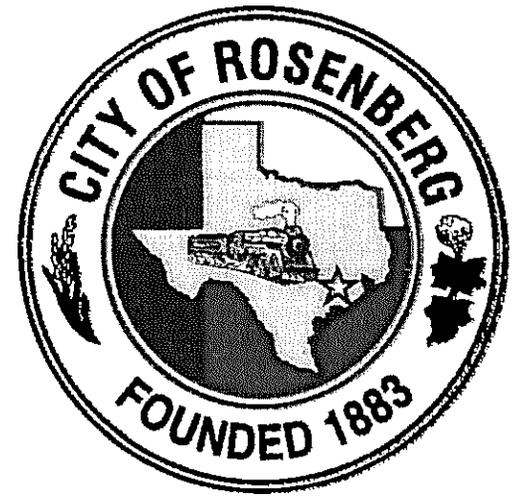
Presented to

Mr. Austin Hernandez

for outstanding service to the City of Rosenberg, Texas, and its citizens as a dedicated member of the Image Committee from July 1, 2014 through August 4, 2015.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



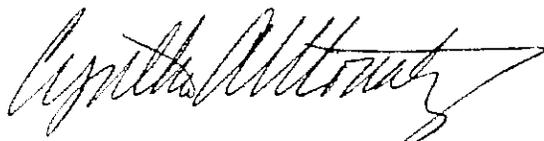
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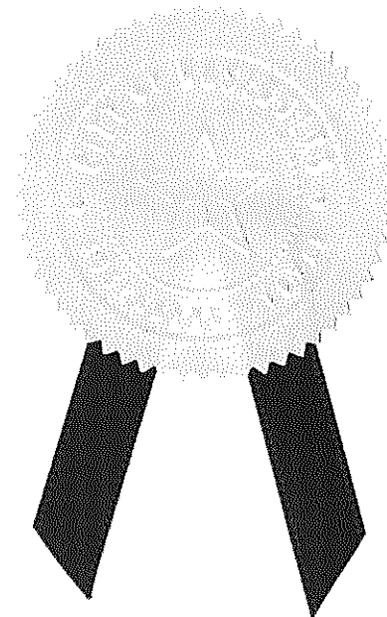
Presented to

Ms. Lisa McGarity

for outstanding service to the City of Rosenberg, Texas, and its citizens as a dedicated member of the Image Committee from July 1, 2014 through August 4, 2015.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



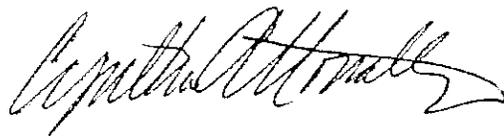
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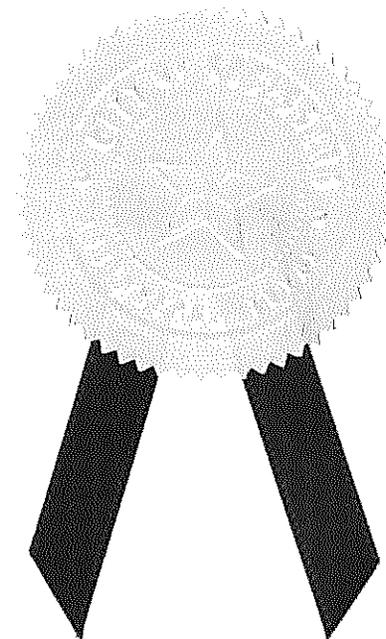
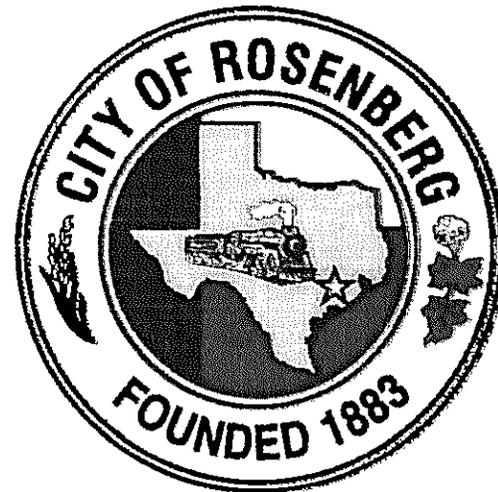
Presented to

Ms. Rose Pickens

for outstanding service to the City of Rosenberg, Texas, and its citizens as a dedicated member of the Image Committee from July 28, 2009 through August 4, 2015.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



City of Rosenberg

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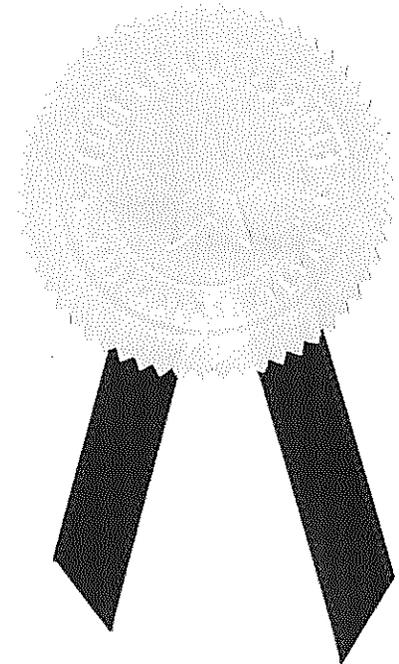
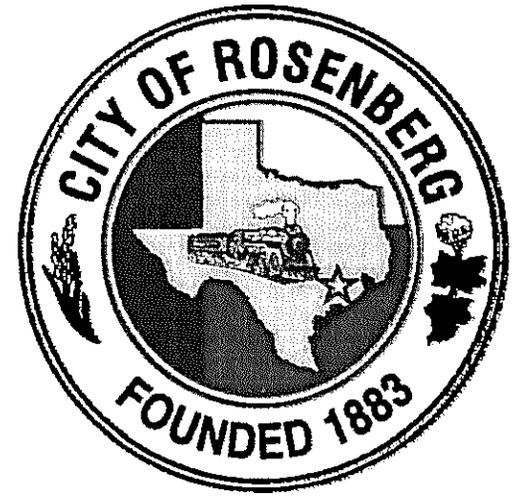
Presented to

Ms. Lila Villagomez

*for outstanding service to the City of Rosenberg, Texas, and its
citizens as a dedicated member of the Image Committee from July
5, 2011 through August 4, 2015.*



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



City of Rosenberg

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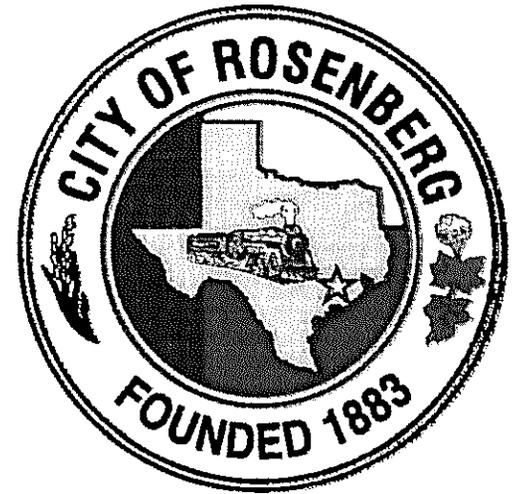
Presented to

Mr. Sergio Villagomez

*for outstanding service to the City of Rosenberg, Texas, and its
citizens as a dedicated member of the Image Committee from
August 6, 2013 through August 4, 2015.*



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



City of Rosenberg

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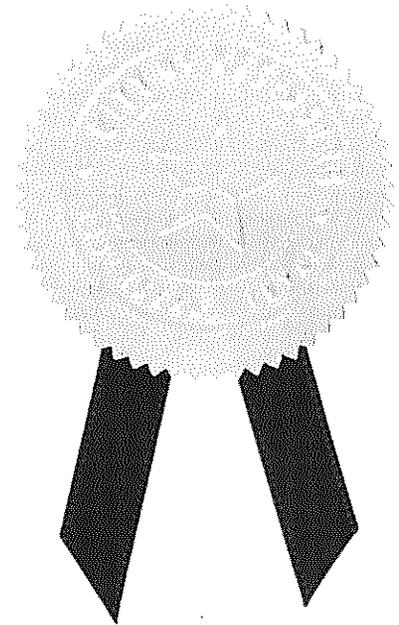
Presented to

Ms. Lisa Wallingford

for outstanding service to the City of Rosenberg, Texas, and its citizens as a dedicated member of the Image Committee from June 9, 2012 through August 4, 2015.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



City of Rosenberg

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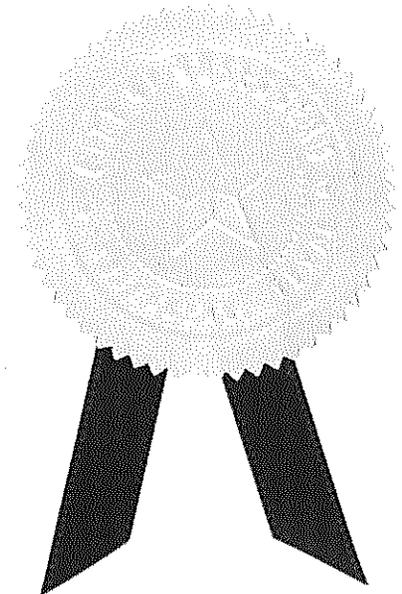
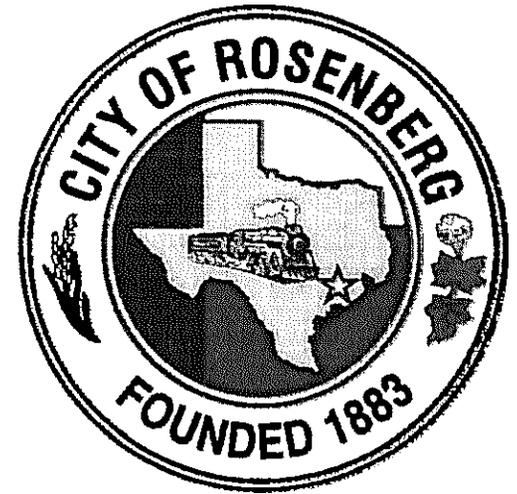
Presented to

Mr. Eric Juarez

*for outstanding service to the City of Rosenberg, Texas, and its
citizens as a dedicated member of the Parks & Recreation Board
from July 1, 2014 through August 4, 2015.*



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



City of Rosenberg

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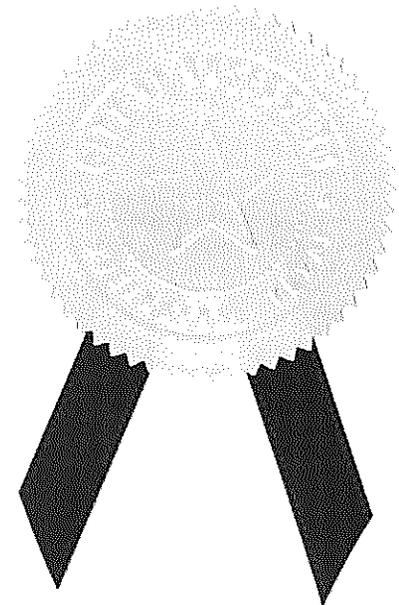
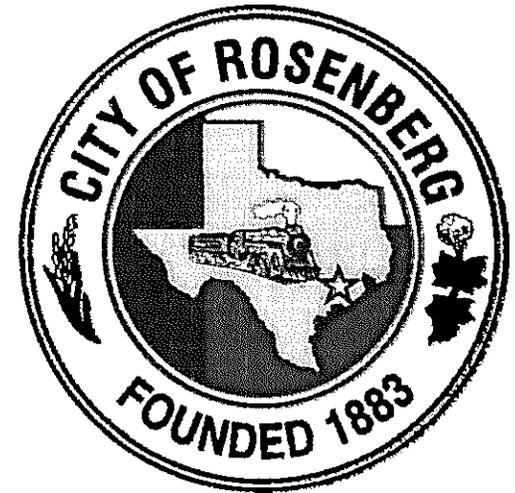
Presented to

Mr. George Zepeda

*for outstanding service to the City of Rosenberg, Texas, and its
citizens as a dedicated member of the Parks & Recreation Board
from July 5, 2011 through August 4, 2015.*



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



City of Rosenberg

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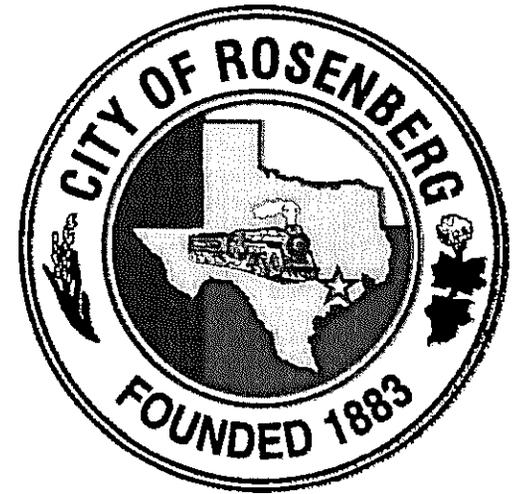
Presented to

Ms. Alicia Casias

*for outstanding service to the City of Rosenberg, Texas, and its
citizens as a dedicated member of the Planning Commission from
July 5, 2011 through August 4, 2015.*



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



City of Rosenberg

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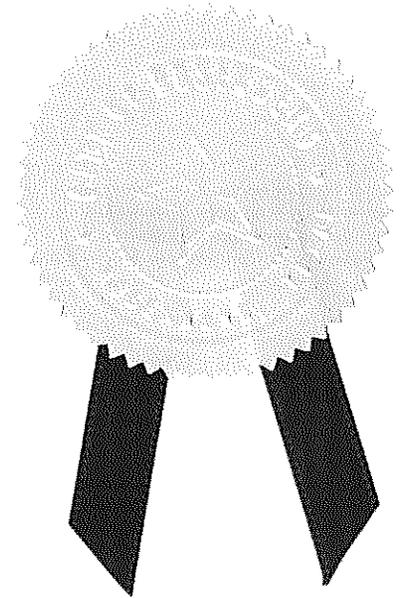
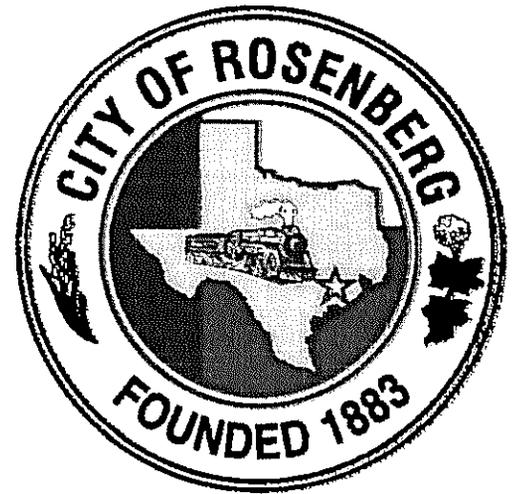
Presented to

Mr. Michael Parsons

*for outstanding service to the City of Rosenberg, Texas, and its
citizens as a dedicated member of the Planning Commission from
June 11, 2004 through August 4, 2015.*



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



City of Rosenberg

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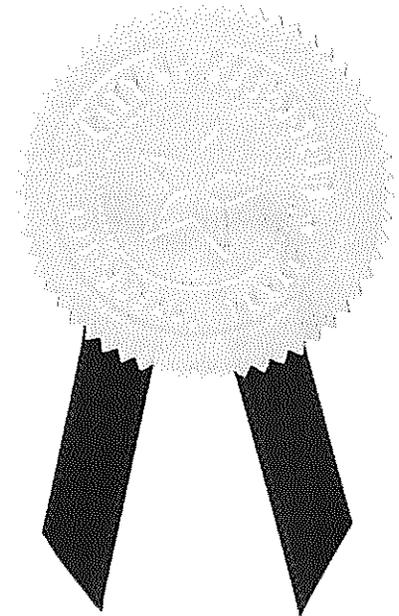
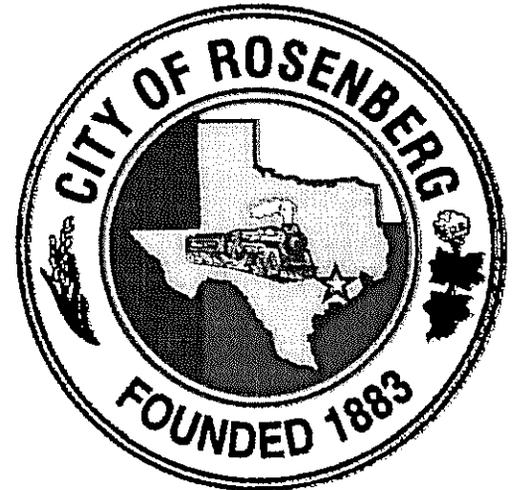
Presented to

Mr. Pete Pavlovsky

*for outstanding service to the City of Rosenberg, Texas, and its
citizens as a dedicated member of the Planning Commission from
June 17, 2003 through August 4, 2015.*



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



**Presentation of Certificates of Appointment
to Newly Appointed Members of City of
Rosenberg Boards, Committees and
Commissions.**

CERTIFICATES OF APPOINTMENT
August 4, 2015 City Council Meeting

Appointed and Reappointed Members

Appointments made at the July 21, 2015 City Council Meeting

Animal Control Shelter Advisory Board

Dr. William Hester - (member since June 1, 1993-Present)

Joni D. Huff - (member since February 17, 2004-Present)

Laura Knizner - (new member appointed July 21, 2015)

Carolyn Seiler - (member since July 1, 2014-Present)

Building and Standards Board

Cowboy Bill - (new member appointed July 21, 2015)

Robert Duran - (member since August 2, 2005-Present)

Phillip Grudziecki - (new member appointed July 21, 2015)

Devin Koeppen - (member since October 17, 2000-Present)

Shawn Schulze - (new member appointed July 21, 2015)

Walter Urbish - (member since June 1, 2010-Present)

Image Committee

Joyce Bartos - (member since June 1, 2010-Present)

Linda Carroll - (member since June 11, 2004-Present)

Cathi Cross - (new member appointed July 21, 2015)

Rufus Guebara III - (member since August 6, 2013-Present)

Stanley Kucherka - (member since July 19, 1994-Present)

Marcus Morales - (new member appointed July 21, 2015)

Eric Ramirez - (new member appointed July 21, 2015)

Parks and Recreation Board

William Allen - (member since July 1, 2014-Present)

Teresa Bailey - (member since July 1, 2008-Present)

Melissa Dixon - (member since June 19, 2012-Present)

Rudy Guerrero - (member since August 6, 2013-Present)

Bertha Nell Kelm - (member since July 6, 1989-Present)

Stanley Kucherka - (member since 1962-Present)

Ray Kueck - (member since August 6, 2013-Present)

Eric Ramirez - (member since August 6, 2013-Present)

Julia Worley - (member since July 1, 2014-Present)

Lila Villagomez - (new member appointed July 21, 2015)

Planning Commission

Charlotte Davis - (new member appointed July 21, 2015)

Steven Monk - (new member appointed July 21, 2015)

Lester Phipps, Jr. - (member since July 5, 2011-Present)

Wayne Poldrack - (member since August 6, 2013-Present)

James Urbish - (member since August 6, 2013-Present)

Sergio Villagomez - (new member appointed July 21, 2015)

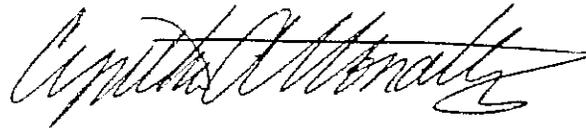
City of Rosenberg

CERTIFICATE OF APPOINTMENT

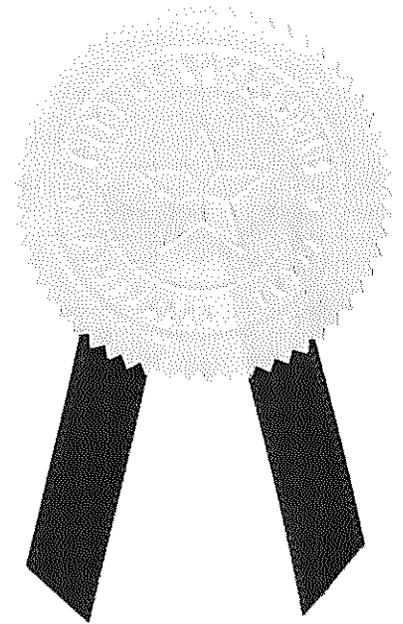
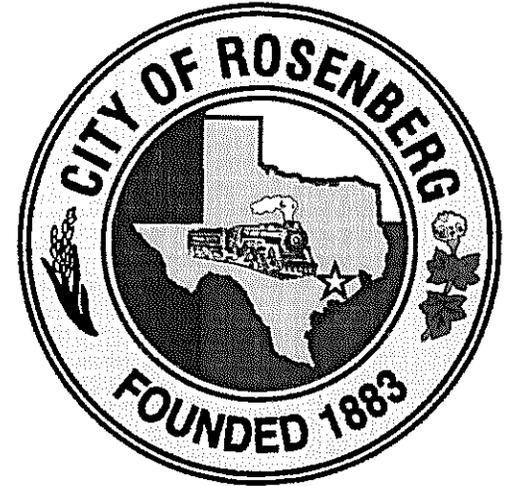
Presented to

Dr. William Hester

has on this 4th day of August, 2015, been appointed to serve as a member of the Animal Control Shelter Advisory Board of the City of Rosenberg. This appointment is made because of your community service, contributions to good government and your willingness to serve your fellowman.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



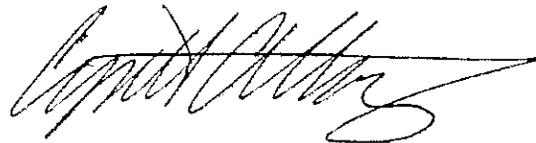
City of Rosenberg

CERTIFICATE OF APPOINTMENT

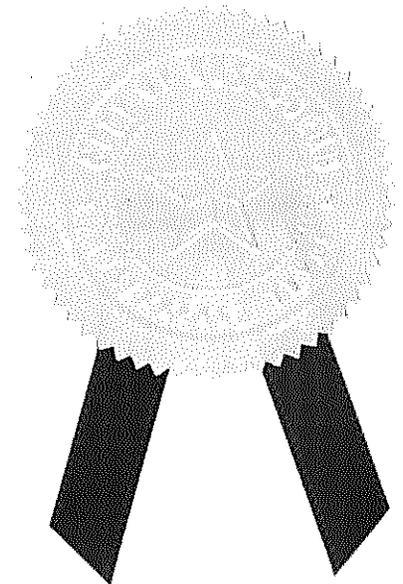
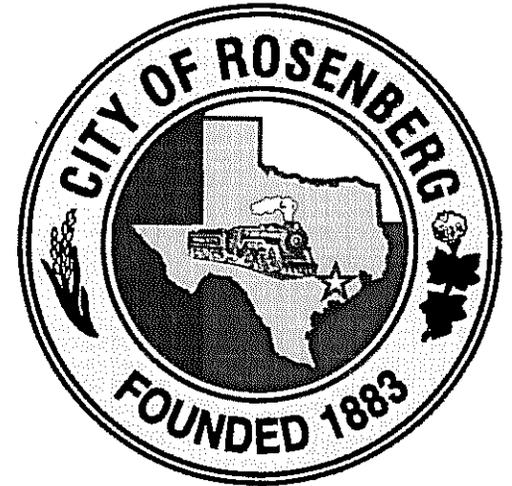
Presented to

Ms. Joni Huff

has on this 4th day of August, 2015, been appointed to serve as a member of the Animal Control Shelter Advisory Board of the City of Rosenberg. This appointment is made because of your community service, contributions to good government and your willingness to serve your fellowman.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



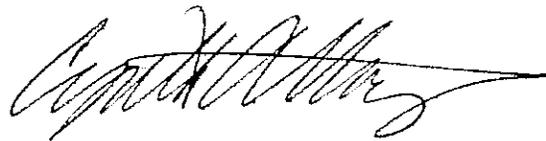
City of Rosenberg

CERTIFICATE OF APPOINTMENT

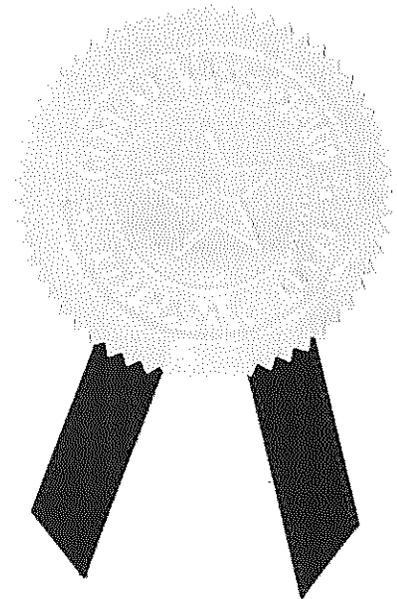
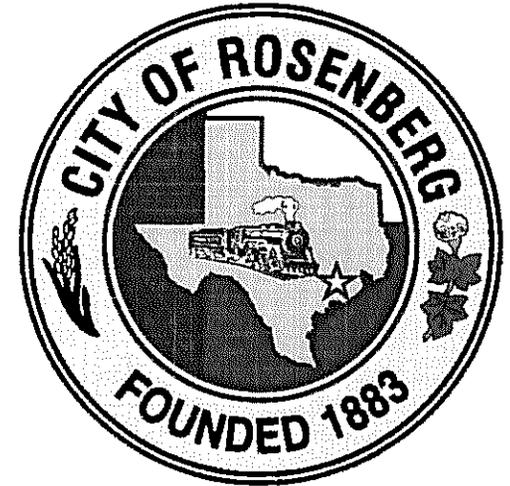
Presented to

Ms. Laura Knizner

has on this 4th day of August, 2015, been appointed to serve as a member of the Animal Control Shelter Advisory Board of the City of Rosenberg. This appointment is made because of your community service, contributions to good government and your willingness to serve your fellowman.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



City of Rosenberg

CERTIFICATE OF APPOINTMENT

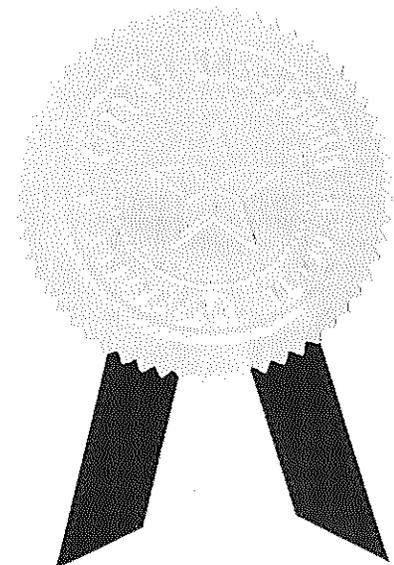
Presented to

Ms. Carolyn Seiler

has on this 4th day of August, 2015, been appointed to serve as a member of the Animal Control Shelter Advisory Board of the City of Rosenberg. This appointment is made because of your community service, contributions to good government and your willingness to serve your fellowman.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



City of Rosenberg

CERTIFICATE OF APPOINTMENT

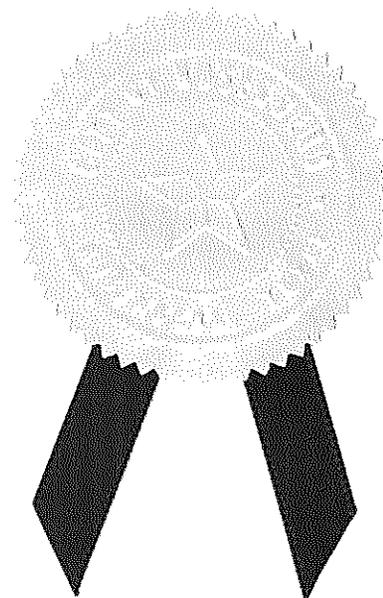
Presented to

Mr. Cowboy Bill

has on this 4th day of August, 2015, been appointed to serve as a member of the Building and Standards Board of the City of Rosenberg. This appointment is made because of your community service, contributions to good government and your willingness to serve your fellowman.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



City of Rosenberg

CERTIFICATE OF APPOINTMENT

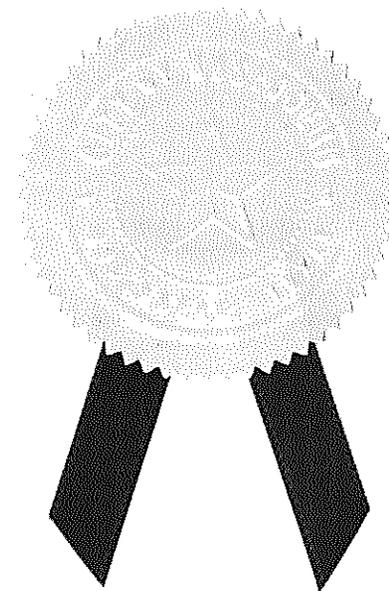
Presented to

Mr. Robert Duran

has on this 4th day of August, 2015, been appointed to serve as a member of the Building and Standards Board of the City of Rosenberg. This appointment is made because of your community service, contributions to good government and your willingness to serve your fellowman.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



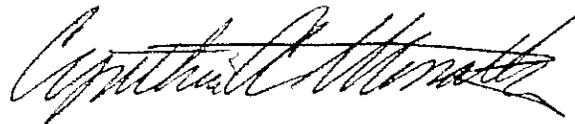
City of Rosenberg

CERTIFICATE OF APPOINTMENT

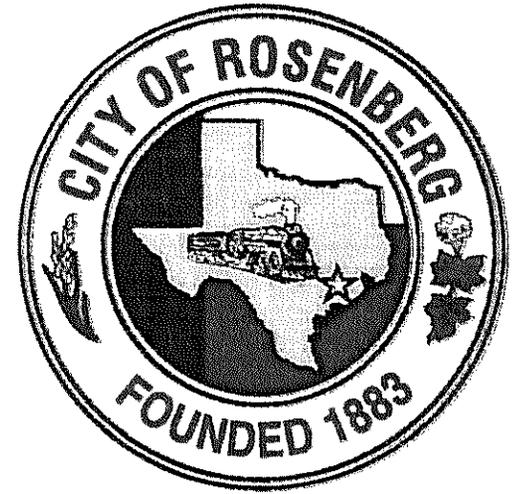
Presented to

Mr. Phillip Grudziecki

has on this 4th day of August, 2015, been appointed to serve as a member of the Building and Standards Board of the City of Rosenberg. This appointment is made because of your community service, contributions to good government and your willingness to serve your fellowman.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



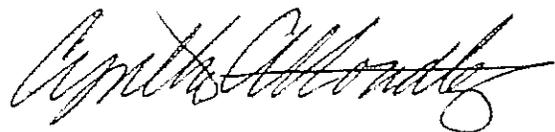
City of Rosenberg

CERTIFICATE OF APPOINTMENT

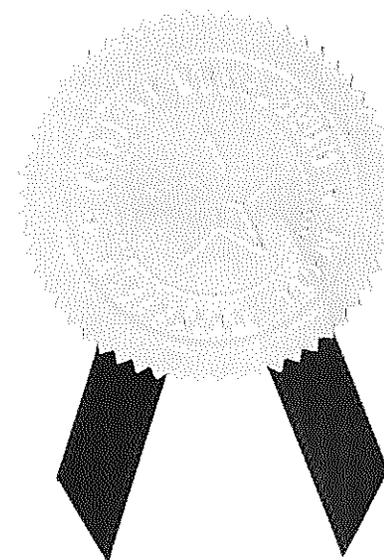
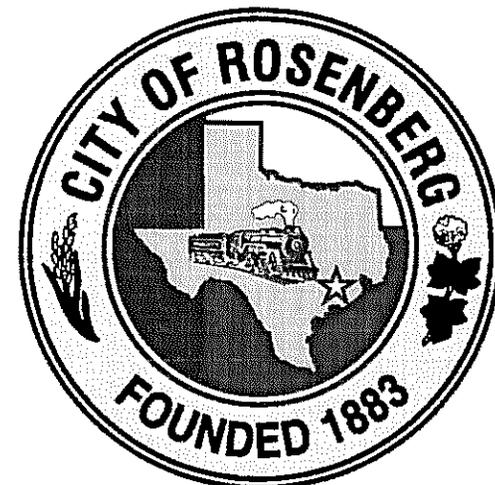
Presented to

Mr. Devin Koeppen

has on this 4th day of August, 2015, been appointed to serve as a member of the Building and Standards Board of the City of Rosenberg. This appointment is made because of your community service, contributions to good government and your willingness to serve your fellowman.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



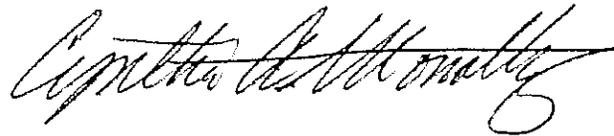
City of Rosenberg

CERTIFICATE OF APPOINTMENT

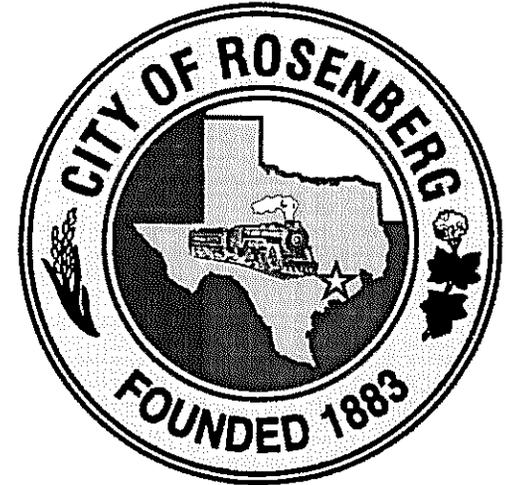
Presented to

Mr. Shawn Schulze

has on this 4th day of August, 2015, been appointed to serve as a member of the Building and Standards Board of the City of Rosenberg. This appointment is made because of your community service, contributions to good government and your willingness to serve your fellowman.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



City of Rosenberg

CERTIFICATE OF APPOINTMENT

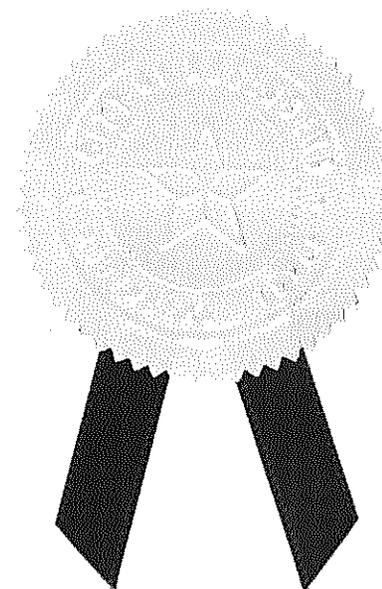
Presented to

Mr. Walter Urbish, Jr.

has on this 4th day of August, 2015, been appointed to serve as a member of the Building and Standards Board of the City of Rosenberg. This appointment is made because of your community service, contributions to good government and your willingness to serve your fellowman.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



City of Rosenberg

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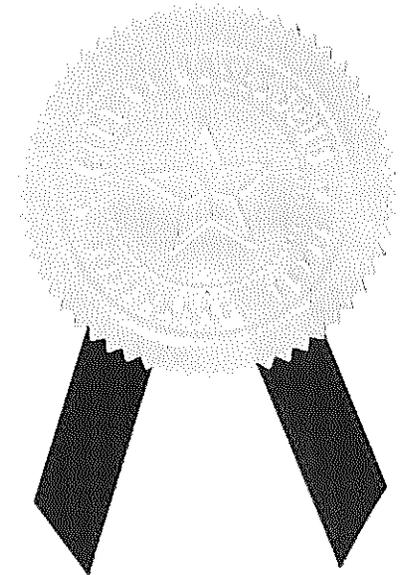
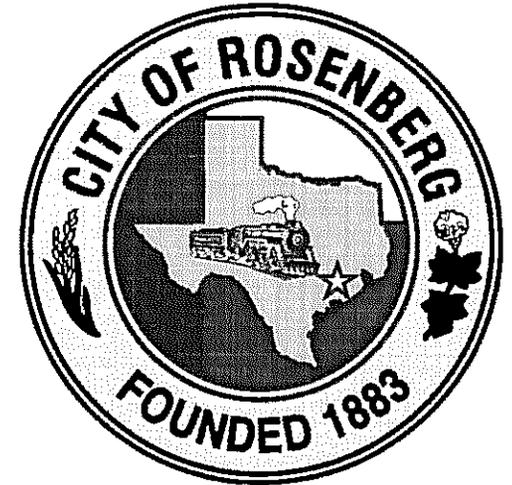
Presented to

Ms. Joyce Bartos

has on this 4th day of August, 2015, been appointed to serve as a member of the Image Committee of the City of Rosenberg. This appointment is made because of your community service, contributions to good government and your willingness to serve your fellowman.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



City of Rosenberg

CERTIFICATE OF APPOINTMENT

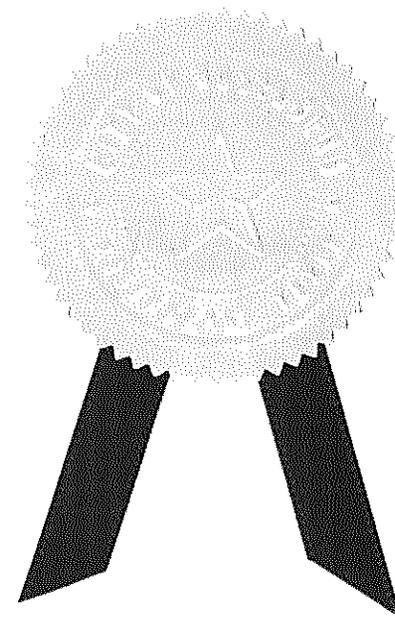
Presented to

Ms. Linda Carroll

has on this 4th day of August, 2015, been appointed to serve as a member of the Image Committee of the City of Rosenberg. This appointment is made because of your community service, contributions to good government and your willingness to serve your fellowman.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



City of Rosenberg

CERTIFICATE OF APPOINTMENT

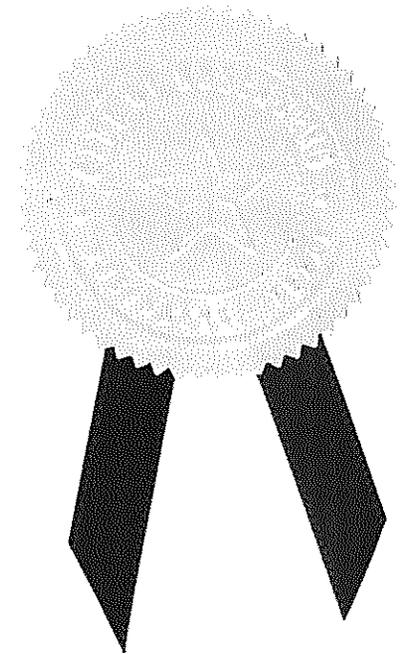
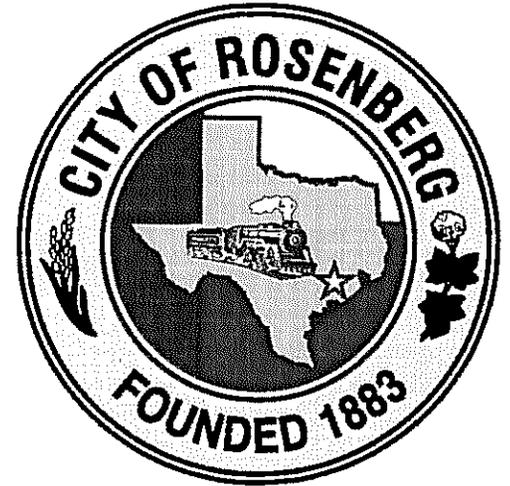
Presented to

Ms. Cathi Cross

has on this 4th day of August, 2015, been appointed to serve as a member of the Image Committee of the City of Rosenberg. This appointment is made because of your community service, contributions to good government and your willingness to serve your fellowman.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



City of Rosenberg

CERTIFICATE OF APPOINTMENT

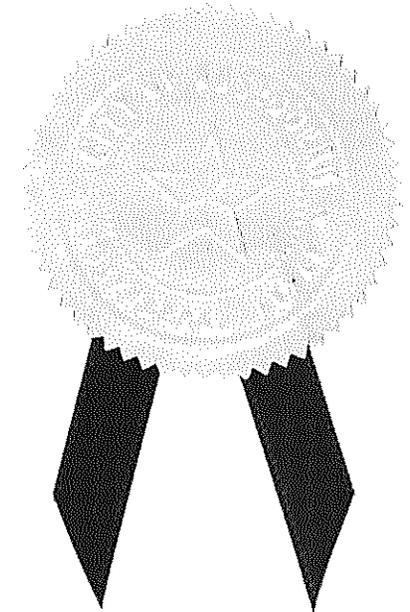
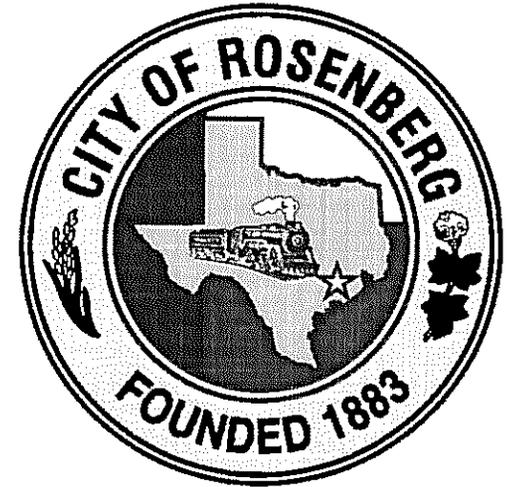
Presented to

Mr. Rufus Guebara III

has on this 4th day of August, 2015, been appointed to serve as a member of the Image Committee of the City of Rosenberg. This appointment is made because of your community service, contributions to good government and your willingness to serve your fellowman.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



City of Rosenberg

CERTIFICATE OF APPOINTMENT

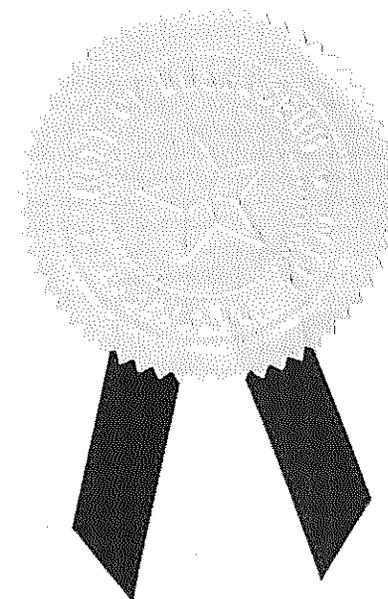
Presented to

Mr. Stanley Kucherka

has on this 4th day of August, 2015, been appointed to serve as a member of the Image Committee of the City of Rosenberg. This appointment is made because of your community service, contributions to good government and your willingness to serve your fellowman.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



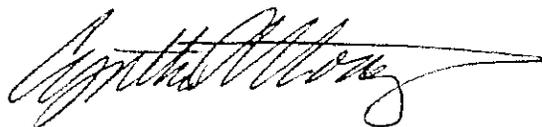
City of Rosenberg

CERTIFICATE OF APPOINTMENT

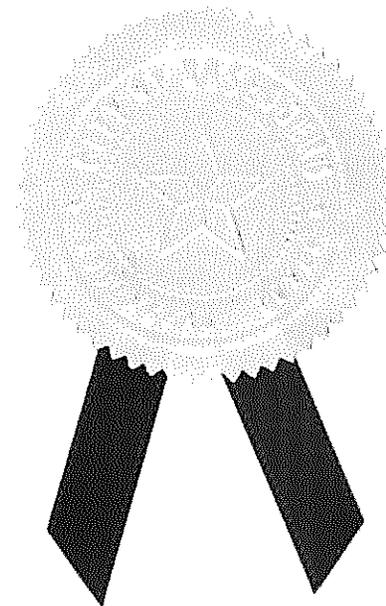
Presented to

Mr. Marcus Morales

has on this 4th day of August, 2015, been appointed to serve as a member of the Image Committee of the City of Rosenberg. This appointment is made because of your community service, contributions to good government and your willingness to serve your fellowman.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



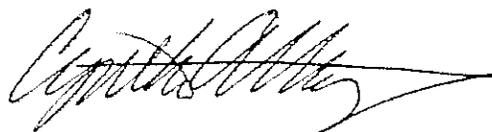
City of Rosenberg

CERTIFICATE OF APPOINTMENT

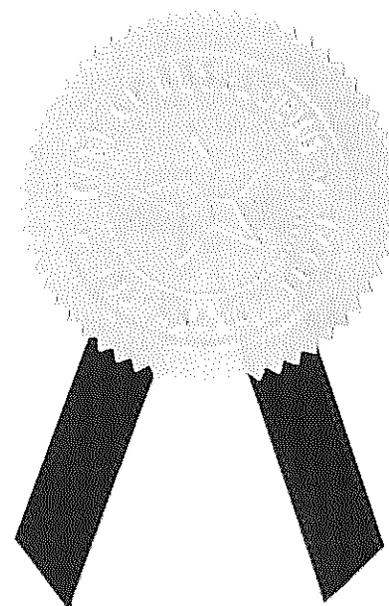
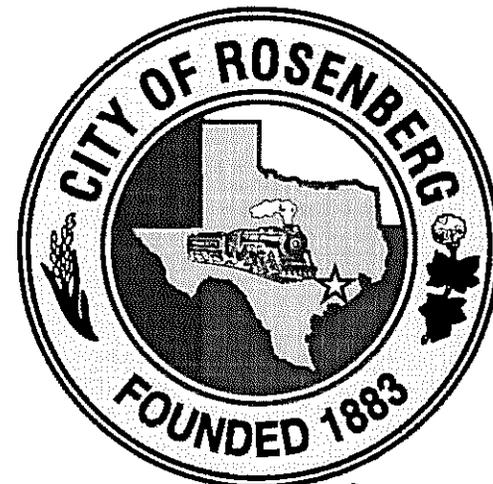
Presented to

Mr. Eric Ramirez

has on this 4th day of August, 2015, been appointed to serve as a member of the Image Committee of the City of Rosenberg. This appointment is made because of your community service, contributions to good government and your willingness to serve your fellowman.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



City of Rosenberg

CERTIFICATE OF APPOINTMENT

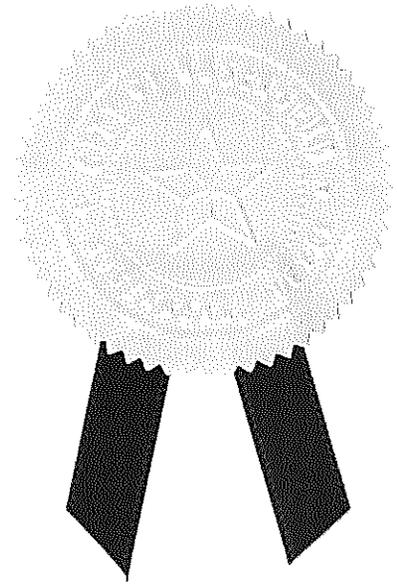
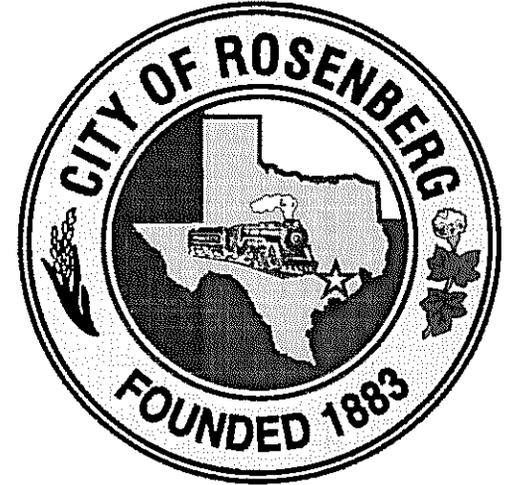
Presented to

Mr. William Allen

has on this 4th day of August, 2015, been appointed to serve as a member of the Parks and Recreation Board of the City of Rosenberg. This appointment is made because of your community service, contributions to good government and your willingness to serve your fellowman.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



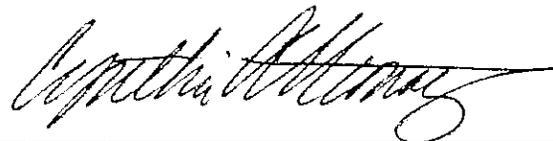
City of Rosenberg

CERTIFICATE OF APPOINTMENT

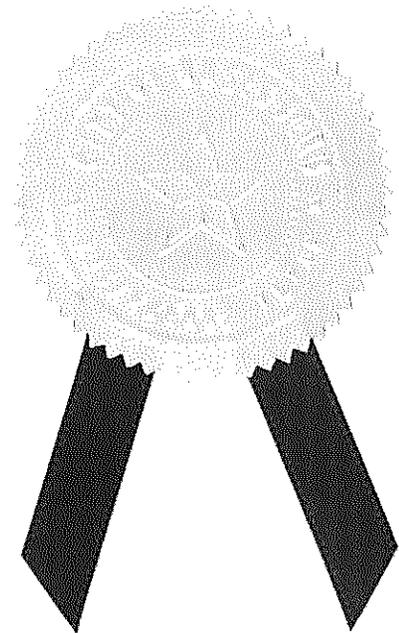
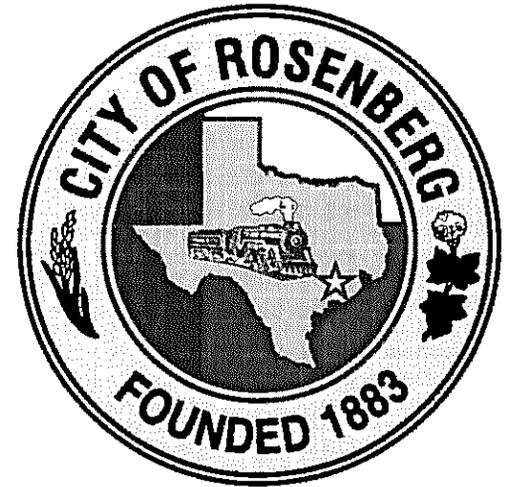
Presented to

Ms. Teresa Bailey

has on this 4th day of August, 2015, been appointed to serve as a member of the Parks and Recreation Board of the City of Rosenberg. This appointment is made because of your community service, contributions to good government and your willingness to serve your fellowman.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



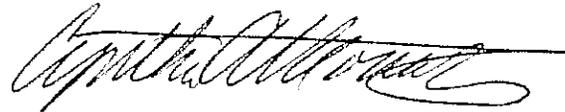
City of Rosenberg

CERTIFICATE OF APPOINTMENT

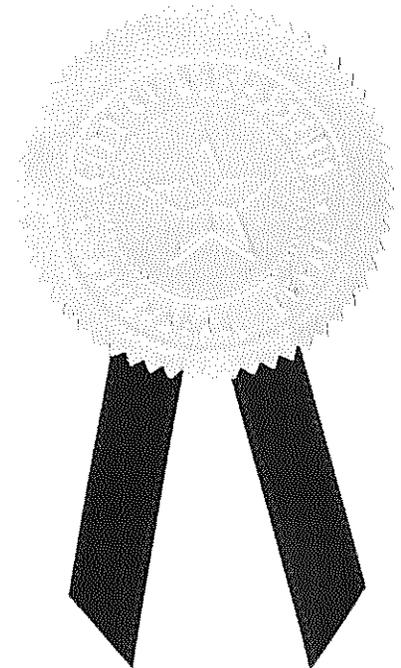
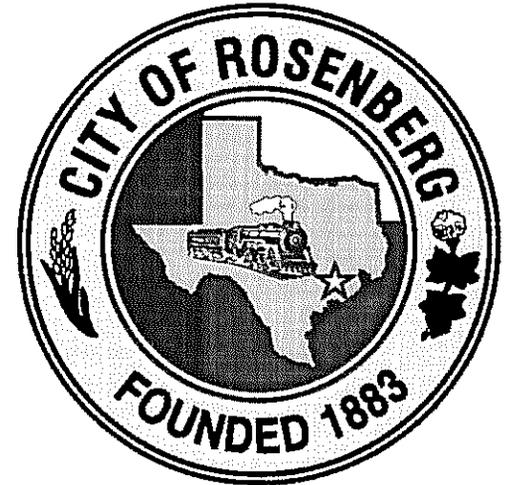
Presented to

Ms. Melissa Dixon

has on this 4th day of August, 2015, been appointed to serve as a member of the Parks and Recreation Board of the City of Rosenberg. This appointment is made because of your community service, contributions to good government and your willingness to serve your fellowman.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



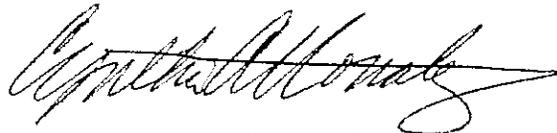
City of Rosenberg

CERTIFICATE OF APPOINTMENT

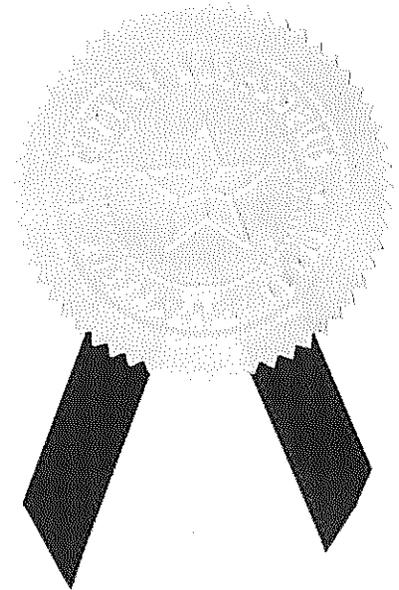
Presented to

Mr. Rudy Guerrero

has on this 4th day of August, 2015, been appointed to serve as a member of the Parks and Recreation Board of the City of Rosenberg. This appointment is made because of your community service, contributions to good government and your willingness to serve your fellowman.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



City of Rosenberg

CERTIFICATE OF APPOINTMENT

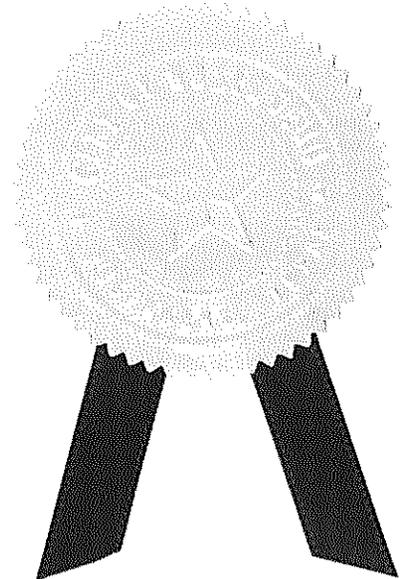
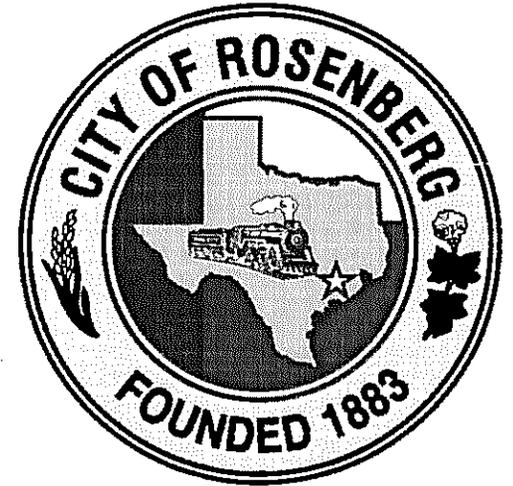
Presented to

Ms. Bertha Nell Kelm

has on this 4th day of August, 2015, been appointed to serve as a member of the Parks and Recreation Board of the City of Rosenberg. This appointment is made because of your community service, contributions to good government and your willingness to serve your fellowman.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



City of Rosenberg

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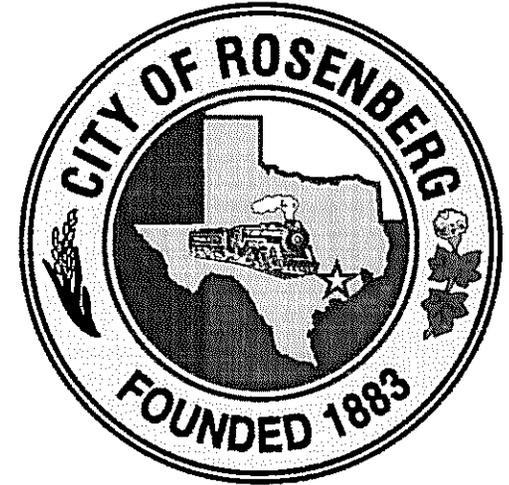
Presented to

Mr. Stanley Kucherka

has on this 4th day of August, 2015, been appointed to serve as a member of the Parks and Recreation Board of the City of Rosenberg. This appointment is made because of your community service, contributions to good government and your willingness to serve your fellowman.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



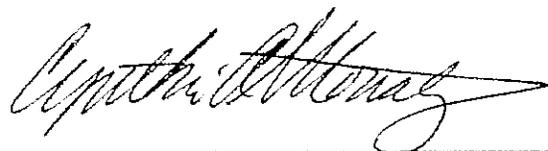
City of Rosenberg

CERTIFICATE OF APPOINTMENT

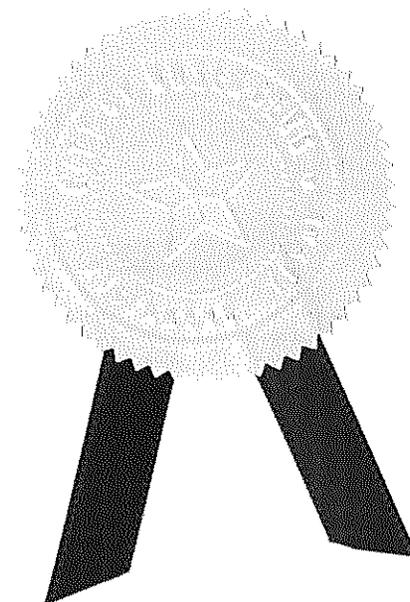
Presented to

Mr. Ray Kueck

has on this 4th day of August, 2015, been appointed to serve as a member of the Parks and Recreation Board of the City of Rosenberg. This appointment is made because of your community service, contributions to good government and your willingness to serve your fellowman.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



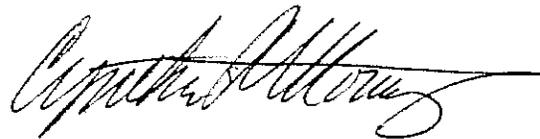
City of Rosenberg

CERTIFICATE OF APPOINTMENT

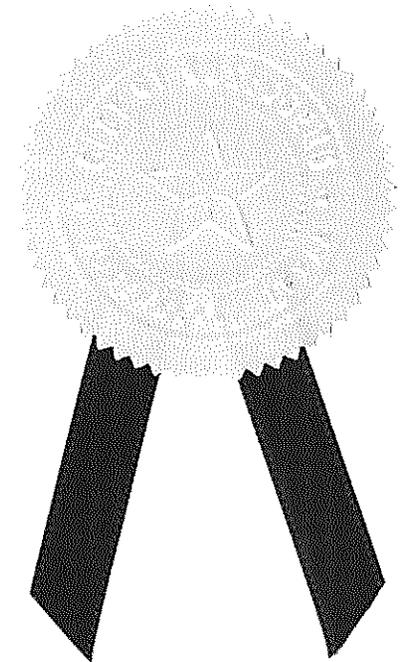
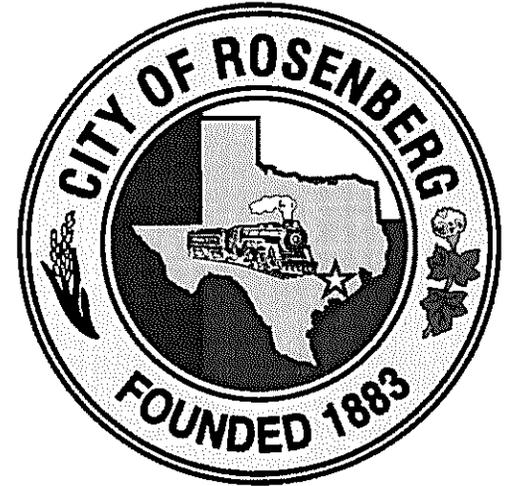
Presented to

Mr. Eric Ramirez

has on this 4th day of August, 2015, been appointed to serve as a member of the Parks and Recreation Board of the City of Rosenberg. This appointment is made because of your community service, contributions to good government and your willingness to serve your fellowman.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



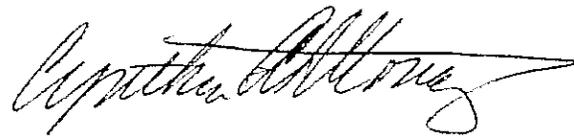
City of Rosenberg

CERTIFICATE OF APPOINTMENT

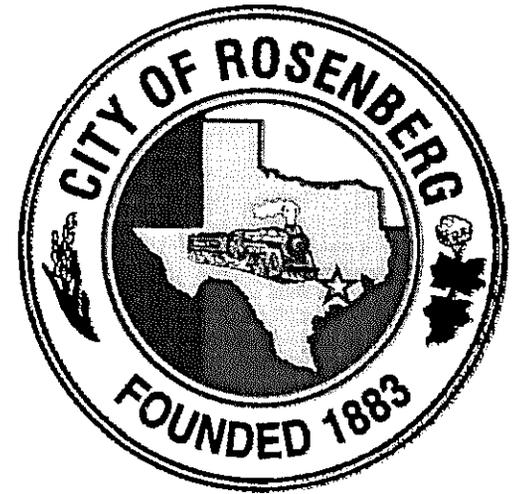
Presented to

Ms. Julia Worley

has on this 4th day of August, 2015, been appointed to serve as a member of the Parks and Recreation Board of the City of Rosenberg. This appointment is made because of your community service, contributions to good government and your willingness to serve your fellowman.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



City of Rosenberg

CERTIFICATE OF APPOINTMENT

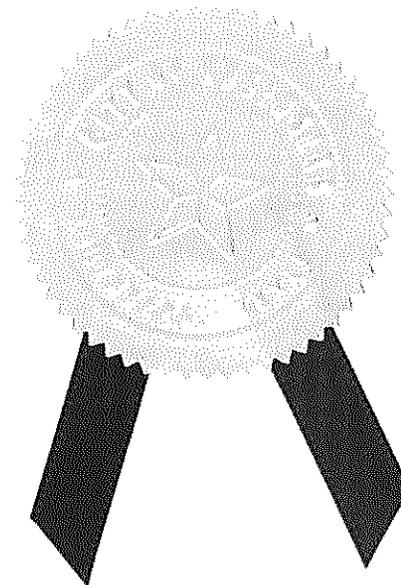
Presented to

Ms. Lila Villagomez

has on this 4th day of August, 2015, been appointed to serve as a member of the Parks and Recreation Board of the City of Rosenberg. This appointment is made because of your community service, contributions to good government and your willingness to serve your fellowman.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



City of Rosenberg

CERTIFICATE OF APPOINTMENT

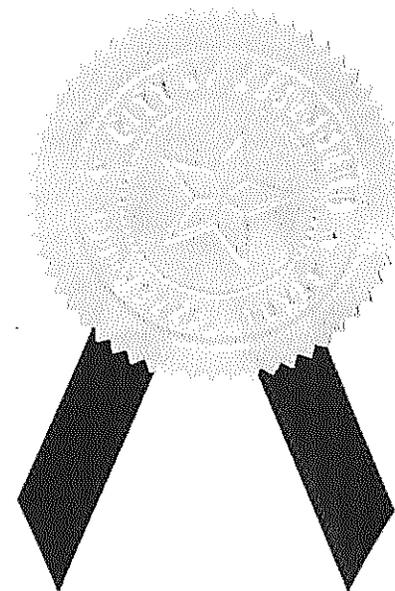
Presented to

Ms. Charlotte Davis

has on this 4th day of August, 2015, been appointed to serve as a member of the Planning Commission of the City of Rosenberg. This appointment is made because of your community service, contributions to good government and your willingness to serve your fellowman.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



City of Rosenberg

CERTIFICATE OF APPOINTMENT

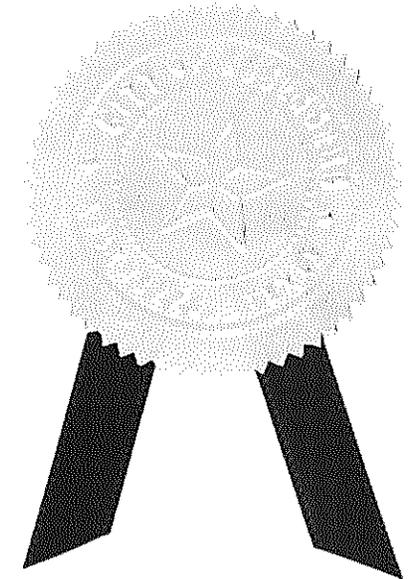
Presented to

Mr. Steven Monk

has on this 4th day of August, 2015, been appointed to serve as a member of the Planning Commission of the City of Rosenberg. This appointment is made because of your community service, contributions to good government and your willingness to serve your fellowman.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



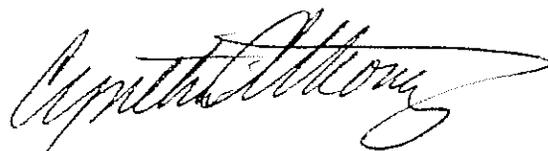
City of Rosenberg

CERTIFICATE OF APPOINTMENT

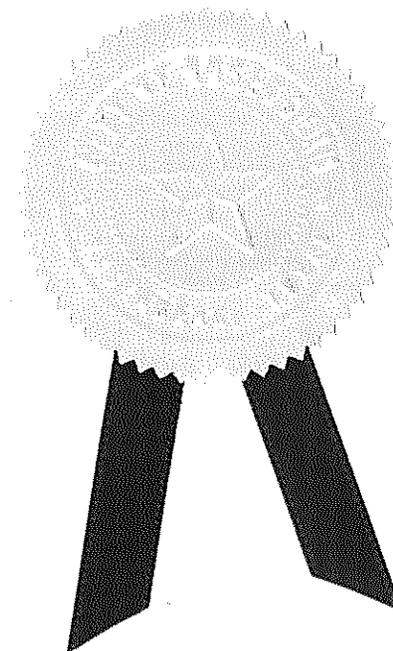
Presented to

Mr. Lester Phipps, Jr.

has on this 4th day of August, 2015, been appointed to serve as a member of the Planning Commission of the City of Rosenberg. This appointment is made because of your community service, contributions to good government and your willingness to serve your fellowman.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



City of Rosenberg

CERTIFICATE OF APPOINTMENT

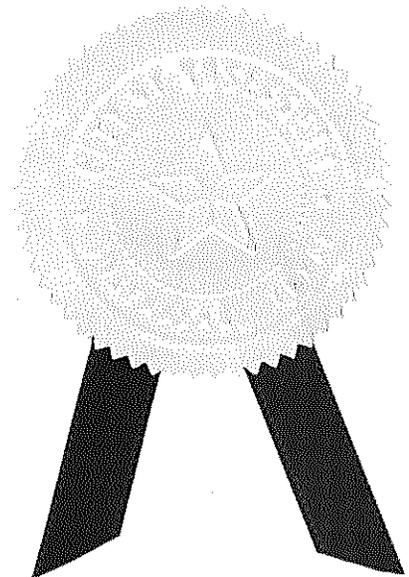
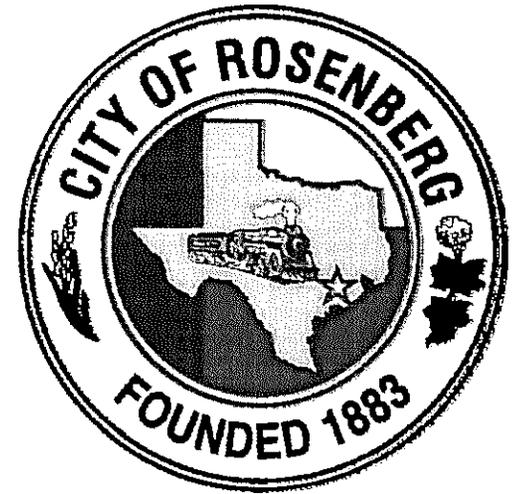
Presented to

Mr. Wayne Poldrack

has on this 4th day of August, 2015, been appointed to serve as a member of the Planning Commission of the City of Rosenberg. This appointment is made because of your community service, contributions to good government and your willingness to serve your fellowman.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



City of Rosenberg

CERTIFICATE OF APPOINTMENT

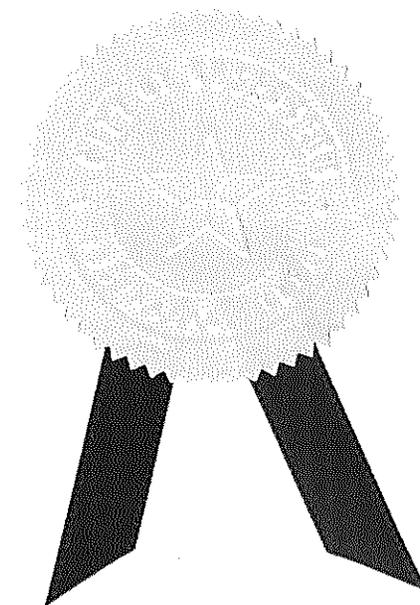
Presented to

Mr. James Urbish

has on this 4th day of August, 2015, been appointed to serve as a member of the Planning Commission of the City of Rosenberg. This appointment is made because of your community service, contributions to good government and your willingness to serve your fellowman.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



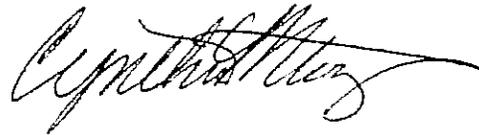
City of Rosenberg

CERTIFICATE OF APPOINTMENT

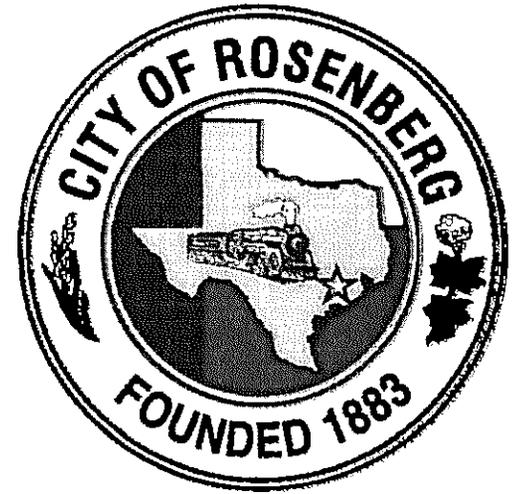
Presented to

Mr. Sergio Villagomez

has on this 4th day of August, 2015, been appointed to serve as a member of the Planning Commission of the City of Rosenberg. This appointment is made because of your community service, contributions to good government and your willingness to serve your fellowman.



Cynthia A. McConathy, Mayor
City of Rosenberg, Texas



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

City of Rosenberg

IMAGE COMMITTEE

Certificate of Recognition

Be it hereby known to all, that

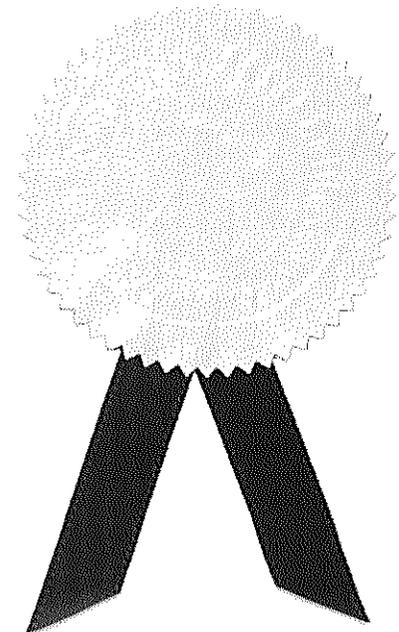
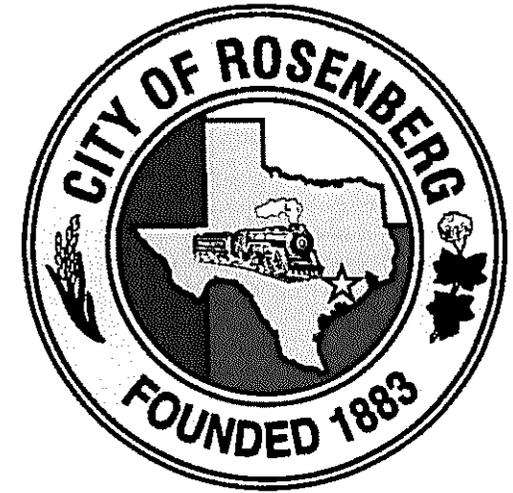
Melvin and Marilyn Emmons

4109 Junker Street

have, on this 4th day of August 2015, been recognized for their acts of labor and excellence in beautifying this property and for their caring efforts at making this location in our community more appealing, and deserve the recognition and appreciation of the people of our City for their undertaking.




Cynthia A. McConathy, Mayor



City of Rosenberg

IMAGE COMMITTEE

Certificate of Recognition

Be it hereby known to all, that

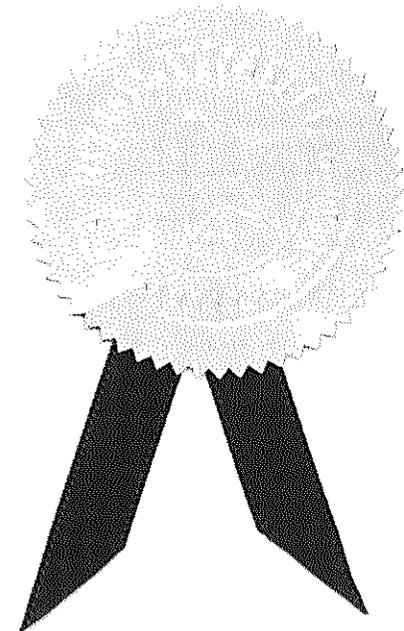
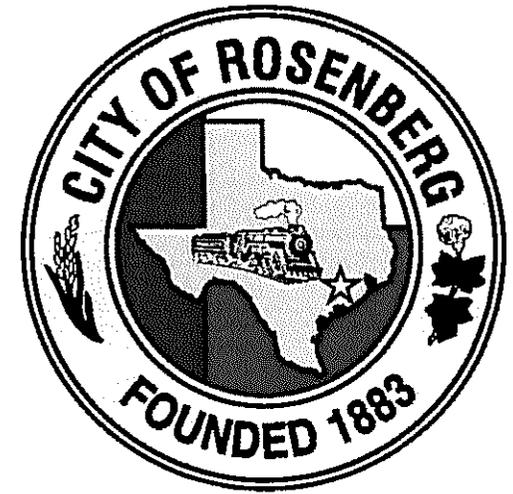
Hector and Sally Gutierrez
4102 Junker Street

have, on this 4th day of August 2015, been recognized for their acts of labor and excellence in beautifying this property and for their caring efforts at making this location in our community more appealing, and deserve the recognition and appreciation of the people of our City for their undertaking.



A handwritten signature in black ink, appearing to read 'Cynthia A. McConathy'.

Cynthia A. McConathy, Mayor



City of Rosenberg

IMAGE COMMITTEE

Certificate of Recognition

Be it hereby known to all, that

Jan Leonard

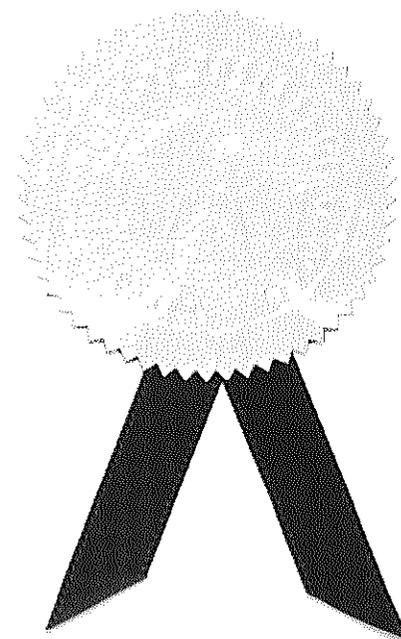
4817 Sandalwood Avenue

has, on this 4th day of August 2015, been recognized for her acts of labor and excellence in beautifying this property and for her caring efforts at making this location in our community more appealing, and deserve the recognition and appreciation of the people of our City for their undertaking.



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

Cynthia A. McConathy, Mayor



City of Rosenberg

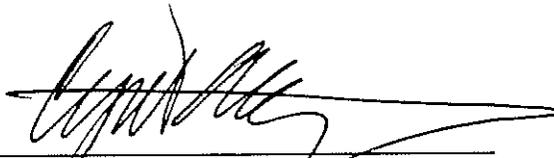
IMAGE COMMITTEE

Certificate of Recognition

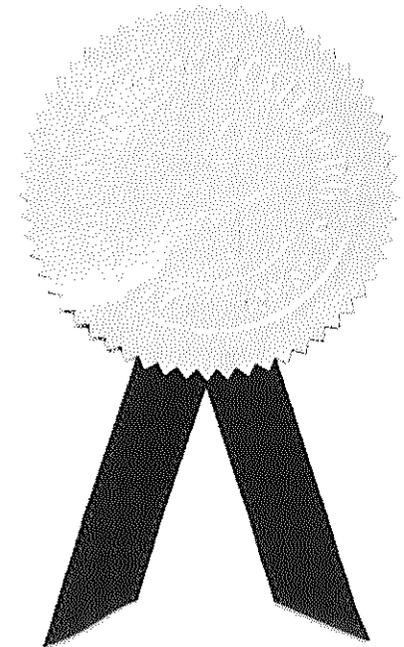
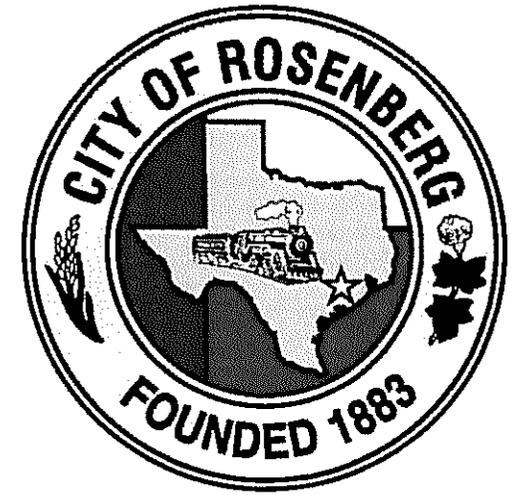
Be it hereby known to all, that

Hector and Rosa Vasquez
2108 Spruce Drive

have, on this 4th day of August 2015, been recognized for their acts of labor and excellence in beautifying this property and for their caring efforts at making this location in our community more appealing, and deserve the recognition and appreciation of the people of our City for their undertaking.



Cynthia A. McConathy, Mayor



City of Rosenberg

IMAGE COMMITTEE

Certificate of Recognition

Be it hereby known to all, that

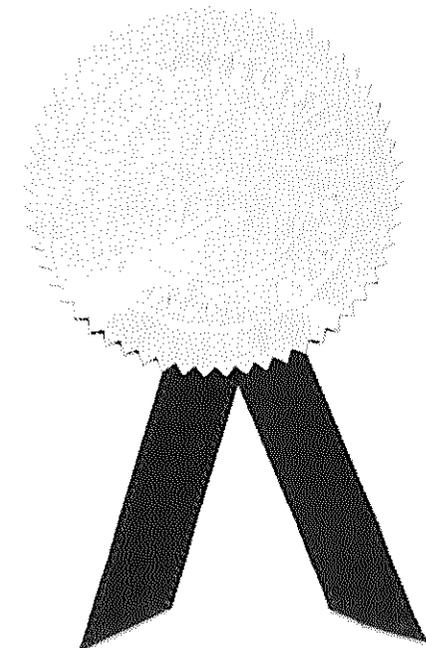
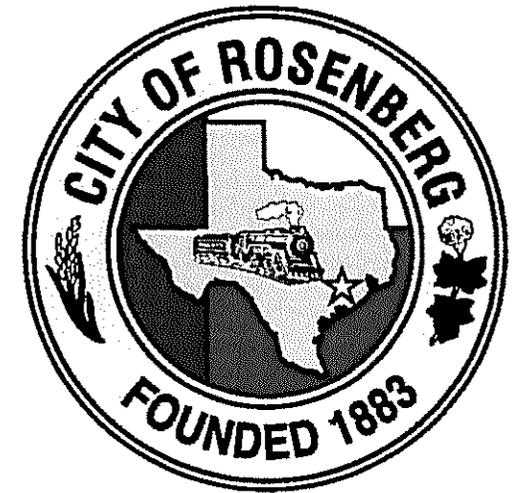
Captain D's Seafood Restaurant
3714 Avenue H

have, on this 4th day of August 2015, been recognized for their acts of labor and excellence in beautifying this property and for their caring efforts at making this location in our community more appealing, and deserve the recognition and appreciation of the people of our City for their undertaking.





Cynthia A. McConathy, Mayor



City of Rosenberg

IMAGE COMMITTEE

Certificate of Recognition

Be it hereby known to all, that

McDonald's Restaurant

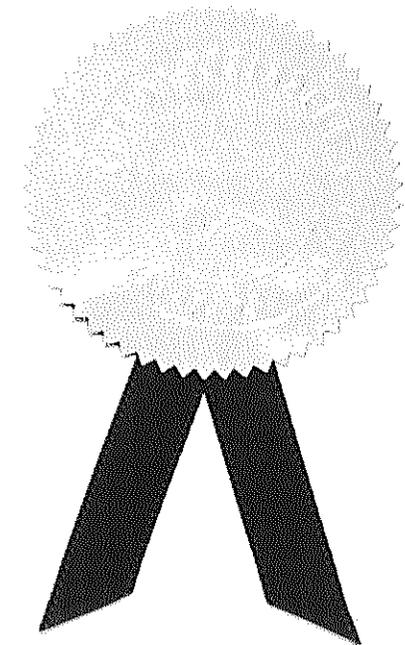
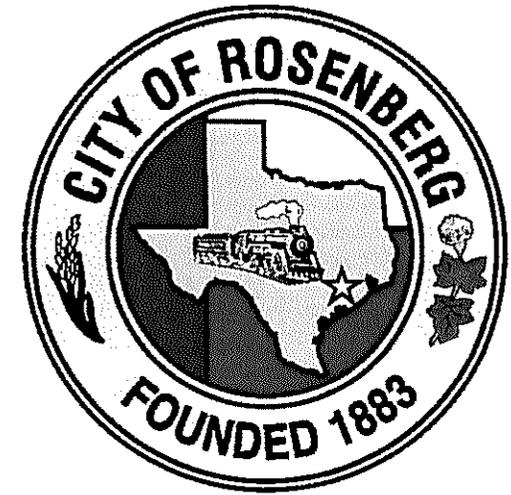
3627 Avenue H

have, on this 4th day of August 2015, been recognized for their acts of labor and excellence in beautifying this property and for their caring efforts at making this location in our community more appealing, and deserve the recognition and appreciation of the people of our City for their undertaking.



A handwritten signature in black ink, appearing to read 'Cynthia A. McConathy'.

Cynthia A. 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.

ITEM 1

Review of Consent Agenda.

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

ITEM A

Minutes:

1. **Regular City Council Meeting Minutes – July 21, 2015**

CITY OF ROSEBERG
REGULAR COUNCIL MEETING MINUTES

*****DRAFT*****

On this the 21st day of July, 2015, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Regular Session, in the Rosenberg City Hall Council Chamber, located at 2110 4th Street, Rosenberg, Texas.

PRESENT

Cynthia A. McConathy	Mayor
William Benton *	Councilor at Large, Position 1
Amanda Barta	Councilor at Large, Position 2
Jimmie Pena	Councilor, District 1
Susan Euton	Councilor, District 2
Lisa Wallingford	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
Joyce Vasut	Executive Director of Administrative Services
Travis Tanner	Executive Director of Community Development
Charles Kalkomey	City Engineer
Tonya Palmer	Building Official
Lisa Olmeda	Human Resources Director
Tracie Dunn	Assistant Police Chief
Cody Daily	Police Lieutenant
Wayne Jory	Police Lieutenant
John Johnson	Police Sergeant
James Thompson	Police Officer
Justin Rogers	Police Officer
Matthew Macias	Police Officer
Wade Goates	Fire Chief
Darren McCarthy	Parks and Recreation Director
Lydia Acosta	Recreation Program Coordinator
Randall Malik	Economic Development Director
Rigo Calzoncin	Public Works Director
Karl Zwahr	Utilities Director
James Lewis	Information Services Manager
Daniel Kelleher	Main Street Manager
Kaye Supak	Executive Assistant
Michael Patterson	Building Maintenance Supervisor
Carolyn Kagy	Civic Center Manager
Jackie Jurasek	Animal Control Supervisor
Valente Martinez	Fleet Supervisor

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

CALL TO ORDER.

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

INVOCATION AND PLEDGE OF ALLEGIANCE.

Reverend Jose Linares, Lion of Judah, Rosenberg, gave the invocation, and Boy Scout Troop 1656 led

the pledge of allegiance to the flag.

PRESENTATION OF AWARD TO THE CITY OF ROSENBERG BY THE TEXAS DEPARTMENT OF INSURANCE AND THE TEXAS STATE FIRE MARSHAL'S OFFICE FOR ACHIEVING A PUBLIC PROTECTION CLASSIFICATION RATING OF ISO CLASS 2.

Wade Goates, Fire Chief, presented an Award to the City of Rosenberg by the Texas Department of Insurance and the Texas State Fire Marshal's Office for Achieving a Public Protection Classification Rating of ISO Class 2.

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

Mayor McConathy and Tracie Dunn, Assistant Police Chief, presented the Willie D. McQueen, Jr., Employee of the Quarter Award to James Thompson, Police Officer, for recognizing suspicious activity in a park on his way home from work in May 2015. Acting on his training and experience, he contacted appropriate personnel, and positively identified the suspect in five open cases. Officer Thompson demonstrated the pursuit of excellence that the Police Department strives to achieve.

Mayor McConathy and Darren McCarthy, Parks and Recreation Director, presented the Willie D. McQueen, Jr., Employee of the Quarter Award to Luis Betancourt and Ricardo Alanis, who were assigned to park cleanup duty on June 14, 2015. They noticed a bag on a bench in a park, and ultimately recovered a large sum of money and two handguns, which were relinquished to the Police Department. Their quick, appropriate, and honest actions helped to keep the City of Rosenberg safe.

PRESENTATION OF CERTIFICATES OF ACHIEVEMENT TO 2015 PITCH, HIT AND RUN SKILLS COMPETITION WINNERS.

Lydia Acosta, Recreation Programs Coordinator, presented Certificates of Achievement to the following 2015 Pitch, Hit and Run Skills Competition Winners:

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

PRESENTATION OF CERTIFICATES OF APPRECIATION TO 2015 PITCH, HIT AND RUN SKILLS COMPETITION VOLUNTEERS.

Lydia Acosta presented Certificate of Appreciation to the following 2015 Pitch, Hit and Run Skills Competition Volunteers:

- Rosenberg Lion's Club
- B.F. Terry High School National Honor Society

PRESENTATION OF CERTIFICATE OF RECOGNITION TO ROSENBERG XTREME GIRLS SOFTBALL TEAM FOR FINISHING 2ND PLACE IN THE TEXAS STATE CHAMPIONSHIP (GIRLS 14U DIVISION).

Lydia Acosta presented a Certificate of Recognition to Rosenberg Xtreme Girls Softball Team for Finishing 2nd Place in the Texas State Championship (Girls 14U Division).

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 JUNE 30, 2015, AND REGULAR MEETING MINUTES FOR JULY 07, 2015.

B. CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2015-21, AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY ADDING A PORTION OF WARD STREET TO SECTION 28-116 OF ARTICLE III OF DIVISION 2 OF CHAPTER 28 THEREOF, AS A PORTION OF A STREET WITHIN THE CITY UPON WHICH IT IS UNLAWFUL TO PARK A VEHICLE; AND REPEALING ORDINANCE NO. 2013-11 IN ITS ENTIRETY; PROVIDING FOR THE INSTALLATION OF "NO PARKING" SIGNS INDICATING THE BOUNDARIES OF THE NO PARKING ZONE ALONG WARD STREET; PROVIDING A PENALTY IN AN AMOUNT OF NOT LESS THAN \$1.00 NOR MORE THAN \$200.00 FOR EACH VIOLATION OF ANY PROVISION HEREOF; PROVIDING FOR A CUMULATIVE AND CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Executive Summary: This Ordinance is being presented to City Council for the consideration of the installation of a revised "no parking" zone on a portion of Ward Street at the intersection of FM 1640 (Avenue I). The City approved Ordinance No. 2013-11 on February 19, 2013, to address traffic issues and safety concerns resulting from vehicles that are parked along Ward Street, obstructing vision at the intersection, and constricting the street width. The "no parking" zone presently extends from the south right-of-way line of FM 1640 (Avenue I), seventy (70) feet south along both the east and west sides of Ward Street. The business establishments located on both sides of Ward Street at Avenue I appear to be generating the on-street parking.

An unresolved parking issue on the east side of Ward Street, near this intersection, was recently brought to staff's attention. According to information provided, vehicles routinely park in the area immediately south of the "no parking" zone which contains two (2) driveways with a minimal amount of separation distance between them. As a result, one of the driveways will always be partially blocked, creating a safety issue for anyone that needs to use the driveway. If approved, the "no parking" zone would be extended an additional five (5) feet south, along the west side of Ward Street and thirty (30) feet south, along the east side of Ward Street to encompass the area between the two (2) driveways. A location map of the proposed "no parking" zone is included in the packet. Ordinance No. 2015-21 would repeal Ordinance No. 2013-11 and establish revised boundaries for this "no parking" zone.

Staff recommends approval of Ordinance No. 2015-21 as presented to address the

remaining safety issue.

- C. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2015-22, AN ORDINANCE PROVIDING FOR THE EXTENSION OF THE CITY LIMITS OF THE CITY OF ROSENBERG, TEXAS, BY VOLUNTARY ANNEXATION OF 3.483 ACRES OF LAND IN THE EUGENE WHEAT SURVEY, A-396, FORT BEND COUNTY, TEXAS; GRANTING TO SAID TRACT OF LAND AND TO ALL CURRENT AND FUTURE INHABITANTS OF SAID TRACT OF LAND THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID CURRENT AND FUTURE INHABITANTS BY ALL OF THE ACTS, ORDINANCES, REGULATIONS AND RESOLUTIONS OF SAID CITY, NOW IN EFFECT AND TO BE HEREAFTER ADOPTED; ADJUSTING THE BOUNDARIES OF COUNCIL DISTRICT NO. 4 TO INCLUDE THE TRACT ANNEXED HEREBY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.**

Executive Summary: City staff 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 the disannexation of 8.709 acres as seen in the vicinity map included in the agenda packet. The purpose the request is to not have developable properties that are in multiple jurisdictions. This could be beneficial not only to the developer and to future homeowners in the subdivision, but also to the City by avoiding confusion as to what entity (City or County) is responsible for maintenance, emergency response, and other issues. Despite being smaller in size than the proposed disannexation tract, the annexation tract had a higher taxable value in 2014, so this should result in a net fiscal gain to the City.

On July 07, 2015, City Council passed Resolution No. R-1991 recognizing the petition for annexation. As discussed on July 07, separate ordinances for annexation and disannexation of the proposed property are required and have been placed on this Agenda. Staff recommends approval of Ordinance No. 2015-22.

- D. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2015-23, AN ORDINANCE PROVIDING FOR THE DISANNEXATION FROM THE CORPORATE BOUNDARIES OF THE CITY OF ROSENBERG, TEXAS, OF 8.709 ACRES OF LAND IN THE WILEY MARTIN LEAGUE, A-56, FORT BEND COUNTY, TEXAS, PURSUANT TO THE PETITION FOR DISANNEXATION; ADJUSTING THE BOUNDARIES OF COUNCIL DISTRICT NO. 4 TO EXCLUDE THE TRACT DISANNEXED HEREBY; CONTAINING CERTAIN FINDINGS; PROVIDING FOR NON-SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

Executive Summary: As discussed in the previous Agenda item, City staff 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 the disannexation of 8.709 acres. The purpose the request is to not have developable properties that are in multiple jurisdictions. This could be beneficial not only to the developer and to future homeowners in the subdivision, but also to the City by avoiding confusion as to what entity (City or County) is responsible for maintenance, emergency response, and other issues. Despite being larger in size than the proposed annexation tract, the disannexation tract had a lower taxable value in 2014, so this should result in a net fiscal gain to the City.

On July 07, 2015, City Council passed Resolution No. R-1991 recognizing the petition for annexation. As discussed on July 07, separate ordinances for annexation and disannexation of the proposed property are required and have been placed on this Agenda. Staff recommends approval of Ordinance No. 2015-23, thereby disannexing 8.709 acres of land in MUD No. 152 pursuant to the petition.

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

REGULAR AGENDA

2. **REVIEW AND DISCUSS A PRESENTATION REGARDING A PROPOSED EAGLE SCOUT PROJECT BY**

MATTHEW BANSE OF TROOP 1656 TO BUILD AN EDIBLE ARBOR TRAIL IN BRAZOS PARK, AND TAKE ACTION AS NECESSARY.

Executive Summary: On June 25, 2015, at the regularly scheduled Parks and Recreation Board (Board) meeting, Matthew Banse, Troop 1656, presented a proposal to build an Edible Arbor Trail (Project) in Brazos Park. The trail would include fifteen (15) trees, three (3) of each type, along the path for visitors to enjoy and pick the fruits from. The five (5) different types of trees, the Pineapple Pear, Meyer's Lemon, Satsuma Orange, Brown Turkey Fig, and Santa Rosa Plum, were all chosen for their ability to withstand the Texas climate. Matthew will build a drip irrigation system for each tree that will allow rain water to be collected. This irrigation system would also be covered by netting to prevent debris from entering the system. Matthew's father and uncle will be donating some of the trees and he will be contacting vendors for donations and fundraising to complete the Project. Matthew also plans to build signs for visitors to learn about each type of tree planted along the trail. The Project is budgeted to be about \$870.00. Friends of North Rosenberg have endorsed the Project and have offered to assist with the upkeep of the trail. After reviewing the presentation, the Board unanimously recommended the Project plan for approval.

Staff and the Parks and Recreation Board recommend approval of the proposed Eagle Scout Project for an Edible Arbor Trail at Brazos Park.

Key Discussion Points: Darren McCarthy, Parks and Recreation Director, introduced Matthew Banse from Boy Scout Troop 1656, who gave a presentation on his proposed project, including the variety of trees, location of trees, signage, timeline, and budget. Council was supportive of the project and thanked Matthew Banse for his contribution to the City.

3. **CONSIDERATION OF AND ACTION ON APPOINTMENTS TO THE FOLLOWING BOARDS, COMMITTEES, AND COMMISSIONS:**

- a) **ANIMAL CONTROL SHELTER ADVISORY BOARD;**
- b) **BUILDING AND STANDARDS BOARD;**
- c) **IMAGE COMMITTEE;**
- d) **PARKS AND RECREATION BOARD; AND,**
- e) **PLANNING COMMISSION.**

Executive Summary: Each year the City Council appoints and reappoints members to the City's Boards, Committees, and Commissions (Committees) that are to be appointed or reappointed for that particular year. Included in the agenda packet is a list of current Committee members and applicants, the advertisement published in the Fort Bend Herald newspaper on May 31, June 7 and June 14, 2015, and on the City's webpage. The deadline for applications was Friday, June 19, 2015. The 2015 Committee Applications were previously sent to City Council under separate cover and included a cover sheet with a brief description of each of the Committees that are being appointed/reappointed. The applications were received from current and new applicants for the specific Committee(s) they are interested in serving.

Included in the agenda packet is the current City of Rosenberg Committee List for those Committee positions that are to be appointed/reappointed at this time.

Key Discussion Points: Linda Cernosek, City Secretary, read the Executive Summary.

Animal Control Shelter Advisory Board

Action: Councilor Barta made a motion, seconded by Councilor Benton, to reappoint Jackie Jurasek, Renee McAnally, David Mirelez, Dr. William Hester, DVM, Joni Huff, and Carolyn Seiler; and, to appoint Laura Knizner to the Animal Control Shelter Advisory Board.

The motion carried by a vote of 6 to 1 as follows: Yeses: Mayor McConathy, Councilors Benton, Barta, Pena, Wallingford, and Moses. No: Councilor Euton.

Building and Standards Board

Action: Mayor McConathy made a motion, seconded by Councilor Benton, to reappoint Robert Duran (Contractor), Devin Koeppen (Utility Representative), and Walter Urbish (Master Electrician); and, to appoint Cowboy Bill (Citizen At Large), Phillip Grudziecki (Master Plumber),

and Shawn Schulze (Mechanical Rep HVAC) to the Building and Standards Board. The motion carried by a unanimous vote.

Image Committee

Action: Councilor Benton made a motion, seconded by Councilor Euton, to reappoint Joyce Bartos, Linda Carroll, Rufus Guebara III, Stanley Kucherka, and Sergio Villagomez***(Sergio Villagomez was later appointed to Planning Commission; therefore, will not serve on Image Committee, per City Charter rules); and, to appoint Cathi Cross, Eric Ramirez, and Marcus Morales to the Image Committee. The motion carried by a unanimous vote.

The motion carried by a vote of 6 to 1 as follows: Yeses: Mayor McConathy, Councilors Benton, Barta, Pena, Euton, and Moses. No: Councilor Wallingford.

Parks and Recreation Board

Action: Councilor Moses made a motion, seconded by Councilor Benton, to reappoint William Allen, Teresa Bailey, Melissa Dixon, Rudy Guerrero, Bertha Nell Kelm, Stanley Kucherka, Raymond Kueck, Eric Ramirez, and Julia Worley; and, to appoint Lila Villagomez to the Parks and Recreation Board. The motion carried by a unanimous vote.

Planning Commission

Action: Mayor McConathy made a motion, seconded by Councilor Moses, to reappoint Lester Phipps, Jr., Wayne Poldrack, and James Urbish; and, to appoint Charlotte Davis, Steven Monk, and Sergio Villagomez to the Planning Commission. The motion carried by a unanimous vote.

The motion carried by a vote of 5 to 2 as follows: Yeses: Mayor McConathy, Councilors Benton, Barta, Pena, and Moses. Noes: Councilors Euton and Wallingford.

****According to City Charter, Planning Commissioners may not serve on any other City committees. Therefore, Sergio Villagomez is rendered unable to serve on the Image Committee as a result of his appointment to the Planning Commission.**

4. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-2003, A RESOLUTION DESIGNATING A DIRECTOR TO THE WEST FORT BEND MANAGEMENT DISTRICT BOARD OF DIRECTORS FOR A FOUR-YEAR TERM BEGINNING JUNE 01, 2015, AND ENDING JUNE 01, 2019.**

Executive Summary: The West Fort Bend Management District (the "District") has requested that the City appoint an applicant to serve as a Board Director for a four-year term to run from June 01, 2015, to June 01, 2019. Anthony Sulak currently serves as Rosenberg's representative on the District's Board of Directors. Per the correspondence included in the agenda packet from Mandi Bronsell, Executive Director of the District, the legislation creating the District, Texas Special District Local Laws Code Section 3835.052, provides that the City will appoint the District's Directors from persons recommended by the District's Board of Directors.

Two (2) applications were received by the District for the new term: Anthony Sulak and Ronald E. Ewer. The proposed Resolution No. R-2003 will allow City Council to designate the Rosenberg representative to serve on the District Board of Directors for a four-year term. The applications for Mr. Sulak and Mr. Ewer are attached to the correspondence from Ms. Bronsell for City Council's review and consideration.

Key Discussion Points: Mayor McConathy read the Executive Summary.

Action: Councilor Benton made a motion, seconded by Councilor Moses, to table the item. The motion carried by a unanimous vote.

5. **REVIEW AND DISCUSS PRESENTATION REGARDING THE CITY'S FY2016 BUDGET/ROSENBERG DEVELOPMENT CORPORATION'S FY2016 BUDGET, AND TAKE ACTION AS NECESSARY.**

Executive Summary: This Agenda item allows the City Manager to submit the FY2016 Proposed Budget for the City of Rosenberg and the Rosenberg Development Corporation (RDC) to the City Council. The Executive Director of Administrative Services will present the highlights of the FY2016 Proposed Budgets. City Council will be given the opportunity to review and discuss the Proposed Budgets during the presentations prepared for future meetings, workshops and

public hearings.

Key Discussion Points: Robert Gracia, City Manager, read the Executive Summary and Joyce Vasut, Executive Director of Administrative Services, gave a presentation on the Summary of FY2016 Proposed Budget. No action was taken on this item. Mayor McConathy requested that an item be added to a future agenda to discuss RDC funding the West Fort Bend Management District because Council may not approve or disapprove line items of the Rosenberg Development Corporation budget, only approve or disapprove the entire budget, and because this item did not include discussion regarding funding the West Fort Bend Management District. This item will be added to the August 4, 2015, Regular City Council Meeting Agenda.

6. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-2005, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A CONTRACT FOR ENGINEERING SERVICES FOR PHASE II - SANITARY SEWER PIPEBURSTING PROJECT, FOR ENGINEERING AND SURVEYING SERVICES FOR THE SANITARY SEWER PIPEBURSTING PROJECT, BY AND BETWEEN THE CITY AND KELLY R. KALUZA AND ASSOCIATES, INC., IN THE AMOUNT OF \$446,500.00.**

Executive Summary: During the January 28, 2014, City Council Workshop, staff provided information regarding the overall condition of the sanitary sewer collection system within the Wastewater Treatment Plant No. 1A service area. Cost estimates to replace the remainder of the sewer collection system lines, certain lift stations, and replacement of the chemical disinfection system at the wastewater treatment plant were also provided. The overall objective is to complete the rehabilitation work in this service area within the next three (3) to four (4) year period. This Project is included in the FY2016 Capital Improvement Plan approved by City Council as Resolution No. R-1997 on July 07, 2015.

The proposed Sanitary Sewer Pipe Bursting Project (Project) – Phase II is the next phase of the sewer collection system line replacement. This Project will continue replacement of collection system lines south of Avenue F. This Project is necessary to maintain compliance with Texas Commission on Environmental Quality (TCEQ) regulations regarding sanitary sewer overflows and increased inflow/infiltration flows experienced during rain events. The 2014 Certificates of Obligation Phase I Capital Project balance has sufficient funding for the engineering services. Upon completion of the engineering design and bidding process, the construction bid award would be placed on a future Agenda for City Council consideration and approval. The preliminary construction cost estimate for this phase of the Project is approximately 3.3 million dollars. The construction will be funded with proceeds from proposed Certificates of Obligation, which will also be presented at a future City Council Meeting prior to December 31, 2015.

Staff recommends approval of Resolution No. R-2005, authorizing the City Manager to execute a Contract for Engineering Services for Sanitary Sewer Pipe Bursting Project – Phase II with Kelly R. Kaluza & Associates, Inc., for the engineering and surveying services for the Sanitary Sewer Pipe Bursting Project, in the amount of \$446,500.00.

Key Discussion Points: John Maresh, Assistant City Manager of Public Services, read the Executive Summary.

Action: Councilor Barta made a motion, seconded by Councilor Euton, to approve Resolution No. R-2005, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Contract for Engineering Services for Phase II - Sanitary Sewer Pipebursting Project, for engineering and surveying services for the Sanitary Sewer Pipebursting Project, by and between the City and Kelly R. Kaluza and Associates, Inc., in the amount of \$446,500.00. The motion carried by a unanimous vote.

7. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-2006, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A PROPOSAL FOR ENGINEERING AND SURVEYING SERVICES FOR LIFT STATION NO. 2 REPLACEMENT, BY AND BETWEEN THE CITY AND JONES AND CARTER, INC., IN THE AMOUNT OF \$290,000.00.**

Executive Summary: During the January 28, 2014, City Council Workshop, staff provided information regarding the replacement of specific lift stations as a part of the overall discussion regarding the condition of the sanitary sewer collection system within the Wastewater Treatment Plant No. 1A service area. The overall objective is to complete all of the sewer line rehabilitation work and lift station replacements within the next three (3) to four (4) year period.

The replacement of Lift Station No. 2 is now ranked as the highest priority amongst the twenty-seven (27) lift stations owned by the City. This particular lift station was originally constructed in the early 1950's, approximately sixty (60) years ago. Some rehabilitation work was performed twenty-nine (29) years ago in 1986 and that has now exceeded its useful life cycle. Much of the equipment is antiquated and repair/replacement parts are becoming increasingly difficult to obtain. This lift station regularly experiences operational problems and is not reliable. This is a major lift station and proactive measures should be taken in order to prevent a catastrophic failure. Supervisory Control and Data Acquisition (SCADA) equipment will also be installed at this lift station as a part of this Project. The SCADA equipment will allow for remote system monitoring and control, further improving reliability. This Project is included in the FY2016 Capital Improvement Plan approved by City Council as Resolution No. R-1997 on July 07, 2015.

The 2014 Certificates of Obligation Phase I Capital Project balance has sufficient funding for the engineering services. Upon completion of the engineering design and bidding process, the construction bid award would be placed on a future Agenda for City Council consideration and approval. The preliminary construction cost estimate for this phase of the Project is approximately 2.66 million dollars. The construction will be funded with proceeds from proposed Certificates of Obligation, which will also be presented at a future City Council Meeting prior to December 31, 2015.

Staff recommends approval of Resolution No. R-2006, authorizing the City Manager to execute a Proposal with Jones and Carter, Inc., for the engineering and surveying services for the Lift Station No. 2 Replacement, including SCADA equipment, in the amount of \$290,000.00.

Key Discussion Points: John Maresh read the Executive Summary and explained that the general purpose of a lift station is to relift wastewater from a deep gravity line to a much shallower line in order to maintain positive flow to a wastewater treatment plant. He stated that the normal life expectancy can be 40-50 years, and this lift station has well exceeded that amount of time.

Action: Councilor Barta made a motion, seconded by Councilor Euton, to approve Resolution No. R-2006, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Proposal for Engineering and Surveying Services for Lift Station No. 2 Replacement, by and between the City and Jones and Carter, Inc., in the amount of \$290,000.00. The motion carried by a unanimous vote.

8. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-2007, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A COOPERATION AGREEMENT, BY AND BETWEEN THE CITY AND FORT BEND COUNTY REGARDING URBAN COUNTY QUALIFICATION FOR COOPERATIVE PARTICIPATION IN THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIP, AND/OR EMERGENCY SOLUTIONS GRANT (ESG) PROGRAMS.**

Executive Summary: The City of Rosenberg and Fort Bend County (County) entered into a Cooperation Agreement (Agreement) on June 14, 1994, which qualified the City to participate with the County in federal Community Development Block Grant (CDBG) programs. The U.S. Department of Housing and Urban Development (HUD) is requesting an updated Cooperation Agreement between the City and Fort Bend County to reflect changes to program policies and regulations relating to community development and housing rehabilitation assistance programs.

Resolution No. R-2007 would authorize the Mayor to execute a new Agreement with the County, attached as Exhibit "A" to said Resolution, for cooperative participation in these HUD

grant programs. Staff recommends approval of Resolution No. R-2007 as presented.

Key Discussion Points: John Maresh read the Executive Summary.

Action: Councilor Euton made a motion, seconded by Councilor Moses, to approve Resolution No. R-2007, a Resolution authorizing the Mayor to execute, for and on behalf of the City, a Cooperation Agreement, by and between the City and Fort Bend County regarding Urban County Qualification for cooperative participation in the U.S. Department of Housing and Urban Development Community Development Block Grant (CDBG), HOME Investment Partnership, and/or Emergency Solutions Grant (ESG) programs. The motion carried by a unanimous vote.

9. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-2008, A RESOLUTION DETERMINING A PUBLIC PURPOSE AND AUTHORIZING FUNDING IN AN AMOUNT NOT TO EXCEED \$3,500 FOR SURVEY COSTS RELATED TO A PROPOSED DISANNEXATION PETITION BY THE RESIDENTS OF THE SPACEK TRACTS; AND, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, NECESSARY DOCUMENTS AND/OR AGREEMENTS TO FACILITATE SAME.**

Executive Summary: This item has been included on the Agenda to offer City Council an opportunity to consider determining a public purpose and authorization of funding, in an amount not to exceed \$3,500, for survey costs associated with a proposed disannexation petition by some of the residents of a specified part of the real property that was annexed by the City on or about November 22, 2011, commonly known as the "Spacek Tracts." This survey would be a necessary prerequisite for giving public notice and circulating a petition among the qualified voters in the affected area pursuant to the City Charter Section 1.04 and Chapter 43 of the Texas Local Government Code.

Key Discussion Points: Scott Tschirhart, City Attorney, gave a summary of the item and explained that this is a preliminary move that is necessary prior to circulating a petition among the residents of the area.

Action: Councilor Benton made a motion, seconded by Councilor Barta, to approve Resolution No. R-2008, a Resolution determining a public purpose and authorizing funding in an amount not to exceed \$3,500 for survey costs related to a proposed disannexation petition by the residents of the Spacek Tracts; and, authorizing the City Manager to negotiate and execute, for and on behalf of the City, necessary documents and/or agreements to facilitate same. The motion carried by a unanimous vote.

10. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-2004, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AN INTERLOCAL AGREEMENT FOR FIRE CODE AND INVESTIGATIONS BY AND BETWEEN THE CITY AND FORT BEND COUNTY, FOR FIRE CODE AND INVESTIGATIONS FOR FORT BEND COUNTY OWNED OR LEASED BUILDINGS LOCATED WITHIN THE CITY LIMITS OF ROSENBERG.**

EXECUTIVE SUMMARY: Resolution No. R-2004 provides the opportunity for City Council to consider an Interlocal Agreement (Agreement) with Fort Bend County, by and through the Fort Bend County Fire Marshal, for Fire Code enforcement and investigations for Fort Bend County owned or leased buildings in the City of Rosenberg. The term of the Agreement, attached to Resolution No. R-2004 as Exhibit "A", is from the date of execution by the last party through midnight on September 30, 2015, and will continue thereafter under the same terms and conditions each October 1st unless specifically terminated by either party.

Staff recommends approval of Resolution No. R-2004, providing authorization for the Mayor to execute an Interlocal Agreement by and between the City and Fort Bend County for Fire Code enforcement and investigations for Fort Bend County owned or leased buildings in the City of Rosenberg.

Key Discussion Points: Wade Goates, Fire Chief, read the Executive Summary and explained that the County did not have a fire code in the past, but recently adopted a model code consistent with that of the City. Because each entity is following the same code, this

agreement is necessary in order to reduce the redundancy of both parties participating in inspections. Fort Bend County Fire Marshal will conduct their inspections, and will provide their records to the City each year.

Action: Councilor Benton made a motion, seconded by Councilor Barta, to approve Resolution No. R-2004, a Resolution authorizing the Mayor to execute, for and on behalf of the City, an Interlocal Agreement for Fire Code and Investigations by and between the City and Fort Bend County, for Fire Code and investigations for Fort Bend County owned or leased buildings located within the City Limits of Rosenberg. The motion carried by a unanimous vote.

11. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-2009, A RESOLUTION AUTHORIZING THE ASSIGNMENT OF THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY AND 16 ROSE, LTD., REGARDING THE READING ROAD OFFICE PARK, A SUBDIVISION OF 8.928 ACRES, TO RICHWEST INVESTORS, LLC; AND AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, FIRST AMENDMENT TO SAID AGREEMENT.**

Executive Summary: On September 21, 2010, City Council passed Resolution No. R-1214 authorizing the City Manager to execute a Development Agreement with 16 Rose, Ltd., for the Reading Road Office Park. The Resolution is included in the agenda packet for review. The subject property is located on the east side of Reading Road between FM 2218 and Town Center Boulevard.

Among other things, the Agreement generally provided for the following:

- The use of access easements instead of public streets for lots/reserves to front on
- Fewer parking spaces than the number that would typically be required by City ordinance
- Restrictions on land use and other standards above and beyond City ordinances
- Based on a traffic study performed at the time (see study excerpt included in the agenda packet), a traffic signal is warranted at the intersection of Reading Road and Town Center Boulevard due to the intersection failing at peak traffic hours, particularly during the evening peak hour (level of service F). The developer agreed to participate in one-half (1/2) of the cost of the signal per Section 5.03 (b) of the Agreement.

It is important to note that the City's portion of the signal cost is currently funded. However, the developer has requested to defer payment of their portion of the signal cost until Phase II of the development is platted. That is reflected in the proposed First Amendment to the Agreement. Additionally, it is proposed that the City authorize the assignment of the Agreement with 16 Rose, Ltd., to Richwest Investors, LLC.

Staff does not object to these changes based on the rate at which the property is developing and the impact of the specific development on the need for a signal. Staff believes the signal can be deferred, but should be kept in the Agreement and in the FY2016 Capital Improvements Program (CIP) based on the traffic study and on the projected growth of the surrounding area. Staff recommends approval of Resolution No. R-2009.

Key Discussion Points: Travis Tanner, Executive Director of Community Development, gave an overview of the item, explaining that the developer wishes to defer payment of their portion of the signal cost until Phase II of the development is platted. The City does not have any immediate safety concerns at that development intersection, so there are no objections to this deferral at this time. Mr. Tanner introduced Thomas Juarez with Richwest Investors, LLC to answer questions. After some discussion, the general consensus of Council was that a light is not needed at that intersection at this time, but they do want to retain the clause in the agreement, in case a light is ever needed there.

Action: Councilor Barta made a motion, seconded by Councilor Wallingford, to approve Resolution No. R-2009, a Resolution authorizing the Assignment of the Development Agreement by and between the City and 16 Rose, Ltd., regarding the Reading Road Office Park, a subdivision of 8.928 acres, to Richwest Investors, LLC; and authorizing the City Manager to execute, for and on behalf of the City, First Amendment to said Agreement.

The motion carried by a vote of 6 to 1 as follows: Yeses: Mayor McConathy, Councilors Benton, Barta, Pena, Wallingford, and Moses. No: Councilor Euton.

12. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-2010, A RESOLUTION AUTHORIZING AMENDMENTS TO THE EMPLOYEE BENEFITS TRUST DECLARATION OF TRUST, A TRUST CREATED FOR THE PURPOSE OF PROVIDING CITY OFFICERS, EMPLOYEES, AND QUALIFIED RETIREES AND THEIR DEPENDENTS, WITH LIFE, DENTAL, DISABILITY, SICKNESS, ACCIDENT, AND OTHER HEALTH BENEFITS, EITHER DIRECTLY OR THROUGH THE PURCHASE OF INSURANCE, AND TO PERFORM OPERATIONS IN FURTHERANCE THEREOF.**

Executive Summary: Staff worked with Burke Sunday to establish the Employee Benefits Trust (Trust) for the purpose of providing City personnel and retirees with specific benefits. City Council approved the Declaration of Trust document on September 02, 2008, thus creating the Trust. The City Council amended the Declaration of Trust on March 01, 2011, August 20, 2013, and August 19, 2014, to revise Trustee membership and incorporate updated legislative requirements.

On Wednesday, July 15, 2015, the Employee Benefits Trust Committee met to discuss the necessary changes to the Declaration of Trust, Section I to reflect the change in Trustees, and also to Schedule "A" to reflect the new plan year of 2015-2016. Therefore, the Declaration of Trust document would need to be amended to reflect these changes. Please note that a draft minute excerpt was not yet available at print time for this Agenda packet.

Included in the agenda packet, please find a redlined copy of the recommended changes to same for City Council consideration. Mr. Sunday will be available at the City Council meeting to answer any questions.

Staff recommends approval of Resolution No. R-2010, authorizing the amendment to the Employee Benefits Trust Declaration of Trust, attached as Exhibit "A" to said Resolution.

Key Discussion Points: Lisa Olmeda, Human Resources Director, read the Executive Summary.

Action: Councilor Euton made a motion, seconded by Councilor Moses, to approve Resolution No. R-2010, a Resolution authorizing amendments to the Employee Benefits Trust Declaration of Trust, a Trust created for the purpose of providing City officers, employees, and qualified retirees and their dependents, with life, dental, disability, sickness, accident, and other health benefits, either directly or through the purchase of insurance, and to perform operations in furtherance thereof. The motion carried by a unanimous vote.

13. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-2011, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AN ADMINISTRATIVE SERVICES AGREEMENT, BY AND BETWEEN THE CITY AND THE ROSENBERG EMPLOYEE BENEFITS TRUST, FOR THE PROVISION OF CERTAIN ADMINISTRATIVE SERVICES FOR A TERM OF ONE (1) YEAR.**

Executive Summary: This Administrative Services Agreement (Agreement) will accommodate certain administrative services that may be performed by the City of Rosenberg on behalf of the Rosenberg Employee Benefits Trust (Trust).

The Trust met on Wednesday, July 15, 2015. The Trust recommending City Council approval of the Agreement. Please note that a draft minute excerpt from this meeting was not yet available at print time for this Agenda packet.

Staff recommends approval of Resolution No. R-2011, authorizing the City Manager to execute an Administrative Services Agreement, attached to Resolution No. R-2011 as Exhibit "A", for the provision of certain administrative services for a term of one (1) year, commencing October 01, 2015.

Key Discussion Points: Lisa Olmeda read the Executive Summary.

Action: Councilor Barta made a motion, seconded by Councilor Wallingford, to approve Resolution No. R-2011, a Resolution authorizing the City Manager to execute, for and on behalf of the City, an Administrative Services Agreement, by and between the City and the Rosenberg Employee Benefits Trust, for the provision of certain administrative services for a term of one (1) year. The motion carried by a unanimous vote.

14. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-2012, A RESOLUTION AUTHORIZING FUNDING FOR A CONTRACT WITH BLUECROSS BLUESHIELD OF TEXAS, FOR HEALTHCARE BENEFITS FOR CITY EMPLOYEES, QUALIFIED RETIREES, AND THEIR DEPENDENTS; AND, FOR LIFE INSURANCE FOR CITY EMPLOYEES FOR ONE (1) YEAR; AND, AUTHORIZING THE ROSENBERG EMPLOYEE BENEFITS TRUST TO NEGOTIATE AND EXECUTE A CONTRACT FOR SAME.**

Executive Summary: Staff has worked with Burke Sunday with Gallagher Benefits Services, Inc., to obtain quotes for the City's health benefit and life insurance. BlueCross BlueShield of Texas submitted a Best and Final 12.04% increase from the current rates; however, accepting the proposal for \$25,000 life insurance per employee would reduce the increase to 10.98% instead of 12.04%.

Funding for the Contract and proposed rates for FY2016 at \$ 2,383,293.60 and for life insurance for employees at \$23,072, would provide one (1) year of coverage with BlueCross BlueShield of Texas, beginning October 01, 2015, through September 30, 2016. The health insurance plan covers active employees and retirees under the age of 65. The life insurance covers active employees.

In FY2014-2015, the annual premium was \$2,024,326.80. The annualized increase to current annual proposed premium rates will be \$358,966.80.

Staff recommends approval of the funding for the proposed Contract with BlueCross BlueShield of Texas for the PPO Plan. The Employee Benefits Trust met on July 15, 2015, and has recommended approval to City Council. Please note a draft minute excerpt for this meeting was not yet available at print time for this Agenda packet.

Staff recommends approval of Resolution No. R-2012, authorizing funding for a Contract with BlueCross BlueShield of Texas, for healthcare benefits for City of Rosenberg employees, qualified retirees, and their dependents; and, for life insurance for City employees for one (1) year; and, authorizing the Rosenberg Employee Benefits Trust to negotiate and execute a Contract for same.

Key Discussion Points: Lisa Olmeda read the Executive Summary. Joyce Vasut explained that the previous two items were approving the Employee Benefits Trust and the Administrative Agreement; this item and the next item approve the contracts with Blue Cross and Assurant for the actual insurance.

Action: Councilor Barta made a motion, seconded by Councilor Pena, to approve Resolution No. R-2012, a Resolution authorizing funding for a Contract with BlueCross BlueShield of Texas, for healthcare benefits for City employees, qualified retirees, and their dependents; and, for life insurance for City employees for one (1) year; and, authorizing the Rosenberg Employee Benefits Trust to negotiate and execute a Contract for same. The motion carried by a unanimous vote.

15. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-2013, A RESOLUTION AUTHORIZING FUNDING FOR A CONTRACT WITH ASSURANT EMPLOYEE BENEFITS FOR DENTAL CARE BENEFITS FOR CITY EMPLOYEES, QUALIFIED RETIREES, AND THEIR DEPENDENTS; AND, AUTHORIZING THE ROSENBERG EMPLOYEE BENEFITS TRUST TO NEGOTIATE AND EXECUTE A CONTRACT FOR SAME.**

Executive Summary: Staff worked with Burke Sunday of Gallagher Benefits Services, Inc., to obtain quotes for the City's dental care benefits. Assurant Employee Benefits submitted a proposed 0.0% for the DHMO and 0.0% for the PPO Plan, due to the rate being guaranteed for two years for FY14-15 and FY15-16. The employees pay 100% of the premium.

The annual renewal premium will be \$85,791.00 for the PPO Plan and \$12,877.20 for the DHMO Plan, totaling \$98,668.20.

The Employee Benefits Trust (Trust) met on Wednesday, July 15, 2015. At that time, the Trust considered approval of the Contract with Assurant Employee Benefits and recommended approval of same to City Council. Please note that a draft minute excerpt was not yet available for this item at print time for this Agenda packet. Funding for the Contract and proposed rates at

\$98,668.20 would provide for one (1) year coverage with Assurant Employee Benefits beginning October 01, 2015, through September 30, 2016.

Staff recommends approval of Resolution No. R-2013, a Resolution authorizing funding for a Contract with Assurant Employee Benefits for dental care benefits for City employees, qualified retirees, and their dependents; and, authorizing the Rosenberg Employee Benefits Trust to negotiate and execute a Contract for same.

Key Discussion Points: Lisa Olmeda read the Executive Summary.

Action: Councilor Benton made a motion, seconded by Councilor Barta, to approve Resolution No. R-2013, a Resolution authorizing funding for a Contract with Assurant Employee Benefits for dental care benefits for City employees, qualified retirees, and their dependents; and, authorizing the Rosenberg Employee Benefits Trust to negotiate and execute a Contract for same. The motion carried by a unanimous vote.

16. ***Councilor Benton left the meeting prior to action taken on item 16.**

CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-2014, A RESOLUTION APPROVING EMPLOYEE AND RETIREE PREMIUM CONTRIBUTION RATES TO THE CITY'S HEALTH INSURANCE PLAN.

Executive Summary: On August 20, 2013, the City Council approved Resolution No. R-1688, which adopted a Premium Incentive Program under the Affordable Care Act (ACA) health care reform law, effective January 01, 2014. In January 2014, the Biometric Screening and Risk Assessment incentive was implemented. In Fiscal Year 2014-2015, the Tobacco Use incentive was implemented. In order to receive the premium incentive deductions, the employee must comply with the established incentive regulations. The Premium Incentive Program will continue in FY2016.

As noted in the Blue Cross and Blue Shield Contract (previous Agenda item), the health insurance rates will increase 10.98% for FY2016. During the July 15, 2015, Employee Benefits Committee/Employee Benefits Trust Meetings, the Committee Members reviewed the premium contribution rates. City staff submitted two (2) options. In Option 1, the percentage paid by the employee and the City remain the same at 10% by employee and 90% by the City for employee coverage and 48.5% paid by employee and 51.5% by City for dependent coverage. In this option, the increase affects both the employee and the City. In Option 2, the percentage paid by the employee and the City are adjusted to 100% paid by the City for employee coverage and 50% paid by employee and 50% by the City for dependent coverage. This option was presented as requested by the Employee Benefits Committee/Employee Benefits Trust during last year's meeting. Based on this option, the City's cost increases by \$130,000.

The Employee Benefits Committee/Employee Benefits Trust discussed the first two (2) options on the Health Insurance Comparison at the meeting on July 15, 2015, and is recommending City Council approval for Option 2 which includes the City paying 100% of the employee's insurance premium and the employees paying 50% of the dependent coverage while the City pays the remaining 50%. Option 2 allows the City to continue the City's target to reduce the City's percentage paid for dependent coverage while providing 100% of the employee's coverage.

Following the Employee Benefits Committee/Employee Benefits Trust meetings, a Committee and Council member requested additional options to be presented. Option 3 was suggested in which the City pays the amount of the 10.98% increase for both the employee and the dependent coverage. This option is more economical for the City but it contradicts the City target to reduce the City's contribution for dependent coverage.

Option 4 was also prepared as a more economical option for the City while remaining on target to increase the City's contribution for employee coverage and to decrease the City's contribution for dependent coverage. In Option 4, the percentage paid by the employee and the City are adjusted to 5% paid by the employee and 95% paid by the City for employee coverage and 50% paid by employee and 50% by the City for dependent coverage.

On December 06, 2005, the City Council approved Resolution No. R-697, amending the policy on health insurance premium payments for its retirees based on a sliding scale for the years of service

to the City of Rosenberg, effective January 01, 2006. This policy continues to govern retiree contribution rates for healthcare premiums.

The Employee Benefits Committee/Employee Benefits Trust recommends approving employee and tenured retiree premium contribution rates to the City's health insurance plan as Option 2, in which the percentage paid by the employee and the City are adjusted to 100% paid by City for employee coverage and 50% paid by employee and 50% by the City for dependent coverage. The percentages will be inserted in Resolution No. R-2014 as directed by the City Council.

Key Discussion Points: Joyce Vasut read the Executive Summary. After discussion, the general consensus of Council was to pass Option 4, which includes the following:

The employee premium contribution rates for coverage to the City's health insurance plan are hereby established at 5% paid by the employee and 95% paid by the City. The retiree premium contribution rates for coverage to the City's health insurance plan are based on the adopted Resolution No. R-697. The tenured retiree premium rates are established at 5% paid by the retiree and 95% paid by the City. The dependent premium contribution rates for coverage to the City's health insurance plan for dependents of eligible employees are established at 50% paid by the employee and 50% paid by the City. The dependent premium contribution rates for coverage to the City's health insurance plan for dependents of eligible retirees are established at 100% paid by the retirees.

Action: Councilor Pena made a motion, seconded by Councilor Barta, to approve Resolution No. R-2014, a Resolution approving employee and retiree premium contribution rates to the City's health insurance plan. The motion carried by a unanimous vote of those present.

17. **HOLD EXECUTIVE SESSION TO DELIBERATE THE POTENTIAL PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY PURSUANT TO SECTION 551.072 OF THE TEXAS GOVERNMENT CODE.**

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

An Executive Session was held to deliberate the potential purchase, exchange, lease, or value of real property pursuant to Section 551.072 of the Texas Government Code.

18. **ADJOURN EXECUTIVE SESSION, RECONVENE INTO REGULAR SESSION, AND TAKE ACTION AS NECESSARY AS A RESULT OF EXECUTIVE SESSION.**

Mayor McConathy adjourned the Executive Session and reconvened into Regular Session at 10:03 p.m.

19. **ANNOUNCEMENTS.**

- Thank you to the Police Explorers, staff members, and all of the volunteers who participated in the Police Explorer Competition on Saturday, July 18th, at Terry High School.

20. **ADJOURNMENT.**

There being no further business, Mayor McConathy adjourned the meeting at 10:04 p.m.

Linda Cernosek, TRMC, City Secretary



CITY COUNCIL COMMUNICATION

August 04, 2015

ITEM #	ITEM TITLE
B	Resolution No. R-2020 – Deed Without Warranty for BNSF Railway Company

ITEM/MOTION

Consideration of and action on Resolution No. R-2020, a Resolution authorizing the acceptance of a Deed Without Warranty being a 2.35 acre tract of land in the Henry Scott League, Abstract 83, City of Rosenberg, Texas, being out of and a part of a called 600-foot railroad reservation as shown on the plat of the original townsite of the City of Rosenberg, recorded in Volume P, Page 146, Deed Records, Fort Bend County, by and between the City of Rosenberg and BNSF Railway Company.

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. Resolution No. R-2020

APPROVALS

Submitted by:

Randall Malik
Economic Development
Director

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

The City recently acquired the 2.35 acres of property from BNSF Railway along Avenue F between 3rd and 6th Streets with the intent to create additional customer parking for merchants in the Downtown District. Rosenberg Development Corporation funds were used to purchase the property. Staff has received a Deed Without Warranty for the 2.35 acre property. Resolution No. R-2020 has been included to allow City Council to accept the conveyance of Deed, attached as Exhibit "A" to the Resolution.

Staff recommends approval of Resolution No. R-2020 as presented.

RESOLUTION NO. R-2020

A RESOLUTION OF THE CITY CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-2020, A RESOLUTION AUTHORIZING ACCEPTANCE OF A DEED WITHOUT WARRANTY, BEING A 2.35 ACRE TRACT OF LAND IN THE HENRY SCOTT LEAGUE, ABSTRACT 83, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS, BEING OUT OF AND A PART OF A CALLED 600-FOOT WIDE RAILROAD RESERVATION AS SHOWN ON THE PLAT OF THE ORIGINAL TOWNSITE OF THE CITY OF ROSENBERG, RECORDED IN VOLUME P, PAGE 146, DEED RECORDS, FORT BEND COUNTY, TEXAS, BY AND BETWEEN THE CITY OF ROSENBERG AND BNSF RAILWAY COMPANY.

* * * * *

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

WHEREAS, the City Council authorizes a Deed Without Warranty, being 2.35 acres of land, between the City of Rosenberg and BNSF Railway Company; and,

WHEREAS, staff was directed by the City Council to prepare and facilitate any and all documentation necessary to acquire that certain real property; and,

WHEREAS, the City Council hereby acknowledges and accepts conveyance of said Deed Without Warranty; now, therefore,

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

Section 1. That the City Council of Rosenberg acknowledges the acquisition of a Deed Without Warranty for certain real property more particularly described as a 2.35 acre tract of land in the Henry Scott League, Abstract 83, City of Rosenberg, Fort Bend County, Texas, being out of and a part of a called 600-foot wide railroad reservation as shown on the plat of the original town site of the City of Rosenberg recorded in Volume P, Page 146, Deed Records, Fort Bend County, Texas, more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes.

Section 2. That the City Council hereby acknowledges and accepts, for and on behalf of the City of Rosenberg, Texas, the foregoing Deed Without Warranty regarding conveyance of the 2.35 acre tract.

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

ATTEST:

APPROVED:

Linda Cernosek, **CITY SECRETARY**

Cynthia A. McConathy, **MAYOR**

Grantee covenants and agrees as follows:

(a) Grantee's interest shall be subject to the rights and interests of Grantor, Grantor's licensees, permittees and other third parties in and to all existing driveways, roads, utilities, fiber optic lines, tracks, wires and easements of any kind whatsoever on the Property whether owned, operated, used or maintained by the Grantor, Grantor's licensees, permittees or other third parties and whether or not of public record. Grantor does hereby reserve a perpetual easement on the Property for the use of such existing driveways, roads, utilities, fiber optic lines, tracks, wires and easements by Grantor and Grantor's licensees, permittees and customers. Also, Grantor does hereby reserve a non-exclusive easement for the construction, maintenance and operation of one or more pipelines or fiber optic lines and any and all communications facilities as may be located in the future on the Property within 60 feet of the center line of any Main Track on or adjacent to the Property and as may be presently located on the Property.

(b) Grantee's interest shall further be subject to, and Grantor does hereby specifically reserve, all coal, oil, gas, casing-head gas and all ores and minerals of every kind and nature including sand and gravel underlying the surface of the Property, together with the full right, privilege and license at any and all times to explore, or drill for and to protect, conserve, mine, take, remove and market any and all such products in any manner which will not damage structures on the surface of the Property, together with the right of access at all times to exercise said rights.

(c) Any improvements constructed or altered on the Property after the date Grantor conveys its interest to Grantee shall be constructed or altered in such a manner to provide adequate drainage of water away from any of Grantor's railroad tracks on nearby property.

(d) For 99 years after the Closing date, Grantee covenants and agrees that the Property shall be used solely for non-residential purposes and that the groundwater will not be used for drinking water or irrigation purposes.

(e) Within 60 days after closing, Grantee shall, at its sole cost and expense, construct a protective fence a minimum of six (6') feet in height upon, over and across the North line (trackside) of the Property. Grantee shall thereafter repair, maintain and renew said fence, so as to keep same in good repair at the sole cost of the Grantee. If fence is not constructed within this time frame, Grantor may construct said fence at the sole cost of Grantee and Grantee shall pay Grantor all associated costs within 10 days of receipt of bills.

(f) **RESERVING**, however, unto said Grantor, its successors and assigns, the right privilege and easement to maintain an unobstructed sight zone or area over that portion of the premises described as follows:

A strip of land 50 feet wide, along the easterly side of 3rd Street, said strip being the East 50 feet of the West 90 feet of the Property.

including the right to remove any or all obstructions thereon that would interfere with the view between the railroad tracks and right of way of Grantor in the vicinity of said premises and any pedestrian or vehicular traffic on the roads or passageways approaching said railroad tracks or right of way, and the Grantee covenants and agrees to keep said area free of all buildings, structures, trees, shrubbery, fences or any other obstructions that will interfere in any way whatsoever with the view across said area, which covenant shall run with the land.

(g) Grantee has been allowed to make an inspection of the Property. **GRANTEE IS PURCHASING THE PROPERTY ON AN "AS-IS WITH ALL FAULTS" BASIS WITH ANY AND ALL PATENT AND LATENT DEFECTS, INCLUDING THOSE RELATING TO THE ENVIRONMENTAL CONDITION OF THE PROPERTY, AND IS NOT RELYING ON ANY REPRESENTATION OR WARRANTIES, EXPRESS OR IMPLIED, OF ANY KIND WHATSOEVER FROM GRANTOR AS TO ANY MATTERS CONCERNING THE PROPERTY,** including, but not limited to the physical condition of the Property; zoning status; tax consequences of this transaction; utilities; operating history or projections or valuation; compliance by the Property with Environmental Laws (defined below) or other laws, statutes, ordinances, decrees, regulations and other requirements applicable to the Property; the presence of any Hazardous Substances (defined below), wetlands, asbestos, lead, lead-based paint or other lead containing structures, urea formaldehyde, or other environmentally sensitive building materials in, on, under, or in proximity to the Property; the condition or existence of any of the above ground or underground structures or improvements, including tanks and transformers in, on or under the Property; the condition of title to the Property, and the leases, easements, permits, orders, licenses, or other agreements, affecting the Property (collectively, the **"Condition of the Property"**). Grantee represents and warrants to Grantor that Grantee has not relied and will not rely on, and Grantor is not liable for or bound by, any warranties, guaranties, statements, representations or information pertaining to the Property or relating thereto (including specifically, without limitation, Property information packages distributed with respect to the Property) made or furnished by Grantor, the manager of the Property, or any real estate broker or agent representing or purporting to represent Grantor, to whomever made or given, directly or indirectly, orally or in writing. Grantee assumes the risk that Hazardous Substances or other adverse matters may affect the Property that were not revealed by Grantee's inspection and indemnifies, holds harmless and hereby waives, releases and discharges forever Grantor and Grantor's officers, directors, shareholders, employees and agents (collectively, **"Indemnitees"**) from any and all present or future claims or demands, and any and all damages, Losses, injuries, liabilities, causes of actions (including, without limitation, causes of action in tort or asserting a constitutional claim) costs and expenses (including, without limitation fines, penalties and judgments, and attorneys' fees) of any and every kind or character, known or unknown, arising from or in any way related to the Condition of the Property or alleged presence, use, storage, generation, manufacture, transport, release, leak, spill, disposal or other handling of

any Hazardous Substances in, on or under the Property. Losses shall include without limitation (a) the cost of any investigation, removal, remedial, restoration or other response action that is required by any Environmental Law, that is required by judicial order or by order of or agreement with any governmental authority, or that is necessary or otherwise is reasonable under the circumstances, (b) capital expenditures necessary to cause the Grantor remaining property or the operations or business of the Grantor on its remaining property to be in compliance with the requirements of any Environmental Law, (c) Losses for or related to injury or death of any person, (d) Losses for or related to injury or damage to animal or plant life, natural resources or the environment, and (e) Losses arising under any Environmental Law enacted after transfer. The rights of Grantor under this section shall be in addition to and not in lieu of any other rights or remedies to which it may be entitled under this document or otherwise. This indemnity specifically includes the obligation of Grantee to remove, close, remediate, reimburse or take other actions requested or required by any governmental agency concerning any Hazardous Substances on the Property. The term "**Environmental Law**" means any federal, state or local statute, regulation, code, rule, ordinance, order, judgment, decree, injunction or common law relating in any way to human health, occupational safety, natural resources, plant or animal life or the environment, including without limitation, principles of common law and equity, the Resource Conservation and Recovery Act, the Comprehensive Environmental Response, Compensation and Liability Act, the Toxic Substances Control Act, and any similar or comparable state or local law. The term "**Hazardous Substance**" means any hazardous, toxic, radioactive or infectious substance, material or waste as defined, listed or regulated under any Environmental Law, and includes without limitation petroleum oil and any of its fractions.

The covenants and agreements set forth in paragraphs (a) through (g), above, shall be binding upon Grantee and its heirs, successors and assigns, and shall be covenants running with the land benefiting Grantor and its heirs, successors and assigns.

THIS CONVEYANCE IS MADE WITHOUT WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, AND NO COVENANT OF WARRANTY SHALL BE IMPLIED FROM THE USE OF ANY WORD OR WORDS HEREIN CONTAINED, INCLUDING WITHOUT LIMITATION, ANY WARRANTY THAT MIGHT ARISE BY COMMON LAW, STATUTE, OR THE WARRANTIES IN SECTION 5.023 OF THE TEXAS PROPERTY CODE (AS AMENDED OR MODIFIED FROM TIME TO TIME). UPON DELIVERY OF THIS DEED, GRANTEE ACKNOWLEDGES AND AGREES THAT GRANTEE IS ACCEPTING THIS CONVEYANCE BASED SOLELY UPON GRANTEE'S OWN INDEPENDENT INSPECTION AND INVESTIGATION OF THE PROPERTY. GRANTEE HEREBY EXPRESSLY ACKNOWLEDGES THAT NO SUCH REPRESENTATIONS OR WARRANTIES, EXPRESS OR IMPLIED, OF ANY KIND WHATSOEVER FROM GRANTOR AS TO ANY MATTERS CONCERNING THE PROPERTY. ANY IMPLIED WARRANTIES ARE EXPRESSLY DISCLAIMED AND EXCLUDED.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, Grantee's legal representatives, heirs, successors and assigns, forever, without warranty of title of any kind (whether statutory, express, or implied).

IN WITNESS WHEREOF, the said Grantor has caused this instrument to be signed by its authorized representative, attested by its Assistant Secretary, and its corporate seal to be affixed hereto on the 18 day of June, 2015.

BNSF RAILWAY COMPANY,
a Delaware corporation

By: 
Kurt Geringer
Its: General Director Real Estate



ATTEST:

By: 
Tammy K. Herndon
Its: Assistant Secretary

ACCEPTED:

City of Rosenberg

By: [Signature]
Name: Robert Garcia
Title: City Manager

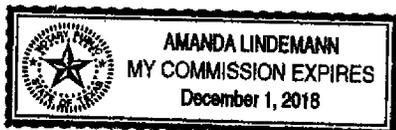


ATTEST:

By: [Signature]
Name: Linda Cernosek
Title: City Secretary

STATE OF TEXAS §
 § ss
COUNTY OF FORT BEND §

The foregoing instrument was acknowledged before me this 23rd day of June, 2015, by Robert Garcia as City Manager and Linda Cernosek as City Secretary, respectively, of City of Rosenberg, a municipal corporation, on behalf of said corporation.



[Signature]
Notary Public in and for the State of Texas
My commission expires: Dec 1, 2018

STATE OF TEXAS §
 § ss
COUNTY OF TARRANT §

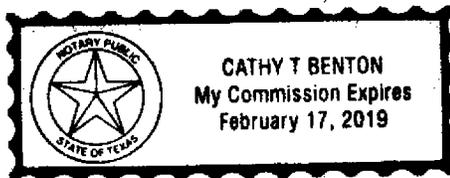
The foregoing instrument was acknowledged before me this 18th day of June, 2015, by Kurt Geringer as General Director Real Estate and Tammy K. Herndon as Assistant Secretary, respectively, of **BNSF RAILWAY COMPANY**, a Delaware corporation, on behalf of said corporation.



Notary Public in and for the State of Texas
My commission expires: Feb 17, 2019

This Instrument Prepared by:

BNSF Railway Company
LAW Department
2500 Lou Menk Drive, AOB 3
Fort Worth, Texas 76131-2830



FORM APPROVED BY LAW

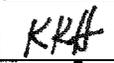
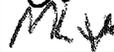
APPROVED DESCRIPTION	
APPROVED FORM	
APPROVED	

EXHIBIT "A"
LEGAL DESCRIPTION

FIELD NOTES FOR A 2.35 ACRE TRACT OF LAND IN THE HENRY SCOTT LEAGUE, ABSTRACT 83, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS, BEING OUT OF AND A PART OF A CALLED 600-FOOT WIDE RAILROAD RESERVATION AS SHOWN ON THE PLAT OF THE ORIGINAL TOWNSITE OF THE CITY OF ROSENBERG RECORDED IN VOLUME P, PAGE 146, DEED 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 PK nail found at the intersection of the extension of the centerline of 6th Street (80-foot wide) and the north line of an adjoining called 1.62 acre tract (Tract Number 1) recorded in Volume 77, Page 454, Deed Records, Fort Bend County, Texas, for the southeast corner and Place of Beginning of the herein described tract, said point also being the southwest corner of an adjoining called 0.6979 acre tract recorded in Volume 2410, Page 2352, Official Records, Fort Bend County, Texas, said point bears South 80 degrees 52 minutes 25 seconds West, 40.05 feet from a 5/8 inch iron rod with cap marked "Prejean" found at the intersection of the extension of the east right-of-way line of 6th Street and the north line of said adjoining called 1.62 acre tract;

Thence South 80 degrees 52 minutes 25 seconds West along the south line of the herein described tract, same being the north line of said adjoining called 1.62 acre tract, at 40.02 feet pass a ½ inch iron pipe found on said line at its intersection with the extension of the west right-of-way line of 6th Street, at 985.54 feet pass a ½ inch iron pipe with cap marked "Kalkomey Surveying" set on said line for reference at its intersection with the extension of the east right-of-way line of 3rd Street (formerly called Fifth Street – 80-foot wide), and continuing for a total distance of 1,025.76 feet to a point in the extension of the centerline of 3rd Street for the southwest corner of the herein described tract, same being the southeast corner of an adjoining called 1.39 acre tract recorded under County Clerk's File Number 9555495, Official Public Records, Fort Bend County, Texas, and described in Volume 2586, Page 2210, Official Records, Fort Bend County, Texas;

Thence North 03 degrees 04 minutes 32 seconds West along the west line of the herein described tract, same being the east line of said adjoining called 1.39 acre tract, as located along the extension of the centerline of 3rd Street, 100.56 feet to a point for the northwest corner of the herein described tract;

Thence North 80 degrees 52 minutes 25 seconds East establishing the north line of the herein described tract, at 40.22 feet pass a ½ inch iron pipe with cap marked "Kalkomey Surveying" set on said line for reference at its intersection with the extension of the east right-of-way line of 3rd Street, at 985.71 feet pass a ¾ inch iron pipe found on said line at its intersection with the extension of the west right-of-way line of 6th Street, and continuing for a total distance of 1,025.76 feet to a Mag nail with shiner marked "Kalkomey Surveying" set for the northeast corner of the herein described tract, said point being in the west line of the aforementioned adjoining called 0.6979 acre tract, as located along the extension of the centerline of 6th Street;

Thence South 03 degrees 04 minutes 32 seconds East along the east line of the herein described tract, same being the west line of said adjoining called 0.6979 acre tract, as located along the extension of the centerline of 6th Street, 100.56 feet to the Place of Beginning and containing 2.35 acres of land, with 0.09 acre within the apparent occupied margins of 3rd Street, and 0.09 acre within the apparent occupied margins of 6th Street, for a net acreage of 2.17 acres of land, more or less.



CITY COUNCIL COMMUNICATION

August 04, 2015

ITEM #	ITEM TITLE
C	Resolution No. R-2022 – MUD No. 144 Utility Conveyance/Security Reservation for Certain Infrastructure to Serve The Reserve at Waterford Park

ITEM/MOTION

Consideration of and action on Resolution No. R-2022, a Resolution authorizing the Mayor to execute and accept, for and on behalf of the City, a Utility Conveyance and Security Reservation between the City of Rosenberg, Texas, and Fort Bend County Municipal Utility District No. 144 for certain water distribution, sanitary sewer collection, drainage, and paving facilities for The Reserve at Waterford Park.

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

Annualized Dollars:

- One-time
 Recurring
 N/A

Budgeted:

- Yes No N/A

Source of Funds:

N/A

District 1

District 2

District 3

District 4

City-wide

N/A

SUPPORTING DOCUMENTS:

- Resolution No. R-2022
- Amended and Restated Water Supply and Wastewater Services Contract Excerpt – Section 2.7 and 2.8 – 08-17-10

MUD #: 144 (Summer Lakes)

APPROVALS

Submitted by:

Charles A. Kalkomey, P.E.
City Engineer

Reviewed by:

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

Approved for Submittal to City Council:

Robert Gracia
City Manager

EXECUTIVE SUMMARY

Pursuant to the Amended and Restated Water Supply and Wastewater Services Contract (Contract) among Fort Bend County Municipal Utility District No. 144 (District), Summer Creek Development, Ltd., CL Waterford, LLC, and the City of Rosenberg, dated August 17, 2010, and subsequent addendum(s) to the Contract, the District facilitated the construction of certain water distribution, sanitary sewer collection, drainage, and paving facilities for The Reserve at Waterford Park. In accordance with the terms and provisions of the Contract, the subject facilities have been inspected and found to be acceptable as of September 01, 2014. These facilities are now presented for conveyance to the City of Rosenberg.

Staff recommends approval of Resolution No. R-2022, providing authorization for the Mayor to execute, and accept on behalf of the City, a Utility Conveyance and Security Reservation from the District for certain water distribution, sanitary sewer collection, drainage, and paving facilities for The Reserve at Waterford Park.

RESOLUTION NO. R-2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE AND ACCEPT, FOR AND ON BEHALF OF THE CITY OF ROSENBERG, TEXAS, A UTILITY CONVEYANCE AND SECURITY RESERVATION BETWEEN THE CITY OF ROSENBERG, TEXAS, AND FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 144 FOR CERTAIN WATER DISTRIBUTION, SANITARY SEWER COLLECTION, DRAINAGE, AND PAVING FACILITIES FOR THE RESERVE AT WATERFORD PARK.

* * * * *

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

Section 1. The Mayor is hereby authorized to execute a Utility Conveyance and Security Reservation between the City of Rosenberg, Texas, and Fort Bend County Municipal Utility District No.144, to convey certain water distribution, sanitary sewer collection, drainage, and paving facilities for The Reserve at Waterford Park. A copy of such Utility Conveyance and Security Reservation is attached hereto as Exhibit "A" and made a part hereof for all purposes.

PASSED, APPROVED AND RESOLVED the _____ day of _____ 2015.

ATTEST:

APPROVED:

Linda Cernosek, TRMC, **City Secretary**

Cynthia A. McConathy, **Mayor**

UTILITY CONVEYANCE AND SECURITY RESERVATION
(The Reserve at Waterford Park)

This Utility Conveyance and Security Reservation, made and effective as of the _____ day of _____, 2015, by and between the City of Rosenberg, Texas, a home-rule city and a municipal corporation (herein the "City"), and Fort Bend County Municipal Utility District No. 144, a body politic and corporate and a governmental agency of the State of Texas, organized under the provisions of Chapters 49 and 54, Texas Water Code, as amended, and Article XVI, Section 59 of the Texas Constitution (herein the "District").

The City and the District have entered into that certain Amended and Restated Water Supply and Wastewater Service Contract dated August 17, 2010 (the "Utility Contract"). Pursuant to the Utility Contract, the District has acquired and/or constructed certain water distribution, wastewater collection and drainage facilities (the "Facilities") to serve The Reserve at Waterford Park. The Facilities were constructed on behalf of the District by Paskey Incorporated pursuant to that certain contract dated February 4, 2012. The District now desires to convey all of its right, title and interest in and to the Facilities (except as may be otherwise set forth in Exhibit "A" attached hereto) to the City in accordance with the Utility Contract, and to reserve a security interest in the Facilities to secure the performance of the City's obligations under the Utility Contract. The City desires to accept ownership of the Facilities subject to the security interest.

Conveyance. The District hereby sells, conveys, transfers and delivers to the City, free and clear of all encumbrances except District's security interest (as specified below), the Facilities, which are presently owned by the District together with any and all of its contractor's and materialmen's warranties and guarantees relating to the Facilities. The Facilities being conveyed hereby are more completely described in Exhibit "A" attached hereto and in the plans and specifications prepared for the District by Edminster Hinshaw Russ & Associates, Inc., copies of which have been filed with the City and with the Texas Commission on Environmental Quality, and which are incorporated herein by reference, as well as any rights of the District in and to any of the sites upon which the Facilities are located. The consideration for the conveyance of the Facilities is the fulfillment of the City's obligations under the Utility Contract, including the provision of water supply and wastewater services to the District thereunder.

Security Interest. The District hereby reserves (and the City grants) a security interest in the Facilities to secure performance of the City's obligations under the Utility Contract, all as set forth in the Utility Contract.

Duration of Security Interest. The security interest granted by the City in the preceding paragraph shall continue in full force and effect until such time as the District's obligations to make payments on bonds issued by the District to acquire and construct the Facilities have been fully paid and discharged, or the Utility Contract is terminated, whichever occurs first. When all such obligations have been discharged, or the Utility Contract is terminated, the District shall execute a release of the security interest in a form acceptable to the City, and the City shall own the Facilities free and clear of the security interest.

Default and Remedies. The security interest reserved herein is to secure the performance by the City of its obligations under the Utility Contract. Upon default by the City, in addition to the remedies specified in the Utility Contract, the District shall have the remedies of a secured party under the Texas Business and Commerce Code and such remedies shall be cumulative. Default shall

only occur if the (1) the City is in breach of its obligations under the Utility Contract and (2) fails to cure the breach in ten (10) days from the date the City receives notice from District reasonably describing the City's breach of the Utility Contract. In the event of default, ownership of either of the Facilities shall automatically revert to the District, and the District shall have the right to take reasonable and necessary steps to facilitate the transfer of the Facilities to itself. The District may retain the Facilities in satisfaction of the City's obligations and may own and operate the Facilities thereafter for the use and benefit of the District's residents and the City shall have no authority to compel the District to sell or otherwise dispose of the Facilities. In such event, the District shall be entitled to all revenues and income from operation of the Facilities. The City may redeem the Facilities by tendering fulfillment of all its obligations under the Utility Contract.

[SIGNATURES COMMENCE ON FOLLOWING PAGE]

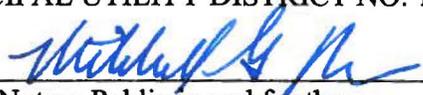
EXECUTED this the 6th day of May, 2014.

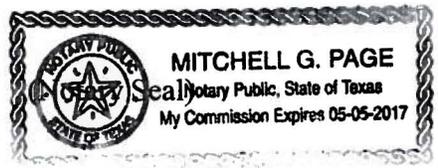
FORT BEND COUNTY MUNICIPAL
UTILITY DISTRICT NO. 144

By: 
President, Board of Directors

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This instrument was acknowledged before me on this 6th day of May, 2014, by Scott Maham, President of FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 144.


Notary Public in and for the
State of Texas



AGREED TO AND ACCEPTED this the _____ day of _____, 2015.

CITY OF ROSENBERG

ATTEST:

ACCEPTED:

By: _____
Name: Linda Cernosek
Title: City Secretary

By: _____
Name: Cynthia A. McConathy
Title: Mayor

APPROVED AS TO FORM:

By: _____
Name: Scott Tschirhart
Title: City Attorney

EXHIBIT "A"

Those certain water distribution, sanitary sewer collection, drainage and paving facilities within Fort Bend County Municipal Utility District No. 144, together with all improvements, structures, fences, distribution lines, collection lines, storm sewer mains, water mains, flushing valves, meters, valves, pipes, fittings, connections, meter boxes, laterals, easements, rights-of-way, licenses, operating rights and all other property therein whether real, personal or mixed, contract rights or equipment used or useful in connection with said facilities being conveyed hereby, and being more particularly described as all such facilities installed pursuant to a contract between Fort Bend County Municipal Utility District No. 144 and Paskey Incorporated, dated February 6, 2012, as further identified and described in record drawings dated February 22, 2012, recorded as Document Number 0144-0006 in "General Documents", records on file in the Office of the City Secretary of the City of Rosenberg, Texas, for construction of the said facilities; provided, however that, notwithstanding anything hereinabove to the contrary, there is saved and excepted from the above any stormwater detention ponds and systems constructed under said contract, which excepted facilities shall not be conveyed to the City hereunder, all as provided in the Utility Contract.

meter size for such a landowner or developer, the City shall round up the ESFCs reflected in the Commitment Letter issued by the District to such landowner or developer to the next standard meter size required by City Ordinance or other City requirements, without deducting capacity from the District's then-current ESFC allocation from the City as a result of such rounding.

(c) The District and the City agree that in issuing any Commitment Letter to a landowner or developer of property within the Service Area, the number of ESFCs required to provide Water and Wastewater service (i) shall be calculated in accordance with Exhibit "E" hereto and rounded up to the next whole number with respect to service to any improvement other than a Single-Family Residential Unit, and (ii) shall equal one (1) ESFC with respect to service to a Single-Family Residential Unit.

(d) All capacity in and to Water Supply Service or Wastewater Service from the City may be allocated or reallocated by the District through the issuance of Commitment Letters, at its discretion and without prior approval by the City, to serve various land uses within the Service Area, regardless of any particular portion of the Service Area for which Impact Fees have been paid to the City, limited, however, to the number of ESFCs then allocated to the District by the City. Notwithstanding the foregoing, the District may allocate ESFCs purchased for the Water Park portion of the Service Area to the Summer Lakes portion of the Service Area, or vice versa; provided, however, that the District shall (i) provide written notice to the City Manager, the City Finance Director, and the City Engineer, at least thirty (30) days in advance of such reallocation, and (ii) promptly pay the City for any difference in Impact Fees due under this Utility Contract with respect to such reallocated ESFCs.

Section 2.6: Facilities. The Facilities, as described in the Engineering Reports, will be designed and constructed in compliance with all applicable requirements and criteria of the applicable Approving Bodies and will be subject to the Consent Ordinance. The design and construction of the Facilities will be subject to the review and approval of the City. The District shall design, construct or extend the Facilities in such phases or stages as the District, in its sole discretion, from time to time may determine to be economically feasible. All designs, design standards, construction plans and drawings for any plants, facilities, connectors or points of connection including all supporting facilities must be reviewed by and approved by the City Engineer before any implementation or construction shall occur as provided herein, provided, however, it is understood and agreed that the parties have herein agreed to the Wastewater Point of Connection and the Water Point of Connection depicted on Exhibit "F" hereto.

Section 2.7: Ownership by City. As the Facilities are acquired and constructed, the District shall convey the same to the City (except for stormwater detention systems) including all warranties, reserving, however, as a security interest therein for the purpose of securing the performance of the City under this Utility Contract. The conveyance to the City shall be in a form substantially similar to that attached hereto as Exhibit "G". Such conveyance shall be accepted by the City after inspection and approval of the subject Facilities by the City; provided, however, that (i) the City shall be responsible for the maintenance and operation of the Facilities, at the City's sole cost, as of and after the date of approval of the Facilities by the City, notwithstanding the date the conveyance of such facilities is accepted by the City, and (ii) the District shall be responsible for any warranty work related to the Facilities for a period of up to one (1) year following the approval of same by the City. At such time as the District's Bonds issued to acquire and construct the Facilities

have been discharged, the District shall execute a release of such security interest and the City shall own the Facilities free and clear of such security interest.

Section 2.8: Operation by the City. (a) As construction of each phase of the Facilities (except for stormwater detention systems) is completed, representatives of the City shall inspect the same and, if the City finds that the same has been completed in accordance with the final plans and specifications, the City will accept the same, whereupon such Facilities shall be conveyed to the City as provided in Section 2.7 and operated and maintained by the City at its sole expense as provided herein. In the event that the Facilities have not been completed in accordance with the final plans and specifications, the City will advise the District in what manner said Facilities do not comply, and the District shall immediately correct the same; whereupon the City shall again inspect the Facilities and accept the same if the defects have been corrected. During the term of this Utility Contract, the City will operate the Facilities and provide Water Supply Service and Wastewater Service to all users within the Service Area without discrimination. The City shall at all times maintain the Facilities or cause the same to be maintained, in good condition and working order and will operate the same, or cause the same to be operated, in an efficient and economical manner at a reasonable cost and in accordance with sound business principles in operating and maintaining the Facilities, and the City will comply with all contractual provisions and agreements entered into by it and with all valid rules, regulations, directions or orders by any governmental, administrative or judicial body promulgating the same.

(b) Sites for stormwater detention systems shall be conveyed to the District. Prior to the first connection to the Water System within the Tract being made, the District shall enter into a contract with the homeowners association(s) or commercial property owners association(s) within the Service Area, or other entity acceptable to the City (hereinafter referred to as an "HOA"). Said contract shall provide that (i) the HOA will operate and maintain the stormwater detention systems from inception at no cost to the City, (ii) the District will grant an easement to the HOA for said purpose, and (iii) if the District will be dissolved pursuant to any applicable law, the HOA, prior to the effective date of dissolution, will accept conveyance of the sites for stormwater detention systems in fee from the District and continue the operation and maintenance of same thereafter at no cost to the City, it being understood and agreed that, pursuant to the Consent Ordinance and the In-City Procedures, the City will not own, operate or maintain any stormwater detention systems as part of the Facilities. The City agrees that said contract between the District and the HOA may allow for the construction of non-potable water wells for the purposes of maintaining a constant water level for amenity purposes, and/or for the construction of parks and recreational facilities within such sites by the HOA or by the District (or a Developer on behalf of the District). To the extent such recreational facilities are constructed by the District (or a Developer on behalf of the District), same shall be subject to Article V hereof. The City further agrees that said contract may allow for financial contributions by the District to the HOA to offset costs of operation and maintenance of the stormwater detention systems and improvements contained therein, but any obligation to make such contributions shall cease and not survive as an obligation of the City if the District will be dissolved pursuant to any applicable law.

Section 2.9: Rates and Meters. The City shall bill and collect from customers of the Facilities and shall from time to time fix such rates and charges for such customers of the Facilities as the City, in its sole discretion, determines are necessary; provided that, except as may otherwise be provided pursuant to Section 2.10 hereof, the rates and charges for services afforded by the Facilities



CITY COUNCIL COMMUNICATION

August 04, 2015

ITEM #	ITEM TITLE
D	Final Plat of Fort Bend County MUD No. 184 Lift Station Site
ITEM/MOTION	
Consideration of and action on a Final Plat of Fort Bend County MUD No. 184 Lift Station Site, a subdivision of 0.15 acres of land out of the Wiley Martin Survey, A-56, Fort Bend County, Texas; 1 block, 1 reserve.	
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 #: 184 (Stonecreek Estates)

1. Final Plat of Fort Bend County MUD No. 184 Lift Station Site
2. General Plan for Stonecreek Estates – 07-25-14
3. Planning Commission Meeting Draft Minute Excerpt – 07-15-15
4. Planning Commission Meeting Minute Excerpt – 05-20-15

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 Fort Bend County MUD No. 184 Lift Station Site is a proposed lift station site for Fort Bend County MUD No. 184, or Stonecreek Estates. The site consists of 0.15 acres and is centrally located within the development.

The Planning Commission approved the Preliminary Plat of the Fort Bend Count MUD No. 184 Lift Station Site on May 20, 2015. The proposed Final Plat is consistent with the approved Preliminary Plat and is in conformance with City ordinances. The Commission later recommended approval to City Council of the Final Plat on July 15, 2015.

Staff recommends approval of the Final Plat of Fort Bend County MUD No. 184 Lift Station Site.

STATE OF TEXAS §
 COUNTY OF FORT BEND §
 CITY OF ROSENBERG §

We, Dry Creek (Houston) ASLI VI, LLC, by Avanti Properties Group II, L.L.P., a Delaware limited liability limited partnership, its general partner, by Avanti Management Corporation, a Florida corporation, its general partner, acting by and through Andrew Dubill, its Vice President, owners of the 0.15 acre tract described in the above and foregoing map of FBC MUD No 184 LIFT STATION SITE, 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, I (or 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 purposes of construction and maintenance of drainage facilities and structures.

FURTHER, We do hereby covenant and agree that all of the property within the boundaries of this subdivision and adjacent to any drainage easement, ditch, gully, creek or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, excessive vegetation and other obstructions to the operations and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

FURTHER, We do hereby certify that I am (or we are) the owner(s) of all property immediately adjacent to the boundaries of the above and foregoing subdivision of FBC MUD No 184 LIFT STATION SITE where building setback lines or public utility easements are to be established outside the boundaries of the above and foregoing subdivision and do hereby make and establish all building setback lines and dedicate to the use of the public, all public utility easements shown in said adjacent acreage.

FURTHER, We do hereby acknowledge the receipt of the "Orders for Regulation of Outdoor Lighting in the Unincorporated Areas of Fort Bend County, Texas", and do hereby covenant and agree and shall comply with this order as adopted by Fort Bend County Commissioners Court on March 23, 2004, and any subsequent amendments.

IN TESTIMONY WHEREOF, the Dry Creek (Houston) ASLI VI, LLC, by Avanti Properties Group II, L.L.P., a Delaware limited liability limited partnership, its general partner, by Avanti Management Corporation, a Florida corporation, its general partner has caused these presents to be signed by Andrew Dubill, its Vice President, hereto

authorized, this _____ day of _____, 20____

DRY CREEK (HOUSTON) ASLI VI, LLC

By: Avanti Properties Group II, L.L.P.,
 a Delaware limited liability limited partnership,
 its general partner

By: Avanti Management Corporation,
 a Florida corporation,
 its general partner

By: _____
 Andrew Dubill, Vice President

STATE OF FLORIDA §
 COUNTY OF ORANGE §

BEFORE ME, the undersigned authority, on this day personally appeared Andrew Dubill, Vice President of Avanti Management Corporation known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that they 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

Print Name

My Commission expires: _____

This is to certify that the Planning Commission of the City of Rosenberg, Texas has approved this plat and subdivision of FBC MUD No 184 LIFT STATION SITE 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 _____, 20____

Pete Pavlovsky, Chairman Wayne Poldrack, Secretary

This is to certify that the City Council of the City of Rosenberg, Texas has approved this plat and subdivision of FBC MUD No 184 LIFT STATION SITE 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 _____, 20____

Cynthia McConathy, Mayor Linda Cernosek, City Secretary

I, Chris D. Kalkomey, am registered under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground and that all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other suitable permanent ferrous metal) pipes and a length of not less than three (3) feet.

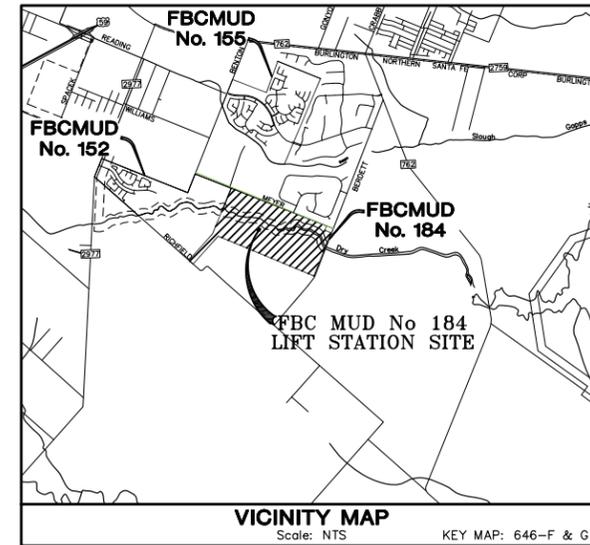
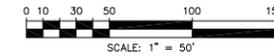
Chris D. Kalkomey
 Registered Professional Land Surveyor
 No. 5869

I, Janet M. Baccus, a Professional Engineer registered in the State of Texas, do hereby certify that this plat meets all requirements of Fort Bend County to the best of my knowledge.

Janet M. Baccus, P.E.
 Professional Engineer
 No. 90073

DISTRICT NAMES	
WCID	N/A
MUD	FBCMUD 184
LID	
DID	FORT BEND COUNTY DRAINAGE DISTRICT
SCHOOL	LAMAR CISD
FIRE	
CITY OR CITY ETJ	ROSENBERG
UTILITIES CO.	CENTERPOINT ENERGY

A RESTRICTED RESERVE "A"
 Restricted to Lift Station
 Purposes Only
 0.15 AC
 6,448 Sq Ft



I, Richard W. Stolleis, P.E., Fort Bend County Engineer, do hereby certify that the plat of this subdivision complies with all of the existing rules and regulations of this office as adopted by the Fort Bend County Commissioners' Court. However, no certification is hereby given as to the effect of drainage from this subdivision on the intercepting drainage artery or parent stream or any other area or subdivision within the watershed.

Richard W. Stolleis, P.E. Date
 Fort Bend County Engineer

APPROVED by the Commissioners' Court of Fort Bend County, Texas, this _____ day of _____, 2015.

Richard Morrison
 Commissioner, Precinct 1

Grady Prestage
 Commissioner, Precinct 2

Robert E. Hebert
 County Judge

Andy Meyers
 Commissioner, Precinct 3

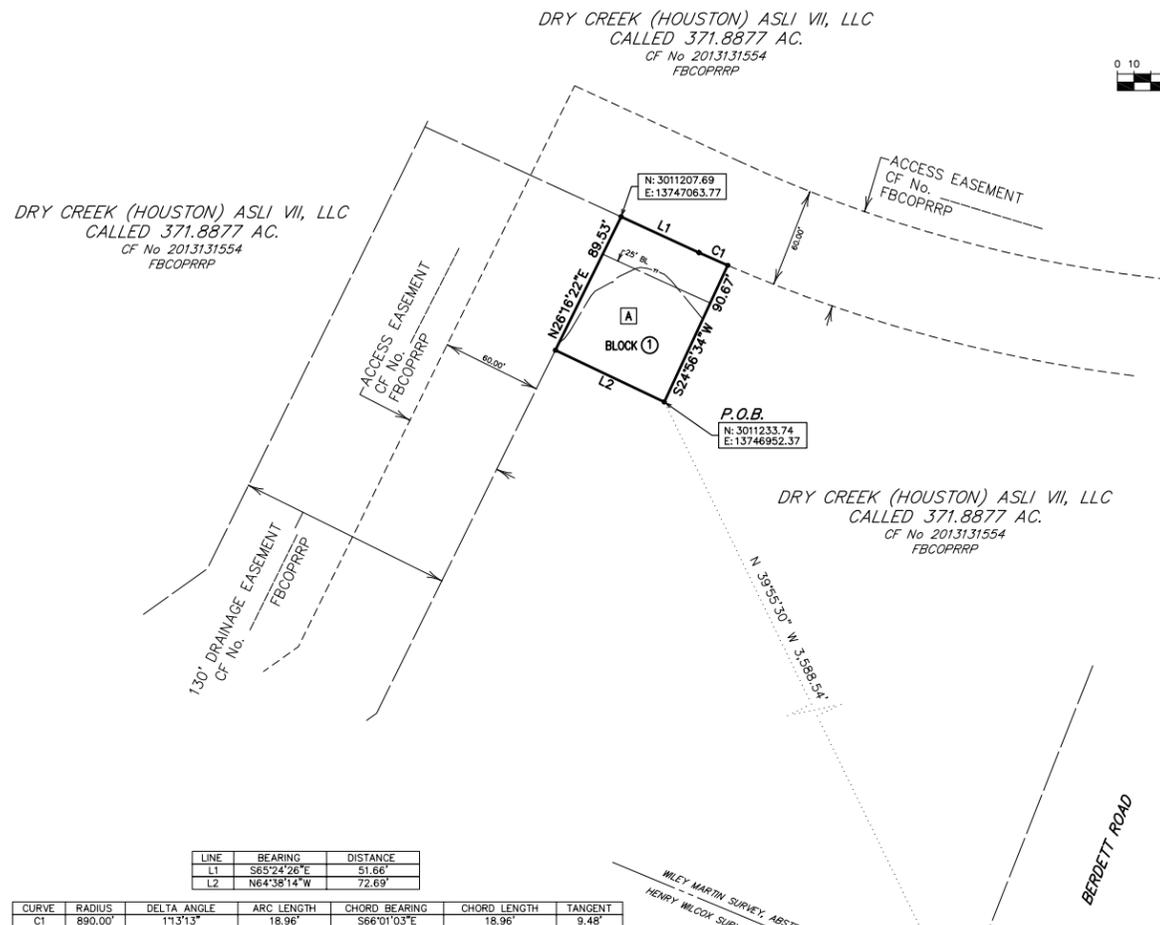
James Patterson
 Commissioner, Precinct 4

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 registration in my office on _____, 2015, at _____ o'clock _____ in Plat No. _____ of the Plat Records of said County.

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



- General Notes
- 1) AE "Aerial Easement"
 - BL "Building Line"
 - CF "Clerk's File"
 - DE "Drainage Easement"
 - Esm "Easement"
 - FC "Film Code"
 - FBCPR "Fort Bend County Plat Records"
 - FBCDR "Fort Bend County Deed Records"
 - FBCMUD "Fort Bend County Municipal Utility District"
 - FBCOPRRP "Fort Bend County Official Public Records of Real Property"
 - No "Number"
 - ROW "Right-of-Way"
 - SSE "Sanitary Sewer Easement"
 - Sq Ft "Square Feet"
 - Stm SE "Storm Sewer Easement"
 - UE "Utility Easement"
 - Vol. Pg "Volume and Page"
 - WLE "Waterline Easement"
 - "Set 3/4" iron rod w/cap marked "Cotton Surveying"

- 2) 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.
- 3) 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.
- 4) Elevations shown hereon are based upon GPS observations calibrated to the published values of HGCSO 71, and HGCSO 72 (NAVD 88).
- 5) Reference Benchmark. Elevations shown hereon are based upon GPS observations calibrated to the published values of HGCSO 71, and HGCSO 72 (NAVD 88).
- 6) The pipelines and/or pipeline easements within the limits of the subdivision are shown.
- 7) This plat lies within Fort Bend County Lighting Ordinance Zone No L2Z.
- 8) The minimum slab elevation shall be 78.9 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 top of curb at the front of the lot, whichever is higher.
- 9) The coordinates shown hereon are Texas State Plane Coordinates, South Central Zone (GRID NAD 83) and may be brought to surface by applying the following combined scale factor of 0.99986817.
- 10) 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. All drainage easements shall be kept clear of fences, buildings, vegetation, and other obstructions for the purpose of the operation and maintenance of the drainage facility by the appropriate entity.
- 11) FORT BEND COUNTY MUD No 184 LIFT STATION SITE lies within Unshaded Zone "X" as per Flood Insurance Rate Map, Community No 480228, Map No 48157C0265L, Panel 0265, Suffix "L" dated April 2, 2014.
- 12) This plat was prepared to meet city of Rosenberg and Fort Bend County Requirements.
- 13) This plat lies wholly within Fort Bend County Municipal Utility District No 184, 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.
- 14) Project Benchmark. Temporary Benchmark "A" being a set 3/4" iron rod with cap "Kalkomey Surv Control Point". Located ±116' Northeast of Fort Bend County MUD No 184 Lift Station Site. Elevation=78.17' (NAVD88).
- 15) Elevations used for delineating contour lines are based upon NAVD-88 datum.
- 16) This plat was prepared from information furnished by Stewart Title, G.F. No. 1515748293, Effective Date June 18, 2015. The surveyor has not obstructed the above property.
- 17) All property to drain into the drainage easement only through an approved drainage structure.

OWNER:
 DRY CREEK (HOUSTON) ASLI VI, LLC
 9801 WESTHEIMER, SUITE 250
 HOUSTON, TEXAS 77042
 713-627-1015

ENGINEER/SURVEYOR:
 JONES & CARTER
 Texas Board of Professional Engineers Registration No. F-439
 Texas Board of Professional Land Surveyors No. 10046104
 6335 Gullton, Suite 100 • Houston, Texas 77081 • 713.777.5337



LAND USE SUMMARY

NON-RESIDENTIAL	
N.R.	±2.3 Ac
N.R.	±14.7 Ac
SUBTOTAL	±17.0 Ac
REC	RECREATION CENTER ±5.1 Ac
PARK	TOT LOTS/PARK ±3.1 Ac
DR	DRILL SITE/EASEMENT ±5.5 Ac
WWTP	WWTP SITE ±4.1 Ac
DR	DRAINAGE/DETENTION ±77.5 Ac
OS	OPEN SPACE ±10.2 Ac
SUBTOTAL	±105.5 Ac
SF	SINGLE FAMILY ±349.6 Ac (MIN. 60' WIDTH, MIN. AVG. SIZE 7,000 S.F.) (MIN. SIZE 6,500 S.F.)
SUBTOTAL	±349.6 Ac

MAXIMUM NO. OF LOTS : 1,400

TOTAL PARKLAND REQUIRED = (1,400 LOTS) (3 PERSONS/LOT)(6.25AC.)
1,000 PERSONS

TOTAL PARKLAND REQUIRED = 26.3 AC.
TOTAL PARKLAND TO BE PROVIDED = 26.3 AC. (MIN.)
TOTAL PARKLAND REMAINING = 0 AC.

MIN. 10% FEE = (1,400 LOTS) (\$1,700/LOT)
10
= \$238,000
1,400 LOTS
= \$170/LOT

a general plan of
STONECREEK ESTATES
 BEING ± 502.6 ACRES OF LAND
 OUT OF THE
WILEY MARTIN SURVEY, A-56
E.P. EVERETT SURVEY, A-387
 FORT BEND COUNTY, TEXAS

OWNER:
DRY CREEK (HOUSTON) ASLI, LLC
 9801 WESTHEIMER, SUITE-250
 HOUSTON, TX. 77042
 ATTN: VAHID TABRIZI (713) 627-1015

ENGINEER/SURVEYOR:
JONES & CARTER, INC.
 6335 GULFTON, SUITE-200
 HOUSTON, TX. 77081
 ATTN: CLAYTON BLACK (713) 777-5337

THIS DRAWING IS A PICTORIAL REPRESENTATION FOR PRESENTATION PURPOSES ONLY AND IS SUBJECT TO CHANGE. FURTHER, SAID DRAWING IS A SCANNED IMAGE ONLY AND IS NOT FOR COMPUTATION OR CONSTRUCTION PURPOSES. THIS DRAWING MAY OR MAY NOT INCORPORATE INFORMATION AND/OR DATA PROVIDED TO BGE | KERRY R. GILBERT & ASSOCIATES BY OTHER CONSULTANTS RELATIVE TO ENGINEERING AND DRAINAGE, FLOOD PLAINS AND ENVIRONMENTAL ISSUES AND SHOULD NOT BE RELIED UPON FOR ANY PURPOSE. NO WARRANTIES, EXPRESS OR IMPLIED, CONCERNING THE ACTUAL DESIGN, LOCATION, AND CHARACTER OF THE FACILITIES SHOWN ON THIS MAP ARE INTENDED. ADDITIONALLY, NO WARRANTY IS MADE TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

PLANNING COMMISSION MEETING MINUTES

*****DRAFT*****

On this the 15th day of July 2015, 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

Susan Euton	Councilor, District No. 2
Charles A. Kalkomey	Jones & Carter, Inc.
Janet Eder	Secretary II

OTHERS PRESENT

Thomas Juarez	Owner/Developer, Richwest Investors, LLC (Reading Road Office Park)
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CALL TO ORDER

Chairperson Pavlovsky called the meeting to order at 4:00 p.m.

AGENDA

1. CONSIDERATION OF AND ACTION ON MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF JUNE 17, 2015.

Action Taken: Commissioner Casias moved, seconded by Vice Chairperson Phipps, to approve the minutes of the Regular Planning Commission Meeting of June 17, 2015, as written. The motion carried by a vote of five "ayes" and one abstention. **AYES: (Chairperson Pavlovsky, Vice Chairperson Phipps, and Commissioners Poldrack, Casias and Urbish). ABSTENTION: (Commissioner Parsons).**

2. HOLD PUBLIC HEARING ON A SHORT FORM FINAL PLAT OF READING ROAD OFFICE PARK REPLAT NO. ONE, A TOTAL OF 0.3756 ACRES BEING A REPLAT OF LOT 13, READING ROAD OFFICE PARK IN THE JAMES LOWERY 1/3 LEAGUE, A-275, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS RECORDED UNDER FORT BEND COUNTY PLAT NO. 20110006; 2 LOTS, 1 BLOCK, 0 RESERVES.

Executive Summary: The Short Form Final Plat of Reading Road Office Park Replat No. One is a replat of Lot 13, Reading Road Office Park in the James Lowery 1/3 League, A-275, City of Rosenberg, Fort Bend County, Texas recorded under Fort Bend County Plat No. 20110006. The Plat consists of 0.3756 acres.

Because this is a replat of a previous subdivision, a public hearing is required per State law and the City's "Subdivision" Ordinance. That being said, staff recommends holding the hearing prior to the Planning Commission taking action on the Plat in a subsequent Agenda item.

Chairperson Pavlovsky opened the public hearing at 4:03 pm. After three calls for speakers, no one stepped forward. Chairperson Pavlovsky closed the public hearing at 4:04 pm.

3. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF FORT BEND COUNTY MUD NO. 184 LIFT STATION SITE, A SUBDIVISION OF 0.15 ACRES OF LAND OUT OF THE WILEY MARTIN SURVEY, A-56, FORT BEND COUNTY, TEXAS; 1 BLOCK, 1 RESERVE.

Executive Summary: The Final Plat of Fort Bend County MUD No. 184 Lift Station Site is a proposed lift station site for Fort Bend County MUD No. 184, or Stonecreek Estates. The site consists of 0.15 acres and is centrally located

within the development.

The Planning Commission approved the Preliminary Plat of the Fort Bend Count MUD No. 184 Lift Station Site on May 20, 2015. The proposed Final Plat is consistent with the approved Preliminary Plat and is in conformance with City ordinances. Off-site easements will be recorded and instrument numbers added before Final Plat approval by City Council. It is recommended that the Planning Commission recommend approval to City Council of the Final Plat of Fort Bend County MUD No. 184 Lift Station Site.

Key Discussion:

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

Action taken: Commissioner Parsons moved, seconded by Commissioner Casias to recommend approval to City Council of the Final Plat of Fort Bend County MUD No. 184 Lift Station Site, a subdivision of 0.15 acres of land out of the Wiley Martin Survey, A-56, Fort Bend County, Texas; 1 block, 1 reserve. The motion carried unanimously.

4. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF FORT BEND COUNTY MUD NO. 184 WASTEWATER TREATMENT PLANT SITE, A SUBDIVISION OF 4.13 ACRES OF LAND OUT OF THE WILEY MARTIN SURVEY, A-56 FORT BEND COUNTY, TEXAS; 1 BLOCK, 1 RESERVE.

Executive Summary: The Final Plat of Fort Bend County MUD No. 184 Wastewater Treatment Plant Site is a proposed wastewater treatment site for Fort Bend County MUD No. 184, or Stonecreek Estates. The site consists of 4.13 acres and is located on the south side of the development.

The Planning Commission approved the Preliminary Plat of the Fort Bend Count MUD No. 184 Wastewater Treatment Plant Site on May 20, 2015. The proposed Final Plat is consistent with the approved Preliminary Plat and is in conformance with City ordinances. Off-site easements will be recorded and instrument numbers added before Final Plat approval by City Council. It is recommended that the Planning Commission recommend approval to City Council of the Final Plat of Fort Bend County MUD No. 184 Wastewater Treatment Plant Site.

Key Discussion:

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

Action taken: Commissioner Parsons moved, seconded by Commissioner Casias to recommend approval to City Council of the Final Plat of Fort Bend County MUD No. 184 Wastewater Treatment Plant Site, a subdivision of 4.13 acres of land out of the Wiley Martin Survey, A-56 Fort Bend County, Texas; 1 block, 1 reserve. The motion carried unanimously.

5. CONSIDERATION OF AND ACTION ON A SHORT FORM FINAL PLAT OF READING ROAD OFFICE PARK REPLAT NO. ONE, A TOTAL OF 0.3756 ACRES BEING A REPLAT OF LOT 13, READING ROAD OFFICE PARK IN THE JAMES LOWERY 1/3 LEAGUE, A-275, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS RECORDED UNDER FORT BEND COUNTY PLAT NO. 20110006; 2 LOTS, 1 BLOCK, 0 RESERVES.

Executive Summary: The Short Form Final Plat of Reading Road Office Park Replat No. One is a replat of Lot 13, Reading Road Office Park in the James Lowery 1/3 League, A-275, City of Rosenberg Fort Bend County, Texas recorded under Fort Bend County Plat No. 20110006. The Plat consists of only 0.3756 acres.

The original plat was recorded in 2011 and the developer now proposes to subdivide one of the existing lots into two (2). There is not an issue with the lot size (with it being commercial, not residential) or anything else in conflict with City ordinances. It should be noted that to have a three-foot (3') interior building line, a firewall will be required. However, this is not uncommon in the development; there are other lots with 3' building lines. A minimum ten-foot (10') building line is generally required (for commercial buildings) to not have a firewall per the International Building Code (IBC).

Also of note is that the development, per an agreement established in 2010, requires the installation of a traffic signal at Reading Road and Town Center Boulevard, which is partially funded by the City. The developer has submitted a request to City Council to delay the signal installation until Phase II of the development. This is tentatively scheduled to go before Council on July 21, 2015 and should be settled before Final Plat approval by Council at a subsequent meeting. The signal is tied to certificates of occupancy, not platting.

Staff recommends that the Planning Commission recommend approval to City Council of the Short Form Final Plat of Reading Road Office Park Replat No. One.

- Mr. Maresh stated that Airport construction would cost approximately 4.5 million, Bryan and Spacek Roads 8 million, and Old Richmond Road 3 million, if funded. Total expenditures estimated at approximately 20 million.
- Commissioner Casias inquired when the FY2016 Capital Improvements Program recommendation would be presented to City Council.
- Ms. Vasut replied that a recommendation for the FY2016 Capital Improvements Program would be addressed at the May 26, 2015 City Council Workshop meeting, however, no action would be taken.

Action Taken: Commissioner Parsons moved, seconded by Commissioner Urbish, to approve the recommendation regarding the FY2016 Capital Improvements Program (CIP). The motion carried unanimously by those present.

3. **HOLD PUBLIC HEARING 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.**

Chairperson Pavlovsky opened the public hearing at 4:02 pm. After three calls for speakers, no one stepped forward. Chairperson Pavlovsky closed the public hearing at 4:03 pm.

4. **CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF FORT BEND COUNTY MUD NO. 184 LIFT STATION SITE, A SUBDIVISION OF 0.1480 ACRES OF LAND OUT OF THE WILEY MARTIN SURVEY, A-56, FORT BEND COUNTY, TEXAS. 1 BLOCK, 1 RESERVE.**

Executive Summary: This agenda item consists of a Preliminary Plat of a proposed lift station site for Fort Bend County MUD No. 184, or Stonecreek Estates. The site consists of only .148 acres. It is centrally located within the development.

Staff has no objections to the proposed Preliminary Plat. A Final Plat and infrastructure construction plans must be submitted in the future, and off-site easements must be recorded before Final Plat approval. Staff recommends approval of the Preliminary Plat of Fort Bend County MUD No. 184 Lift Station Site.

Key Discussion:

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

Action Taken: Commissioner Casias, seconded by Commissioner Parsons, to approve the Preliminary Plat of Fort Bend County MUD No. 184 Lift Station Site, a subdivision of 0.1480 acres of land out of the Wiley Martin Survey, A-56, Fort Bend County, Texas; 1 block, 1 reserve. The motion carried unanimously by those present.

5. **CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF FORT BEND COUNTY MUD NO. 184 WASTEWATER TREATMENT PLANT SITE, A SUBDIVISION OF 4.1262 ACRES OF LAND OUT OF THE WILEY MARTIN SURVEY, A-56, FORT BEND COUNTY, TEXAS. 1 BLOCK, 1 RESERVE.**

Executive Summary: This agenda item consists of a Preliminary Plat of a proposed wastewater treatment plant site for Fort Bend County MUD No. 184, or Stonecreek Estates. The site consists of 4.1262 acres overall. It is located on the south side of the development.

Staff has no objections to the proposed Preliminary Plat. A Final Plat and infrastructure construction plans must be submitted in the future, and off-site easements must be recorded before Final Plat approval. Staff recommends approval of the Preliminary Plat of Fort Bend County MUD No. 184 Wastewater Treatment Plant Site.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Parsons inquired if Stonecreek Estates would be responsible for paying and maintaining the Wastewater Treatment Plant Site.
- Mr. Tanner replied that Stonecreek Estates would be responsible for paying for the Wastewater Treatment Plant and Fort Bend County MUD No. 184 would be responsible for maintaining.



CITY COUNCIL COMMUNICATION

August 04, 2015

ITEM #	ITEM TITLE
E	Final Plat of Fort Bend County MUD No. 184 Wastewater Treatment Site
ITEM/MOTION	
Consideration of and action on a Final Plat of Fort Bend County MUD No. 184 Wastewater Treatment Plant Site, a subdivision of 4.13 acres of land out of the Wiley Martin Survey, A-56 Fort Bend County, Texas; 1 block, 1 reserve.	
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 #: 184 (Stonecreek Estates)

1. Final Plat of Fort Bend County MUD No. 184 Wastewater Treatment Site
2. General Plan for Stonecreek Estates – 07-25-14 (Please refer to previous Agenda item)
3. Planning Commission Meeting Draft Minute Excerpt – 07-15-15
4. Planning Commission Meeting Minute Excerpt – 05-20-15

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 Fort Bend County MUD No. 184 Wastewater Treatment Plant Site is a proposed wastewater treatment site for Fort Bend County MUD No. 184, or Stonecreek Estates. The site consists of 4.13 acres and is located on the south side of the development.

The Planning Commission approved the Preliminary Plat of the Fort Bend Count MUD No. 184 Wastewater Treatment Plant Site on May 20, 2015. The proposed Final Plat is consistent with the approved Preliminary Plat and is in conformance with City ordinances. The Commission later recommended approval to City Council of the Final Plat on July 15, 2015.

Staff recommends approval of the Final Plat of Fort Bend County MUD No. 184 Wastewater Treatment Plant Site.

STATE OF TEXAS §
COUNTY OF FORT BEND §
CITY OF ROSENBERG §

We, Dry Creek (Houston) ASLI VI, LLC, by Avanti Properties Group II, L.L.P., a Delaware limited liability limited partnership, its general partner, by Avanti Management Corporation, a Florida corporation, its general partner, acting by and through Andrew Dubill, its Vice President, owners of the 4.13 acre tract described in the above and foregoing map of FBC MUD No 184 WASTEWATER TREATMENT PLANT SITE, 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, I (or 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 bays, creeks, gulches, 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 purposes of construction and maintenance of drainage facilities and structures.

FURTHER, We do hereby covenant and agree that all of the property within the boundaries of this subdivision and adjacent to any drainage easement, ditch, gully, creek or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, excessive vegetation and other obstructions to the operations and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

FURTHER, We do hereby certify that I am (or we are) the owner(s) of all property immediately adjacent to the boundaries of the above and foregoing subdivision of FBC MUD No 184 WASTEWATER TREATMENT PLANT SITE where building setback lines or public utility easements are to be established outside the boundaries of the above and foregoing subdivision and do hereby make and establish all building setback lines and dedicate to the use of the public, all public utility easements shown in said adjacent acreage.

FURTHER, We do hereby acknowledge the receipt of the "Orders for Regulation of Outdoor Lighting in the Unincorporated Areas of Fort Bend County, Texas", and do hereby covenant and agree and shall comply with this order as adopted by Fort Bend County Commissioners Court on March 23, 2004, and any subsequent amendments.

IN TESTIMONY WHEREOF, the Dry Creek (Houston) ASLI VI, LLC, by Avanti Properties Group II, L.L.P., a Delaware limited liability limited partnership, its general partner, by Avanti Management Corporation, a Florida corporation, its general partner has caused these presents to be signed by Andrew Dubill, its Vice President, herunto

authorized, this _____ day of _____, 20____

DRY CREEK (HOUSTON) ASLI VI, LLC
By: Avanti Properties Group II, L.L.P.,
a Delaware limited liability limited partnership,
its general partner
By: Avanti Management Corporation,
a Florida corporation,
its general partner
By: _____
Andrew Dubill, Vice President

STATE OF FLORIDA §
COUNTY OF ORANGE §

BEFORE ME, the undersigned authority, on this day personally appeared Andrew Dubill, Vice President of Avanti Management Corporation known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that they 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
Print Name
My Commission expires: _____

This is to certify that the Planning Commission of the City of Rosenberg, Texas has approved this plat and subdivision of FBC MUD No 184 WASTEWATER TREATMENT PLANT SITE 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 _____, 20____

Pete Pavlovsky, Chairman Wayne Poldrack, Secretary

This is to certify that the City Council of the City of Rosenberg, Texas has approved this plat and subdivision of FBC MUD No 184 WASTEWATER TREATMENT PLANT SITE 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 _____, 20____

Cynthia McConathy, Mayor Linda Cernosek, City Secretary

I, Chris D. Kalkomey, am registered under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground and that all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other suitable permanent ferrous metal) pipes and a length of not less than three (3) feet.

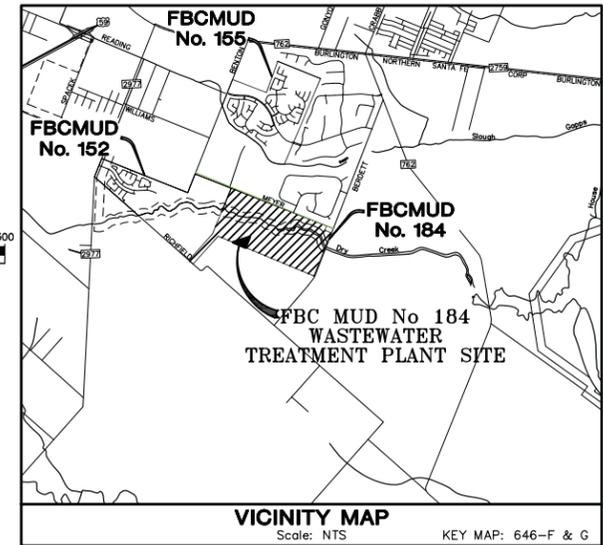
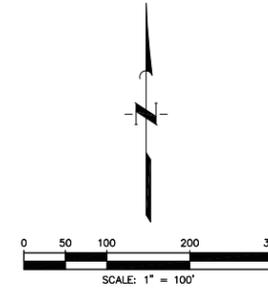
Chris D. Kalkomey
Registered Professional Land Surveyor
No. 5869

I, Janet M. Baccus, a Professional Engineer registered in the State of Texas, do hereby certify that this plat meets all requirements of Fort Bend County to the best of my knowledge.

Janet M. Baccus, P.E.
Professional Engineer
No. 90073

DISTRICT NAMES	
WCID	N/A
MUD	FBCMUD 184
LID	
DID	FORT BEND COUNTY DRAINAGE DISTRICT
SCHOOL	LAMAR CISD
FIRE	
CITY OR CITY ETJ	ROSENBERG
UTILITIES CO.	CENTERPOINT ENERGY

A RESTRICTED RESERVE "A"
Restricted to Wastewater Treatment Plant Site
Purposes Only
4.13 AC
179,738 Sq Ft



I, Richard W. Stolleis, P.E., Fort Bend County Engineer, do hereby certify that the plat of this subdivision complies with all of the existing rules and regulations of this office as adopted by the Fort Bend County Commissioners' Court. However, no certification is hereby given as to the effect of drainage from this subdivision on the intercepting drainage artery or parent stream or any other area or subdivision within the watershed.

Richard W. Stolleis, P.E. Date
Fort Bend County Engineer
APPROVED by the Commissioners' Court of Fort Bend County, Texas, this _____ day of _____, 2015.

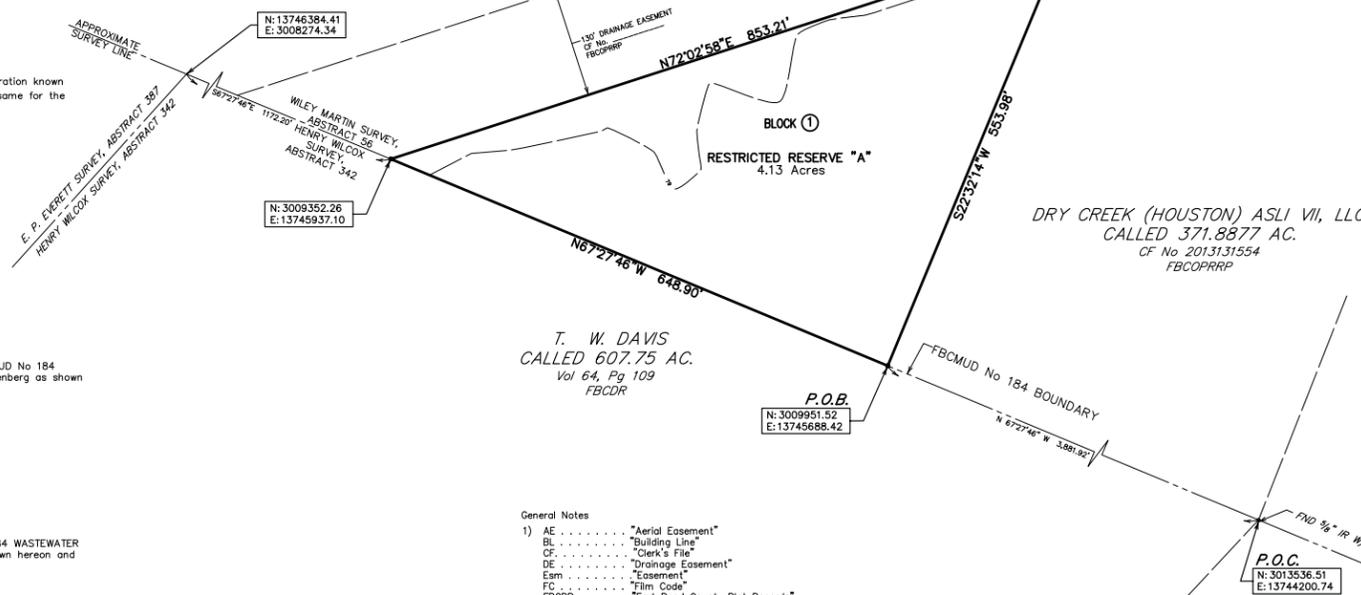
Richard Morrison, Precinct 1 Grady Prestage, Precinct 2
Robert E. Hebert, County Judge
Andy Meyers, Precinct 3 James Patterson, Precinct 4

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 registration in my office on _____, 2015, at _____ o'clock _____ in Plat No. _____ of the Plat Records of said County.

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

DRY CREEK (HOUSTON) ASLI VI, LLC
CALLED 371.8877 AC.
CF No 2013131554
FBCOPRRP



T. W. DAVIS
CALLED 607.75 AC.
Vol 64, Pg 109
FBCDR

- General Notes
- 1) AE "Aerial Easement"
BL "Building Line"
CF "Clerk's File"
DE "Drainage Easement"
E "Easement"
FC "Film Code"
FBCPR "Fort Bend County Plat Records"
FBCDR "Fort Bend County Deed Records"
FBCMUD "Fort Bend County Municipal Utility District"
FBCOPRRP "Fort Bend County Official Public Records of Real Property"
No "Number"
ROW "Right-of-Way"
SSE "Sanitary Sewer Easement"
Sq Ft "Square Feet"
Stm SE "Storm Sewer Easement"
UE "Utility Easement"
Vol - Pg "Volume and Page"
WLE "Waterline Easement"
..... "Set 3/4" iron rod w/cap marked "Cotton Surveying"
 - 2) 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.
 - 3) 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.
 - 4) Elevations shown hereon on are based upon GPS observations calibrated to the published values of HGCS 71, and HGCS 72 (NAVD 88).
 - 5) Reference Benchmark Elevations shown hereon are based upon GPS observations calibrated to the published values of HGCS 71, and HGCS 72 (NAVD 88).
 - 6) The pipelines and/or pipeline easements within the limits of the subdivision are shown.
 - 7) This plat lies within Fort Bend County Lighting Ordinance Zone N.L22.
 - 8) The minimum slab elevation shall be 80.5 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 top of curb at the front of the lot, whichever is higher.
 - 9) The coordinates shown hereon are Texas State Plane Coordinates, South Central Zone (GRID NAD 83) and may be brought to surface by applying the following combined scale factor of 0.99986817.
 - 10) 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. All drainage easements shall be kept clear of fences, buildings, vegetation, and other obstructions for the purpose of the operation and maintenance of the drainage facility by the appropriate entity.
 - 11) FORT BEND COUNTY MUD No 184 WASTEWATER TREATMENT PLANT SITE lies within Unshaded Zone "X" as per Flood Insurance Rate Map, Community No 480228, Map No 48157C0265L, Panel 0265, Suffix "L" dated April 2, 2014.
 - 12) This plat was prepared to meet city of Rosenberg and Fort Bend County Requirements.
 - 13) This plat lies wholly within Fort Bend County Municipal Utility District No 184, 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.
 - 14) Project Benchmark Temporary Benchmark "A" being a set 3/4" iron rod with cap "Kalkomey Surv Control Point". Located ±193' Southeast of Fort Bend County MUD No 184 Wastewater Treatment Plant Site. Elevation=78.80' (NAVD88).
 - 15) Elevations used for delineating contour lines are based upon NAVD-88 datum.
 - 16) This plat was prepared from information furnished by Stewart Title, G.F. No. 1515748292, Effective Date June 18, 2015. The surveyor has not abstracted the above property.
 - 17) All property to drain into the drainage easement only through an approved drainage structure.

FORT BEND COUNTY MUD No 184 WASTEWATER TREATMENT PLANT SITE

A SUBDIVISION OF 4.13 ACRES OF LAND

OUT OF THE
WILEY MARTIN SURVEY, A-56
FORT BEND COUNTY, TEXAS
1 BLOCK 1 RESERVE

JULY 1, 2015

OWNER:
DRY CREEK (HOUSTON) ASLI VI, LLC
9801 WESTHEIMER, SUITE 250
HOUSTON, TEXAS 77042
713-627-1015

ENGINEER/SURVEYOR:
JONES CARTER
Texas Board of Professional Engineers Registration No. F-439
Texas Board of Professional Land Surveyors No. 10046104
6335 Gulfport, Suite 100 • Houston, Texas 77081 • 713.777.5337

within the development.

The Planning Commission approved the Preliminary Plat of the Fort Bend Count MUD No. 184 Lift Station Site on May 20, 2015. The proposed Final Plat is consistent with the approved Preliminary Plat and is in conformance with City ordinances. Off-site easements will be recorded and instrument numbers added before Final Plat approval by City Council. It is recommended that the Planning Commission recommend approval to City Council of the Final Plat of Fort Bend County MUD No. 184 Lift Station Site.

Key Discussion:

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

Action taken: Commissioner Parsons moved, seconded by Commissioner Casias to recommend approval to City Council of the Final Plat of Fort Bend County MUD No. 184 Lift Station Site, a subdivision of 0.15 acres of land out of the Wiley Martin Survey, A-56, Fort Bend County, Texas; 1 block, 1 reserve. The motion carried unanimously.

4. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF FORT BEND COUNTY MUD NO. 184 WASTEWATER TREATMENT PLANT SITE, A SUBDIVISION OF 4.13 ACRES OF LAND OUT OF THE WILEY MARTIN SURVEY, A-56 FORT BEND COUNTY, TEXAS; 1 BLOCK, 1 RESERVE.

Executive Summary: The Final Plat of Fort Bend County MUD No. 184 Wastewater Treatment Plant Site is a proposed wastewater treatment site for Fort Bend County MUD No. 184, or Stonecreek Estates. The site consists of 4.13 acres and is located on the south side of the development.

The Planning Commission approved the Preliminary Plat of the Fort Bend Count MUD No. 184 Wastewater Treatment Plant Site on May 20, 2015. The proposed Final Plat is consistent with the approved Preliminary Plat and is in conformance with City ordinances. Off-site easements will be recorded and instrument numbers added before Final Plat approval by City Council. It is recommended that the Planning Commission recommend approval to City Council of the Final Plat of Fort Bend County MUD No. 184 Wastewater Treatment Plant Site.

Key Discussion:

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

Action taken: Commissioner Parsons moved, seconded by Commissioner Casias to recommend approval to City Council of the Final Plat of Fort Bend County MUD No. 184 Wastewater Treatment Plant Site, a subdivision of 4.13 acres of land out of the Wiley Martin Survey, A-56 Fort Bend County, Texas; 1 block, 1 reserve. The motion carried unanimously.

5. CONSIDERATION OF AND ACTION ON A SHORT FORM FINAL PLAT OF READING ROAD OFFICE PARK REPLAT NO. ONE, A TOTAL OF 0.3756 ACRES BEING A REPLAT OF LOT 13, READING ROAD OFFICE PARK IN THE JAMES LOWERY 1/3 LEAGUE, A-275, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS RECORDED UNDER FORT BEND COUNTY PLAT NO. 20110006; 2 LOTS, 1 BLOCK, 0 RESERVES.

Executive Summary: The Short Form Final Plat of Reading Road Office Park Replat No. One is a replat of Lot 13, Reading Road Office Park in the James Lowery 1/3 League, A-275, City of Rosenberg Fort Bend County, Texas recorded under Fort Bend County Plat No. 20110006. The Plat consists of only 0.3756 acres.

The original plat was recorded in 2011 and the developer now proposes to subdivide one of the existing lots into two (2). There is not an issue with the lot size (with it being commercial, not residential) or anything else in conflict with City ordinances. It should be noted that to have a three-foot (3') interior building line, a firewall will be required. However, this is not uncommon in the development; there are other lots with 3' building lines. A minimum ten-foot (10') building line is generally required (for commercial buildings) to not have a firewall per the International Building Code (IBC).

Also of note is that the development, per an agreement established in 2010, requires the installation of a traffic signal at Reading Road and Town Center Boulevard, which is partially funded by the City. The developer has submitted a request to City Council to delay the signal installation until Phase II of the development. This is tentatively scheduled to go before Council on July 21, 2015 and should be settled before Final Plat approval by Council at a subsequent meeting. The signal is tied to certificates of occupancy, not platting.

Staff recommends that the Planning Commission recommend approval to City Council of the Short Form Final Plat of Reading Road Office Park Replat No. One.

- Mr. Maresh stated that Airport construction would cost approximately 4.5 million, Bryan and Spacek Roads 8 million, and Old Richmond Road 3 million, if funded. Total expenditures estimated at approximately 20 million.
- Commissioner Casias inquired when the FY2016 Capital Improvements Program recommendation would be presented to City Council.
- Ms. Vasut replied that a recommendation for the FY2016 Capital Improvements Program would be addressed at the May 26, 2015 City Council Workshop meeting, however, no action would be taken.

Action Taken: Commissioner Parsons moved, seconded by Commissioner Urbish, to approve the recommendation regarding the FY2016 Capital Improvements Program (CIP). The motion carried unanimously by those present.

3. **HOLD PUBLIC HEARING 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.**

Chairperson Pavlovsky opened the public hearing at 4:02 pm. After three calls for speakers, no one stepped forward. Chairperson Pavlovsky closed the public hearing at 4:03 pm.

4. **CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF FORT BEND COUNTY MUD NO. 184 LIFT STATION SITE, A SUBDIVISION OF 0.1480 ACRES OF LAND OUT OF THE WILEY MARTIN SURVEY, A-56, FORT BEND COUNTY, TEXAS. 1 BLOCK, 1 RESERVE.**

Executive Summary: This agenda item consists of a Preliminary Plat of a proposed lift station site for Fort Bend County MUD No. 184, or Stonecreek Estates. The site consists of only .148 acres. It is centrally located within the development.

Staff has no objections to the proposed Preliminary Plat. A Final Plat and infrastructure construction plans must be submitted in the future, and off-site easements must be recorded before Final Plat approval. Staff recommends approval of the Preliminary Plat of Fort Bend County MUD No. 184 Lift Station Site.

Key Discussion:

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

Action Taken: Commissioner Casias, seconded by Commissioner Parsons, to approve the Preliminary Plat of Fort Bend County MUD No. 184 Lift Station Site, a subdivision of 0.1480 acres of land out of the Wiley Martin Survey, A-56, Fort Bend County, Texas; 1 block, 1 reserve. The motion carried unanimously by those present.

5. **CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF FORT BEND COUNTY MUD NO. 184 WASTEWATER TREATMENT PLANT SITE, A SUBDIVISION OF 4.1262 ACRES OF LAND OUT OF THE WILEY MARTIN SURVEY, A-56, FORT BEND COUNTY, TEXAS. 1 BLOCK, 1 RESERVE.**

Executive Summary: This agenda item consists of a Preliminary Plat of a proposed wastewater treatment plant site for Fort Bend County MUD No. 184, or Stonecreek Estates. The site consists of 4.1262 acres overall. It is located on the south side of the development.

Staff has no objections to the proposed Preliminary Plat. A Final Plat and infrastructure construction plans must be submitted in the future, and off-site easements must be recorded before Final Plat approval. Staff recommends approval of the Preliminary Plat of Fort Bend County MUD No. 184 Wastewater Treatment Plant Site.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Parsons inquired if Stonecreek Estates would be responsible for paying and maintaining the Wastewater Treatment Plant Site.
- Mr. Tanner replied that Stonecreek Estates would be responsible for paying for the Wastewater Treatment Plant and Fort Bend County MUD No. 184 would be responsible for maintaining.

Action Taken: Commissioner Parsons moved, seconded by Commissioner Casias, to approve the Preliminary Plat of Fort Bend County MUD No. 184 Wastewater Treatment Plant Site, a subdivision of 4.1262 acres of land out of the Wiley Martin Survey, A-56, Fort Bend County, Texas; 1 block, 1 reserve. The motion carried unanimously by those present.

6. **CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF SUMMER LAKES SECTION NINE, BEING A SUBDIVISION OF 13.88 ACRES OUT OF THE W.M. LUSK SURVEY, A-276 IN THE CITY OF ROSENBERG, IN FORT BEND COUNTY, TEXAS. (FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 144); 65 LOTS, 4 BLOCKS, 1 RESERVE (0.1517 ACRE).**

Executive Summary: The Preliminary Plat of Summer Lakes Section Nine is located off of Green Paseo Place and Douro Valley Drive in the northeast part of the Summer Lakes development. The Plat consists of 13.88 acres, 65 residential lots, and one (1) reserve containing 0.1517 acres.

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

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Casias inquired if Summer Lakes included another entrance or exit.
- Mr. Tanner replied that Summer Lakes had multiple entrances, including both Reading Rd. and FM 2977.
- Mr. Kalkomey stated that the development would include an entrance to the south off of Benton as the subdivision is platted.
- Chairperson Pavlovsky inquired about the section located to the northeast corner of the plat and if the section belonged to Summer Lakes.
- Mr. Tanner replied that the section had been sold as commercial property.
- Mr. Parsons inquired if lots were 50'.
- Mr. Tanner replied that all lots are 50'.

Action Taken: Commissioner Urbish moved, seconded by Commissioner Poldrack, to approve the Preliminary Plat of Summer Lakes Section Nine, being a subdivision of 13.88 acres out of the W.M. Lusk Survey, A-276 in the City of Rosenberg, in Fort Bend County, Texas. (Fort Bend County Municipal Utility District No. 144); 65 lots, 4 blocks, 1 reserve (0.1517 acre). The motion carried unanimously by those present.

7. **CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF TEXAS STATE TECHNICAL COLLEGE FORT BEND, A SUBDIVISION OF 80.033 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, BEING A REPLAT OF RESERVES A, D, E AND F, BARCAK ACRES, A SUBDIVISION RECORDED IN SLIDE NO. 1675A PLAT RECORDS OF FORT BEND COUNTY, TEXAS; 7 RESERVES, (74.913 ACRES), 3 BLOCKS.**

Executive Summary: The Preliminary Plat of Texas State Technical College Fort Bend consists of approximately 80 acres of land located on the north side of U.S. Highway 59 (IH-69) between Louise and FM 2218. Texas State Technical College (TSTC) has selected the site to develop a technical college campus.

The plat consists of seven (7) reserves with 74.913 acres in addition to 5.12 acres of proposed public right-of-way to be dedicated. The reason for the latter is that the City's Thoroughfare Plan calls for both a north-south (Graeber) and an east-west (Mons) collector on this property. The streets will be developed in phases, with Graeber being completed up to the north line of Reserve "A" during the first phase of construction of the campus. An agreement must 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. The agreement would have to be approved by the property owner and City Council before Final Plat approval by Council.

The proposed Preliminary Plat is not in conflict with the "Subdivision" Ordinance and is in conformance with the City's Thoroughfare Plan. Staff recommends approval of the Preliminary Plat of Texas State Technical College Fort Bend.



CITY COUNCIL COMMUNICATION

August 04, 2015

ITEM #	ITEM TITLE
F	Resolution No. R-2024 - Revision to City Council Rules of Procedure
ITEM/MOTION	

Consideration of and action on Resolution No. R-2024, a Resolution providing for the amendment of the City Council Rules of Procedure (Ninth Edition), namely Article V., entitled Agenda Order, by revising the order of Announcements by moving Announcements to appear after the Invocation and Pledge of Allegiance on Regular City Council Meeting Agendas.

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

SUPPORTING DOCUMENTS:

MUD #: N/A

1. City Council Rules of Procedure – Eighth Revision – Redlined
2. Resolution No. R-2024
3. City Council Workshop Meeting Draft Minute Excerpt – 07-28-15

APPROVALS

Submitted by: Scott M. Tschirhart/rl Scott M. Tschirhart City Attorney	Reviewed by: <input type="checkbox"/> Exec. Dir. of Administrative Services <input type="checkbox"/> Asst. City Manager of Public Services <input type="checkbox"/> City Attorney <input type="checkbox"/> City Engineer <input checked="" type="checkbox"/> City Secretary LC/rl	Approved for Submittal to City Council:  Robert Gracia City Manager
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EXECUTIVE SUMMARY

As discussed at the July 28, 2015 City Council Workshop Meeting, revisions have been made to the City Council Rules of Procedure for placement of Announcements after the Invocation and Pledge of Allegiance on Regular City Council Meeting agendas. Attached is a redlined version of the proposed revisions.

Staff recommends approval of Resolution No. R-2024 as presented. Should City Council approve the revision, the revision, attached to the Resolution as Exhibit "A", will serve as the City Council Rules of Procedure, Ninth Revision.

CITY OF ROSENBERG

CITY COUNCIL

RULES OF PROCEDURE

Eighth Ninth Revision

(Revised: ~~November 5, 2013~~August 18, 2015)

The City Council of the City of Rosenberg, Texas, does hereby adopt these Rules of Procedure as the official Rules of Procedure of the City Council. The purpose of these Rules is to establish an orderly and effective method for conducting the official business of the City during the meetings of the Council.

~~Vincent M. Morales, Jr.,~~Cynthia A. McConathy, Mayor

Councilor William Benton

Councilor ~~Cynthia McConathy~~Amanda J. Barta

Councilor Jimmie J. Pena

Councilor Susan Euton

Councilor ~~Dwayne Grigar~~Lisa Wallingford

Councilor ~~Amanda J. Bolf~~Lynn Moses

I.
AUTHORITY

The Charter of the City of Rosenberg grants to the City Council the right to determine its own rules of procedure; these rules are enumerated under and by authority of such provision.

II.
GENERAL RULES OF PROCEDURE

1. RULES OF COUNCIL. The City Council shall determine its own rules and order of business.
2. CONDUCT OF MEETINGS. Meetings of the City Council shall be conducted according to rules and procedures adopted by City Council, as well as the terms and provisions of Robert's Rules of Order Revised.
3. MEETINGS SHALL BE PUBLIC. All meetings of the City Council shall be public, and notices thereof shall be posted as provided for in Chapter 551 of the Government Code (the Open Meetings Act). Except in the case of an emergency meeting, all members shall be given notice 72 hours before the time set for any meeting.
4. REGULAR MEETINGS. Regular meetings of the City Council are generally held on the 1st and 3rd Tuesdays of each month at 7:00PM. All members shall be given notice 72 hours before the time set for any meeting (except emergency meetings). Regular meetings shall be held at the Rosenberg City Hall, 2110 4th Street, Rosenberg, Texas.
5. SPECIAL MEETINGS. Special meetings may be called upon the request of the Mayor or any three members of the City Council. A Special meeting may be held the 4th Tuesday of each month.
6. WORKSHOP MEETINGS. Workshop meetings are generally held the 4th Tuesday of each month, at the Rosenberg City Hall.
7. EMERGENCY MEETINGS. In case of an emergency or urgent public necessity, which shall be expressed in the notice, it shall be sufficient if members receive and notice is posted two (2) hours before the meeting is convened.
8. RECESSED MEETINGS. No meeting shall be recessed for a longer period of time than until the next day.
9. QUORUM. A quorum consists of four (4) members of whom the Mayor shall be counted as one (1). The affirmative vote of four (4) members shall be required for the transaction of business.
10. ABSENCE OF MAYOR. The Mayor Pro Tem shall act in the absence of the Mayor.
11. ABSENCE OF BOTH MAYOR AND MAYOR PRO TEM. In the absence of both the Mayor and Mayor Pro Tem at a scheduled meeting, the meeting shall be opened, for the purpose of allowing City Council to elect a Chairman, by the member of City Council present who holds the lowest numbered At-Large Council position (Council At-Large Position 1, Council At-Large Position 2, etc.)
12. ABSENCE. If a member of City Council shall be absent from three (3) regularly scheduled meetings without a valid excuse, the member shall at the discretion of City Council, forfeit his/her office.
13. CITY MANAGER OR ACTING CITY MANAGER. The City Manager or Acting City Manager, unless excused, shall attend all City Council meetings and, upon request, designated workshop sessions and shall make recommendations and take part in discussion.

14. CITY ATTORNEY OR ACTING CITY ATTORNEY. The City Attorney or Acting City Attorney, unless excused, shall attend all City Council meetings and, upon request, designated workshop sessions and, upon request, should give opinions on questions of law and act as parliamentarian when necessary.

15. CITY SECRETARY OR ACTING CITY SECRETARY. The City Secretary or Acting City Secretary shall attend all meetings, unless excused, and keep all official minutes and tapes of City Council proceedings. In the absence of the City Secretary, the Secretary to City Secretary shall perform such duties.

16. ATTENDANCE OF CITY EMPLOYEES. The City Council may request, through the City Manager, that any officer or employee of the City attend City Council meetings to present information relating to business before the City Council.

17. REVIEW AND DISCIPLINE. Complaints, charges and discipline concerning City Council or city personnel shall be discussed in Executive Session unless the person charged or the person against whom a complaint has been lodged shall request a public hearing. City Council shall also receive any reports and/or recommendations as shall be submitted by the City Manager.

18. MINUTES OF MEETING. An account of all proceedings of City Council shall be recorded and shall be open to public inspection.

19. SUSPENSION AND AMENDMENT TO RULES. Any provisions of these rules not governed by federal or state law or the City Charter may be temporarily suspended by a two-thirds (2/3) vote of all members of City Council and may be amended by a vote of two-thirds (2/3) of all members of the City Council, if such amendment was introduced at the previous regular meeting of City Council and shall have received preliminary approval of a majority of City Council at such meeting.

20. HATS NOT PERMITTED. No person shall enter the Council Chamber of the City Council of the City of Rosenberg either immediately before the commencement of a meeting or during a meeting while wearing a hat. Any person who shall, in violation of this rule, enter the Council Chamber while wearing a hat and who fails to promptly remove the same may be removed from the Council Chamber by any police officer of the City.

III. ORDER OF BUSINESS

This section is designed to establish an orderly procedure for handling agenda items during City Council meetings.

1. MAYOR SHALL READ. The Mayor shall introduce each item on the agenda by providing a brief explanation thereof. In addition, in the event witnesses shall come before City Council, the Mayor shall introduce the person making the presentation or declare the discussion to be open.

2. CITY COUNCIL DISCUSSION. Each item on the agenda shall be introduced and presented by the individual(s) listed on the agenda. Immediately following the reading of the Executive Summary, the Mayor shall address any person(s) from the audience that has signed in to comment on that particular agenda item. Then, the Mayor will ask for comments by each member of City Council present in the order the Mayor chooses. After discussion by the City Council, the Mayor shall call for a motion and vote on the agenda item. City Council discussion shall be conducted according to rules and provisions adopted by City Council as well as the terms and provisions of Robert's Rules of Order Revised.

3. MAYOR OR CITY SECRETARY TO ANNOUNCE THE VOTE. The Mayor or the City Secretary shall, at the conclusion of the vote on each question properly submitted, announce the result.

4. MAYOR TO STATE THE RESULT. The Mayor shall clearly state the result of any action taken by City Council at the conclusion of the vote.

5. VOTE ON ANY MOTION. All votes on any motion shall be recorded and if not unanimous, should clearly state the name of each Councilor voting in the minority or abstaining.

6. CONSIDERATION OF AGENDA ITEMS. City Council, pursuant to Section 3.10 of the City Charter, will dispense with the reading of an ordinance on two (2) separate days so long as there is an affirmative vote of five (5) council members to adopt the ordinance and there is not a motion by a City Council member requesting that the ordinance be read on two (2) separate days. If such a motion is made, the requirement for reading the ordinance on two (2) separate days shall be dispensed with by an affirmative vote of five (5) City Council members.

In the event a motion is made requesting additional information or for delay to obtain additional information, and is passed by a majority vote of the City Council present, City Council may defer action on such agenda item to the next regular meeting of the City Council or such later meeting as shall be necessary to receive needed information.

7. ABSTENTION. A vote of abstention shall not be considered as approving or disapproving the motion. The person abstaining, upon request of four (4) members of the City Council, may state his/her reasons for abstaining for the record; however, said Councilor may decline. An abstention is documented as an "abstention", but it is counted as a "no" vote. A member having a conflict of interest, as defined by law, on a matter before City Council shall file with the City Secretary an affidavit stating the nature and extent of the interest before the matter is considered, and shall abstain from further participation in the matter.

IV. AGENDA PROCEDURE

1. AGENDA. The City Manager or his/her designee shall prepare an agenda and cause the same to be delivered to members of City Council on or before 6:00PM of the day of posting, or within such additional time thereafter as shall be necessary. No item shall be included in the agenda unless a request to include the same has been made to office of the City Manager on or before noon on the Wednesday preceding the next Tuesday meeting. In the event of an emergency meeting of City Council, this provision shall be suspended when not consistent with the provisions of federal or state law or the Charter of the City of Rosenberg.

2. CITY MANAGER SHALL PROVIDE ANALYSIS. The City Manager or his/her designee shall provide City Council with an analysis of items to be on the agenda as promptly as possible, and in no event later than Friday immediately preceding a Tuesday meeting; however, in the case of an emergency, this provision shall be suspended.

3. CITY MANAGER TO ISSUE COMMUNIQUE. The City Manager or his/her designee shall issue a bi-monthly communique of current affairs, problems and other matters that should properly be brought before City Council.

4. MINUTES OF PREVIOUS MEETING. The City Secretary shall prepare and submit to City Council no later than Friday preceding a regular Tuesday meeting, the minutes of the last meeting of City Council.

5. REMOVAL OF ITEM FROM AGENDA. The Mayor or any Councilor may request the removal (tag) of any individual item from the preliminary agenda or any supplemental item added to the preliminary agenda, one time only without the approval of other Council Members. The City Manager or City Secretary will advise the other Council Members if an item has been tagged. Exception: An item requiring action by a particular date or an item that has a set time certain date. Any tagged item would become a part of the

agenda of the next regular meeting, unless removed by the initiator of the item. An item can only be tagged from the preliminary agenda one time, before it goes back on the agenda.

6. AGENDA EXHIBITS. All exhibits, or a summary of the exhibits, should be included with the final agenda in order for that item to be considered at the City Council meeting, unless the item is of an emergency nature.

7. AGENDA ITEMS WITH DEADLINES. If the City Manager feels an item included on the preliminary agenda requires immediate attention due to special deadlines, he/she shall advise Council Members of such requirements in a memo accompanying the preliminary agenda.

8. ADDITION OF AGENDA ITEMS AFTER PRELIMINARY AGENDA DISTRIBUTION. If one or more Council Members or the City Manager request the addition of one or more agenda items after the preliminary agenda has been distributed, the City Secretary (or his/her representative) shall inform Council Members that the item/s has been added to the agenda.

SPECIAL MEETINGS:

PREPARATION OF AGENDA. Special meeting agendas are prepared by the office of the City Manager, signed by the Mayor or three Council Members calling the special meeting, then posted 72 hours before the meeting. This agenda shall be distributed to Council Members the same day it is posted. By Charter, the Mayor or any three members of the City Council may call special meetings of the City Council at any time. The members calling the special meeting designate the agenda.

V. **AGENDA ORDER**

The following order is the desired order for conducting the business of the City Council. However, at the discretion of the Mayor, when it appears that it is in the best interest of the City Council and the citizens of Rosenberg, any item appearing on the agenda may be considered in any order determined by the Mayor. In addition, the City Manager may authorize adjustments to this agenda order as shall be necessary to carry forward the intent of the City Council.

1. CALL TO ORDER.

2. INVOCATION AND PLEDGE OF ALLEGIANCE. Members of Council or invited clergy will alternate a brief religious or scriptural passage or prayer and lead the audience in the pledge of allegiance to the flag.

3. ANNOUNCEMENTS.

3.4. STATEMENT OF RULES PERTAINING TO AUDIENCE COMMENTS. Immediately after the conclusion of the invocation and pledge, the City Secretary shall compile a list of persons to be recognized prior to City Council's consideration and discussion of agenda items, consent items and non-agenda items. This list shall be made available to the Mayor for reference during consideration of the agenda items, consent items and non-agenda items. At this time, any citizen may request the City Secretary record their name in order that they may be heard after the City Secretary reads the statement of rules pertaining to audience comments and under "Comments from the Audience." In the event a citizen shall fail to indicate a desire or intention to speak in reference to an item appearing on the agenda, this rule shall not preclude such citizens from so speaking so long as Rule VII is strictly adhered to. Comments from the audience shall be limited to non-agenda items during the designated agenda item of "Comments from the Audience."

4.5. COMMENTS FROM THE AUDIENCE. The Mayor shall recognize any person from the audience desiring to make a brief comment in accordance with Statement of Rules above. City Council meetings bring together many citizens of many varied interest and ideas. To ensure fairness and orderly meetings,

the City Council has adopted Statement of rules pertaining to audience comments which apply to all members of the City Council, City Staff, citizens, and visitors. These rules are:

Citizens/visitors should sign in with the City Secretary prior to speaking on agenda item(s) or on a subject that he/she will be addressing. Speakers must address their comments to the presiding Council rather than to individual Council members or staff; Stand at the podium, speak clearly into the microphone and state your name and address prior to beginning your remarks; Speakers will be allowed a maximum of three (3) minutes for speaking; Speakers making personal, impertinent, profane or slanderous remarks may be removed from the room and shall be barred from reentering the Chamber during the session of the City Council; Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations will not be permitted; No placards, banners or signs will be permitted in the Chamber. Any member of the City Council may move to require enforcement of these rules. In accordance with the State Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda.

All cell phones and similar electronic devices are requested to be turned OFF, or placed in "silent mode" at this time.

| 56. CONSENT AGENDA. The Consent Agenda contains routine items which do not need further discussion and may be approved with one motion and roll call vote, such as the following examples:

- A. Approval of license applications and bonds.
- B. Approval of minutes.
- C. Approval of payment contracts.
- D. Set date for hearings
- E. Appointments.
- F. Resignations.
- G. Second and final readings of ordinances.
- H. Approval of specifications for budgeted items.

| 67. REGULAR AGENDA. All items on the agenda coming under the heading of "Regular Agenda" shall be considered at this time.

| 7-8. EXECUTIVE SESSION. In the event it is necessary for City Council to retire to Executive Session for the purposes of discussing matters which are permissible, as enumerated in the Open Meetings Law, Government Code, Sections 551.071; 551.072; 551.073; 551.074; 551.076; and 551.087. City Council may retire into closed session; however, before said session begins, the Mayor shall announce that the Executive Session is commencing. The order in which an Executive Session may appear on the agenda is subject to the discretion of City Council. Disclosure of topics to be discussed shall be made in accordance with the requirements of the Open Meetings Law.

| ~~8.~~ ANNOUNCEMENTS.

| 9. ADJOURNMENT.

VI. WORKSHOP SESSIONS

City Council may call and hold workshop sessions for the purpose of conducting detailed and thorough exploration of matters that may properly come before City Council. The following rules shall prevail for the conduct of called workshop sessions, and all rules herein set out which are in conflict therewith shall be superseded and suspended.

1. AGENDA. Only a limited number of matters shall be considered by City Council during a workshop session, and sufficient time for consideration of such matters shall be provided. No formal agenda procedure shall be prescribed.
2. DOCUMENTS AND EXHIBITS TO BE PRESENTED. In the event of a called workshop session, all documents, exhibits, maps, plats, architectural drawings, specifications and other similar documents, shall be made available to City Council at least 72 hours before the beginning of such workshop session in order that sufficient time may be allowed for each member of City Council to study such documents and be prepared to discuss the same in the workshop.
3. QUESTIONS OF TECHNICAL NATURE. All questions of a technical nature, which require a detailed explanation for the understanding thereof, shall be considered in a workshop session; and City Council shall be authorized to request the appearance of such employees of the City or outside experts as may be necessary for the purpose of securing factual answers to such technical questions.
4. AUDIENCE QUESTIONS OR COMMENTS. Comments or questions from the audience shall not be considered at the workshop session.
5. LOCATION OF MEETING. All workshop sessions are generally held at the Rosenberg City Hall. The Mayor, or his/her designee, may designate meetings to be held at a site other than the Rosenberg City Hall as long as no official action is to be taken.

VII.
RULES GOVERNING COMMENTS FROM THE AUDIENCE

The following rules shall control audience comments, it being the desire of City Council to hear from members of the public and to stimulate discussion of subjects which are properly a concern of the City Council.

1. CITY SECRETARY TO STATE RULES FOR AUDIENCE COMMENTS PERTAINING TO CONSENT ITEMS, AGENDA ITEMS AND NON-AGENDA ITEMS. Immediately preceding the opening of the audience comments, the City Secretary shall summarize briefly the rules governing comments from the audience and the City Secretary shall take the names of those interested in making a comment pertaining to a consent agenda, regular agenda, or non agenda item. The Mayor will recognize those persons desiring to address the City Council on agenda items after the item is read for consideration and after the executive summary is presented.
2. PERSONS DESIRING TO COMMENT SHOULD REGISTER IN ADVANCE. Persons wishing to comment are encouraged to register in advance. Any person wishing to make a comment on an item on the agenda, consent agenda item, or a non-agenda item, should register with the City Secretary before a City Council meeting. The City Secretary shall maintain a form, which shall be available for the name of the proposed presenter and the subject agenda item or general comments.
3. CITIZENS NOT REGISTERING IN ADVANCE. Any person who has not registered in advance may be permitted to speak; however, any presentation will be solely at the option of the City Council. The City Council may at any time either prior to or during a presentation, defer the presentation to a subsequent meeting when an appropriate agenda item has been posted. However, in all cases where a presenter has not registered, no member of the City Council shall be permitted to discuss any comment from the audience.
4. TERMINATION OF AUDIENCE COMMENTS. Audience comments may be concluded by the Mayor, or if appealed, by a vote of four (4) members of City Council. In the event of pressing business before City Council or matters requiring immediate City Council attention or action, City Council may, prior to the opening of audience comments, by a vote of four (4) members of City Council, set a maximum time limit for audience comments, being the total allocation of time for such comments. At any time, City Council may, by a vote of four (4) members of City Council, terminate audience comments for a particular City Council

meeting. In all cases, the Mayor shall announce the conclusion of audience comments. Each person will speak only one time per agenda item, unless specifically requested to comment further.

5. PRESERVATION OF ORDER. The Mayor shall preserve order and decorum and, if necessary, shall cause to be silenced or removed from the Council Chamber, any person speaking out of order or disrupting the order of the meeting, being verbally or physically abusive, or using inappropriate language.

6. COMMENTS FROM THE AUDIENCE SUBSEQUENT TO CALL FOR AUDIENCE COMMENTS. If a citizen desires to be heard on a matter to be considered by City Council as set out on the agenda, but fails to inform the City Secretary when announced by the Mayor, then such person shall not be prohibited from making such comments so long as s/he shall raise his/her hand to be recognized at the time.

When recognized, he/she shall be afforded an opportunity to state any comments that may be appropriate under these Rules. However, citizens shall not be recognized after a matter has been opened for discussion and debate by the City Council. All comments made concerning an announced agenda item shall be in accordance with the provisions of these Rules.

VIII. PARLIAMENTARY PROCEDURE

This section is a brief discussion of the parliamentary rules which shall guide the conduct of business before the City Council. These rules, and in all cases Robert's Rules of Order Revised, shall control the deliberations of the City Council, provided they are not inconsistent with federal or state law or the Charter of the City of Rosenberg. This section is simply a guide of those rules which may be the most useful in the orderly consideration of city business before City Council.

1. PRESERVATION OF ORDER. The Mayor shall preserve order and decorum, prevent the impugning of members' motives and confine members to debate the questions under discussion.

2. POINT OF ORDER. A member of City Council may raise of a point of order at any time whether or not another member of City Council is speaking. A point of order is a statement to the Mayor that a particular motion before the City Council or other matter is out of order or to make an inquiry of the Mayor as to parliamentary procedure or for information. As soon as a point of order has been disposed of, the person interrupted may continue speaking.

In the event that a member asserting a point of order is overruled by the Mayor, he or she may appeal to the members of City Council for a final decision. The Mayor shall then briefly state the reasons for his/her decision and the decision of the Mayor may be overruled by a vote of four (4) members of City Council.

3. SUSPENSION OF THE RULES. A member of City Council may move to suspend the rules that interfere with a particular matter that is of apparent importance to the City Council and should be considered by the City Council immediately or out of order. In order for this to be accomplished, it is necessary that a two-thirds (2/3) vote be obtained. However, a motion to suspend the rules cannot interrupt an individual speaking.

4. MOTION TO WITHDRAW MOTION. A person making the motion may move to withdraw his or her motion, and it is withdrawn unless an objection is raised. If a member of City Council objects to the withdrawal of the motion, then the Mayor, upon motion from a member of City Council, may put the matter to an immediate vote and if four (4) members of the City Council vote to allow removal of the motion, it is withdrawn.

5. MOTION TO OBJECT TO THE CONSIDERATION OF A MOTION. A member of City Council may object to the consideration of a motion, and such objection may be made at any time, even when a member of City Council is speaking. In order to stop the consideration of a motion, a two-thirds (2/3) vote of

the members of the City Council present is required, which in no event shall be less than four (4) members of the City Council.

6. **TABLING.** In order to table a motion, a motion must be made and can only be made at such time when another member of City Council is not speaking; the matter must be put to a vote by the Mayor and upon a vote of four (4) members of City Council, it may be tabled. Unless tabled to a time certain, any motion tabled will remain on the table, until an affirmative request is made by four Councilors to bring the matter back to the agenda.

7. **MOTION TO CLOSE DEBATE.** A motion to close debate on a particular matter before the City Council can only be made at such time as the person making the motion is recognized by the Mayor and no one else is speaking. In order to close debate, a two-thirds (2/3) majority is necessary.

8. **MOTION TO POSTPONE CONSIDERATION.** A motion may be made to postpone consideration of a pending motion. This must be made at a time when the Mayor has recognized the mover and no one else is speaking. A vote of four (4) members of the City Council will carry this motion.

9. **AMENDING A MOTION.** A motion may be amended by a member of City Council stating that he/she wishes to amend. This motion requires a second, is debatable and can be passed by a vote of four (4) members of the City Council.

10. **MOVE THE QUESTION.** A member of City Council may move the question at any time that he/she has the floor. He/she cannot interrupt a member of City Council speaking for the purpose of moving the question.

11. **SUBSTITUTE MOTION.** A substitute motion may be made at any time by a member who desires to substitute a motion of the one being considered. As soon as a substitute motion is made, it acts as an amendment; however, the vote on the original question is not necessary.

12. **QUESTIONS TO CONTAIN (1) SUBJECT.** All questions submitted for vote shall contain only one subject. If two (2) or more subjects are involved, any member of City Council may require a division.

13. **ORDER OF PRECEDENCE OF MOTIONS.** Robert's Rules of Order Revised shall prevail as to the order of precedence of motions and types of motions.

14. **RIGHT TO FLOOR.** Any member of City Council desiring to speak shall be recognized by the Mayor and shall confine his/her remarks to the subject under consideration. No member shall speak more than once to a question until every member wishing to speak shall have spoken.

15. **POINTS TO ORDER.** The Mayor shall determine all points of order, subject to the right of any member to appeal to the City Council or request a parliamentary opinion of the City Attorney.

16. **TIE VOTE.** If the vote is tied on any motion, the motion shall be considered failed.

17. **RECONSIDERATION BY MOTION OF AN ACTION OF CITY COUNCIL CAN BE MADE NO LATER THAN THE NEXT SUCCEEDING REGULAR MEETING.** Such motion can only be made by a member who voted with the majority or who was absent. It can be seconded by any member. No question shall be twice reconsidered, except by vote of four (4) members of the City Council, except that action relating to any contract may be reconsidered at any time, before final execution thereof.

IX. **BOARDS AND COMMISSIONS**

BOARD means a board or commission of the City which is established by ordinance or resolution or the Charter of the City of Rosenberg.

CHAIR means the presiding officer of a board whether appointed by the City Council or elected by the other members of the board. In debate the Chair shall be referred to by official title.

EX-OFFICIO means City Council member(s) appointed by the City Council to serve as an ex-officio to a board, commission or committee. Ex-officio member(s) shall have the right to take part in any discussions, but shall not have the power to vote. Ex-officio member(s) shall not be elected or appointed as a presiding officer or any other position to a board, commission, or committee.

MEMBER means a duly appointed member of a board. Members may vote and count as part of the quorum.

STAFF means city employee appointed by the City Manager to provide administrative assistance or guidance to the committee, board or commission. Staff does not vote or count as part of the quorum of a committee, board or commission unless elected to serve, rather than appointed to assist.

1. NOTICE OF APPOINTMENT; ACCEPTANCE

A. After the City Council appoints a person to serve as a member of a board, the City Secretary shall notify the person of the appointment by mail. The notification will contain a form of acceptance of appointment to be returned to the City Secretary by the appointee.

B. The appointee must return the signed acceptance of appointment to the City Secretary within 15 calendar days from the date of receiving notice of the appointment. If the City Secretary does not receive the signed acceptance of appointment within the required 15 days that board position shall be considered vacant and a new appointment made.

C. The City Council may designate, when practical and unless provided otherwise in the Charter, ordinances, resolutions or minute entry establishing such board or commission, the individual to serve as chairperson for a one-year term beginning with their appointment each year. In the event the City Council for any reason does not name a chairperson or fill a vacancy of a chairperson within thirty (30) days of June 1st or the date the chair becomes vacant, the board or commission shall elect a chairperson.

2. ELIGIBILITY OF EMPLOYEE OF FRANCHISE HOLDER

A. A person who is an employee of a public utility providing service under a franchise with the City is not disqualified from serving as a member of a board if the responsibilities of the board are not directly related to regulation of the rates and service of the public utility.

B. A board member who is an employee of a public utility providing service under a franchise with the City shall abstain and disqualify himself from voting and comply with any ordinance or statute, as amended, governing same on any matter before the Board directly or indirectly related to the business of the public utility

3. QUALIFICATION CONSIDERATIONS IN APPOINTMENTS TO BOARDS

A. In addition to the qualifications for service on a board that are mandated by the City Charter or other ordinances, an appointee to a board must:

1) Have been a resident of the City for at least six months prior to the date of appointment; unless specifically approved by City Council.

2) Affirm that they are not in arrears on any City taxes, water service charges, or other obligations owed the City; and,

3) If served on a board previously, have a creditable record of attendance and performance in any previous board service.

Note: Application form should contain the following affirmations:

The applicant affirms on his/her application that they have not been convicted of a felony or crime involving moral turpitude; not be an adversary party to pending litigation against the City, except for eminent domain proceedings; claims against the City not in litigation do not serve as a disqualification under this subsection but will be brought to the attention of the City Council; disqualification of an applicant or an appointee under this subsection may be waived by the City Council after review of the specific circumstances;

B. It is the desire and intent that a person normally serve on only one board at a time, except that this restriction does not apply to ex officio board positions or boards with special or City Council directed functions. It is the City Council's intent that a board member is not required to resign one board position before being appointed to another board, but must resign the first position before accepting appointment to the new board position. *Persons may not serve on more than one of the following committees, boards or commissions at the same time: Buildings and Standards Board, Tax Increment Reinvestment Zone, Rosenberg Development Corporation or the Planning Commission.*

C. In order to continue as a board member, a person appointed to a board must meet the qualifications required by this section for appointment during the entire time of service on a board, unless specifically approved by City Council.

4. REGULAR MEETINGS. Each board shall determine the time and place of its meetings. Regular meetings shall be scheduled weekly, monthly, semi-monthly, or quarterly, as the responsibilities of the board necessitate at a location within a public building.

5. SPECIAL MEETINGS. Special meetings may be called by the chair at any time, and shall be called by the chair upon written request of members comprising at least one-third of the board.

6. QUORUM. At the beginning of each regular or special meeting, the chair shall determine whether a quorum exists so the business of the board can be properly transacted. A quorum shall exist when there are physically present a majority of the members qualified and serving, unless otherwise provided by ordinance. If a quorum does not exist 30 minutes after the time for which the meeting was called, the chair shall adjourn the meeting and either reschedule the meeting at its next regular time, or call a special meeting, depending upon the circumstances.

7. RULES OF ORDER. Unless otherwise stipulated by the board or this chapter, proceedings of a board shall always be governed by rules of order as set forth in Robert's Rules of Order Revised.

8. PUBLIC CHARACTER OF MEETINGS AND ACTIONS

A. All meetings of a board shall be of a public nature unless pertaining to matters of pending or contemplated litigation, land purchase, security, economic development, personnel, or seeking advice of its attorney. Unless in one of these categories, all meeting and actions of the board shall be public and the City Secretary shall make sufficient copies of the minutes available to staff members, the news media, and other interested parties upon request.

B. A printed agenda of items to be considered at each regular or special meeting shall be posted for public inspection at least seventy-two hours prior to the meeting or in accordance with state open meeting laws, as amended, or as otherwise provided by law.

9. NOTICE OF MEETINGS. Notice of all regular or special meetings of the board shall be posted in accordance with City procedures, and at least seventy-two hours in advance of the meeting or as otherwise provided by law.

10. OFFICERS AND THEIR DUTIES

A. CHAIR.

1) The chair shall, when present, preside at all meetings of the board. In the absence of the chair, the vice-chair shall exercise the powers of the chair. The seniority of the vice-chair, if more than one, shall be stipulated at the time of their selections.

2) The presiding officer shall rule on points of order and procedures that are brought up in board meetings.

3) In the absence of the chair and all vice-chairs, the board shall elect a temporary chair.

4) In debate the chair shall be referred to by official title.

B. PRESERVATION OF ORDER. The chair shall preserve the order and decorum and shall have authority to appoint a sergeant and a deputy to enforce compliance with the rules contained herein. He/she shall require members of the board engaged in debate to limit discussion to the question under consideration.

C. SUBSTITUTION FOR CHAIR. The chair may call upon any other member to take his/her place in the chair, such substitution not to continue beyond adjournment.

D. ATTENDANCE

1) A member having three unexcused absences in succession from regular meetings shall forfeit his/her office or membership. For purposes of this section, the record of a member's absences will begin with the first regular meeting after the fifteenth day from the date the member received notice of his/her appointment.

2) An office which has been forfeited under the provisions of this section shall be filled for the remainder of the term by appointment of the City Council.

3) Citizens are welcome to attend all official meetings of City Boards and will be admitted to the meeting room up to the fire safety capacity of the room.

11. ADMINISTRATIVE PROCEDURES

A. BOARD RECOMMENDATIONS

1) All recommendations, resolutions, reports, and findings of a board shall be submitted through established administrative procedures within the City to the appropriate City department or the City Council.

2) Unless authorized by the City Council or the board, individual members shall not act on behalf of the board to present board recommendations, resolutions, reports, or findings to persons or agencies outside the City organizations.

B. TERMS, ETC.

1) Terms of board membership will become effective after appointments are made by the City Council. The City Council will endeavor to make all required appointments by the first meeting in July of each year* and, unless otherwise noted or required by the City's Charter or State law, will be for a period of one year. *Some members of commissions and boards are appointed for two year terms.

2) A member of the board presently qualified and serving shall continue to serve until such time as a successor has been appointed and qualified to replace said member.

RESOLUTION NO. R-2024

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, PROVIDING FOR THE AMENDMENT OF THE CITY COUNCIL RULES OF PROCEDURE (NINTH EDITION), NAMELY ARTICLE V., ENTITLED AGENDA ORDER, BY REVISING THE ORDER OF ANNOUNCEMENTS BY MOVING ANNOUNCEMENTS TO APPEAR AFTER THE INVOCATION AND PLEDGE OF ALLEGIANCE ON REGULAR CITY COUNCIL MEETING AGENDAS.

* * * * *

WHEREAS, the City Council has adopted City Council Rules of Procedure; and,

WHEREAS, the City Council deems it necessary to amend the City Council Rules of Procedure from time to time; now therefore,

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

Section 1. The City Council Rules of Procedure, Article V, entitled "Agenda Order", be amended to revise the order of Agenda items to include Announcements to appear after the Invocation and Pledge of Allegiance on Regular City Council Meeting Agendas.

Section 2. Said revision to the City Council Rules of Procedure shall establish the Ninth Revision of same, 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 A. McConathy, **MAYOR**

CITY OF ROSENBERG

CITY COUNCIL

RULES OF PROCEDURE

Ninth Revision

(Revised: August 18, 2015)

The City Council of the City of Rosenberg, Texas, does hereby adopt these Rules of Procedure as the official Rules of Procedure of the City Council. The purpose of these Rules is to establish an orderly and effective method for conducting the official business of the City during the meetings of the Council.

Cynthia A. McConathy, Mayor

Councilor William Benton

Councilor Susan Euton

Councilor Amanda J. Barta

Councilor Lisa M. Wallingford

Councilor Jimmie J. Pena

Councilor Lynn Moses

I.
AUTHORITY

The Charter of the City of Rosenberg grants to the City Council the right to determine its own rules of procedure; these rules are enumerated under and by authority of such provision.

II.
GENERAL RULES OF PROCEDURE

1. **RULES OF COUNCIL.** The City Council shall determine its own rules and order of business.
2. **CONDUCT OF MEETINGS.** Meetings of the City Council shall be conducted according to rules and procedures adopted by City Council, as well as the terms and provisions of Robert's Rules of Order Revised.
3. **MEETINGS SHALL BE PUBLIC.** All meetings of the City Council shall be public, and notices thereof shall be posted as provided for in Chapter 551 of the Government Code (the Open Meetings Act). Except in the case of an emergency meeting, all members shall be given notice 72 hours before the time set for any meeting.
4. **REGULAR MEETINGS.** Regular meetings of the City Council are generally held on the 1st and 3rd Tuesdays of each month at 7:00PM. All members shall be given notice 72 hours before the time set for any meeting (except emergency meetings). Regular meetings shall be held at the Rosenberg City Hall, 2110 4th Street, Rosenberg, Texas.
5. **SPECIAL MEETINGS.** Special meetings may be called upon the request of the Mayor or any three members of the City Council. A Special meeting may be held the 4th Tuesday of each month.
6. **WORKSHOP MEETINGS.** Workshop meetings are generally held the 4th Tuesday of each month, at the Rosenberg City Hall.
7. **EMERGENCY MEETINGS.** In case of an emergency or urgent public necessity, which shall be expressed in the notice, it shall be sufficient if members receive and notice is posted two (2) hours before the meeting is convened.
8. **RECESSED MEETINGS.** No meeting shall be recessed for a longer period of time than until the next day.
9. **QUORUM.** A quorum consists of four (4) members of whom the Mayor shall be counted as one (1). The affirmative vote of four (4) members shall be required for the transaction of business.
10. **ABSENCE OF MAYOR.** The Mayor Pro Tem shall act in the absence of the Mayor.
11. **ABSENCE OF BOTH MAYOR AND MAYOR PRO TEM.** In the absence of both the Mayor and Mayor Pro Tem at a scheduled meeting, the meeting shall be opened, for the purpose of allowing City Council to elect a Chairman, by the member of City Council present who holds the lowest numbered At-Large Council position (Council At-Large Position 1, Council At-Large Position 2, etc.)
12. **ABSENCE.** If a member of City Council shall be absent from three (3) regularly scheduled meetings without a valid excuse, the member shall at the discretion of City Council, forfeit his/her office.
13. **CITY MANAGER OR ACTING CITY MANAGER.** The City Manager or Acting City Manager, unless excused, shall attend all City Council meetings and, upon request, designated workshop sessions and shall make recommendations and take part in discussion.

14. CITY ATTORNEY OR ACTING CITY ATTORNEY. The City Attorney or Acting City Attorney, unless excused, shall attend all City Council meetings and, upon request, designated workshop sessions and, upon request, should give opinions on questions of law and act as parliamentarian when necessary.
15. CITY SECRETARY OR ACTING CITY SECRETARY. The City Secretary or Acting City Secretary shall attend all meetings, unless excused, and keep all official minutes and tapes of City Council proceedings. In the absence of the City Secretary, the Secretary to City Secretary shall perform such duties.
16. ATTENDANCE OF CITY EMPLOYEES. The City Council may request, through the City Manager, that any officer or employee of the City attend City Council meetings to present information relating to business before the City Council.
17. REVIEW AND DISCIPLINE. Complaints, charges and discipline concerning City Council or city personnel shall be discussed in Executive Session unless the person charged or the person against whom a complaint has been lodged shall request a public hearing. City Council shall also receive any reports and/or recommendations as shall be submitted by the City Manager.
18. MINUTES OF MEETING. An account of all proceedings of City Council shall be recorded and shall be open to public inspection.
19. SUSPENSION AND AMENDMENT TO RULES. Any provisions of these rules not governed by federal or state law or the City Charter may be temporarily suspended by a two-thirds (2/3) vote of all members of City Council and may be amended by a vote of two-thirds (2/3) of all members of the City Council, if such amendment was introduced at the previous regular meeting of City Council and shall have received preliminary approval of a majority of City Council at such meeting.
20. HATS NOT PERMITTED. No person shall enter the Council Chamber of the City Council of the City of Rosenberg either immediately before the commencement of a meeting or during a meeting while wearing a hat. Any person who shall, in violation of this rule, enter the Council Chamber while wearing a hat and who fails to promptly remove the same may be removed from the Council Chamber by any police officer of the City.

III. **ORDER OF BUSINESS**

This section is designed to establish an orderly procedure for handling agenda items during City Council meetings.

1. MAYOR SHALL READ. The Mayor shall introduce each item on the agenda by providing a brief explanation thereof. In addition, in the event witnesses shall come before City Council, the Mayor shall introduce the person making the presentation or declare the discussion to be open.
2. CITY COUNCIL DISCUSSION. Each item on the agenda shall be introduced and presented by the individual(s) listed on the agenda. Immediately following the reading of the Executive Summary, the Mayor shall address any person(s) from the audience that has signed in to comment on that particular agenda item. Then, the Mayor will ask for comments by each member of City Council present in the order the Mayor chooses. After discussion by the City Council, the Mayor shall call for a motion and vote on the agenda item. City Council discussion shall be conducted according to rules and provisions adopted by City Council as well as the terms and provisions of Robert's Rules of Order Revised.
3. MAYOR OR CITY SECRETARY TO ANNOUNCE THE VOTE. The Mayor or the City Secretary shall, at the conclusion of the vote on each question properly submitted, announce the result.

4. **MAYOR TO STATE THE RESULT.** The Mayor shall clearly state the result of any action taken by City Council at the conclusion of the vote.

5. **VOTE ON ANY MOTION.** All votes on any motion shall be recorded and if not unanimous, should clearly state the name of each Councilor voting in the minority or abstaining.

6. **CONSIDERATION OF AGENDA ITEMS.** City Council, pursuant to Section 3.10 of the City Charter, will dispense with the reading of an ordinance on two (2) separate days so long as there is an affirmative vote of five (5) council members to adopt the ordinance and there is not a motion by a City Council member requesting that the ordinance be read on two (2) separate days. If such a motion is made, the requirement for reading the ordinance on two (2) separate days shall be dispensed with by an affirmative vote of five (5) City Council members.

In the event a motion is made requesting additional information or for delay to obtain additional information, and is passed by a majority vote of the City Council present, City Council may defer action on such agenda item to the next regular meeting of the City Council or such later meeting as shall be necessary to receive needed information.

7. **ABSTENTION.** A vote of abstention shall not be considered as approving or disapproving the motion. The person abstaining, upon request of four (4) members of the City Council, may state his/her reasons for abstaining for the record; however, said Councilor may decline. An abstention is documented as an "abstention", but it is counted as a "no" vote. A member having a conflict of interest, as defined by law, on a matter before City Council shall file with the City Secretary an affidavit stating the nature and extent of the interest before the matter is considered, and shall abstain from further participation in the matter.

IV. AGENDA PROCEDURE

1. **AGENDA.** The City Manager or his/her designee shall prepare an agenda and cause the same to be delivered to members of City Council on or before 6:00PM of the day of posting, or within such additional time thereafter as shall be necessary. No item shall be included in the agenda unless a request to include the same has been made to office of the City Manager on or before noon on the Wednesday preceding the next Tuesday meeting. In the event of an emergency meeting of City Council, this provision shall be suspended when not consistent with the provisions of federal or state law or the Charter of the City of Rosenberg.

2. **CITY MANAGER SHALL PROVIDE ANALYSIS.** The City Manager or his/her designee shall provide City Council with an analysis of items to be on the agenda as promptly as possible, and in no event later than Friday immediately preceding a Tuesday meeting; however, in the case of an emergency, this provision shall be suspended.

3. **CITY MANAGER TO ISSUE COMMUNIQUE.** The City Manager or his/her designee shall issue a bi-monthly communique of current affairs, problems and other matters that should properly be brought before City Council.

4. **MINUTES OF PREVIOUS MEETING.** The City Secretary shall prepare and submit to City Council no later than Friday preceding a regular Tuesday meeting, the minutes of the last meeting of City Council.

5. **REMOVAL OF ITEM FROM AGENDA.** The Mayor or any Councilor may request the removal (tag) of any individual item from the preliminary agenda or any supplemental item added to the preliminary agenda, one time only without the approval of other Council Members. The City Manager or City Secretary will advise the other Council Members if an item has been tagged. Exception: An item requiring action by a particular date or an item that has a set time certain date. Any tagged item would become a part of the

agenda of the next regular meeting, unless removed by the initiator of the item. An item can only be tagged from the preliminary agenda one time, before it goes back on the agenda.

6. AGENDA EXHIBITS. All exhibits, or a summary of the exhibits, should be included with the final agenda in order for that item to be considered at the City Council meeting, unless the item is of an emergency nature.

7. AGENDA ITEMS WITH DEADLINES. If the City Manager feels an item included on the preliminary agenda requires immediate attention due to special deadlines, he/she shall advise Council Members of such requirements in a memo accompanying the preliminary agenda.

8. ADDITION OF AGENDA ITEMS AFTER PRELIMINARY AGENDA DISTRIBUTION. If one or more Council Members or the City Manager request the addition of one or more agenda items after the preliminary agenda has been distributed, the City Secretary (or his/her representative) shall inform Council Members that the item/s has been added to the agenda.

SPECIAL MEETINGS:

PREPARATION OF AGENDA. Special meeting agendas are prepared by the office of the City Manager, signed by the Mayor or three Council Members calling the special meeting, then posted 72 hours before the meeting. This agenda shall be distributed to Council Members the same day it is posted. By Charter, the Mayor or any three members of the City Council may call special meetings of the City Council at any time. The members calling the special meeting designate the agenda.

V. **AGENDA ORDER**

The following order is the desired order for conducting the business of the City Council. However, at the discretion of the Mayor, when it appears that it is in the best interest of the City Council and the citizens of Rosenberg, any item appearing on the agenda may be considered in any order determined by the Mayor. In addition, the City Manager may authorize adjustments to this agenda order as shall be necessary to carry forward the intent of the City Council.

1. CALL TO ORDER.

2. INVOCATION AND PLEDGE OF ALLEGIANCE. Members of Council or invited clergy will alternate a brief religious or scriptural passage or prayer and lead the audience in the pledge of allegiance to the flag.

3. ANNOUNCEMENTS.

4. STATEMENT OF RULES PERTAINING TO AUDIENCE COMMENTS. Immediately after the conclusion of the invocation and pledge, the City Secretary shall compile a list of persons to be recognized prior to City Council's consideration and discussion of agenda items, consent items and non-agenda items. This list shall be made available to the Mayor for reference during consideration of the agenda items, consent items and non-agenda items. At this time, any citizen may request the City Secretary record their name in order that they may be heard after the City Secretary reads the statement of rules pertaining to audience comments and under "Comments from the Audience." In the event a citizen shall fail to indicate a desire or intention to speak in reference to an item appearing on the agenda, this rule shall not preclude such citizens from so speaking so long as Rule VII is strictly adhered to. Comments from the audience shall be limited to non-agenda items during the designated agenda item of "Comments from the Audience."

5. COMMENTS FROM THE AUDIENCE. The Mayor shall recognize any person from the audience desiring to make a brief comment in accordance with Statement of Rules above. City Council meetings bring together many citizens of many varied interest and ideas. To ensure fairness and orderly meetings,

the City Council has adopted Statement of rules pertaining to audience comments which apply to all members of the City Council, City Staff, citizens, and visitors. These rules are:

Citizens/visitors should sign in with the City Secretary prior to speaking on agenda item(s) or on a subject that he/she will be addressing. Speakers must address their comments to the presiding Council rather than to individual Council members or staff; Stand at the podium, speak clearly into the microphone and state your name and address prior to beginning your remarks; Speakers will be allowed a maximum of three (3) minutes for speaking; Speakers making personal, impertinent, profane or slanderous remarks may be removed from the room and shall be barred from reentering the Chamber during the session of the City Council; Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations will not be permitted; No placards, banners or signs will be permitted in the Chamber. Any member of the City Council may move to require enforcement of these rules. In accordance with the State Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda.

All cell phones and similar electronic devices are requested to be turned OFF, or placed in "silent mode" at this time.

6. CONSENT AGENDA. The Consent Agenda contains routine items which do not need further discussion and may be approved with one motion and roll call vote, such as the following examples:

- A. Approval of license applications and bonds.
- B. Approval of minutes.
- C. Approval of payment contracts.
- D. Set date for hearings
- E. Appointments.
- F. Resignations.
- G. Second and final readings of ordinances.
- H. Approval of specifications for budgeted items.

7. REGULAR AGENDA. All items on the agenda coming under the heading of "Regular Agenda" shall be considered at this time.

8. EXECUTIVE SESSION. In the event it is necessary for City Council to retire to Executive Session for the purposes of discussing matters which are permissible, as enumerated in the Open Meetings Law, Government Code, Sections 551.071; 551.072; 551.073; 551.074; 551.076; and 551.087. City Council may retire into closed session; however, before said session begins, the Mayor shall announce that the Executive Session is commencing. The order in which an Executive Session may appear on the agenda is subject to the discretion of City Council. Disclosure of topics to be discussed shall be made in accordance with the requirements of the Open Meetings Law.

9. ADJOURNMENT.

VI.

WORKSHOP SESSIONS

City Council may call and hold workshop sessions for the purpose of conducting detailed and thorough exploration of matters that may properly come before City Council. The following rules shall prevail for the conduct of called workshop sessions, and all rules herein set out which are in conflict therewith shall be superseded and suspended.

1. AGENDA. Only a limited number of matters shall be considered by City Council during a workshop session, and sufficient time for consideration of such matters shall be provided. No formal agenda procedure shall be prescribed.

2. DOCUMENTS AND EXHIBITS TO BE PRESENTED. In the event of a called workshop session, all documents, exhibits, maps, plats, architectural drawings, specifications and other similar documents, shall be made available to City Council at least 72 hours before the beginning of such workshop session in order that sufficient time may be allowed for each member of City Council to study such documents and be prepared to discuss the same in the workshop.

3. QUESTIONS OF TECHNICAL NATURE. All questions of a technical nature, which require a detailed explanation for the understanding thereof, shall be considered in a workshop session; and City Council shall be authorized to request the appearance of such employees of the City or outside experts as may be necessary for the purpose of securing factual answers to such technical questions.

4. AUDIENCE QUESTIONS OR COMMENTS. Comments or questions from the audience shall not be considered at the workshop session.

5. LOCATION OF MEETING. All workshop sessions are generally held at the Rosenberg City Hall. The Mayor, or his/her designee, may designate meetings to be held at a site other than the Rosenberg City Hall as long as no official action is to be taken.

VII.

RULES GOVERNING COMMENTS FROM THE AUDIENCE

The following rules shall control audience comments, it being the desire of City Council to hear from members of the public and to stimulate discussion of subjects which are properly a concern of the City Council.

1. CITY SECRETARY TO STATE RULES FOR AUDIENCE COMMENTS PERTAINING TO CONSENT ITEMS, AGENDA ITEMS AND NON-AGENDA ITEMS. Immediately preceding the opening of the audience comments, the City Secretary shall summarize briefly the rules governing comments from the audience and the City Secretary shall take the names of those interested in making a comment pertaining to a consent agenda, regular agenda, or non agenda item. The Mayor will recognize those persons desiring to address the City Council on agenda items after the item is read for consideration and after the executive summary is presented.

2. PERSONS DESIRING TO COMMENT SHOULD REGISTER IN ADVANCE. Persons wishing to comment are encouraged to register in advance. Any person wishing to make a comment on an item on the agenda, consent agenda item, or a non-agenda item, should register with the City Secretary before a City Council meeting. The City Secretary shall maintain a form, which shall be available for the name of the proposed presenter and the subject agenda item or general comments.

3. CITIZENS NOT REGISTERING IN ADVANCE. Any person who has not registered in advance may be permitted to speak; however, any presentation will be solely at the option of the City Council. The City Council may at any time either prior to or during a presentation, defer the presentation to a subsequent meeting when an appropriate agenda item has been posted. However, in all cases where a presenter has not registered, no member of the City Council shall be permitted to discuss any comment from the audience.

4. TERMINATION OF AUDIENCE COMMENTS. Audience comments may be concluded by the Mayor, or if appealed, by a vote of four (4) members of City Council. In the event of pressing business before City Council or matters requiring immediate City Council attention or action, City Council may, prior to the opening of audience comments, by a vote of four (4) members of City Council, set a maximum time limit for audience comments, being the total allocation of time for such comments. At any time, City Council may, by a vote of four (4) members of City Council, terminate audience comments for a particular City Council meeting. In all cases, the Mayor shall announce the conclusion of audience comments. Each person will speak only one time per agenda item, unless specifically requested to comment further.

5. PRESERVATION OF ORDER. The Mayor shall preserve order and decorum and, if necessary, shall cause to be silenced or removed from the Council Chamber, any person speaking out of order or disrupting the order of the meeting, being verbally or physically abusive, or using inappropriate language.

6. COMMENTS FROM THE AUDIENCE SUBSEQUENT TO CALL FOR AUDIENCE COMMENTS. If a citizen desires to be heard on a matter to be considered by City Council as set out on the agenda, but fails to inform the City Secretary when announced by the Mayor, then such person shall not be prohibited from making such comments so long as s/he shall raise his/her hand to be recognized at the time.

When recognized, he/she shall be afforded an opportunity to state any comments that may be appropriate under these Rules. However, citizens shall not be recognized after a matter has been opened for discussion and debate by the City Council. All comments made concerning an announced agenda item shall be in accordance with the provisions of these Rules.

VIII. PARLIAMENTARY PROCEDURE

This section is a brief discussion of the parliamentary rules which shall guide the conduct of business before the City Council. These rules, and in all cases Robert's Rules of Order Revised, shall control the deliberations of the City Council, provided they are not inconsistent with federal or state law or the Charter of the City of Rosenberg. This section is simply a guide of those rules which may be the most useful in the orderly consideration of city business before City Council.

1. PRESERVATION OF ORDER. The Mayor shall preserve order and decorum, prevent the impugning of members' motives and confine members to debate the questions under discussion.

2. POINT OF ORDER. A member of City Council may raise of a point of order at any time whether or not another member of City Council is speaking. A point of order is a statement to the Mayor that a particular motion before the City Council or other matter is out of order or to make an inquiry of the Mayor as to parliamentary procedure or for information. As soon as a point of order has been disposed of, the person interrupted may continue speaking.

In the event that a member asserting a point of order is overruled by the Mayor, he or she may appeal to the members of City Council for a final decision. The Mayor shall then briefly state the reasons for his/her decision and the decision of the Mayor may be overruled by a vote of four (4) members of City Council.

3. SUSPENSION OF THE RULES. A member of City Council may move to suspend the rules that interfere with a particular matter that is of apparent importance to the City Council and should be considered by the City Council immediately or out of order. In order for this to be accomplished, it is necessary that a two-thirds (2/3) vote be obtained. However, a motion to suspend the rules cannot interrupt an individual speaking.

4. MOTION TO WITHDRAW MOTION. A person making the motion may move to withdraw his or her motion, and it is withdrawn unless an objection is raised. If a member of City Council objects to the withdrawal of the motion, then the Mayor, upon motion from a member of City Council, may put the matter to an immediate vote and if four (4) members of the City Council vote to allow removal of the motion, it is withdrawn.

5. MOTION TO OBJECT TO THE CONSIDERATION OF A MOTION. A member of City Council may object to the consideration of a motion, and such objection may be made at any time, even when a member of City Council is speaking. In order to stop the consideration of a motion, a two-thirds (2/3) vote of the members of the City Council present is required, which in no event shall be less than four (4) members of the City Council.

6. **TABLING.** In order to table a motion, a motion must be made and can only be made at such time when another member of City Council is not speaking; the matter must be put to a vote by the Mayor and upon a vote of four (4) members of City Council, it may be tabled. Unless tabled to a time certain, any motion tabled will remain on the table, until an affirmative request is made by four Councilors to bring the matter back to the agenda.
7. **MOTION TO CLOSE DEBATE.** A motion to close debate on a particular matter before the City Council can only be made at such time as the person making the motion is recognized by the Mayor and no one else is speaking. In order to close debate, a two-thirds (2/3) majority is necessary.
8. **MOTION TO POSTPONE CONSIDERATION.** A motion may be made to postpone consideration of a pending motion. This must be made at a time when the Mayor has recognized the mover and no one else is speaking. A vote of four (4) members of the City Council will carry this motion.
9. **AMENDING A MOTION.** A motion may be amended by a member of City Council stating that he/she wishes to amend. This motion requires a second, is debatable and can be passed by a vote of four (4) members of the City Council.
10. **MOVE THE QUESTION.** A member of City Council may move the question at any time that he/she has the floor. He/she cannot interrupt a member of City Council speaking for the purpose of moving the question.
11. **SUBSTITUTE MOTION.** A substitute motion may be made at any time by a member who desires to substitute a motion of the one being considered. As soon as a substitute motion is made, it acts as an amendment; however, the vote on the original question is not necessary.
12. **QUESTIONS TO CONTAIN (1) SUBJECT.** All questions submitted for vote shall contain only one subject. If two (2) or more subjects are involved, any member of City Council may require a division.
13. **ORDER OF PRECEDENCE OF MOTIONS.** Robert's Rules of Order Revised shall prevail as to the order of precedence of motions and types of motions.
14. **RIGHT TO FLOOR.** Any member of City Council desiring to speak shall be recognized by the Mayor and shall confine his/her remarks to the subject under consideration. No member shall speak more than once to a question until every member wishing to speak shall have spoken.
15. **POINTS TO ORDER.** The Mayor shall determine all points of order, subject to the right of any member to appeal to the City Council or request a parliamentary opinion of the City Attorney.
16. **TIE VOTE.** If the vote is tied on any motion, the motion shall be considered failed.
17. **RECONSIDERATION BY MOTION OF AN ACTION OF CITY COUNCIL CAN BE MADE NO LATER THAN THE NEXT SUCCEEDING REGULAR MEETING.** Such motion can only be made by a member who voted with the majority or who was absent. It can be seconded by any member. No question shall be twice reconsidered, except by vote of four (4) members of the City Council, except that action relating to any contract may be reconsidered at any time, before final execution thereof.

IX.

BOARDS AND COMMISSIONS

BOARD means a board or commission of the City which is established by ordinance or resolution or the Charter of the City of Rosenberg.

CHAIR means the presiding officer of a board whether appointed by the City Council or elected by the other members of the board. In debate the Chair shall be referred to by official title.

EX-OFFICIO means City Council member(s) appointed by the City Council to serve as an ex-officio to a board, commission or committee. Ex-officio member(s) shall have the right to take part in any discussions, but shall not have the power to vote. Ex-officio member(s) shall not be elected or appointed as a presiding officer or any other position to a board, commission, or committee.

MEMBER means a duly appointed member of a board. Members may vote and count as part of the quorum.

STAFF means city employee appointed by the City Manager to provide administrative assistance or guidance to the committee, board or commission. Staff does not vote or count as part of the quorum of a committee, board or commission unless elected to serve, rather than appointed to assist.

1. NOTICE OF APPOINTMENT; ACCEPTANCE

A. After the City Council appoints a person to serve as a member of a board, the City Secretary shall notify the person of the appointment by mail. The notification will contain a form of acceptance of appointment to be returned to the City Secretary by the appointee.

B. The appointee must return the signed acceptance of appointment to the City Secretary within 15 calendar days from the date of receiving notice of the appointment. If the City Secretary does not receive the signed acceptance of appointment within the required 15 days that board position shall be considered vacant and a new appointment made.

C. The City Council may designate, when practical and unless provided otherwise in the Charter, ordinances, resolutions or minute entry establishing such board or commission, the individual to serve as chairperson for a one-year term beginning with their appointment each year. In the event the City Council for any reason does not name a chairperson or fill a vacancy of a chairperson within thirty (30) days of June 1st or the date the chair becomes vacant, the board or commission shall elect a chairperson.

2. ELIGIBILITY OF EMPLOYEE OF FRANCHISE HOLDER

A. A person who is an employee of a public utility providing service under a franchise with the City is not disqualified from serving as a member of a board if the responsibilities of the board are not directly related to regulation of the rates and service of the public utility.

B. A board member who is an employee of a public utility providing service under a franchise with the City shall abstain and disqualify himself from voting and comply with any ordinance or statute, as amended, governing same on any matter before the Board directly or indirectly related to the business of the public utility

3. QUALIFICATION CONSIDERATIONS IN APPOINTMENTS TO BOARDS

A. In addition to the qualifications for service on a board that are mandated by the City Charter or other ordinances, an appointee to a board must:

1) Have been a resident of the City for at least six months prior to the date of appointment; unless specifically approved by City Council.

2) Affirm that they are not in arrears on any City taxes, water service charges, or other obligations owed the City; and,

3) If served on a board previously, have a creditable record of attendance and performance in any previous board service.

Note: Application form should contain the following affirmations:

The applicant affirms on his/her application that they have not been convicted of a felony or crime involving moral turpitude; not be an adversary party to pending litigation against the City, except for eminent domain proceedings;-claims against the City not in litigation do not serve as a disqualification under this subsection but will be brought to the attention of the City Council; disqualification of an applicant or an appointee under this subsection may be waived by the City Council after review of the specific circumstances;

B. It is the desire and intent that a person normally serve on only one board at a time, except that this restriction does not apply to ex officio board positions or boards with special or City Council directed functions. It is the City Council's intent that a board member is not required to resign one board position before being appointed to another board, but must resign the first position before accepting appointment to the new board position. *Persons may not serve on more than one of the following committees, boards or commissions at the same time: Buildings and Standards Board, Tax Increment Reinvestment Zone, Rosenberg Development Corporation or the Planning Commission.*

C. In order to continue as a board member, a person appointed to a board must meet the qualifications required by this section for appointment during the entire time of service on a board, unless specifically approved by City Council.

4. **REGULAR MEETINGS.** Each board shall determine the time and place of its meetings. Regular meetings shall be scheduled weekly, monthly, semi-monthly, or quarterly, as the responsibilities of the board necessitate at a location within a public building.

5. **SPECIAL MEETINGS.** Special meetings may be called by the chair at any time, and shall be called by the chair upon written request of members comprising at least one-third of the board.

6. **QUORUM.** At the beginning of each regular or special meeting, the chair shall determine whether a quorum exists so the business of the board can be properly transacted. A quorum shall exist when there are physically present a majority of the members qualified and serving, unless otherwise provided by ordinance. If a quorum does not exist 30 minutes after the time for which the meeting was called, the chair shall adjourn the meeting and either reschedule the meeting at its next regular time, or call a special meeting, depending upon the circumstances.

7. **RULES OF ORDER.** Unless otherwise stipulated by the board or this chapter, proceedings of a board shall always be governed by rules of order as set forth in Robert's Rules of Order Revised.

8. **PUBLIC CHARACTER OF MEETINGS AND ACTIONS**

A. All meetings of a board shall be of a public nature unless pertaining to matters of pending or contemplated litigation, land purchase, security, economic development, personnel, or seeking advice of its attorney. Unless in one of these categories, all meeting and actions of the board shall be public and the City Secretary shall make sufficient copies of the minutes available to staff members, the news media, and other interested parties upon request.

B. A printed agenda of items to be considered at each regular or special meeting shall be posted for public inspection at least seventy-two hours prior to the meeting or in accordance with state open meeting laws, as amended, or as otherwise provided by law.

9. **NOTICE OF MEETINGS.** Notice of all regular or special meetings of the board shall be posted in accordance with City procedures, and at least seventy-two hours in advance of the meeting or as otherwise provided by law.

10. **OFFICERS AND THEIR DUTIES**

A. CHAIR.

- 1) The chair shall, when present, preside at all meetings of the board. In the absence of the chair, the vice-chair shall exercise the powers of the chair. The seniority of the vice-chair, if more than one, shall be stipulated at the time of their selections.
- 2) The presiding officer shall rule on points of order and procedures that are brought up in board meetings.
- 3) In the absence of the chair and all vice-chairs, the board shall elect a temporary chair.
- 4) In debate the chair shall be referred to by official title.

B. PRESERVATION OF ORDER. The chair shall preserve the order and decorum and shall have authority to appoint a sergeant and a deputy to enforce compliance with the rules contained herein. He/she shall require members of the board engaged in debate to limit discussion to the question under consideration.

C. SUBSTITUTION FOR CHAIR. The chair may call upon any other member to take his/her place in the chair, such substitution not to continue beyond adjournment.

D. ATTENDANCE

- 1) A member having three unexcused absences in succession from regular meetings shall forfeit his/her office or membership. For purposes of this section, the record of a member's absences will begin with the first regular meeting after the fifteenth day from the date the member received notice of his/her appointment.
- 2) An office which has been forfeited under the provisions of this section shall be filled for the remainder of the term by appointment of the City Council.
- 3) Citizens are welcome to attend all official meetings of City Boards and will be admitted to the meeting room up to the fire safety capacity of the room.

11. ADMINISTRATIVE PROCEDURES

A. BOARD RECOMMENDATIONS

- 1) All recommendations, resolutions, reports, and findings of a board shall be submitted through established administrative procedures within the City to the appropriate City department or the City Council.
- 2) Unless authorized by the City Council or the board, individual members shall not act on behalf of the board to present board recommendations, resolutions, reports, or findings to persons or agencies outside the City organizations.

B. TERMS, ETC.

- 1) Terms of board membership will become effective after appointments are made by the City Council. The City Council will endeavor to make all required appointments by the first meeting in July of each year* and, unless otherwise noted or required by the City's Charter or State law, will be for a period of one year. *Some members of commissions and boards are appointed for two year terms.
- 2) A member of the board presently qualified and serving shall continue to serve until such time as a successor has been appointed and qualified to replace said member.

Key Discussion Points: Joyce Vasut gave a presentation on Debt Service - FY2016 Budget.

- Key Points Regarding Current Debt are as follows:
 - Scheduled annual payments reduce the City's outstanding debt (principal) by an average of \$4.8 million per year for the next two years.
 - Based on the current debt schedules, annual debt service requirements (principal and interest) will decrease by approximately \$200,000 in FY2017, and \$900,000 in FY2018 due to the retirement of debt issues.
 - The City's outstanding tax supported debt was most recently rated "Aa3" by Moody's and increased to "AA-" by Standard and Poor's, further indicating the City's fiscal stability and highlighting the City's very strong creditworthiness.
- Key Points Regarding Future Debt are as follows:
 - Water/Wastewater, Subsidence, RDC and Civic Center Funds will continue to pay 100% of their portion of the debt.
 - Future debt issued for the Alternate Water Project should be paid with subsidence fees or water impact fees and consequently should not increase the City's debt tax rate.
 - Other alternatives to strategically maintain the debt rate include:
 - Strategically schedule the issuance of debt to qualify as "Bank Qualified" \$10,000,000 per year.
 - Structure future debt to control impact of debt rate.
 - Maintain adequate fees for special purposes (subsidence fees) to continue to cover the associated costs.
- Council requested to see details on the Debt Service Fund total current obligations; specifically, a breakdown of what the Certificates of Obligation were issued for, and which of those we would have the opportunity of refinancing.

4. **REVIEW AND DISCUSS A REQUEST FROM QUADVEST, L.P., FOR A PROPOSED WATER RATE INCREASE FOR CUSTOMERS IN THE BRIDLEWOOD ESTATES SUBDIVISION, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: The City of Rosenberg received email correspondence from Quadvest, L.P., notifying the City of a proposed rate change to increase its water rates. Quadvest, L.P., is requesting City of Rosenberg approval. This rate change will only affect residents that live in the Bridlewood Estates subdivision.

Bridlewood Estates is located partially within the Corporate Limits of Rosenberg, and the remainder of the development is located within the City's Extraterritorial Jurisdiction (ETJ).

This item is to allow City Council the opportunity to discuss the proposed rates and direct staff.

Key Discussion Points: Scott Tschirhart, City Attorney gave an overview of the item and introduced Jeff Eastman, Chief Financial Officer of Quadvest, L.P. Mr. Eastman explained that Phase I would commence August 8, 2015, and Phase II is currently scheduled to commence January 1, 2016, pending 100% implementation of smart meters throughout the affected region, which could push commencement back as far as December 2016. Phase I would increase the water rate by \$2.80 per month, and Phase II would increase the rate by an addition \$1.63, for a total increase of \$4.43 per month to the base fee. The purpose of the rate increase is to support infrastructure improvements, since there are no tax revenues coming in, unlike in a MUD or municipality. Quadvest, L.P. has not increased their rates in 4 years. The general consensus of the Council was to take no future action on this matter, deflecting to the decision of the Public Utilities Commission.

5. **REVIEW AND DISCUSS PROPOSED REVISION TO THE CITY COUNCIL RULES OF PROCEDURE, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: The City Council Rules of Procedure – Eighth Revision is being presented to City Council to accommodate a request made at the July 07, 2015, meeting to move the

"Announcements" Agenda item to the beginning of the meeting.

Staff is requesting City Council's recommendation of where on the Agenda the "Announcements" item should be placed, and suggests to place it as the first item on the Regular Agenda.

After City Council's consensus on placement of "Announcements" on the Agenda, staff requests the City Council give direction on any other changes deemed necessary.

The Ninth Revision of the City Council Rules of Procedure will be presented to City Council on a future Agenda for consideration.

Key Discussion Points: Scott Tschirhart gave an overview of the item. After discussion, the general consensus of Council was to move the announcements from the end of the meeting to the beginning of the meeting, immediately following the Invocation and Pledge of Allegiance. No other procedural changes are requested at this time. This procedural change will be presented in the form of an Resolution at a future meeting.

6. **REVIEW AND DISCUSS THE PROPOSED INSTALLATION OF THREE-WAY STOP SIGNS AT THE INTERSECTION OF CALLENDER STREET AND HOUSTON STREET, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: This item has been included on the Agenda to allow City Council an opportunity to discuss the potential installation of stop signs at the intersection of Callender Street and Houston Street, and to direct staff as necessary.

Key Discussion Points: Amanda J. Barta, Councilor, At-Large Position Two, gave an overview of this item, explaining that this intersection sees a lot of fast-moving traffic, especially during the school year. A traffic study was conducted earlier this year, prior to reducing the speed limit from 30 miles per hour to 25 miles per hour, and adding a radar sign. Because the aforementioned traffic calming methods have not been as effective as intended, Councilor Barta believes a stop sign is the necessary next step to provide relief. Mr. Tschirhart stated that Council would need to pass an Ordinance in order to place the stop sign, and the Ordinance would need to be amended or deleted in order to remove the stop sign if ever desired in the future. The general consensus of Council was in favor of installing a stop sign at the intersection of Houston Street and Callender Street, which will be presented in the form of an Ordinance at a future meeting.

7. **ADJOURNMENT.**

There being no further business, Mayor McConathy adjourned the meeting at 7:58 p.m.

Linda Cernosek, TRMC, City Secretary



CITY COUNCIL COMMUNICATION

August 04, 2015

ITEM #	ITEM TITLE
G	10/20 Year Write Off of Property Taxes Acknowledgement Request

ITEM/MOTION

Consideration of and action on the 10/20 Year Write Off per Texas Property Tax Code Section 33.05 "Limitation on Collection of Taxes".

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

Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

- Yes No N/A

Source of Funds: N/A

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

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

- Schultz Correspondence with Attachments– 07-23-15
- Texas Property Tax Code Excerpt – Section 33.05. Limitation on Collection of Taxes

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

The Finance staff received the attached correspondence from Fort Bend County Tax Assessor/Collector Patsy Schultz. Ms. Schultz is requesting acknowledgement of the 10/20 Year Write Off of Property Taxes by the City Council. The total amount that is being written off per the summary is \$5,700.94, and is in accordance with the guidelines set out in the Texas Property Tax Code.

Due to the small amounts involved on these particular properties, they do not get resolved by the delinquent tax attorneys and sit on the rolls as delinquent until they reach the statutorily determined limitation points. These amounts are taken into account each year since 97% of the total certified valuation is considered collectible and included as projected revenue.

Staff recommends that the City Council acknowledge receipt of the enclosed 10/20 Year Write Off of Property Taxes as presented in the Schultz correspondence dated July 23, 2015.



COUNTY TAX ASSESSOR / COLLECTOR

Fort Bend County, Texas

Patsy Schultz, RTA
County Tax Assessor/Collector
1317 Eugene Heimann Circle
Richmond, TX 77469-3623

(281) 341-3710
Fax (281) 341-9267
Email: schulpat@co.fort-bend.tx.us
www.fortbendcountytax.com

June 23, 2015

City of Rosenberg
Attn: Joyce Vasut
PO Box 32
Rosenberg Texas 77471-0032

RE: 10/20 Year Write Off of Property Taxes

Dear Ms. Vasut:

Attached is a summary of the 10/20 Year Write Off per Texas Property Tax Code Section 33.05 "Limitation on Collection of Taxes". Please acknowledge receipt of the attached report by signing this letter and returning a copy to my office.

If further assistance is needed you may contact me direct at (281) 341-3735.

Sincerely,

Patsy Schultz, PCC
Fort Bend County Tax Assessor/Collector

Enclosures

Name of Jurisdiction: City of Rosenberg

Jurisdiction Signature

Date

FORT BEND COUNTY

10/20 YEARS ACCOUNTS

**LEVY WRITE-OFF BY TAXUNIT SUMMARY
POST - PROCESS**

writeoff_accounts_post.rep v1.14

Run-Date: 06/13/2015

Run-Time: 23:09:36

For Effective Change Date: 06/13/2015

Jurisdiction 43

CITY OF ROSENBERG

Year	Account	Owner Name	Levy	Levy Paid	Remaining Levy
1988	7610010010380901	CITY OF ROSENBERG	\$15.31	\$0.00	\$15.31
1989	7610010010380901	CITY OF ROSENBERG	\$15.58	\$0.00	\$15.58
1990	7610010010380901	CITY OF ROSENBERG	\$15.54	\$0.00	\$15.54
1991	7610010010380901	CITY OF ROSENBERG	\$15.31	\$0.00	\$15.31
1992	7610010010380901	CITY OF ROSENBERG	\$15.31	\$0.00	\$15.31
1993	7610010010380901	CITY OF ROSENBERG	\$15.18	\$0.00	\$15.18
1994	6455000060018901	CITY OF ROSENBERG	\$133.86	\$0.00	\$133.86
1994	7610010010380901	CITY OF ROSENBERG	\$15.18	\$0.00	\$15.18
1994	7610030020101901	SANDOVAL MARIN RAUL	\$79.06	\$0.00	\$79.06
1995	1401000000040901	LOEB MEL	\$627.84	\$0.00	\$627.84
1995	6455000060018901	CITY OF ROSENBERG	\$5.29	\$0.00	\$5.29
1995	7610010010380901	CITY OF ROSENBERG	\$15.18	\$0.00	\$15.18
1995	7610030020101901	SANDOVAL MARIN RAUL	\$70.15	\$0.00	\$70.15
1995	8865000260052901	BALDERAS NELLY C	\$35.48	\$0.00	\$35.48
1995	9999003600092901	ALVAREZ ROBERTO	\$21.74	\$0.00	\$21.74
2004	9960072030004901	GUTIERREZ AUTO & PARTS	\$84.92	\$0.00	\$84.92
2004	9960120950005901	AUTOMATIC & STANDARD TRANSM	\$83.25	\$0.00	\$83.25
2004	9960152020018901	ORTIZ MECHANIC	\$16.65	\$0.00	\$16.65
2004	9960200000396901	TROPICANA NITE CLUB	\$53.28	\$0.00	\$53.28
2004	9960230870007901	WHITE MOTORS COMPANY	\$26.64	\$0.00	\$26.64
2004	9960232040001901	WOODIE'S GRILL	\$110.61	\$0.00	\$110.61
2004	9999003500062901	GUERRERO OSCAR	\$159.73	\$0.00	\$159.73
2004	9999003500410901	WADE LARRY G	\$64.71	\$56.25	\$8.46
2004	9999006000120901	LOPEZ GLORIA	\$125.04	\$0.00	\$125.04
2004	9999008000258901	BASQUEZ TONY	\$74.54	\$0.00	\$74.54
2005	0083000001672901	BECERRA MICHAEL	\$38.79	\$0.00	\$38.79
2005	0083000002025901	MENDEZ JENNY	\$32.36	\$0.00	\$32.36
2005	3795000010310901	BEARD SHELLI	\$176.93	\$0.00	\$176.93
2005	7835000250101901	ALLEN ORA LEE	\$10.71	\$0.00	\$10.71
2005	9960000017762901	CASTILLO'S BODY SHOP	\$83.25	\$0.00	\$83.25
2005	9960000089500901	COOKS CLEANERS & LAUNDRY	\$197.14	\$0.00	\$197.14
2005	9960012020077901	ANNIE'S WEDDING GOWNS	\$4.00	\$0.00	\$4.00
2005	9960012040001901	ALL METAL ART CO	\$114.33	\$0.00	\$114.33
2005	9960012050063901	A & A PERFORMANCE	\$66.60	\$0.00	\$66.60
2005	9960012050067901	AIR BRUSH T-SHIRTS	\$2.78	\$0.00	\$2.78
2005	9960020990001901	BACK STREET BARBEQUE	\$28.64	\$0.00	\$28.64
2005	9960032030003901	U-WASH IT INC	\$114.44	\$114.43	\$0.01
2005	9960032040160901	MACARAEG TADEO LINO	\$26.81	\$0.00	\$26.81
2005	9960032050068901	CHRIS' CARPET	\$28.31	\$0.00	\$28.31
2005	9960032050070901	COYOTE'S BRAKE & MUFFLER	\$122.10	\$23.83	\$98.27
2005	9960042030004901	\$.50 MINIS CLEANERS	\$3.72	\$2.16	\$1.56
2005	9960042040061901	ASABI KEHINDE	\$52.73	\$0.00	\$52.73
2005	9960072040006901	RCT COMMUNITY SERVICES INC	\$69.38	\$0.00	\$69.38
2005	9960092020018901	IGLESIA JESUS	\$6.66	\$6.22	\$0.44
2005	9960092030006901	ICAM AUTOMOTIVE	\$55.50	\$0.00	\$55.50
2005	9960092050005901	INKSANITY	\$5.55	\$0.00	\$5.55
2005	9960102030012901	JACOB'S HOUSE INC	\$28.86	\$0.00	\$28.86
2005	9960112020013901	KID FIT	\$79.64	\$0.00	\$79.64
2005	9960112020022901	KELLY BETH	\$22.20	\$0.00	\$22.20
2005	9960112040037901	KASH USA	\$27.75	\$0.00	\$27.75
2005	9960120950005901	AUTOMATIC & STANDARD TRANSM	\$83.25	\$0.00	\$83.25
2005	9960130000158901	MANE TAMERS HAIR SALON	\$22.26	\$0.00	\$22.26
2005	9960132030042901	MARTHA'S CUPBOARD	\$12.21	\$0.00	\$12.21
2005	9960132050038901	MINISTERIOS GLORIA A DIOS	\$11.10	\$0.00	\$11.10
2005	9960132050039901	H T L INC	\$205.35	\$0.00	\$205.35
2005	9960132050042901	MEN'S ROOM THE	\$11.10	\$9.57	\$1.53
2005	9960142020020901	NACHO'S PAINT & BODY	\$31.30	\$0.00	\$31.30
2005	9960152020018901	ORTIZ MECHANIC	\$16.65	\$0.00	\$16.65

FORT BEND COUNTY

10/20 YEARS ACCOUNTS

**LEVY WRITE-OFF BY TAXUNIT SUMMARY
POST - PROCESS**

writeoff_accounts_post.rep v1.14

Run-Date: 06/13/2015

Run-Time: 23:09:36

For Effective Change Date: 06/13/2015

Jurisdiction 43

CITY OF ROSENBERG

Year	Account	Owner Name	Levy	Levy Paid	Remaining Levy
2005	9960152020023901	ORIGI-QUIP	\$36.63	\$0.00	\$36.63
2005	9960162040045901	PEREZ RESALE SHOP	\$23.31	\$0.00	\$23.31
2005	9960162050016901	PHOTOMAKER THE	\$11.10	\$0.00	\$11.10
2005	9960162050050901	PERFUMES ETC	\$5.55	\$0.00	\$5.55
2005	9960182020035901	VASQUEZ JEWELRY SHOP	\$136.81	\$23.05	\$113.76
2005	9960182050007901	RIVERSIDE MEDICAL SUPPLY SERVI	\$21.09	\$0.00	\$21.09
2005	9960182050032901	RODS & CLASSICS	\$88.80	\$59.05	\$29.75
2005	9960192030054901	SONY NAILS	\$36.08	\$0.00	\$36.08
2005	9960192030124901	SKY NAILS & SPA	\$47.18	\$37.95	\$9.23
2005	9960192050085901	SIMPLY DIFFERENT BOUTIQUE & GI	\$100.18	\$0.00	\$100.18
2005	9960192050091901	SAN CIPRIANO'S RELIGIOUS ITEMS	\$75.04	\$0.00	\$75.04
2005	9960200000396901	TROPICANA NITE CLUB	\$53.28	\$0.00	\$53.28
2005	9960202000001901	THE TRAINING STATION	\$146.52	\$0.00	\$146.52
2005	9960202020038901	TROPICAL TAN	\$14.99	\$14.41	\$0.58
2005	9960202040039901	TRINITY BAKERS	\$4.33	\$0.00	\$4.33
2005	9960212020009901	UNIQUE HAIR DESIGN	\$9.55	\$0.00	\$9.55
2005	9960212030020901	ISAA INC	\$23.31	\$0.00	\$23.31
2005	9960222010004901	VINTON INSURANCE SERVICES	\$20.92	\$0.00	\$20.92
2005	9960230870007901	WHITE MOTORS COMPANY	\$26.64	\$0.00	\$26.64
2005	9960232030006901	AMERICAN NATIONAL INS CO	\$29.47	\$0.00	\$29.47
2005	9960232040001901	WOODIE'S GRILL	\$110.61	\$0.00	\$110.61
2005	9960270890002901	ZODIAC THE	\$16.65	\$0.00	\$16.65
2005	9963070960109901	GW SERVICES INC	\$16.71	\$15.85	\$0.86
2005	9963072050043901	GE CAPITAL INFORMATION TECH SC	\$7.38	\$7.21	\$0.17
2005	9963132040037901	MAGANA JOSE L	\$33.30	\$0.00	\$33.30
2005	9963180970010901	RELCO	\$3.22	\$0.00	\$3.22
2005	9963232040052901	WEB SERVICES COMPANY INC	\$62.83	\$62.67	\$0.16
2005	9963232050065901	WILLIAMS SCOTSMAN INC	\$34.97	\$34.50	\$0.47
2005	9966010980000901	JERUSALEM INVESTMENT	\$537.91	\$45.09	\$492.82
2005	9966070046449901	GUTIERREZ AUTO & PARTS	\$277.50	\$0.00	\$277.50
2005	9966240027291901	WHITE MOTORS COMPANY	\$14.49	\$0.00	\$14.49
2005	9999000200010901	MENDEZ JESUS & ADELA	\$39.18	\$0.00	\$39.18
2005	9999001900020901	VINCIK A J	\$42.68	\$0.00	\$42.68
2005	9999003500032901	FLORES ROCIO & MARTIN	\$25.59	\$0.00	\$25.59
2005	9999003500410901	WADE LARRY G	\$64.71	\$58.61	\$6.10
2005	9999006000120901	LOPEZ GLORIA	\$118.10	\$0.00	\$118.10
2005	9999006000279901	ROSENBAUM TRINA P & DELAYNE	\$83.86	\$0.00	\$83.86
2005	9999006000556901	ALEMAN LEO	\$135.75	\$0.00	\$135.75
2005	9999006001580901	REYES LEOBARDO G	\$47.79	\$0.00	\$47.79

City Of Rosenberg Yearly Totals:

Year	Num. Acct(s)	Levy	Levy Paid	Remain Levy
1988	1	\$15.31	\$0.00	\$15.31
1989	1	\$15.58	\$0.00	\$15.58
1990	1	\$15.54	\$0.00	\$15.54
1991	1	\$15.31	\$0.00	\$15.31
1992	1	\$15.31	\$0.00	\$15.31
1993	1	\$15.18	\$0.00	\$15.18
1994	3	\$228.10	\$0.00	\$228.10
1995	6	\$775.68	\$0.00	\$775.68
2004	10	\$799.37	\$56.25	\$743.12
2005	72	\$4,376.41	\$514.60	\$3,861.81
Totals for Jurisdiction	97	\$6,271.79	\$570.85	\$5,700.94

TAX COLLECTION SYSTEM
 TAX COLLECTOR MONTHLY REPORT
 FROM 06/13/2015 TO 06/13/2015

FISCAL START: 10/01/2014 END: 09/30/2015 JURISDICTION: 0043 CITY OF ROSENBERG

	CERT TAXABLE VALUE	ADJUSTMENTS	ADJ TAX VALUE	TAX RATE	TAX LEVY	PAID ACCTS
CURRENT YEAR	1,783,738,912	43,958,302	1,827,697,214	00.490000	8,962,031.06	14,813

YEAR	TAXES DUE	MONTH ADJ	ADJUSTMENT YTD	LEVY PAID	PAID YTD	BALANCE	COLL %	YTD UNCOLL
2014	8,741,391.25	.00	220,639.81	0.00	8,814,336.05	147,695.01	98.35	0.00
2013	74,382.36	.00	15,121.11-	0.00	27,606.03	31,655.22	46.58	674.41-
2012	26,667.37	.00	7,944.43-	0.00	2,107.00	16,615.94	11.25	373.93-
2011	22,889.36	.00	1,493.16-	0.00	4,778.90	16,617.30	22.34	408.11-
2010	20,807.59	.00	634.99-	0.00	3,808.38	16,364.22	18.88	465.29-
2009	22,378.65	.00	73,279.13-	0.00	67,846.10-	16,945.62	33.29	493.88-
2008	22,208.47	.00	132.48-	0.00	4,049.47	18,026.52	18.34	132.48-
2007	27,998.46	.00	138.46-	0.00	3,512.65	24,347.35	12.61	138.46-
2006	11,660.94	.00	65.42-	0.00	1,896.63	9,698.89	16.36	65.42-
2005	9,483.47	3,861.81-	3,988.96-	0.00	1,029.95	4,464.56	18.75	127.15-
2004	5,424.20	743.12-	855.67-	0.00	922.04	3,646.49	20.18	112.55-
2003	2,970.34	.00	112.55-	0.00	725.68	2,132.11	25.39	112.55-
2002	1,931.48	.00	112.55-	0.00	380.07	1,438.86	20.90	112.55-
2001	1,555.48	.00	41.53-	0.00	261.32	1,252.63	17.26	41.53-
2000	1,185.24	.00	31.58-	0.00	152.42	1,001.24	13.21	31.58-
1999	912.35	.00	31.58-	0.00	75.65	805.12	8.59	31.58-
1998	780.65	.00	31.58-	0.00	22.03	727.04	2.94	31.58-
1997	1,259.72	.00	10.28-	0.00	22.03	1,227.41	1.76	10.28-
1996	632.37	.00	22.93-	0.00	0.00	609.44		22.93-
1995	820.44	775.68-	797.85-	0.00	0.21	22.38	.93	22.17-
1994	274.36	228.10-	234.15-	0.00	16.33	23.88	40.61	6.05-
1993	174.09	92.23-	115.77-	0.00	0.00	58.32		23.54-
****	8,997,788.64	5,700.94-	115,443.65	0.00	8,797,856.74	315,375.55		3,438.02-

TEXAS PROPERTY TAX CODE

Sec. 33.05. LIMITATION ON COLLECTION OF TAXES. (a) Personal property may not be seized and a suit may not be filed:

(1) to collect a tax on personal property that has been delinquent more than four years; or

(2) to collect a tax on real property that has been delinquent more than 20 years.

(b) A tax delinquent for more than the limitation period prescribed by this section and any penalty and interest on the tax is presumed paid unless a suit to collect the tax is pending.

(c) If there is no pending litigation concerning the delinquent tax at the time of the cancellation and removal, the collector for a taxing unit shall cancel and remove from the delinquent tax roll:

(1) a tax on real property that has been delinquent for more than 20 years;

(2) a tax on personal property that has been delinquent for more than 10 years; and

(3) a tax on real property that has been delinquent for more than 10 years if the property has been owned for at least the preceding eight years by a home-rule municipality in a county with a population of more than 3.3 million.

Acts 1979, 66th Leg., p. 2291, ch. 841, Sec. 1, eff. Jan. 1, 1982. Amended by Acts 1991, 72nd Leg., ch. 836, Sec. 5.4, eff. Aug. 26, 1991; Acts 1997, 75th Leg., ch. 63, Sec. 1, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 669, Sec. 119, eff. Sept. 1, 2001.



CITY COUNCIL COMMUNICATION

August 04, 2015

ITEM #	ITEM TITLE
2	Proposed Eagle Scout Project for Seabourne Creek Nature Park – North Fishing Dock

ITEM/MOTION

Review and discuss a presentation regarding a proposed Eagle Scout Project by Ethan Rafei of Troop 1000 to refurbish the north fishing dock in Seabourne Creek Nature Park.

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

Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

- Yes No N/A

Source of Funds: N/A

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

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

1. Presentation – Restoration of the North Dock at Seabourne Creek Nature Park
2. Parks and Recreation Board Meeting Draft Minute Excerpt – 07-23-15

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 July 23, 2015, at the regularly scheduled Parks and Recreation Board (Board) meeting, Ethan Rafei, Troop 1000, presented a proposal to restore the north fishing dock (Project) in Seabourne Creek Nature Park. Restoration will include replacing deteriorating wood to provide a sturdy, safe, and more appealing fishing area. The Project is estimated to be about a maximum of \$1,149.00, but some of the equipment needed is already on hand. Funds are currently being raised through a joint-effort from the City, neighbors, friends, and family. Dock restoration is a more expensive project than the typical Eagle Scout project and since the Building Maintenance Department has been able to assist the Parks Department in restoring some other projects, this Project would qualify for funds from the Parkland Dedication Fund if needed. After reviewing the presentation, the Board unanimously recommended the Project plan for approval.

Staff and the Parks and Recreation Board recommend approval of the proposed Eagle Scout Project by Ethan Rafei of Troop 1000 to restore the north fishing dock at Seabourne Creek Nature Park.



Proposal to Restore North Dock on Seabourne Lake

Eagle Project by Ethan Rafei – Troop 1000

Proposal

- Restore dock on north side of Seabourne Lake. Will be done as an Eagle Scout Project with assistance from Texas Master Naturalists. (Rep: Mr. Rick Adams).



Purpose

- Make lake look nicer.
 - Attract more visitors
- Replace deteriorating lumber on 20+ year old dock
 - Benefit fishing/park community.





Cost Evaluation

(Approx.)

- Lumber: \$944.96
- Supplies: \$75.00
- Tools: \$90.00
- Other: \$40.00

Total: 1,149.96



Raising Funds

- Joint-effort fundraising
 - Requests to be sent
 - Donated equipment
- 



Overview

- Restore north dock of Seabourne Lake.
- Start and finish in one weekend of August.
- Help from volunteers, Texas Master Naturalists, and City of Rosenberg.
- New dock will improve overall experience at Seabourne Lake



Questions?



DRAFT

6. CONSIDERATION OF AND ACTION ON PROPOSED EAGLE SCOUT PROJECT BY ETHAN RAFEI OF TROOP 1000 TO REFURBISH THE NORTH FISHING DOCK IN SEABOURNE CREEK NATURE PARK.

Key Discussion: Darren McCarthy, Parks and Recreation Director, introduced Ethan Rafei of Troop 1000 to discuss his project. Ethan informed the board members that he would like to replace the wood on the north fishing dock that has been deteriorating for more than twenty years. He hopes his efforts will add to the beauty of the lake, attract more visitors, and benefit the fishing and park community. He will be assisted by the Texas Master Naturalist, Mr. Rick Adams, and he intends on raising all funds possible with also help from the City. He estimated the costs to be a maximum of \$1,149.96, but mentioned that he already has most of the tools and some supplies needed to perform the work. Darren added that restoration of a fishing dock is more costly than projects that have been presented by Boy Scouts in the past. He also mentioned that since the Building Maintenance Department has been able to assist the Parks Department with some repairs, such as the boardwalk by the wetlands, the costs have been minimal and that there are Parkland Dedication funds available that would qualify to assist with the project. Rudy Guerrero asked Ethan about what date he would like to start and how long he anticipates it would take. Ethan hopes to begin the weekend of August 7, 2015, if approved by City Council.

ACTION: Eric Ramirez made a motion, seconded by Bertha Nell Kelm, to accept the restoration of the north fishing dock project in Seabourne Creek Nature Park. The motion carried unanimously by a vote of those present.

7. CONSIDERATION OF AND ACTION ON PROPOSED EAGLE SCOUT PROJECT BY CHASE GAY OF TROOP 1000 TO REFURBISH BLEACHERS AT TRAVIS PARK.

Key Discussion: Darren McCarthy, Parks and Recreation Director, introduced Chase Gay of Troop 1000 to discuss his project. Chase informed the board members that he would like to refurbish a set of bleachers by the softball field at Travis Park, making the area more aesthetically pleasing to those passing by or visiting. Being that Travis Park is highly used, most of the work will be done off-site. He intends to replace eight of the nine boards, and repaint the one that is still in good shape as it had been replaced already before. In addition to painting and adding a sealant, he would also like to bolt the bleachers in a different manner than before. Currently, the bleachers are bolted from underneath causing the boards to split overtime more easily. Bolting the boards from the top will increase durability and safety of the set. Chase anticipates the project to begin in late August and will have guidance from Texas Master Naturalist, Mr. Rick Adams, and he intends on raising funds through friends and family. Darren mentioned that normally staff will remove the bleacher set from the park and boy scouts will come with their team to the Parks Department to work on their project at the shop, but because Travis Park is in constant use, staff will block off the bleacher set when Chase has the boards ready for installation. Lydia Acosta asked Chase about the time frame of the project as softball tournaments are already scheduled for August 8th and 15th. Chase responded that he would like to complete the project on a Wednesday and Thursday.

ACTION: Bertha Nell Kelm made a motion, seconded by Eric Ramirez, to accept the bleacher restoration project at Travis Park. The motion carried unanimously by a vote of those present.

8. CONSIDERATION OF AND ACTION ON A REQUEST TO CHANGE THE PARKLAND DEDICATION FUND REQUEST FOR THE PROPOSED NATURE CENTER FROM \$100,000 TO \$150,000 FOR FY2016.

Key Discussion: Darren McCarthy, Parks and Recreation Director, mentioned to the board that originally upon creating the request for the proposed Nature Center, he and the Finance Director concluded that \$100,000 from the Parkland Dedication Fund and \$100,000 from the Rosenberg Development Corporation was thought to be a good amount for the project. After reviewing the new Parkland Dedication Fund report, showing \$378,000 is available, and knowing that the newly developed houses in the area will develop their own Parkland Dedication Fund, Darren feels confident that an additional \$50,000 should be included to allow a total of \$250,000 to spend on the Nature Center. Darren also mentioned that upon approval from City Council, a subcommittee will be formed to set priorities and interview different engineering firms to see what can be built within the set priorities.



CITY COUNCIL COMMUNICATION

August 04, 2015

ITEM #	ITEM TITLE
3	Proposed Eagle Scout Project for Travis Park – Bleacher Restoration
ITEM/MOTION	

Review and discuss a presentation regarding a proposed Eagle Scout Project by Chase Gay of Troop 1000 to refurbish a bleacher set in Travis Park.

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. Presentation – Proposal to Improve Wooden Bleachers, Travis Park in Rosenberg
2. Parks and Recreation Board Meeting Draft Minute Excerpt – 07-23-15

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 July 23, 2015, at the regularly scheduled Parks and Recreation Board (Board) meeting, Chase Gay, Troop 1000, presented a proposal to restore the set of bleachers in Travis Park (Project) by the baseball field. Restoration will include replacing eight of the nine boards, because one was recently replaced. The Project is needed due to the high use of the park and softball program. Chase is currently raising money through friends and family and anticipates to be completed by mid-August, if approved. Normally staff would remove the bleacher set from the park and have repairs done at the shop, but because of the high use of the park, staff will only block off the area to allow Chase to remove the old wood and replace with the newly treated boards when completed. After reviewing the presentation, the Board unanimously recommended the Project plan for approval.

Staff and the Parks and Recreation Board recommend approval of the proposed Eagle Scout Project by Chase Gay of Troop 1000 to refurbish a bleacher set at Travis Park.

Proposal to Improve Wooden Bleachers

Travis Park in Rosenberg
Eagle Project by Chase Gay- Troop 1000



Project

- * Remove old and damaged boards from a set of wooden bleachers by the baseball field
- * Replace them with freshly painted and newly treated boards, and bolt them to bleachers in a different manner than before
- * This project will be executed from late summer to early fall of 2015

Purpose

- * Improve seating conditions for the audience of any function that is used by the field
- * Encourages higher safety and durability level with more effective bolts and methods, along with the likelihood of getting splinters from the bleachers taken away
- * Make the area of the park more aesthetically pleasing, with fresh and consistent paint
- * Before =>

(one of many cracks)



Overview

- * First, eight boards will be painted off site, with the same color paint as that maintained with the field (Hunter Green)
- * 2 coats will be applied
- * On site, the old boards will be removed from the bleachers and bolts taken out
- * One of the nine boards is substantially newer, this will be reused and repainted

Overview (cont'd)

- * When all boards removed, we will use carriage bolts coming in from the top of the boards, and bolt down the new boards
- * After securing the boards to the frame, any touch-ups to the paint will be done
- * Any minor modifications would be made to request of beneficiary representative (Mr. Rick Adams)

Examples of Damage



Examples of Damage



Examples of Damage



DRAFT

6. CONSIDERATION OF AND ACTION ON PROPOSED EAGLE SCOUT PROJECT BY ETHAN RAFEI OF TROOP 1000 TO REFURBISH THE NORTH FISHING DOCK IN SEABOURNE CREEK NATURE PARK.

Key Discussion: Darren McCarthy, Parks and Recreation Director, introduced Ethan Rafei of Troop 1000 to discuss his project. Ethan informed the board members that he would like to replace the wood on the north fishing dock that has been deteriorating for more than twenty years. He hopes his efforts will add to the beauty of the lake, attract more visitors, and benefit the fishing and park community. He will be assisted by the Texas Master Naturalist, Mr. Rick Adams, and he intends on raising all funds possible with also help from the City. He estimated the costs to be a maximum of \$1,149.96, but mentioned that he already has most of the tools and some supplies needed to perform the work. Darren added that restoration of a fishing dock is more costly than projects that have been presented by Boy Scouts in the past. He also mentioned that since the Building Maintenance Department has been able to assist the Parks Department with some repairs, such as the boardwalk by the wetlands, the costs have been minimal and that there are Parkland Dedication funds available that would qualify to assist with the project. Rudy Guerrero asked Ethan about what date he would like to start and how long he anticipates it would take. Ethan hopes to begin the weekend of August 7, 2015, if approved by City Council.

ACTION: Eric Ramirez made a motion, seconded by Bertha Nell Kelm, to accept the restoration of the north fishing dock project in Seabourne Creek Nature Park. The motion carried unanimously by a vote of those present.

7. CONSIDERATION OF AND ACTION ON PROPOSED EAGLE SCOUT PROJECT BY CHASE GAY OF TROOP 1000 TO REFURBISH BLEACHERS AT TRAVIS PARK.

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ACTION: Bertha Nell Kelm made a motion, seconded by Eric Ramirez, to accept the bleacher restoration project at Travis Park. The motion carried unanimously by a vote of those present.

8. CONSIDERATION OF AND ACTION ON A REQUEST TO CHANGE THE PARKLAND DEDICATION FUND REQUEST FOR THE PROPOSED NATURE CENTER FROM \$100,000 TO \$150,000 FOR FY2016.

Key Discussion: Darren McCarthy, Parks and Recreation Director, mentioned to the board that originally upon creating the request for the proposed Nature Center, he and the Finance Director concluded that \$100,000 from the Parkland Dedication Fund and \$100,000 from the Rosenberg Development Corporation was thought to be a good amount for the project. After reviewing the new Parkland Dedication Fund report, showing \$378,000 is available, and knowing that the newly developed houses in the area will develop their own Parkland Dedication Fund, Darren feels confident that an additional \$50,000 should be included to allow a total of \$250,000 to spend on the Nature Center. Darren also mentioned that upon approval from City Council, a subcommittee will be formed to set priorities and interview different engineering firms to see what can be built within the set priorities.



CITY COUNCIL COMMUNICATION

August 04, 2015

ITEM #	ITEM TITLE
4	Resolution No. R-1972 - Facilities Master Plan Adoption
ITEM/MOTION	
Consideration of and action on Resolution No. R-1972, a Resolution adopting the City of Rosenberg Facilities Master Plan.	
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-1972 w/o Exhibit "A"
2. Exhibit "A" - Rosenberg Facilities Master Plan – Previously provided under separate cover
3. Resolution No. R-1885 – 01-06-15
4. Resolution No. R-1836 – 08-19-14
5. City Council Meeting Minute Excerpt – 05-26-15
6. City Council Meeting Minute Excerpt – 01-06-15
7. City Council Meeting Minute Excerpt – 11-25-14
8. City Council Meeting Minute Excerpt – 08-19-14

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
- City Engineer
- (Other)

**Approved for Submittal
to City Council:**

Robert Gracia
City Manager

EXECUTIVE SUMMARY

On August 19, 2014, the Rosenberg City Council authorized the City Manager to enter into a Professional Services Agreement with PGAL for the purpose of developing a Facilities Master Plan (FMP) for the City of Rosenberg. The goal of the FMP is to identify the current and projected space needs for each department of the City of Rosenberg and to create a plan to satisfy these needs. The FMP will enable the City of Rosenberg to continue to provide high quality services to the citizens of Rosenberg at a level established by the City Council.

On January 06, 2015, the City Council appointed a Blue Ribbon Facilities Task Force (Task Force) comprised of Rosenberg residents to assist staff with the development of the FMP. Following numerous meetings between staff and PGAL, as well as seven (7) Task Force meetings, PGAL has presented the City with an FMP document for adoption.

Paul Bonnette, an architect with PGAL, will present the main findings, priorities and recommendations found in the FMP and will be available to answer questions about the document. Staff recommends approval of Resolution No. R-1972, a Resolution adopting the City of Rosenberg Facilities Master Plan. Should Resolution No. R-1972 be approved by City Council, the Facilities Master Plan will be attached to serve as Exhibit "A".

RESOLUTION NO. R-1972

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, ADOPTING THE CITY OF ROSENBERG FACILITIES MASTER PLAN.

* * * * *

WHEREAS, the City Council of the City of Rosenberg recognizes the space limitations in existing City facilities and that those space needs will become more critical as the City continues to grow; and,

WHEREAS, the City Council recognizes that the establishment of a Facilities Master Plan is a necessary step in the efficient and cost effective planning of future space needs; and,

WHEREAS, the City approved Resolution No. R-1836 on August 19, 2014, thereby authorizing a Professional Services Agreement with Pierce Goodwin Alexander and Linville (PGAL) for services related to the creation of a Facilities Master Plan; and,

WHEREAS, the City Council appointed a citizen committee, the Blue Ribbon Facilities Task Force, to cooperatively investigate, evaluate, and assist with the development of a Facilities Master Plan with staff and PGAL; and,

WHEREAS, the Blue Ribbon Facilities Task Force presented its findings and priorities to City Council on May 26, 2015; now, therefore,

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

Section 1. The City Council of the City of Rosenberg hereby adopts the City of Rosenberg Facilities Master Plan.

Section 2. A copy of said Facilities Master Plan 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 A. McConathy, **MAYOR**

RESOLUTION NO. R-1885

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, REGARDING THE APPOINTMENT OF A BLUE RIBBON FACILITIES TASK FORCE TO ASSIST WITH THE DEVELOPMENT OF A FACILITIES MASTER PLAN TO ADDRESS THE CITY'S CURRENT AND FUTURE FACILITY AND SPACE REQUIREMENTS.

* * * * *

WHEREAS, the City Council deems it necessary and proper and in the best interest of the City to address current and future infrastructure and space needs through the development and implementation of a Facilities Master Plan; and,

WHEREAS, said Facilities Master Plan will evaluate and establish a framework to analyze and make recommendations associated with the City's current building and infrastructure configurations along with long-term building occupancy needs, and potential financial requirements to address same; and,

WHEREAS, the Blue Ribbon Facilities Task Force will investigate, evaluate, and assist with the development of a Facilities Master Plan to address future organizational objectives and financial obligations that may arise from said facility and infrastructure improvements; now, therefore,

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

Section 1. The City Council of the City of Rosenberg hereby establishes the Blue Ribbon Facilities Task Force.

Section 2. Said Blue Ribbon Facilities Task Force is to be comprised of individuals named in Exhibit "A" attached hereto and made a part hereof for all purposes.

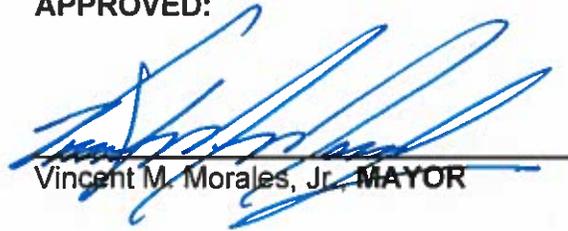
PASSED, APPROVED, AND RESOLVED this 6th day of January 2015.

ATTEST:

APPROVED:


Linda Gernosek, CITY SECRETARY




Vincent M. Morales, Jr., MAYOR

Blue Ribbon Facilities Task Force

1. Theresa Bailey
2. Mable Buford
3. C.T. Foster
4. Ted Garcia
5. Christy Hawkins
6. Dan Ives
7. Fran Naylor
8. Pete Pavlovsky
9. Wayne Poldrack
10. James Urbish
11. Lupe Uresti
12. Lisa Wallingford
13. Robert Wolter
14. George Zepeda

RESOLUTION NO. R-1836

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY OF ROSENBERG, TEXAS, A PROFESSIONAL SERVICES AGREEMENT FOR SERVICES RELATED TO THE CREATION OF A FACILITIES MASTER PLAN, BY AND BETWEEN THE CITY OF ROSENBERG, TEXAS, AND PIERCE GOODWIN ALEXANDER AND LINVILLE (PGAL), IN AN AMOUNT NOT TO EXCEED \$52,500.

* * * * *

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

Section 1. The City Council of the City of Rosenberg hereby authorizes the City Manager to negotiate and execute a Professional Services Agreement (Agreement) by and between the City and PGAL for the creation of a Facilities Master Plan in an amount not to exceed \$52,500.

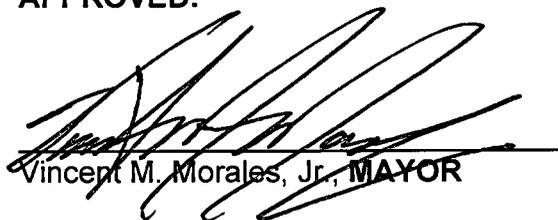
Section 2. A copy of said Agreement is attached hereto as Exhibit "A" and made a part hereof for all purposes.

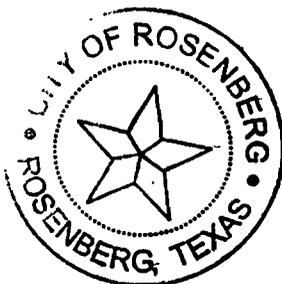
PASSED, APPROVED, AND RESOLVED this 19th day of August 2014.

ATTEST:


Linda Cernosek, CITY SECRETARY

APPROVED:


Vincent M. Morales, Jr., MAYOR



Utilities / Wastewater #1A	8,500
Wastewater #2	1,200
Water Plant #3 (Grunwald)	840
Water Plant #4 (Airport)	Equipment/Repair parts

2.2 Facilities assessments will be provided for existing facilities based on the intended use. Building assessments will include a general architectural and structural review of City facilities, with each facility assigned a rating as part of a Facilities Condition Index. Existing buildings will be evaluated to determine how they could best accommodate current and future departmental needs. Additions will also be considered to existing buildings in order to accommodate the required space. Furthermore, the evaluation should provide estimates for large-scale aesthetic redesign/improvements to existing buildings (i.e. painting, carpet replacement, ceiling tile replacement, sound dampening/reduction, etc). Examples of criteria for the facilities assessments could include (but are not limited to):

- Exterior Systems: Substructure, superstructure, roofs, walls, window systems, doors
- Interior Construction: Walls, doors, flooring, structural components
- Interior Finishes: Flooring, ceilings, wall finishes
- Health/Fire/Life Safety systems
- Heating, Ventilation and Air Conditioning (HVAC) Systems
- Electrical and plumbing systems
- ADA accessibility

2.3 Space standards should be developed for use in the space needs analysis. The space needs assessment should focus on maximizing the cost effectiveness and efficiency of space usage while also attempting to consolidate similar functions at single locations to the greatest extent possible.

2.4 The project will consist of an evaluation of the space needs of all City administrative and operational facilities. The evaluation will include the square footage requirements for personnel, vehicles, apparatuses, equipment storage, personnel parking, visitor parking and other associated requirements for the daily operations of each department.

2.5 The space needs assessment should include estimates for both the renovation/expansion of existing facilities in order to meet future space needs, as well as cost options for the construction of new facilities. Examples of criteria for the space needs assessments could include (but are not limited to):

- Review current space usage of listed City Facilities
- Complete a space needs assessment given number and function of City employees
- Provide a projection of future space needs assuming a 20-year horizon
- Identify opportunities to optimize use of current space
- Provide recommendations describing the expansion of current spaces and/or new facilities
- Provide recommendations and estimated costs associated with the implementation and phasing of a plan
- Prioritize facility maintenance efforts
- Determine site needs and future parking requirements

2.6 Other Considerations

- A fourth fire station will be needed sometime in the future.
- The creation of a dedicated and hardened Emergency Operations Center (possibly located within Fire Station #4) should be considered.
- A hardened location for the storage of City records (possibly located within the hardened EOC).
- The identification of non-leased space for the administrative functions of the Fire Department.
- Adequate outdoor space for the storage of materials, vehicles, heavy equipment and all other types of repair materials and equipment.

- The firm will need to provide direction on continuing with future expansion of public facilities.
- The firm will incorporate information technology usage in the facilities and provide recommendations with cost estimates on any needed upgrades and/or improvements to keep current with information technology advances.
- In general, the Firm will look for inefficiencies due to the current locations of departments/divisions in order to provide options to maximize operational efficiency and customer service.

2.7 Deliverables: At a minimum, the City Facility and Space Needs Assessment report should contain the following information:

- (a) Develop a Facilities Condition Index and rate all facilities according to their condition; make note of all significant deficiencies.
- (b) Meet with all City departments to determine future space needs for personnel and equipment.
- (c) Develop a plan and cost estimates for remediating deficiencies identified in existing facilities as well as for their remodeling or expansion in order to meet anticipated future space needs with an emphasis on value for dollars spent.
- (d) Develop a plan and cost estimates for the construction of new facilities that would centralize administrative/customer service functions and operational/field functions with an emphasis on value for dollars spent.

ARTICLE III
CONSULTANT PERSONNEL

- 3.1 The CONSULTANT represents that it has or will secure at its own expense, all personnel required in performing the services under this Agreement. Such personnel shall not be employees of or have any contractual relationship with the CLIENT.
- 3.2 The CONSULTANT may contract with Subconsultants for portions of the work or services under this Agreement with the prior written approval of the CLIENT.

ARTICLE IV
TIME OF PERFORMANCE

- 4.1 The CONSULTANT shall commence services upon execution of this Agreement.
- 4.2 The CONSULTANT shall make a good faith effort to complete the services described in Article II, Scope of Services within ninety (90) days from execution of the Agreement by both parties, unless one or more of the following occur:
 - (a) This Agreement is terminated in accordance with Article IX, Changes or Termination;
 - (b) The Scope of Services and/or Time of Performance are changed in accordance with Article II, Scope of Services or Article IX, Changes or Termination; or
 - (c) Matters documented by CONSULTANT in progress reports render such completion schedule impossible or impracticable.
- 4.3 The completion schedule set forth in Paragraph 5.2 may be subject to causes that result in delay over which neither the CONSULTANT nor the CLIENT has any control. Notification and justification for any such delays identified by the CONSULTANT must be included in progress reports. The schedule of work will be extended to include any such delays pursuant to Article IX, Changes or Termination.
- 4.4 This Agreement shall terminate upon the CLIENT's final acceptance of work completed by the CONSULTANT, unless otherwise terminated or modified as hereinafter provided.

ARTICLE V
COMPENSATION TO CONSULTANT

- 5.1 Services: Basic Services will be performed to develop the City of Rosenberg Facilities Conceptual Master Plan for a Lump Sum of \$30,000.00. Additionally, the Contract provides for \$20,000 to be used for Level II Analyses (\$4,000 per building) based on the Basic Services facility findings. These fees do not include any reimbursable expenses incurred on behalf of this project. The Basic Services and Level II Analyses fees are broken down as follows:

Fact Collection Phase:	\$4,000.00
Confirmation Phase:	\$4,000.00
Concept Development Phase:	\$5,000.00
Scenario Development Phase:	\$10,000.00
Preliminary Facilities Master Plan Phase:	\$5,000.00
Final Facilities Plan Phase:	\$2,000.00
Basic Services Total:	\$30,000.00
Level II MEP Analysis – five (5) buildings at \$4,000 per building:	\$20,000.00
Grand Total:	\$50,000.00

- 5.2 Reimbursable Costs: The CONSULTANT will be reimbursed for reasonable out-of-pocket expenses incurred on behalf of the project such as costs related to reproductions, photography, color graphic work, plotting, special handling/delivery and mileage. Reimbursable expenses will be billed at the CONSULTANT'S cost, plus a 10% service charge. Expenses required for this project are estimated to be \$2,500.00, which includes the 10% service charge.
- 5.3 Additional Services: If services other than those described as Basic Services are requested by the CLIENT, they will be billed in addition to the above compensation. Additional Services shall only be performed subsequent to review of estimated fees and written authorization from the CLIENT. Additional Services include but are not limited to the following:
- Level III Building Assessments
 - Third party cost estimating
 - Work beyond that specifically included above
- 5.4 The total cost of this project is not to exceed \$52,500.

ARTICLE VI
PRODUCT OF SERVICES, COPYRIGHT

- 6.1 The CONSULTANT and the CLIENT mutually agree that reports, maps and materials prepared or developed under the terms of this Agreement shall be delivered to and become the property of the CLIENT. The CONSULTANT shall have the right to retain copies and to utilize the product of services for marketing purposes, except for any confidential information, as defined in Article XI, hereof.
- 6.2 The CONSULTANT shall furnish the CLIENT with ten (10) physical copies of the report along with three (3) copies of the report in electronic form (CD, flash drive, etc.).
- 6.3 Nothing produced in whole or in part by the CONSULTANT under this Agreement shall be the subject of an application for copyright by or for the CONSULTANT. The CONSULTANT will use existing proprietary software as required.

ARTICLE VII
PRIVATE INTERESTS OF PUBLIC OFFICIALS AND CONSULTANT

- 7.1 No employee, agent, or member of the local public body of the CLIENT shall have any financial interest, direct or indirect in this Agreement or the proceeds thereof.

ARTICLE VIII
CERTIFICATIONS OF CONSULTANT

- 8.1 The CONSULTANT presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services under this Agreement.

ARTICLE IX
CHANGES OR TERMINATION

- 9.1 Except as expressly described above regarding Additional Services, this Agreement may not be altered, changed or amended except by instrument in writing executed by the parties hereto.
- 9.2 The CLIENT may, from time to time, request changes in the Scope of Services and/or time of performance for the services of the CONSULTANT to be performed hereunder. Such changes, including any increase or decrease in the amount of the CONSULTANT'S compensation, which are mutually agreed upon by and between the CLIENT and the CONSULTANT, shall be incorporated in written amendments to this Agreement.
- 9.3 This Agreement may be terminated before the termination date stated in Article IV, Time of Performance, by any of the following conditions:
- (a) Right of Either Party to Terminate for Cause- This Agreement may be terminated by either of the parties hereto for failure by the other party to perform in a timely manner and proper manner its obligations under this Agreement. A signed, written notice of such termination shall be delivered to the other party by express mail with point-by-point tracking and such termination shall take effect twenty (20) days after the notice is deposited in the express mail, provided that the failure to perform has not been remedied by that time. By such termination, neither party may nullify obligations already incurred for performance or failure to perform before the date of termination.
 - (b) Right of the CLIENT to Terminate for Convenience- This Agreement may also be terminated by the CLIENT for reasons other than failure by the CONSULTANT to perform in a timely manner and proper manner its obligations under this Agreement. A signed, written notice of such termination shall be delivered to CONSULTANT by fax or registered or certified mail and such termination shall take effect not less than seven (7) days following the date the notice is received by the CONSULTANT.
- 9.4 Upon receipt of a notice of termination under any of the conditions under Paragraphs 9.3 above, the CONSULTANT shall, unless the notice otherwise directs, immediately discontinue all services in connection with the performance of this Agreement. Within thirty (30) days after receipt of the notice of termination, the CONSULTANT shall submit a Final Statement, showing the services performed under this Agreement prior to the effective date of termination. Such Final Statement shall also include any unpaid amounts or unreimbursed expenses, as well as any financial obligations incurred by CONSULTANT on behalf of CLIENT and which cannot reasonably be refunded to CONSULTANT, all of which CLIENT agrees to pay upon receipt of said Final Statement. Data and study products prepared by the CONSULTANT and paid for by CLIENT under this Agreement shall be delivered to the CLIENT if requested.

- 9.5 Notwithstanding the provisions of this Article XII, the CONSULTANT shall not be relieved of liability to the CLIENT for damages sustained by the CLIENT by virtue of any negligent act or omission or any breach of the Agreement by the CONSULTANT.

ARTICLE X
CONFIDENTIALITY

- 10.1 Any information determined to be confidential that is provided to or developed by the CONSULTANT in the performance of this Agreement shall be kept confidential and shall not be made available to any individual or organization by the CONSULTANT without prior written approval of the CLIENT.

ARTICLE XI
INSPECTION OF RECORDS

- 11.1 The CONSULTANT shall maintain accounts and records, including personnel, property and financial records, adequate to identify and account for all costs pertaining to this Agreement and such other records as may be deemed necessary by the CLIENT to assure proper accounting for all project funds. These records will be retained for three years after the expiration of this Agreement.
- 11.2 Any time during normal business hours and as requested by the CLIENT, the CONSULTANT shall make available to the CLIENT for examination all of its project records with respect to all matters covered by this Agreement and will allow the CLIENT to review, examine, and make excerpts from such records, and to make copies of all contracts, invoices, materials, payrolls, records of personnel conditions of employment, and other data relating to all matters covered by this Agreement. The financial records of the CONSULTANT are maintained in its corporate office located in Sugar Land, Texas, and copies will be available upon request in a timely manner in this office for audit purposes to the CLIENT or its authorized representative.

ARTICLE XII
INSURANCE

- 12.1 Insurance
- A. The CONSULTANT agrees to maintain Worker's Compensation Insurance to cover all of its own personnel engaged in performing services for the CLIENT under this contract in the following amounts:

Workmen's Compensation: Statutory

- B. The CONSULTANT also agrees to maintain Commercial General Liability, Business Automobile Liability, and Umbrella Liability Insurance, covering claims against the CONSULTANT for damages resulting from bodily injury, death, or property damage from accidents arising in the course of work performed under this Agreement, in the following amounts:

Commercial General Liability Insurance: Personal injury and property damage -- \$500,000.00 combined single each occurrence and \$500,000.00 aggregate;

Business Automobile Liability for all vehicles: Bodily injury and property damage -- \$500,000.00 combined single limit each occurrence;

Umbrella Liability: \$1,000,000.00

ARTICLE XIII
MISCELLANEOUS PROVISIONS

- 13.1 Neither the CLIENT nor the CONSULTANT shall be required to perform any term, condition, or covenant of this AGREEMENT while such performance is delayed or prevented by acts of God, material or labor restriction by any governmental authority, terrorism, civil riot, floods, hurricanes, or other natural disasters, any other cause not within the control of the CLIENT or the CONSULTANT that by the exercise of due diligence the CLIENT or the CONSULTANT is unable, wholly or in part, to prevent or overcome and supersedes all prior agreements and understanding between CLIENT and CONSULTANT concerning the subject matter of this Agreement.
- 13.2 This Agreement constitutes the entire agreement between the CLIENT and the CONSULTANT. No other agreements, amendments, modifications, implied or otherwise, shall be binding on any of the parties unless set forth in writing and signed by both parties.
- 13.3 The CLIENT and the CONSULTANT agree that this Agreement shall be construed in accordance with the laws of the State of Texas. Any legal dispute between the parties shall be resolved in the following manner:

The parties will attempt in good faith to resolve any controversy or claim arising out of or relating to this Agreement promptly by negotiation between senior executives of the parties who have the authority to settle the controversy.

The disputing party shall give the other party written notice of the dispute. Within ten (10) days after receipt of said notice, the receiving party shall submit to the other a written response. The notice and response shall include: (a) a statement of each party's position and a summary of the evidence and arguments supporting its position; and (b) the name and title of the executive who will represent the party. The executives shall meet at a mutually acceptable time and place within twenty (20) days of the date of the disputing party's notice and thereafter as often as they reasonably deem necessary to exchange relevant information and to attempt to resolve the dispute.

If the controversy or claim has not been resolved within thirty (30) days of the meeting of the senior executives, the parties shall endeavor to settle the dispute by non-binding mediation.

If the matter has not been resolved pursuant to the aforesaid non-binding mediation procedures, parties are free to bring their claim in a court of law. Venue for all actions brought pursuant to this Agreement is in Fort Bend County, Texas; and all parties consent to Fort Bend County, Texas, being the exclusive jurisdiction to resolve said claims or controversies arising pursuant to this Agreement.

- 13.4 If one or more of the provisions of this Agreement, or the application of any provision to any party or circumstance, is held invalid, unenforceable, or illegal in any respect, the remainder of this Agreement and the application of the provision to other parties or circumstances shall remain valid and in full force and effect.
- 13.5 Any notice required to be given pursuant to the terms and provisions of this Agreement shall be in writing and shall be mailed by certified or registered mail addressed as set forth below or at such other address as may be specified by written notice:

CLIENT:

Robert Gracia, City Manager
City of Rosenberg
2110 4th Street
Rosenberg, Texas 77471

CONSULTANT: Paul D. Bonnette, AIA, Principal
PGAL
3131 Briarpark Dr.
Houston, TX 77042

- 13.6 The waiver by either party of a breach of any provision of this Agreement shall not constitute a waiver of any subsequent breach of this Agreement.
- 13.7 The CONSULTANT shall not assign any interest on this Agreement, and shall not transfer any interest in the same (whether by assignment or novation), without the prior written consent of the CLIENT thereto. Provided however, that claims for money by the CONSULTANT from the CLIENT under this Agreement may be assigned to a bank, trust company, or other financial institution without such approval. Written notice of any such assignment or transfer shall be furnished promptly to the CLIENT.
- 13.8 Successors and Assigns. The CLIENT and the CONSULTANT each binds itself and its successors, executors, administrators and assigns to the other parties of the Agreement and to the successors, executors, administrators and assigns of such other parties, in respect to all covenants of this Agreement. Nothing herein shall be construed as creating any personal liability on the part of any officer, board member, commissioner, employee or agent of any public body, which is a party hereto.
- 13.9 Reports and Information. The CONSULTANT, at such times and in such forms as the CLIENT may require, shall furnish the CLIENT such periodic reports as it may request pertaining to the work or services undertaken pursuant to this Agreement, the cost and obligations incurred or to be in connection therewith, and any other matter covered by this Agreement.
- 13.10 Incorporation of Provisions Required by Law. Each provision and clause required by law to be inserted into the Agreement shall be deemed to be enacted herein and this Agreement shall be read and enforced as though each were included herein. If through mistake or otherwise any such provision is not inserted or is not correctly inserted, the Agreement shall be amended to make such insertion on application by either party.
- 13.11 Waiver. The failure on the part of any party herein at any time to require the performance by any other party of any portion of this Agreement shall not be deemed a waiver of, or in any way affect that party's rights to enforce such provision or any other provision. Any waiver by any party herein of any provision hereof shall not be taken or held to be a waiver of any other provision hereof or any other breach hereof.
- 13.12 Survival. Any and all representations and conditions made by the CONSULTANT under this Agreement are of the essence of this Agreement and shall survive the execution, delivery and termination of it, and all statements contained in any documents required by the CLIENT, whether delivered at the time of the execution or at a later date, shall constitute representations hereunder.
- 13.13 Cumulative Remedies. In the event of default by any party herein, all other parties shall have all rights and remedies afforded to it at law or in equity to recover damages and to interpret or enforce the terms of this Agreement. The exercise of any one right or remedy shall be without prejudice to the enforcement of any other right or remedy allowed at law or in equity.
- 13.14 State or Federal Laws. This Agreement is performed in Rosenberg, Texas, and is subject to all applicable federal and state laws, statutes, codes, any and applicable permits, ordinances, rules, orders, and regulations of any local, state, or federal government authority having or asserting jurisdiction.

- 13.15 Equal Employment Opportunity. In the performance of this Agreement, the CONSULTANT will not discriminate against any employee or applicant for employment because of race, color, religion, age, sex, or national origin. The CONSULTANT will, in all solicitations or advertisements for employees placed by or on behalf of it, state that it is an Equal Opportunity Employer.

- 13.16 Multiple Originals. Two (2) copies of this Agreement are executed; each shall be deemed an original.

- 13.17 Sovereign Immunity. Any provision of the Contract that seeks to waive the City's immunity from suit and/or immunity from liability is void.

- 13.18 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.

ARTICLE XIV
EXHIBITS

- 14.1 PGAL's "Fee Proposal for A/E Services" dated 17 July 2014 shall be attached to this Agreement as an exhibit and shall be considered part of the contracted terms of services between the CLIENT and CONSULTANT.

* * * * *

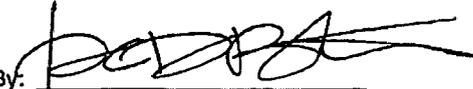
IN WITNESS HEREOF, the parties have executed this Agreement in duplicate originals in Rosenberg, Texas.

This _____ day of _____, 2014.

FOR ROSENBERG:

FOR PGAL:

By: _____
Robert Gracia
City Manager

By: 
Paul D. Bonnette, AIA
Principal

ATTEST:

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.

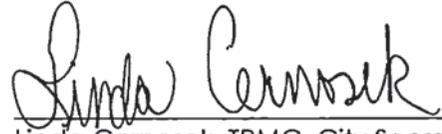
The Task Force chairman, Dr. Dan Ives, will present the findings and priorities as determined by the Task Force members.

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

F. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1885, A RESOLUTION REGARDING THE APPOINTMENT OF A BLUE RIBBON FACILITIES TASK FORCE TO ASSIST WITH THE DEVELOPMENT OF A FACILITIES MASTER PLAN TO ADDRESS THE CITY'S CURRENT AND FUTURE FACILITY AND SPACE REQUIREMENTS.**

Executive Summary: Pursuant to conversations held during the November 25, 2014 City Council Workshop, staff recommends approval of Resolution No. R-1885. The Resolution will name the participants that have agreed to serve on the City's Blue Ribbon Facilities Task Force.

Once established, the Task Force will begin its work in support of the City's ongoing efforts to address current and future space needs through the development of a Facilities Master Plan.

Mayor Morales stated that Consent Agenda Item E. will be pulled at the developer's request.

Action: Councilor McConathy made a motion, seconded by Councilor Grigar to approve Consent Agenda Items A, B, C, D, and F. The motion carried by a unanimous vote of those present.

REGULAR AGENDA

2. **HOLD EXECUTIVE SESSION TO CONSULT WITH CITY ATTORNEY ON PENDING OR CONTEMPLATED LITIGATION REGARDING ROSENBERG V. HARWIN EXCHANGE CENTER EMINENT DOMAIN PROCEEDINGS PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE.**

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

An Executive Session was held to consult with City Attorney on pending or contemplated litigation regarding Rosenberg v. Harwin Exchange Center eminent domain proceedings pursuant to Section 551.071 of the Texas Government Code.

3. **ADJOURN EXECUTIVE SESSION, RECONVENE INTO REGULAR SESSION, AND TAKE ACTION AS NECESSARY AS A RESULT OF EXECUTIVE SESSION.**

The Executive Session was adjourned and the meeting was reconvened into Regular Session at 7:27 p.m.

Action: Councilor Benton made a motion, seconded by Councilor McConathy to settle the eminent domain proceedings with Harwin Exchange Center not to exceed \$21,000, plus closing costs and legal fees. The motion was approved by a unanimous vote of those present.

4. **ANNOUNCEMENTS.**

There were no announcements.

5. **ADJOURNMENT.**

There being no further business, the meeting adjourned at 7:29 p.m.



Linda Cernosek, TRMC, City Secretary

AGENDA

1. REVIEW AND DISCUSS A FACILITIES MASTER PLAN PROJECT UPDATE FROM PAUL BONNETTE OF PGAL AND THE PROPOSED CREATION OF A BLUE RIBBON TASK FORCE FOR FACILITIES, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.

Executive Summary: Paul Bonnette of PGAL will provide a project update on the Rosenberg Facilities Master Plan study. Staff will also review and discuss the potential creation of a Blue Ribbon Task Force for Facilities and receive City Council direction regarding said Task Force.

Key discussion points:

- Paul Bonnette and Jeff Gerber with PGAL were present to update Council on the Facilities Master Plan Project. They reviewed fifteen (15) buildings, met with each department and representatives of the staff to discuss their future facilities needs. They plan to develop scenarios on how the buildings can be utilized and develop budgets for each scenario.
- Paul Bonnette gave a PowerPoint depicting the future growth of Rosenberg and stressed the importance of the City allowing for future growth. He showed the various facilities locations and the primary maintenance and space issues.
- The following facilities were discussed:
- City Hall was built in 1980 – 16,710 square feet – several ADA issues; inadequate space; HVAC distribution inadequate.
- City Hall Annex built in 1980 - 3,840 square feet – former church purchased by the City to office staff; has structural issues with slab; parking lot has cracks; cracking in brick, etc.; does not meet ADA requirements; lack of storage space; break room has two different types of flooring; conference room holds the plotter. Most of work spaces are cubicles. The HVAC system was not moved when the walls were moved; no hot water in building.
- Civic Center built in 2000 – 17,000 square feet. Some room for growth around the Civic Center. Houses the Civic Center functions and parks. The sealant needs to be replaced in all joints in the building; some evidence of water infiltration in the front storage closet. Minor roof leaks that have been repaired. The customer service area only accommodates one person at a time.
- Fire Administration Building (leased building) – under 3,000 square feet. Space is not adequate for function. Front entrance does not meet ADA requirements. Not a good long term facility for City.
- Fire Station #1 – built in 1951. Parking is an issue; bays do not accommodate the latest fire apparatus; exterior of building has cosmetic issues; one restroom on the second floor-does not meet ADA requirements; storage is an issue.
- Fire Station #2 – 10,936 square foot – built in 2002. Fueling station in the rear of the building; (single story building). Beginning to show signs of general maintenance: minor cracking in slab; minor roof repair needed. Some water damage to ceiling tiles due to prior HVAC issues. One room had some evidence of mildew in ceiling tile. Women's restroom is being used for storage.
- Fire Station #3 – 8400 square feet – built in 2013. Has emergency generator, adequate office space. Building in very good condition.
- Fleet Maintenance Facility – 4,000 square foot – not sure what year it was built. Has 4 bays and a fueling station in rear. Streets Department is also located nearby. Bays are not adequate to service fire department vehicles; floors are concrete, but need to be resurfaced. Has an emergency generator and one bay has a pit. Not enough parking for staff, so they park near the fueling station which is dangerous; restroom does not meet ADA requirements.
- Street Facility – built sometime in the 1930's – 6,000 square feet. Some damage to exterior of the metal siding of building. Contains sign shop/street dept office/break area. The one restroom is in very poor condition and does not meet ADA requirements. No outside parking area.
- Parks Department – 12,650 square feet – built around 1950's. Former recreational area and National Guard Building. Large indoor area for equipment; houses City record storage; minor repairs need to be made to building.
- Police Department – 15,000 square feet – built in 1995. Building being utilized at capacity. Minor cosmetic issues

- Utilities Waste Water Plant 1A – shops building behind the building. Office is on other side of a high velocity chlorine pump and there is a safety concern. Building is being used beyond capacity-no office space. A lot of expensive equipment stored in building and concerned about security of equipment. Shops Area-not good for record storage.
- Waste Water Plant 2 – 1200 square feet – built in 1972. Concrete and brick structure. Cosmetic issues-there is some unutilized storage space. Restrooms do not meet ADA requirements. There are some office and lab spaces in this building.
- Water Plant 3 – small building 830 square feet – Grunwald Heights Boulevard; some office space within this building; fair condition.
- Water Plant 4 – small building – equipment and pumps stored in building; fair condition.
- City departments are spread out and inefficient with fueling stations, etc.
- Modifications have been made to facilities without making changes to HVAC system, etc.
- Perception to outside visitors is not attractive to attracting new businesses, etc.
- Records are being held in insecure areas.
- As City expands to south and west, new fire facilities will be needed to accommodate those areas.
- A Blue Ribbon Committee will need to be formed; budgets will need to be developed.
- Councilor Euton asked about when the trigger is to comply to the Americans with Disabilities Act (ADA) requirements? Paul Bonnette answered the ADA requirements are triggered on an old or existing building when improvements or renovations to a building are done.
- Councilor Pena stated everyone noticed these buildings were in bad shape. The records storage space will probably not withstand bad weather. Are the fire stations classified as "hardened" areas? Does the Police Station meet that requirement? We obviously need some decent facilities to solve some of these issues. I hope the Blue Ribbon Task Force for Facilities will keep in mind the growth and also the expanded personnel that will come with the growth.
- Councilor Grigar was surprised there is no hot water at several of the facilities. When do these general maintenance issues need to be addressed? It is good we are starting to get a plan in place.
- Jeff Trinker explained there was never a designated person and recently a Building Maintenance person has been hired to be more proactive rather than reactive. We will hire a second person to assist him. We will not be able to fix decades of neglected maintenance issues overnight.
- Councilor Barta stated she cannot believe the lack of maintenance over the years that should have been done thirty years ago.
- Robert Gracia stated he selected the Blue Ribbon Task Force from previous applications and a varied list. All of the recommended people are willing to be on the task force.
- Councilor Benton asked if the Comprehensive Plan Study is the same study as the Facilities Master Plan Study, which is a separate study. He expressed concern with the records, the fire administration being in a leased building; the mildew, centralization of facilities, concern with not advertising for committee.
- Robert Gracia was looking at the efficiency of appointing the Blue Ribbon Task Force, and if Council wants to appoint another person, they can serve. Robert Gracia asked that Council appoint the proposed list of members and Council can add additional members.
- Councilor McConathy stated enough has been said about the perception of the public as they come into the facilities and the type of services we can provide. I am excited we are doing some short term of the building maintenance and growing into some newer facilities. With the anticipated growth, we need to think long range. Fire Station 4 will be a Capital Improvement Project (CIP) item to accommodate the high winds, and Emergency Operations Center (EOC), and records storage.
- Mayor Morales stated what we were shown tonight is what presently exists. In the short time frame, we may need to add a portable building(s). The long term solutions will be Fire Station No. 4 and a new City Hall.
- Jeff Trinker stated there are long term issues and a gap that we will need to address in the facility issues.
- Mayor Morales suggested that Council appoint the recommended people tonight and if someone else is willing to serve, Council can then appoint additional interested people. The Mayor

suggested not going over 10-15 people on the Task Force.

- The directive to staff was to appoint the following members to the Blue Ribbon Task Force for Facilities (other applicants approved by Council can be added at a later date): Dan Ives; James Urbish; Pete Pavlovsky; Teresa Bailey; Lupe Uresti; Lisa Wallingford; Robert Wolter; Christy Hawkins; Ted Garcia; C.T. Foster; and Mable Buford. Any additional recommendations will be brought back for Council's approval.

2. **REVIEW AND DISCUSS RIGHT-OF-WAY ROUGH CUT, FINISH CUT, OPEN ACREAGE AND WASTEWATER TREATMENT PLANT MOWING CONTRACT, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: This item has been placed on the Workshop Agenda to offer City Council the opportunity to discuss the Right-of-Way Rough Cut, Finish Cut, Open Acreage and Wastewater Treatment Plant Mowing Contract (Contract). A copy of the current Contract and Technical Specifications was included in the packet. Staff has also prepared an updated Right-of-Way Mowing Location List. The open acreage areas that are currently included in the hay production lease are not included on the list.

The Contract was initially awarded to Bio Landscape & Maintenance, Inc., on February 05, 2013, for a one (1) year term with the option to renew for two (2) additional one (1) year terms. The first one-year Contract extension was approved by City Council on December 17, 2013, and will expire on March 01, 2015. Therefore, the Contract has one (1) remaining, one (1) year option to renew at the discretion of the City. This particular Contractor has provided these mowing services to the City since November 01, 2010, and has performed in an acceptable manner. At this time, staff is recommending the Contract term be extended for the second one (1) year option, effective March 01, 2015, through March 01, 2016.

Key discussion points:

- John Maresh, Assistant City Manager of Public Services read the Executive Summary.
- The general consensus of Council was to move forward with the extension on the contract.
- Scott Tschirhart, City Attorney stated if Council renews the contract extension to renew it with the addition of the contract rider.
- John Maresh stated it will be brought back to Council at the December 16, 2014 Council Meeting with the rider and will be approved at that time.
- No action was taken on the item.

3. **REVIEW AND DISCUSS THE FY2015 STREET SWEEPING CONTRACT, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: This item has been included to offer City Council an opportunity to discuss the 2015 Street Sweeping Contract. Per the FY2015 budget approval process, staff has prepared a base street sweeping list, which is the list approved by City Council in 2014 for the onetime per month sweeping service. An alternate list of streets for areas that generate large amounts of leaves during the fall and winter months has also been prepared. If approved, these streets would receive an additional street sweeping cycle to help minimize the leaf accumulations. This would typically occur during the months of November through January, with an option for February as determined by the City.

Staff recommends obtaining bids for the monthly street sweeping services as described above for a one (1) year term. The bid proposal would be placed on a future City Council meeting Agenda for consideration and award.

Key discussion points:

- How long does it typically take the street sweeper to sweep the entire City? Typically, two weeks.
- It was recommended to give the second street sweep as an alternate bid option.
- Council recommended a quality job with possibly one sweeper passing after the other.
- What is the solution for the compression area such as on Avenue G where the street is higher than the gutter? John Maresh answered the asphalt on the street would have to be milled down and redone. The older curbs may be rolling back also and may need to be recurbed.
- This item will be brought back to Council.

Pest Control, has performed in a satisfactory manner, and City staff recommends extension of this Contract for FY2015.

The only anticipated change to Contract is the addition of the paved alley encircling Bayou Park. Cypress Creek Pest Control has stated they will spray this alley at no additional cost. This additional area has been included on the Contract Extension.

The Contract Extension is attached to Resolution No. R-1834 as Exhibit "A". Staff recommends approval of Resolution No. R-1834 as presented.

E. CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1835, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND BEHALF OF THE CITY, A GENERAL SERVICES CONTRACT EXTENSION FOR THE PROVISION OF JANITORIAL SERVICES, BY AND BETWEEN THE CITY AND CLARON BUILDING MAINTENANCE, FOR A PERIOD OF ONE (1) YEAR, EFFECTIVE OCTOBER 01, 2014, IN THE AMOUNT OF \$58,336.

Executive Summary: A new Contract for janitorial services was executed for FY2014 with the option to renew for one (1) additional year. The contractor, Claron Building Maintenance, Inc., has performed in a satisfactory manner. City staff recommends extension of this Contract for FY2015.

Janitorial service will be added to the Contract Extension for the Animal Control facility for \$650 per month, or \$7,800 per year. This will increase the annual Contract amount from \$50,536 to \$58,336.

The Contract Extension is attached to Resolution No. R-1835 as Exhibit "A". Staff recommends approval of Resolution No. R-1835 as presented.

F. CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1836, A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, A PROFESSIONAL SERVICES AGREEMENT FOR SERVICES RELATED TO THE CREATION OF A FACILITIES MASTER PLAN, BY AND BETWEEN THE CITY AND PIERCE GOODWIN ALEXANDER AND LINVILLE (PGAL), IN AN AMOUNT NOT TO EXCEED \$52,500.

Executive Summary: At the June 30, 2014 Special City Council Meeting, the City Council authorized the City Manager to negotiate with PGAL, for and on behalf of the City, a Professional Services Agreement for services related to the creation of a Facilities Master Plan. The proposed fees for the Facilities Master Plan break down as follows:

- Basic Services: \$30,000
- Reimbursable Expenses: \$2,500 (estimate)
- Level II Building Analysis (mechanical, electrical and plumbing systems): \$4,000 per building

Total fees for this Agreement, attached to Resolution No. R-1836 as Exhibit "A", are not to exceed \$52,500.

Staff recommends approval of Resolution No. R-1836 as presented.

G. CONSIDERATION OF AND ACTION ON QUARTERLY FINANCIAL REPORT AND QUARTERLY INVESTMENT REPORT FOR QUARTER ENDING JUNE 30, 2014.

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 which are within the 75% benchmark for the third quarter of FY2014.

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 third quarter of Fiscal Year 2014.

Councilor Benton asked to move Item C to the Regular Agenda. The item was moved to the

Regular Agenda as Item 2A. Councilor Euton asked to move Item G to the Regular Agenda. The item was moved to the Regular Agenda as Item 2B.

Action: Councilor McConathy made a motion, seconded by Councilor Benton to approve Items A, B, D, E and F on the Consent Agenda. The motion carried by a unanimous vote of those present.

REGULAR AGENDA

2A. *This item was previously Item C on the Consent Agenda.*

CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2014-32, AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY AMENDING SECTION 24-190 OF ARTICLE VII OF CHAPTER 24 THEREOF, ESTABLISHING SURETY BONDS TO GUARANTEE THE RESTORATION OF RIGHT-OF-WAY IN THE EVENT THE APPLICANT LEAVES A JOB SITE IN THE RIGHT-OF-WAY UNSAFE, INCOMPLETE OR UNFINISHED; PROVIDING AN EFFECTIVE DATE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

Executive Summary: Article VII, of Chapter 24 of the Code of Ordinances addresses public street right-of-way management pertaining to the construction, installation, or operation of facilities within the City's public rights-of-way. More specifically, Section 24-190(b)(7)(f), includes a requirement for an applicant submitting a permit request to file a surety bond in the amount of \$25,000.00 to guarantee the restoration of the right-of-way in the event the applicant leaves a job site in the right-of-way unsafe, incomplete or unfinished. Based on recent experience with the construction of a pipeline to transport oil products under certain City public rights-of-way, staff has determined the \$25,000.00 surety bond amount is insufficient to cover the potential damages that can occur to the public infrastructure such as street and drainage infrastructure. In order to be prepared for future infrastructure construction projects, such as pipelines and telecommunications cables that will be installed in, or cross public right-of-ways, staff has prepared Ordinance No. 2014-32 which will increase the surety bond requirement from \$25,000.00 to \$100,000.00. Staff believes the \$100,000.00 bond is reasonable and should be adequate to cover the restoration costs that would otherwise be incurred by the City in the event an applicant fails to complete a project.

Staff recommends approval of Ordinance No. 2014-32 which increases the surety bond requirement from \$25,000.00 to \$100,000.00 for permitted work performed in the City rights-of-way.

Key discussion points:

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

Questions:

- **Q:** The suggested bond requirement limits are raised from \$25,000 to \$100,000. Will this make the bond too expensive? What is the cost difference from \$25,000 to \$100,000?
- **A:** This will primarily affect the large utility companies doing multi-million dollar projects. An oil pipeline was constructed about a year ago and the company did \$50,000 worth of damage to one road and \$45,000 of damage to another.

Action: Councilor McConathy made a motion, seconded by Councilor Benton to approve Ordinance No. 2014-32, an Ordinance amending the Code of Ordinances by amending Section 24-190 of Article VII of Chapter 24 thereof, establishing surety bonds to guarantee the restoration of right-of-way in the event the applicant leaves a job site in the right-of-way unsafe, incomplete or unfinished; providing an effective date; providing a penalty in an amount not to exceed \$2,000 for violation of any provision hereof; and providing for severability. The motion carried by a unanimous vote of those present.

2B. *This item was previously Item G on the Consent Agenda.*

CONSIDERATION OF AND ACTION ON QUARTERLY FINANCIAL REPORT AND QUARTERLY INVESTMENT REPORT FOR QUARTER ENDING JUNE 30, 2014.

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 which are within the 75% benchmark for the third quarter of FY2014.

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.



CITY COUNCIL COMMUNICATION

August 04, 2015

ITEM #	ITEM TITLE
5	Resolution No. R-1995 – Adoption of City’s Classification and Compensation Plan

ITEM/MOTION

Consideration of and action on Resolution No. R-1995, a Resolution providing for acceptance of a Classification and Compensation Plan.

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-1995
2. City Council Meeting Minute Excerpt – 06-30-15
3. City Council Meeting Minute Excerpt – 11-25-14
4. Finance/Audit Committee Meeting Draft Minutes – 07-22-15
5. Finance/Audit Committee Meeting Minutes – 07-13-15
6. Finance/Audit Committee Meeting Minute Excerpt – 07-07-15

MUD #: N/A

APPROVALS

Submitted by:


 Joyce Vasut
 Executive Director of
 Administrative Services

Reviewed by:

- Exec. Dir. of Administrative Services
- Asst. City Manager of Public Services
- City Attorney
- City Engineer
- Human Resources Director JO

Approved for Submittal to City Council:


 Robert Gracia
 City Manager

EXECUTIVE SUMMARY

On June 30, 2015, City Council reviewed and discussed a Final Report regarding job classifications and compensation for City employees as presented by Gallagher Benefits Services, Inc. The Final Report contained measurable criteria necessary to establish market comparisons to the current level of compensation paid for all City job classifications which make up the City’s Classification and Compensation Plan (Plan).

Implementation cost options were also presented and discussed. Ultimately, City Council agreed to defer the discussions regarding the Final Report, Plan, and implementation of cost options to the City’s Finance Committee (Committee). The Committee met on July 07, 2015, July 13, 2015, and July 22, 2015.

Staff presented a Revised Classification and Compensation Plan that addresses current minimums in the Fire and Police structures and the Committee is recommending City Council approval.

Staff has prepared Resolution No. R-1995. The Resolution will provide for the acceptance of the Final Report and approval of the Classification and Compensation Plan as revised. Resolution No. R-1995 will also provide an opportunity for City Council to accept Option 1 to bring all employees to the proposed minimum, excluding personnel ineligible under the Merit Program and those employees in the E band class structure. Option 2 will be reviewed at a later date.

The Finance/Audit Committee recommends approval of Resolution No. R-1995.

RESOLUTION NO. R-1995

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, PROVIDING FOR ACCEPTANCE OF A CLASSIFICATION AND COMPENSATION PLAN.

* * * * *

WHEREAS, on November 25, 2014, City Council approved Resolution No. R-1881, which provided for the selection of Gallagher Benefits Services, Inc., to conduct a Classification and Total Compensation Study and Analysis; and,

WHEREAS, City Council has therefore determined it is in the best interest of the employees of the City to establish a Classification and Compensation Plan (Plan) to be comprised of appropriate salary and wage structures with said Plan as revised to include the current minimums in the Fire and Police Structures, attached hereto as **Exhibit “A”** and made a part hereof for all purposes; and,

WHEREAS, on June 30, 2015, Gallagher Benefits Services, Inc., presented a Final Report regarding job classification and compensation data to City Council with said Final Report (Report) attached hereto as Exhibit “B”, and made a part hereof for all purposes; and,

WHEREAS, it is City Council’s intention that the City’s salary structure be reviewed annually, with a reevaluation of the overall structure at regular intervals in order to ensure that salary levels remain consistent with the marketplace; and,

WHEREAS, City Council has determined that implementation of the Plan will include Option 1, excluding personnel ineligible under the Annual Performance Appraisal and Pay-for-Performance (Merit) Program and DBM Rating E Bands (E81-E92) effective next pay period following acceptance; and,

WHEREAS, City Council has determined that implementation of Option 2, will be discussed in 2016 prior to FY2017 budget process; now, therefore,

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

Section 1. City Council hereby accepts and approves said Classification and Compensation Plan (Plan), attached hereto as Exhibit “A” and made a part hereof for all purposes.

Section 2. City Council hereby acknowledges receipt of the aforementioned Final Report, attached hereto as Exhibit “B” and made a part hereof for all purposes.

Section 3. City Council hereby approves Implementation Option 1, excluding personnel ineligible under the Merit Program and DBM Rating E Bands (E81-E92).

Section 4. City Council hereby postpones Implementation of Option 2 until 2016 prior to the FY2017 budget process.

Section 5. City Council hereby acknowledges that an administrative recommendation should be maintained by the City in order to reflect necessary increases in the minimum rates, midpoints, and maximum rates appropriate for each job, that the salary structure should be reviewed annually, and that the City should reevaluate the City's overall structure at regular intervals to ensure that the City's salary levels are consistent with the marketplace.

Section 6. City Council intends that this Resolution become effective immediately.

PASSED, APPROVED AND RESOLVED on this the _____ day of _____ 2015.

ATTEST:

APPROVED:

Linda Cernosek, **CITY SECRETARY**

Cynthia A. McConathy, **MAYOR**

City of Rosenberg Classification and Compensation Plan

<u>Grade</u>	<u>DBM</u>	<u>Minimum</u>	<u>Midpoint</u>	<u>Maximum</u>
1	A11	\$ 22,370	\$ 25,725	\$ 29,080
2	A12	\$ 25,653	\$ 29,501	\$ 33,349
3	A13	\$ 28,937	\$ 33,278	\$ 37,618
4	B21	\$ 30,878	\$ 37,054	\$ 43,230
5	B22	\$ 34,035	\$ 40,842	\$ 47,649
6	B23	\$ 37,182	\$ 44,618	\$ 52,054
7	B24/B31	\$ 41,123	\$ 49,347	\$ 57,572
8	B25/B32	\$ 45,848	\$ 55,017	\$ 64,187
9	C41	\$ 47,797	\$ 59,746	\$ 71,695
10	C42	\$ 50,818	\$ 63,522	\$ 76,227
11	C43	\$ 53,839	\$ 67,299	\$ 80,759
12	C44/C51	\$ 57,622	\$ 72,028	\$ 86,433
13	C45/C52	\$ 62,158	\$ 77,698	\$ 93,238
14	D61	\$ 63,405	\$ 82,427	\$ 101,449
15	D62	\$ 66,310	\$ 86,203	\$ 106,096
16	D63	\$ 69,215	\$ 89,980	\$ 110,744
17	D64/D71	\$ 72,853	\$ 94,709	\$ 116,564
18	D65/D72	\$ 77,214	\$ 100,379	\$ 123,543
19	E81	\$ 81,790	\$ 110,417	\$ 139,043
20	E82	\$ 85,880	\$ 115,937	\$ 145,995
21	E83	\$ 90,174	\$ 121,734	\$ 153,295
22	E84/E91	\$ 94,682	\$ 127,821	\$ 160,960
23	E85/E92	\$ 99,416	\$ 134,212	\$ 169,008
24	F101	\$ 104,387	\$ 140,923	\$ 177,458
1F	B21	\$ 41,064	\$ 49,050	\$ 57,224
2F	B22	\$ 47,006	\$ 56,407	\$ 65,808
3F	B23	\$ 49,356	\$ 59,227	\$ 69,099
4F	C41	\$ 57,738	\$ 65,233	\$ 73,742
5F	C44/C51	\$ 66,419	\$ 73,980	\$ 84,998
1P	B22	\$ 51,049	\$ 61,259	\$ 71,469
2P	C41	\$ 62,088	\$ 71,535	\$ 82,189
3P	C45/C52	\$ 72,280	\$ 79,729	\$ 90,129



City of Rosenberg, TX Final Report

JUNE 30, 2015



Table of Contents

- Study Background
- Overview of Work Completed
- City Compensation Philosophy
- Summary of Job Analysis
- Summary of Job Evaluation
- Summary of Job Classification Study
- Survey Methodology
- Summary of Salary Data Comparisons
- Implementation Cost Options
- Administrative Recommendations
- Attachments

Study Background

- Gallagher Benefit Services, Inc.'s Fox Lawson Group (FLG) was engaged to perform a review of job classification and compensation for the City of Rosenberg (the City) and make recommendations regarding:
 - Job structure;
 - Current state of compensation;
 - Market competitiveness of specific employee benchmarks;
 - Costs associated with recommendations; and,
 - Implementation and transition options.
- The major goal of the City is to establish market comparisons to the current level of compensation paid to all City job classifications.
- The following items were provided by the City to facilitate the study:
 - Organization materials;
 - Current job descriptions; and,
 - Current compensation and pay structure information for employees.

Study Background

- Compensation and classification objectives were identified by the City during the Strategy Initiation Phase of the project. The objectives for this study are as follows:
 - Conduct a review of existing jobs to determine appropriateness of current classification structure.
 - Identification of the City's comparator labor market.
 - Development of a pay structure where the midpoint is reflective of the defined labor market's actual rates of pay.
 - Place classifications in the salary structure based on their respective job evaluation rating based on the Decision Band Method™ and market data results.

Overview of Work Completed

Project Administration

- Philosophy/Strategies
- Broad Classes
- Market-Based Comp

Classification Study

- PDQs
- Class Structures
- Employee Allocations
- Class Specifications

Internal Alignment

- Decision Band™ Method Tool
- Job Evaluation Ratings

Compensation Study

- Market Results
- Pay Structures
- Implementation Options

Compensation Philosophy

- **Broad Class Strategies**
 - Reflects the essential duties & responsibilities
 - Type and level of work;
 - Identifies distinguishing characteristics between levels within a job series.
 - Defines career ladders & minimum qualifications
 - Provides for employee growth;
 - Provide for effective management within the regulatory environment.
 - Provides flexibility for accommodating changing work assignments.

Compensation Philosophy

- Compensation Strategies
 - Compensation
 - Compensation is defined as the value of base pay, any supplemental pay and employee benefits;
 - Cash compensation and employee benefits are evaluated independently;
 - Value of compensation consistent with that offered by employers with whom the City competes.
 - Competitive Compensation
 - Reflects multiple labor markets (both public & private);
 - Job value will utilize a combination of external market parity and internal job evaluation;
 - On average, pay grades/ranges will approximate the 50th percentile of the defined labor market.

Summary of Job Analysis

- Existing job descriptions were collected and reviewed.
- Employees completed Position Description Questionnaires (PDQs) to describe the work they are currently performing.
- A classification structure was developed that consolidated and summarized jobs based on the type and level of work currently performed within the City.
 - The City reviewed and approved the recommended classification structure.
 - The classification structure was presented and approved by the client under separate cover.
- Jobs Classifications within the proposed structure were evaluated utilizing the Decision Band™ Method (DBM).

Summary of Job Evaluation

- Provides for Internal Equity
 - Purpose
 - Job evaluation establishes the relative importance of a job to the organization. Most organizations use a systematic method to evaluate jobs.
 - Method
 - For purposes of this study, the Decision Band™ Method (DBM) is the job evaluation method utilized to evaluate internal equity between City jobs.
 - DBM Characteristics
 - The value of a job should reflect the importance of the job to the City
 - The importance of a job is directly related to the decision-making requirements of the job
 - Decision-making is common to all jobs
 - Decision-making is measurable

Summary of Job Evaluation

- **Internal Alignment**

- Methodology

- The Decision Band™ Method (DBM) is a straightforward and systematic way of looking at the duties and responsibilities, the supervisory responsibilities, and the difficulty and complexity of typical duties for each class.

- Responsibility

- DBM requires a determination of the **level of** responsibility/authority exercised by employees in individual job classes.

- Bands

- The methodology recognizes six levels or “Bands” of decision making within an organization.

- Ratings

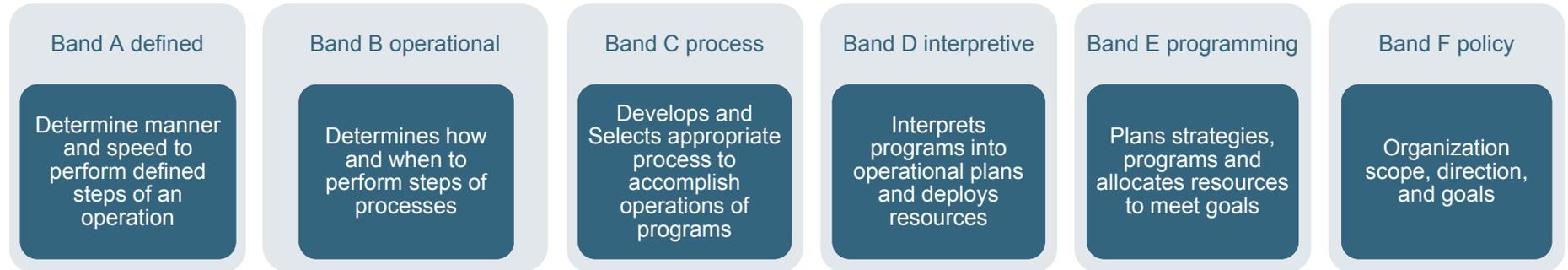
- The Decision Band™ Method was applied to each job class.

- Slotting

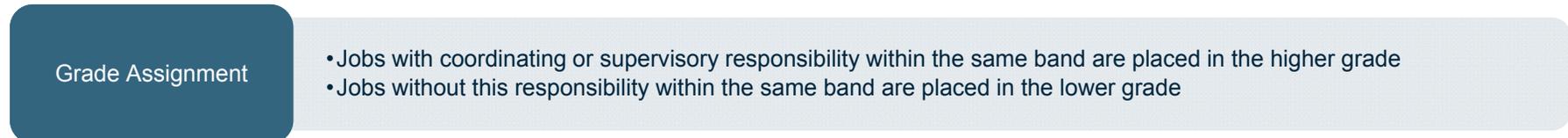
- Where market salary data was not available, job evaluation results were utilized to make recommendations.

Summary of DBM Job Evaluation

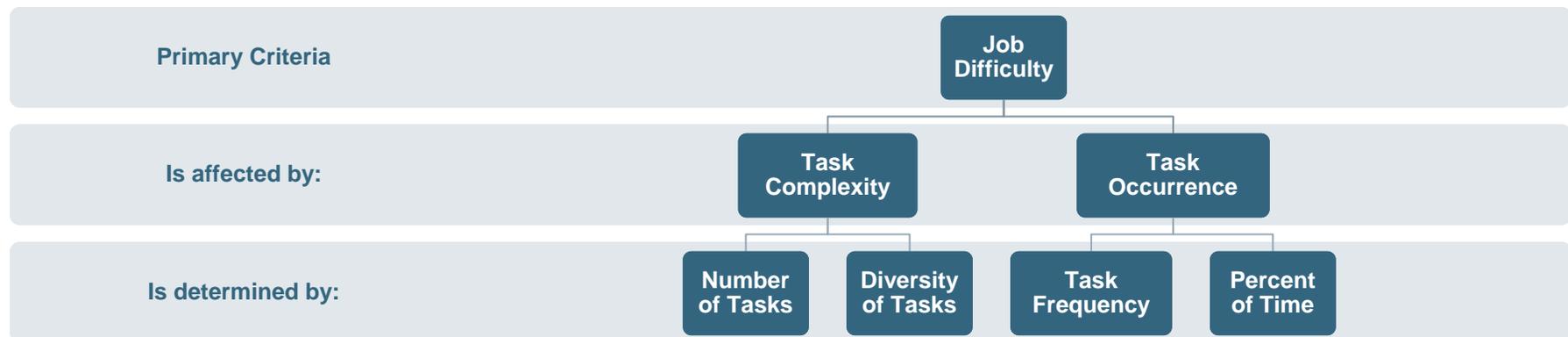
DBM Step 1: Determine appropriate band



DBM Step 2: Determine appropriate grade



DBM Step 3: Determine appropriate subgrade



Summary of Job Classification Study

Class Structure	Proposed Title	Level	DBM
Admin Support			
	Administrative Technician	1	A12-A13
	Administrative Specialist	2	B21
	Senior Administrative Specialist	3	B22-B23
	Administrative Coordinator	4	B24/B31
Code Compliance			
	Code Compliance Officer	1	A13
	Code Compliance Inspector	2	B22-B23
	Code Compliance Supervisor	3	B31
	Registered Sanitarian	Stand-alone	C41
Fiscal Services			
	Fiscal Services Technician	1	B21-B22
	Fiscal Services Specialist	2	B23
	Senior Fiscal Services Specialist	3	B31
	Fiscal Services Coordinator	4	C41-C42
Maintenance & Ops			
	Maintenance & Ops Assistant	1	A12-A13
	Maintenance & Ops Technician	2	B21-B22
	Maintenance & Ops Specialist	3	B23
	Maintenance & Ops Foreman	4	B24
	Maintenance & Ops Supervisor	5	B31-B32

Summary of Job Classification Study

Class Structure	Proposed Title	Level	DBM
Management			
	Manager	1	C44/C51
	Director	2	D61-D65/D72
	Executive Director	3	E81-E84/E91
	Assistant City Manager	4	E85
	City Manager	5	F101
Management Support			
	Management Coordinator	1	C41
	Management Analyst	2	C42
	Program Manager	3	C43
	Program Director	4	C44/C51
Public Safety Support			
	Public Safety Support Assistant	1	A12-A13
	Public Safety Support Technician	2	B21
	Public Safety Support Specialist	3	B23
	Public Safety Support Supervisor	4	B31
	Public Safety Support Coordinator	5	C41-C42

Summary of Job Classification Study

Class Structure	Proposed Title	Level	DBM
Sworn Fire			
	Firefighter	1	B21
	Senior Firefighter	2	B22
	Fire Engineer	3	B23
	Fire Captain	4	C41
	Fire Battalion Chief	5	C51
	Fire Inspector	1	B23
	Fire Marshall	2	C44
Sworn Police			
	Police Officer	1	B22
	Police Sergeant	2	C41
	Police Lieutenant	3	C52
Technology			
	Technology Support Specialist	1	B23
	Technology Supervisor	2	C42

Survey Methodology: Compiling Market Data

- Criteria utilized to determine benchmark jobs:
 - Minimum of 1/3 of job classifications;
 - Minimum of 50% of employees;
 - Representation from lowest levels to highest levels in the organization;
 - Representation across all functional areas;
 - High incumbent positions;
 - Hard to recruit positions;
 - Positions that are commonly found across employers in the marketplace so that job matches can be identified.

Survey Methodology: Comparator Organizations

- Criteria utilized to determine comparator organizations:
 - Employer size and complexity;
 - Geographic proximity to the City;
 - Nature of services provided (ie, City services);
 - Exceptions to this criteria may exist in order to achieve recruitment objectives.

Survey Methodology

- FLG, in collaboration with City Human Resources staff, requested market data from the following twenty (20) comparator market organizations:

Organization
City of Baytown
City of Bellaire
City of Conroe
City of Deer Park
City of Friendswood
City of Fulshear
City of Jersey Village
City of Katy
City of LaPorte
City of League City
City of Manvel
City of Memorial Villages
City of Missouri City
City of Pearland
City of Richmond
City of Sugar Land
City of Tomball
City of West University Place
City of Webster
Fort Bend County

- The organizations highlighted in green declined participation.
- The overall survey participation rate was 80%.

Survey Methodology

- FLG collected private sector data from the following five (5) published survey sources:

Published Survey Sources
CompData Benchmark Pro - South Central
Hay Local Area Pay
Mercer (Multiple Surveys)
PRM Not For Profit
Towers Watson (Multiple Surveys)

Survey Methodology

- FLG reviewed the data collected from selected organizations and/or published survey sources to ensure appropriate job matches and salary information.
- FLG matched comparator jobs with only those jobs that reflected at least 70% of the duties as outlined in the job description and/or PDQ.
 - If there are any questions in job matching, we reference job descriptions, organizational charts and other information to verify that the match is valid.
- All salary data are effective May 2015 and reflect an annualize basis.
- FLG follows the U.S. Department of Justice and Federal Trade Commission guidelines that state 5 job matches should exist per job in order to conduct statistical analyses and for drawing conclusions.

Survey Methodology

- FLG performed several reviews of the data to identify any extreme data and to ensure validity and reliability of the data.
- Through a statistical analysis, any salary figures that were considered extreme or an outlier in relation to all other salary figures were excluded.
- Various statistics were calculated (the 50th, 60th, and 75th percentiles and average of the market data) in analyzing the data.
- The following guidelines are used when determining the competitive nature of current compensation:
 - +/-5% = Highly Competitive
 - +/-10% = Competitive
 - +/-10-15% = Possible misalignment with market
 - >15% = Significant misalignment with market
- The data analysis was submitted through our firm's quality control process to ensure consistency, validity, and accuracy of the data presented.

Summary of Salary Data Comparisons

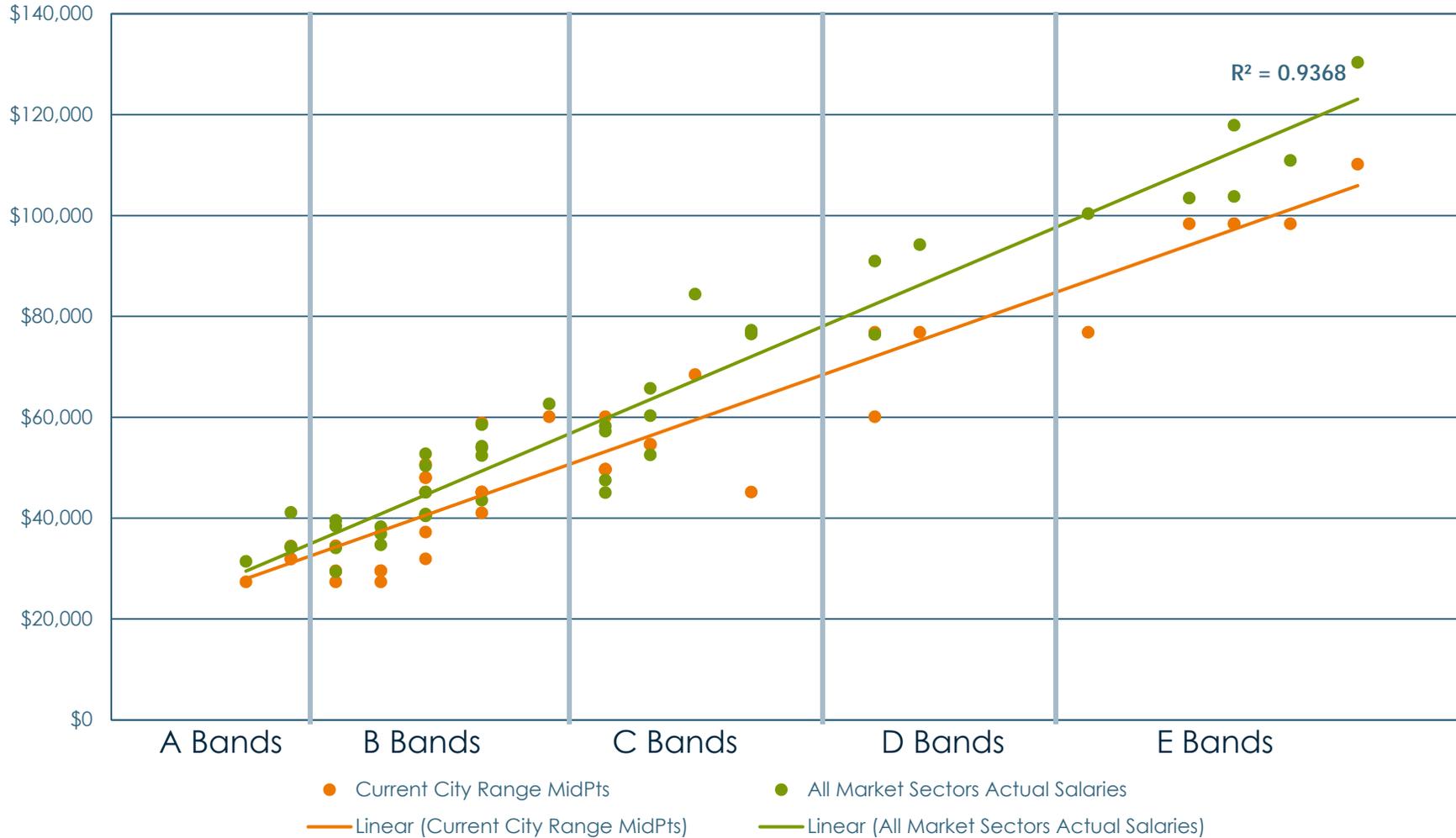
- **KEY MEASURES:** From an aggregate perspective, current range midpoints of all non-sworn jobs combined are slightly misaligned compared to the 50th percentile of actual salaries in the market, lagging the market by 12.4%.
- **KEY MEASURES:** From an aggregate perspective, current range midpoints of all sworn jobs combined are competitive compared to the 50th percentile of range maximums in the market, lagging the market by 7.3%.
- Individual benchmark comparisons vary. Longevity, performance and hiring conditions may explain some differences between the City's midpoint and actual market salary.

Summary of Salary Data Comparisons

- Graphical representations of current City range midpoints compared to the 50th percentile of actual salaries are shown on the following page and reflect how the City's range midpoints compare to market actual salaries utilizing a statistical procedure called regression analysis.
- Regression analysis was utilized to analyze the market data against the City's current range midpoints.
 - The regression trend line is used as a representation of the salary data and demonstrates the "best fit" of the market data and the City's data.

Summary of Salary Data Comparisons

City of Rosenberg
Current Range MidPoints vs Market Actual Salaries (50th %)
Non-Sworn Positions



Summary of Salary Data Comparisons

Benchmark Title	Current City Range MidPts	All Market Sectors Actual Salaries	% Diff
Accounting Clerk	\$37,211	\$42,000	-12.9%
Administrative Assistant	\$45,157	\$41,826	7.4%
Animal Control Officer	\$31,907	\$34,458	-8.0%
Animal Control Supervisor	\$45,157	\$43,526	3.6%
Assistant City Manager	\$110,178	\$128,687	-16.8%
Building Inspector	\$50,658	\$45,084	11.0%
Building Maintenance Supervisor	\$41,038	\$63,301	-54.3%
Building Official/Plan Examiner	\$60,091	\$76,401	-27.1%
City Secretary-Certified	\$76,835	\$90,960	-18.4%
Code Enforcement Officer	\$34,445	\$42,450	-23.2%
Communications Specialist	\$47,996	\$40,717	15.2%
Communications Specialist Supervisor	\$58,906	\$54,780	7.0%
Court Administrator	\$54,600	\$65,145	-19.3%
Crew Leader	\$34,445	\$39,854	-15.7%
Customer Service Representative	\$29,536	\$35,360	-19.7%
Customer Services Supervisor	\$54,600	\$54,745	-0.3%
Director of Technology	\$76,835	\$114,722	-49.3%
Driver Operator	\$48,037	\$46,699	2.8%
Executive Assistant	\$60,091	\$57,222	4.8%
Executive Director - Administrative Services	\$98,363	\$117,879	-19.8%
Executive Director Community Development	\$98,363	\$103,760	-5.5%
Finance Manager	\$45,157	\$82,180	-82.0%
Financial Analyst	\$49,650	\$59,211	-19.3%
Fire Chief	\$98,363	\$104,577	-6.3%
Fire Marshal	\$68,453	\$87,621	-28.0%

Summary of Salary Data Comparisons

Benchmark Title	Current City Range MidPts	All Market Sectors Actual Salaries	% Diff
Foreman - Street	\$45,157	\$53,912	-19.4%
Foreman - Utilities	\$45,157	\$52,388	-16.0%
GIS Administrator	\$54,600	\$65,713	-20.4%
Human Resources Director	\$76,835	\$94,208	-22.6%
IT Specialist	\$45,157	\$50,354	-11.5%
Light Equipment Operator	\$27,352	\$34,692	-26.8%
Maintenance Worker	\$27,352	\$31,406	-14.8%
Mechanic I	\$31,907	\$40,620	-27.3%
Police Chief	\$98,363	\$110,923	-12.8%
Project Director	\$76,835	\$76,485	0.5%
Public Works Supervisor	\$60,091	\$62,635	-4.2%
Recreation Program Coordinator	\$49,650	\$45,037	9.3%
Sanitarian (Registered)	\$49,650	\$47,519	4.3%
Secretary I	\$31,907	\$34,333	-7.6%
Secretary II	\$34,445	\$38,412	-11.5%
Utility Laborer	\$27,352	\$29,376	-7.4%
Utility Worker	\$29,536	\$36,881	-24.9%
Water System Tech I	\$29,536	\$38,270	-29.6%
Aggregate:			-12.4%

Summary of Salary Data Comparisons

Benchmark Title	City Range Max	Mkt Range Max	% Diff
Firefighter	\$50,159	\$61,230	-22.1%
Fire Captain	\$74,329	\$78,903	-6.2%
Battalion Chief	\$85,941	\$90,948	-5.8%
Police Officer	\$71,469	\$68,324	4.4%
Police Sergeant	\$77,168	\$83,973	-8.8%
Police Lieutenant	\$87,922	\$96,438	-9.7%
Aggregate:			-7.3%

Salary Data Recommendations

- Proposed Pay Structure: General Structure

Grade	Prop Min	Prop MidPt	Prop Max
1	\$22,370	\$25,725	\$29,080
2	\$25,653	\$29,501	\$33,349
3	\$28,937	\$33,278	\$37,618
4	\$30,878	\$37,054	\$43,230
5	\$34,035	\$40,842	\$47,649
6	\$37,182	\$44,618	\$52,054
7	\$41,123	\$49,347	\$57,572
8	\$45,848	\$55,017	\$64,187
9	\$47,797	\$59,746	\$71,695
10	\$50,818	\$63,522	\$76,227
11	\$53,839	\$67,299	\$80,759
12	\$57,622	\$72,028	\$86,433
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14	\$63,405	\$82,427	\$101,449
15	\$66,310	\$86,203	\$106,096
16	\$69,215	\$89,980	\$110,744
17	\$72,853	\$94,709	\$116,564
18	\$77,214	\$100,379	\$123,543
19	\$81,790	\$110,417	\$139,043
20	\$85,880	\$115,937	\$145,995
21	\$90,174	\$121,734	\$153,295
22	\$94,682	\$127,821	\$160,906
23	\$99,416	\$134,212	\$169,008

Salary Data Recommendations

- Proposed Pay Structure: Sworn Fire

Prop Grade	Prop Min	Prop MidPt	Prop Max
1F	\$ 40,875	\$ 49,050	\$ 57,224
2F	\$ 47,006	\$ 56,407	\$ 65,808
3F	\$ 49,356	\$ 59,227	\$ 69,099
4F	\$ 56,724	\$ 65,233	\$ 73,742
5F	\$ 62,962	\$ 73,980	\$ 84,998

- Proposed Pay Structure: Sworn Police

Grade	Prop Min	Prop MidPt	Prop Max
1P	\$ 51,049	\$ 61,259	\$ 71,469
2P	\$ 60,881	\$ 71,535	\$ 82,189
3P	\$ 69,330	\$ 79,729	\$ 90,129

Implementation Costs

- OPTION 1: Bring employees who are below the minimum of the proposed pay range minimum to the minimum rate is approximately \$276K*.
- OPTION 2: Place employees into the proposed pay structure based on time in position with movement into range based on every 2 years of service in position is approximately \$388K*. With maximum range penetration of range midpoint and no reductions in current pay.
- OPTION 3: Place employees into the proposed pay structure based on time in position with movement into range based on every 1 year of service in position is approximately \$667K*. Maximum range penetration of range midpoint and no reductions in current pay.

* The implementation costs do not include any roll-ups, such as voluntary and legally required benefits paid by the City.

Implementation Costs

- There are multiple additional implementation options available to the City which can be priced by FLG at the City's request.

Administrative Recommendations

- **Salary Structure Review/Updates**

- Annual Updates

- In order to reflect necessary increases in the minimum, job rates and maximums appropriate for each job, the salary structure should be reviewed annually. FLG can provide the City with the market percentage increase for employee salaries and salary structures on an annual basis, or the City may use a labor market index.
- It is recommended that the respective starting rates, job rates and maximums be increased by a *percentage* that reflects the market trends and the City's hiring experience. The use of a dollar amount increase would compress the structure over time.

- Long-Term Updates

- The City should reevaluate its overall structure at regular intervals (e.g., 2 to 3 years depending upon market movements) to ensure that its salary levels are consistent with the marketplace.
- This update would involve conducting a market salary study, every 2 to 3 years (depending on the economy) to make ensure that the City's pay scales and employee salaries remain competitive with it's labor market.



Arthur J. Gallagher & Co.
BUSINESS WITHOUT BARRIERS™

Thank You

Lori Messer | Senior Consultant

Gallagher Benefit Services, Inc.

480.845.6204 Main

651.234.0849 Fax

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CITY OF ROSEBERG

SPECIAL WORKSHOP COUNCIL MEETING MINUTES

On this the 30th day of June, 2015, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Special Workshop Session, in the Rosenberg City Hall Council Chamber, located at 2110 4th Street, Rosenberg, Texas.

PRESENT

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
Lisa Wallingford	Councilor, District 3
Lynn Moses	Councilor, District 4

STAFF PRESENT

Robert Gracia	City Manager
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
Tonya Palmer	Building Official
Lisa Olmeda	Human Resources Director
Ashley Scaggs	Administrative Assistant
Dallis Warren	Police Chief
Wade Goates	Fire Chief
Angela Fritz	Executive Director of Information Services
Darren McCarthy	Parks and Recreation Director
Randall Malik	Economic Development Director
James Lewis	Information Services Manager
Luis Garza	Accounting Supervisor
Daniel Kelleher	Main Street Manager
Kaye Supak	Executive Assistant
Paul Jones	GIS System Administrator
Angelia Hayes	Court Administrator

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

CALL TO ORDER.

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

AGENDA

- 1. REVIEW AND DISCUSS THE CLASSIFICATION AND TOTAL COMPENSATION STUDY AND ANALYSIS AS PRESENTED BY GALLAGHER BENEFITS SERVICES, INC., AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: On November 25, 2014, the City Council approved the Classification and Total Compensation Study and Analysis (Project) with Gallagher Benefits Services, Inc. The Project consisted of: Study Initiation and Compensation Philosophy, Classification Study, Job Evaluation, Compensation Study, and Final Report.

On January 22, 2015, a strategy meeting with the department heads and management staff was conducted and Project orientation meetings were held with City employees.

Occupational Panel Meetings were held in March 2015 with department employees to provide details relating to duties, responsibilities and career development.

All employees completed a Position Description Questionnaire (PDQ) that detailed their specific position, any related supervisory responsibilities, essential duties, knowledge/skills, education, experience, special requirements, machines, tools, and equipment, decision-making and judgments, physical factors, and working conditions.

From the PDQs, Gallagher Benefits Services, Inc., created Classification Structures, Class Specifications, Class Allocation, Decision Band Method (DBM) Ratings, Pay Structures, and Implementation Options.

Lori Messer with Gallagher Benefits Services, Inc., will present the draft of Final Report at the Workshop Meeting and will be available to answer any questions that City Council may have.

Key Discussion Points: Joyce Vasut, Executive Director of Administrative Services, read the Executive Summary. Lori Messer, Senior Consultant for Gallagher Benefit Services, Inc., gave a presentation regarding the Classification and Total Compensation Study and Analysis, and presented a draft of the final report.

- Benefits were not included in the scope of the study; however, the City of Rosenberg's benefits are in line with other Houston-area cities.
- From an aggregate perspective, current range midpoints of all non-sworn jobs combined are slightly misaligned compared to the 50th percentile of actual salaries in the market, lagging the market by 12.4%.
- From an aggregate perspective, current range midpoints of all sworn jobs combined are competitive compared to the 50th percentile of range maximums in the market, lagging the market by 7.3%.
- Three implementation options were presented, although the plan could be implemented in any number of ways.
- The general consensus was to have the Finance Committee discuss the report before further presenting any recommendations for action to City Council.
- When the compensation study was requested, there was capacity held for it in the budget in anticipation of its outcome, therefore, Finance will be including many of the recommendations of the study when preparing the final budget.

2. **REVIEW AND DISCUSS A PRESENTATION REGARDING THE ACCOUNTING AND BUDGETING CHANGES FOR THE TECHNOLOGY FUND AND TECHNOLOGY OPERATIONS, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: In order to improve the presentation and understanding of the budgeting and accounting for technology operations, maintenance and replacement, City staff is proposing to change the fund and account structure regarding technology. Currently, the majority of technology related expenses are budgeted and recorded in the Technology Fund (Fund No. 603) with a few miscellaneous items funded throughout the other departments.

The preliminary FY2016 Budget for technology, based on the current fund and account structure, is included in the agenda packet. The highlighted operational costs are proposed to be moved to the General Fund, as the Technology Department. Those line items not highlighted will remain in the Technology Fund for tracking of the maintenance and replacement of computer software, hardware and other technology related equipment.

Currently there are transfers from the General Fund, Water/Wastewater Fund and Civic Center Fund, which provide all the funding/revenues for the Technology Fund. The large transfer from the General Fund will no longer be necessary since the technology operational costs will be moved to the General Fund and the Water/Wastewater Fund will contribute its portion through the administrative transfer to the General Fund which already exists. Additionally, the maintenance and replacement costs which will remain in the Technology Fund will be budgeted in each individual department based on their individual calculated proration of the Technology Fund expense. Therefore, each department will have an Information Services Fees

Rosenberg, Texas, appropriate documents and/or agreements regarding same; and containing other provisions relating to the subject. The motion carried by a unanimous vote.

2. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1881, A RESOLUTION REGARDING THE SELECTION OF A FIRM, PURSUANT TO REQUEST FOR PROPOSALS NO. 2014-18 FOR A CLASSIFICATION AND TOTAL COMPENSATION STUDY AND ANALYSIS; AND, PROVIDING AUTHORIZATION FOR THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, AN AGREEMENT FOR PROFESSIONAL SERVICES AND/OR OTHER APPROPRIATE DOCUMENTS NECESSARY TO FACILITATE SAME.**

Executive Summary: City Council indicated their commitment to identifying deficiencies within the City's current pay and benefit structure during reviews of the City's Strategic Plan and FY2015 Budget.

In order to ensure both the internal and external equity of the structure by which employees are classified and compensated, as well as the way positions relate and compare to one another across the organization, and to implement clear and consistent guidelines going forward, staff prepared Request for Proposal No. 2014-18 (RFP) for a Classification and Total Compensation Study and Analysis.

An objective, comprehensive and comparative analysis of classification and total compensation will identify and provide the necessary tools and structure for the City to:

- ensure that every employee earns an appropriate, adequate and equitable wage;
- facilitate employee development and retention;
- remain competitive and relevant in the municipal labor market; and
- provide a structured approach to add personnel in the future.

Respondents were asked to include the cost to provide a study initiation and compensation philosophy, job evaluation study, classification study, compensation study, and final report in their responses.

The RFP was posted on the City's website and distributed to eight (8) consulting firms. The City received five (5) proposals and one (1) no-bid. A staff committee, consisting of directors and the City Manager, reviewed and ranked the proposals received, determining that the most favorable submitters were Gallagher Benefit Services, Inc., and Hay Group, Inc. The two (2) firms were given an opportunity to present their proposals in person to the staff committee, and Gallagher Benefit Services, Inc., was unanimously selected to recommend to City Council. Lori Messer, Senior Consultant of Gallagher Benefit Services, Inc., will present an overview of the firm's proposal.

Staff recommends approval of Resolution No. R-1881 authorizing the selection of Gallagher Benefit Services, Inc., to prepare and present a Classification and Total Compensation Study and Analysis for the City; and further authorizes the City Manager to negotiate and execute an Agreement for Professional Services (Agreement), along with other appropriate documents as necessary.

Should City Council choose to adopt Resolution No. R-1881, the Agreement will serve as Exhibit "A" to the Resolution, and a Budget Amendment will be presented to City Council at a future meeting to allocate the necessary additional funds.

Key discussion points:

- Joyce Vasut, Executive Director of Administrative Services read the Executive Summary.
- Lori Messer, MA, CCP, Arthur Gallagher & Co. was present at the meeting to answer questions.
- A PowerPoint was presented by Joyce Vasut and Lori Messer.

Questions/Comments:

Q: Has outsourcing been recommended?

A: They are looking whether or not staffing levels are appropriate and on what is being done and what is being paid.

Q: Will all employees be asked about their present jobs and what they do?

A: Yes. It allows every employee to share what they do in their everyday work.

Q: What do you hope to get out of that?

A: Joyce Vasut stated we have a system that is broken and that is not fair and equitable. They will go over classifications to make sure they are classified correctly. Presently we use a point system that is

over 20 years old and we are not familiar with it. Human Resources would get training on the system to help us keep going. It will be a plan on how to attract employees and keep them.

Q: With the development of an organization compensation system and salary structure, will the project be updated to stay current?

A: Yes, annual recommended salary structure adjustments based on real market data are provided.

Q: Will there be organization charts telling the hierarchy of the organization?

A: No, that is not part of the scope.

Q: What do you mean regarding a broken system?

A: Staff is not familiar with the system developed 20 years ago.

- Councilor Benton expressed concern with the funding of a study and suggested current staff with the help of an intern could pole other cities for comparisons. He does not feel a study is needed.
- Mayor Morales, Councilor McConathy, Pena, Euton, Grigar and Barta agreed the study is needed and is long overdue.

Action: Councilor McConathy made a motion, seconded by Councilor Barta to approve Resolution No. R-1881, a Resolution regarding the selection of a firm, pursuant to Request for Proposals No. 2014-18 for a Classification and Total Compensation Study and Analysis; and, providing authorization for the City Manager to negotiate and execute, for and on behalf of the City, an Agreement for Professional Services and/or other appropriate documents necessary to facilitate same. **The motion carried by a vote of 6 to 1 as follows: Yeses: Mayor Morales, Councilors McConathy, Pena, Euton, Grigar and Barta. No: Councilor Benton.**

3. **HOLD EXECUTIVE SESSION FOR CONSULTATION WITH ATTORNEY TO SEEK ADVICE ON LEGAL MATTERS PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE CONCERNING THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION'S MUNICIPALITIES CONTINUING DISCLOSURE COOPERATION INITIATIVE.**

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

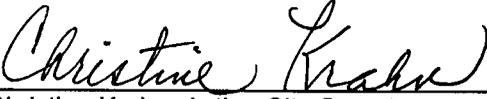
An Executive Session was held for consultation with Attorney to seek advice on legal matters pursuant to Section 551.071 of the Texas Government Code concerning the United States Securities and Exchange Commission's Municipalities Continuing Disclosure Cooperation Initiative.

4. **ADJOURN EXECUTIVE SESSION, RECONVENE INTO SPECIAL SESSION, AND TAKE ACTION AS NECESSARY AS A RESULT OF EXECUTIVE SESSION.**

Mayor Morales adjourned the Executive Session and reconvened into Special Session at 7:18 p.m. No action was taken as a result of Executive Session.

5. **ADJOURNMENT.**

There being no further business Mayor Morales adjourned the meeting at 7:19 p.m.



Christine Krahn, Acting City Secretary

CITY OF ROSENBERG
FINANCE AUDIT COMMITTEE MEETING MINUTES
*****Draft*****

On this 22nd day of July, 2015, the Finance Audit Committee met in a regular session held at the Rosenberg City Hall Council Office, located at 2110 4th Street, Rosenberg, Texas 77471.

PRESENT:

Cynthia McConathy	Mayor
Susan Euton	Councilor, District 1
William Benton	Councilor At Large, Position 1
Lynn Moses	Councilor, District 4
Robert Gracia	City Manager
John Maresh	Assistant City Manager
Joyce Vasut	Executive Director of Administrative Services
Lisa Olmeda	Human Resources Director
Wade Goates	Fire Chief
Tracie Dunn	Assistant Police Chief
Linda Cernosek	City Secretary

Call to Order:

Joyce Vasut, Executive Director of Administrative Services, called the meeting to order at 12:00 p.m.

1. **CONSIDERATION OF AND ACTION ON FINANCE/AUDIT COMMITTEE MEETING MINUTES FOR JULY 13, 2015.**

Mayor McConathy made a motion, seconded by Councilor Euton to approve the Finance/Audit Committee Meeting minutes for the July 13, 2015 meeting. The motion carried by a unanimous vote.

2. **CONSIDERATION OF AND ACTION ON THE CITY'S DRAFT CLASSIFICATION AND COMPENSATION PLAN AS SUBMITTED BY GALLAGHER BENEFITS SERVICES, INC.**

Executive Summary: On July 13, 2015, the Finance/Audit Committee (Committee) reviewed the Draft Final Report, Classification and Compensation Plan (Plan), and additional information.

Executive Director of Administrative Services Joyce Vasut addressed the Committee's questions and concerns.

The Committee Members requested additional information regarding cell phone allowances, auto allowances, incentive pay and the implementation of Option 1 for the 96 employees. The requested information was provided under separate confidential cover.

The Committee may make a recommendation to the City Council for consideration at a Regular City Council Meeting.

Key discussion points:

- Clarification was made that Option 1 and the 2.5% merit increase are two separate things. Historically, there are not a significant number of employees who do not qualify for a 2.5% merit increase.
- Discussion was held to review the incentive pay and benefits next fiscal year budget.
- The Committee agreed with the Implementation of Option 1, but requested those with any disciplinary action and the executive directors be excluded.
- It was suggested to begin the review of the insurance benefits and all employee benefits earlier in the year, such as early May, so there is ample time for a full review rather than a few weeks before the budget should be finalized.
- Joyce Vasut mentioned there are three (3) grades in the Fire Department and two

(2) grades in the Police Department that are currently being paid at a higher minimum than the proposed minimum in the study.

- The Compensation Study is a report and guideline for the City to tweak as needed.
- Retain Gallagher Benefits Services, Inc. to review and update the study annually and recommend if there should be a market adjustment.
- Joyce Vasut stated the cost is \$2500 annually have the consultant review the plan and market data so the City Compensation Plan stays current. This amount is included in the FY2015-2016 Proposed Budget.

Action: Mayor McConathy made a motion, seconded by Councilor Euton to approve the Compensation Salary Study adopting Option 1, excluding those employees with disciplinary action and the executive directors, and adoption of the revised compensation plan to include new minimums for the fire and police departments. The motion carried unanimously.

3. **ADJOURNMENT.**

There being no further business, the meeting was adjourned at 12:30 p.m.

--draft--

Linda Cernosek, TRMC, City Secretary

CITY OF ROSENBERG

FINANCE AUDIT COMMITTEE MEETING MINUTES

On this 13th day of July, 2015, the Finance Audit Committee met in a regular session held at the Rosenberg City Hall Council Office, located at 2110 4th Street, Rosenberg, Texas 77471.

PRESENT:

Cynthia McConathy	Mayor
Susan Euton	Councilor, District 1
William Benton	Councilor At Large, Position 1
Lynn Moses	Councilor, District 4
Robert Gracia	City Manager
John Maresh	Assistant City Manager
Joyce Vasut	Executive Director of Administrative Services
Lisa Olmeda	Human Resources Director
Wade Goates	Fire Chief
Tracie Dunn	Assistant Police Chief
William Henry	Police Lieutenant

Call to Order:

Joyce Vasut, Executive Director of Administrative Services, called the meeting to order at 12:00 p.m.

1. **CONSIDERATION OF AND ACTION ON FINANCE/AUDIT COMMITTEE MEETING MINUTES FOR JULY 7, 2015.**

Mayor McConathy made a motion, seconded by Councilor Euton to approve the Finance/Audit Committee Meeting minutes for the July 7, 2015 meeting. The motion carried by a unanimous vote.

2. **CONSIDERATION OF AND ACTION ON THE DRAFT CITY'S CLASSIFICATION AND COMPENSATION PLAN, SUBMITTED BY GALLAGHER BENEFITS SERVICES, INC.**

Executive Summary: On July 7, 2015, the Finance/Audit Committee (Committee) reviewed the Draft Final Report and the Classification and Compensation Plan (Plan). Executive Director of Administrative Services Joyce Vasut and Lori Messer with Gallagher Benefits Services, Inc., addressed staff's questions and concerns as follows: proposed midpoint is equal to market; proposed minimums are less than current minimums; disparity between Fire and Police; and, the inability to fill positions at minimum. Joyce Vasut also provided recommended options for implementation, including examples of how Option 2 could be tied to the City's Merit Program.

The Committee Members requested additional information regarding the Implementation of Option 1 for the 96 employees. The requested information was provided under separate confidential cover on July 7, 2015 prior to the Regular City Council Meeting.

The Committee may make a recommendation to the City Council for consideration at a Regular City Council Meeting.

Key discussion points:

- Employees should be evaluated to determine if adequate performance and no disciplinary issues are noted in order to receive additional compensation.
- The Classification and Total Compensation Study Scope of Work did not include benefits. The committee would like to see a list for Vehicle Allowances, Phone Allowances and Incentive Pay.
- The Committee requested Department Head feedback on the employees that were eligible to receive or not to receive the proposed increase under Option 1 as presented by Gallagher Benefits Services, Inc. for the total amount of \$276,044.

Questions/Answers:

- *What defines disciplinary action – verbal, written?* A: An employee who has received any disciplinary action during his or her annual evaluation period will be ineligible for a merit increase for that period. The employee will be ineligible until his or her next annual evaluation date.
- *Who approved the new job descriptions?* A: The job specifications, and class structures prepared by Gallagher Benefits Services, Inc. along with the current City of Rosenberg's job descriptions were sent to the Executive Team for their review and recommendations.

Request to Staff from the Committee: Prepare a report with the following items to give to the Mayor and Council Members:

- Current salary of 96 employees (as per Option #1) that are below the proposed minimum; employees' proposed class structure, and proposed class title, new hire employee orientation period eligibility, and department head eligible.
- List of employees receiving cellular phone allowance.
- List of employees receiving a vehicle allowance.
- List of employees receiving incentive pay.
- Discussion was held to have another Finance Audit Committee Meeting on Wednesday, July 22, 2015.

3. **ADJOURNMENT.**

There being no further business, the meeting was adjourned at 12:37 p.m.



Linda Cernosek, TRMC, City Secretary

CITY OF ROSENBERG

FINANCE AUDIT COMMITTEE MEETING MINUTES

On this 7th day of July, 2015, the Finance Audit Committee met in a regular session held at the Rosenberg City Hall Council Office, located at 2110 4th Street, Rosenberg, Texas 77471.

PRESENT:

Cynthia McConathy	Mayor
Susan Euton	Councilor, District 1
William Benton	Councilor At Large, Position 1
Jimmie J. Pena	Councilor, District 1
Lynn Moses	Councilor, District 4
Robert Gracia	City Manager
Linda Cernosek	City Secretary
Joyce Vasut	Executive Director of Administrative Services
Luis Garza	Accounting Supervisor
Wade Goates	Fire Chief
Jeff Trinker	Executive Director of Support Services
Lori Messer	Gallagher Benefits Services, Inc.

Call to Order:

Joyce Vasut, Executive Director of Administrative Services, called the meeting to order at 12:02 p.m.

1. **CONSIDERATION OF AND ACTION ON FINANCE/AUDIT COMMITTEE MEETING MINUTES FOR FEBRUARY 17, 2015.**

Mayor McConathy made a motion, seconded by Councilor Euton to approve the Finance/Audit Committee Meeting minutes for the February 17, 2015 meeting. The motion carried by a unanimous vote.

2. **CONSIDERATION OF AND ACTION ON THE DRAFT CITY'S CLASSIFICATION AND COMPENSATION PLAN, SUBMITTED BY GALLAGHER BENEFITS SERVICES, INC.**

Executive Summary: On June 30, 2015, Lori Messer with Gallagher Benefits Services, Inc. provided a presentation of the draft of the Final Report for the Classification and Compensation Study. After discussion, City Council agreed to defer the discussions regarding the Final Report, Classification and Compensation Plan (Plan), and implementation cost options to the City's Finance Committee (Committee).

A draft of the Final Report and Plan are attached to these minutes. Ms. Messer will attend the Finance/Audit Committee meeting to answer any questions that you may have regarding the Final Report, the Plan or the implementation costs. The Committee may make a recommendation to the City Council for consideration at the July 7, 2015 City Council Meeting.

Key discussion points:

- Joyce Vasut, Executive Director of Administrative Services, and Lori Messer with Gallagher Benefits Services, Inc. addressed Staff's Questions and Concerns as follows:
 - Proposed Midpoint is equal to Market
 - Proposed Minimums are less than Current Minimums
 - Disparity between Fire and Police
 - Unable to Fill Positions at Minimum

Questions/Answers:

- Isn't the minimum rate for entry level positions? The market bears the scale from the lowest to the highest. A: Correct.
- Was the certification pay taken out of the salary study? A: In some instances the certification pay was included in the salaries. Gallagher Benefits Services, Inc. does have data on what the market is paying on certification pay through the Gulf

Coast Texas Salary Survey, which the City participated in.

- Why wasn't Council made aware of what specific positions were underpaid? A: In years past, the City did an assessment of all positions—in the police department we found there were Sergeants making more money than Lieutenants, which the salaries were adjusted as approved by City Council. In prior years when the City adopted a formal compensation plan, annual maintenance was not conducted; therefore, compression became evident. It was pertinent that the City be instrumental in continuing maintenance on the Compensation Plan in order for the plan to enable effectiveness. The City needs to address the salary ranges and develop a plan that will correct any deficiencies. The City hired a consulting firm to provide an expert opinion based on facts; therefore, the Compensation Plan should not be based on emotions.
- There are 96 out of a total of 261 employees in Option 1 of the Implementation that are below the minimum proposed rate.
- The City does performance evaluations annually, which the ratings are tied to the Merit Program.
- Lori Messer: One of our recommendations is if an employee is on a Performance Improvement Plan, we never give them money, until their performance is improved.
- There is a disparity between the City's fire and police departments, why is that?
- Lori Messer: Normally, on market data, the police officers are paid at a higher rate, because the police officers are alone most of the time; whereas, the firefighters work as a team.
- Minimum salary does not provide for adequate applicants to fill vacancies in some areas: 1) Mechanics (Fleet Maintenance); 2) Code Enforcement Officers; 3) Building Inspectors; 4) Communication Specialists (dispatch).
- Robert Gracia stated that some years ago the City offered a sign on bonus and the program was not very successful.
- **Proposed Options(s) to Implement:**
 - *Option #1 – Brings employees who are below the minimum of the proposed pay range minimum to the minimum rate. (\$276,000. (Note: 96 employees are below the proposed minimum)*
 - *Option #2 – Place employees into the proposed pay structure (between minimum and midpoint) based on a step increase for every two years of service in current position. (Additional \$112,000). (Note: 30 of the 96 plus 31 additional employees are eligible for option #2.)*
 - *Option #3 – Place employees into the proposed pay structure (between minimum and midpoint) based on a step increase for every one year of service in current position. (Additional \$391,000).*
 - General consensus of the Committee was to not give an increase to employees not performing.
- **Recommended Option(s) for Implementation:**
 - Implement Option #1 as presented by October 1, 2015.
 - Implement Option #2 along with the City's Merit Increase Process
 - Ties the years of service in position increase (Option #2) to performance;
 - Allows all employees to be eligible for a merit increase;
 - Performance evaluation rating is used to determine percentage of years of service in position increase (0% to 100%);
 - If employee is eligible for both, they receive the larger (\$ amount) of the merit increase or the years of service in position increase.

Request to Staff from the Committee: Prepare a report with the following items to give to the Mayor and Council Members:

- Current salary of 96 employees (as per Option #1) that are below the proposed minimum; their tenure; and if they are eligible or not eligible for a raise (due to disciplinary issues).
- Discussion was held to have another Finance Audit Committee Meeting on Monday, July 13, 2015.



CITY COUNCIL COMMUNICATION

August 04, 2015

ITEM #	ITEM TITLE
6	West Fort Bend Management District Funding for FY2016
ITEM/MOTION	
Review and discuss funding for the West Fort Bend Management District, and take action as necessary.	
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. City Council Meeting Draft Minute Excerpt – 07-21-15

APPROVALS

Submitted by:

Cynthia McConathy/rl

Cynthia A. McConathy
Mayor

Reviewed by:

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

Approved for Submittal to City Council:


Robert Gracia
City Manager

EXECUTIVE SUMMARY

This Agenda item has been requested to allow for City Council discussion regarding funding for the West Fort Bend Management District for FY2016.

and Shawn Schulze (Mechanical Rep HVAC) to the Building and Standards Board. The motion carried by a unanimous vote.

Image Committee

Action: Councilor Benton made a motion, seconded by Councilor Euton, to reappoint Joyce Bartos, Linda Carroll, Rufus Guebara III, Stanley Kucherka, and Sergio Villagomez** (Sergio Villagomez was later appointed to Planning Commission; therefore, will not serve on Image Committee, per City Charter rules); and, to appoint Cathi Cross, Eric Ramirez, and Marcus Morales to the Image Committee. The motion carried by a unanimous vote.

The motion carried by a vote of 6 to 1 as follows: Yeses: Mayor McConathy, Councilors Benton, Barta, Pena, Euton, and Moses. No: Councilor Wallingford.

Parks and Recreation Board

Action: Councilor Moses made a motion, seconded by Councilor Benton, to reappoint William Allen, Teresa Bailey, Melissa Dixon, Rudy Guerrero, Bertha Nell Kelm, Stanley Kucherka, Raymond Kueck, Eric Ramirez, and Julia Worley; and, to appoint Lila Villagomez to the Parks and Recreation Board. The motion carried by a unanimous vote.

Planning Commission

Action: Mayor McConathy made a motion, seconded by Councilor Moses, to reappoint Lester Phipps, Jr., Wayne Poldrack, and James Urbish; and, to appoint Charlotte Davis, Steven Monk, and Sergio Villagomez to the Planning Commission. The motion carried by a unanimous vote.

The motion carried by a vote of 5 to 2 as follows: Yeses: Mayor McConathy, Councilors Benton, Barta, Pena, and Moses. Noes: Councilors Euton and Wallingford.

****According to City Charter, Planning Commissioners may not serve on any other City committees. Therefore, Sergio Villagomez is rendered unable to serve on the Image Committee as a result of his appointment to the Planning Commission.**

4. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-2003, A RESOLUTION DESIGNATING A DIRECTOR TO THE WEST FORT BEND MANAGEMENT DISTRICT BOARD OF DIRECTORS FOR A FOUR-YEAR TERM BEGINNING JUNE 01, 2015, AND ENDING JUNE 01, 2019.**

Executive Summary: The West Fort Bend Management District (the "District") has requested that the City appoint an applicant to serve as a Board Director for a four-year term to run from June 01, 2015, to June 01, 2019. Anthony Sulak currently serves as Rosenberg's representative on the District's Board of Directors. Per the correspondence included in the agenda packet from Mandi Bronsell, Executive Director of the District, the legislation creating the District, Texas Special District Local Laws Code Section 3835.052, provides that the City will appoint the District's Directors from persons recommended by the District's Board of Directors.

Two (2) applications were received by the District for the new term: Anthony Sulak and Ronald E. Ewer. The proposed Resolution No. R-2003 will allow City Council to designate the Rosenberg representative to serve on the District Board of Directors for a four-year term. The applications for Mr. Sulak and Mr. Ewer are attached to the correspondence from Ms. Bronsell for City Council's review and consideration.

Key Discussion Points: Mayor McConathy read the Executive Summary.

Action: Councilor Benton made a motion, seconded by Councilor Moses, to table the item. The motion carried by a unanimous vote.

5. **REVIEW AND DISCUSS PRESENTATION REGARDING THE CITY'S FY2016 BUDGET/ROSENBERG DEVELOPMENT CORPORATION'S FY2016 BUDGET, AND TAKE ACTION AS NECESSARY.**

Executive Summary: This Agenda item allows the City Manager to submit the FY2016 Proposed Budget for the City of Rosenberg and the Rosenberg Development Corporation (RDC) to the City Council. The Executive Director of Administrative Services will present the highlights of the FY2016 Proposed Budgets. City Council will be given the opportunity to review and discuss the Proposed Budgets during the presentations prepared for future meetings, workshops and

public hearings.

Key Discussion Points: Robert Gracia, City Manager, read the Executive Summary and Joyce Vasut, Executive Director of Administrative Services, gave a presentation on the Summary of FY2016 Proposed Budget. No action was taken on this item. Mayor McConathy requested that an item be added to a future agenda to discuss RDC funding the West Fort Bend Management District because Council may not approve or disapprove line items of the Rosenberg Development Corporation budget, only approve or disapprove the entire budget, and because this item did not include discussion regarding funding the West Fort Bend Management District. This item will be added to the August 4, 2015, Regular City Council Meeting Agenda.

6. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-2005, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A CONTRACT FOR ENGINEERING SERVICES FOR PHASE II - SANITARY SEWER PIPEBURSTING PROJECT, FOR ENGINEERING AND SURVEYING SERVICES FOR THE SANITARY SEWER PIPEBURSTING PROJECT, BY AND BETWEEN THE CITY AND KELLY R. KALUZA AND ASSOCIATES, INC., IN THE AMOUNT OF \$446,500.00.**

Executive Summary: During the January 28, 2014, City Council Workshop, staff provided information regarding the overall condition of the sanitary sewer collection system within the Wastewater Treatment Plant No. 1A service area. Cost estimates to replace the remainder of the sewer collection system lines, certain lift stations, and replacement of the chemical disinfection system at the wastewater treatment plant were also provided. The overall objective is to complete the rehabilitation work in this service area within the next three (3) to four (4) year period. This Project is included in the FY2016 Capital Improvement Plan approved by City Council as Resolution No. R-1997 on July 07, 2015.

The proposed Sanitary Sewer Pipe Bursting Project (Project) – Phase II is the next phase of the sewer collection system line replacement. This Project will continue replacement of collection system lines south of Avenue F. This Project is necessary to maintain compliance with Texas Commission on Environmental Quality (TCEQ) regulations regarding sanitary sewer overflows and increased inflow/infiltration flows experienced during rain events. The 2014 Certificates of Obligation Phase I Capital Project balance has sufficient funding for the engineering services. Upon completion of the engineering design and bidding process, the construction bid award would be placed on a future Agenda for City Council consideration and approval. The preliminary construction cost estimate for this phase of the Project is approximately 3.3 million dollars. The construction will be funded with proceeds from proposed Certificates of Obligation, which will also be presented at a future City Council Meeting prior to December 31, 2015.

Staff recommends approval of Resolution No. R-2005, authorizing the City Manager to execute a Contract for Engineering Services for Sanitary Sewer Pipe Bursting Project – Phase II with Kelly R. Kaluza & Associates, Inc., for the engineering and surveying services for the Sanitary Sewer Pipe Bursting Project, in the amount of \$446,500.00.

Key Discussion Points: John Maresh, Assistant City Manager of Public Services, read the Executive Summary.

Action: Councilor Barta made a motion, seconded by Councilor Euton, to approve Resolution No. R-2005, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Contract for Engineering Services for Phase II - Sanitary Sewer Pipebursting Project, for engineering and surveying services for the Sanitary Sewer Pipebursting Project, by and between the City and Kelly R. Kaluza and Associates, Inc., in the amount of \$446,500.00. The motion carried by a unanimous vote.

7. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-2006, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A PROPOSAL FOR ENGINEERING AND SURVEYING SERVICES FOR LIFT STATION NO. 2 REPLACEMENT, BY AND BETWEEN THE CITY AND JONES AND CARTER, INC., IN THE AMOUNT OF \$290,000.00.**



CITY COUNCIL COMMUNICATION

August 04, 2015

ITEM #	ITEM TITLE
7	Rosenberg Development Corporation FY2016 Budget
ITEM/MOTION	
Review and discuss a presentation regarding the Rosenberg Development Corporation FY2016 Budget, and take action as necessary.	
FINANCIAL SUMMARY	ELECTION DISTRICT

Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

- Yes No N/A

Source of Funds: N/A

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

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

1. Rosenberg Development Corporation Fund – 2015-16 Budget
2. Rosenberg Development Corporation Projects Fund – 2015-16 Budget
3. Rosenberg Development Corporation Meeting Draft Minute Excerpt – 07-09-15

APPROVALS**Submitted by:**

Randall Malik
Economic Development
Director

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 July 09, 2015, the Rosenberg Development Corporation (RDC) approved submittal of the RDC FY2016 Budget to City Council. Randall Malik, Economic Development Director, also serves as the RDC Executive Director. Mr. Malik will provide an overview of the proposed RDC FY2016 Budget to City Council on behalf of the RDC.

**CITY OF ROSENBERG, TEXAS
2015-16 BUDGET**

ROSENBERG DEVELOPMENT CORPORATION FUND

FUND: 219

Classification	2013-14 Actual	2014-15 Adopted Budget	2014-15 Adjusted Budget	2014-15 Estimate	2015-16 Budget
ROSENBERG DEVELOPMENT CORPORATION FUND SUMMARY					
Resources:					
Total Beginning Balance	\$ 4,982,451	\$ 2,667,525	\$ 3,755,279	\$ 3,755,279	\$ 5,372,415
Revenues and Transfers In	<u>4,117,721</u>	<u>3,845,000</u>	<u>3,845,000</u>	<u>4,313,245</u>	<u>4,313,245</u>
Total Funds Available	<u>9,100,172</u>	<u>6,512,525</u>	<u>7,600,279</u>	<u>8,068,524</u>	<u>9,685,660</u>
Uses/Deductions:					
Expenditures and Transfers	5,344,893	3,285,469	3,455,469	2,696,109	5,486,568
Ending Fund Balance:					
Total Ending Balance	3,755,279	3,227,056	4,144,810	5,372,415	4,199,092
Reserved for Contingency	1,017,090	964,943	964,943	964,943	794,991
Unreserved ending balance	<u>2,738,189</u>	<u>2,262,113</u>	<u>3,179,867</u>	<u>4,407,472</u>	<u>3,404,101</u>
Fund Total	<u>\$ 9,100,172</u>	<u>\$ 6,512,525</u>	<u>\$ 7,600,279</u>	<u>\$ 8,068,524</u>	<u>\$ 9,685,660</u>
Net Revenues (Expenditures)	(1,227,172)	559,531	389,531	1,617,136	(1,173,323)

**CITY OF ROSENBERG, TEXAS
2015-16 BUDGET**

ROSENBERG DEVELOPMENT CORPORATION FUND

FUND: 219

Classification	2013-14 Actual	2014-15 Adopted Budget	2014-15 Adjusted Budget	2014-15 Estimate	2015-16 Budget	Var %
~ REVENUE & EXPENDITURE SUMMARY ~						
REVENUES:						
402-0000 Sales Tax	\$ 3,067,476	\$ 2,840,000	\$ 2,840,000	\$ 3,144,427	\$ 3,144,427	
402-1000 BTC 1 Sales Tax	580,432	575,000	575,000	623,341	623,341	
402-2000 BTC 2 Sales Tax	466,269	425,000	425,000	501,661	501,661	
402-3000 Downtown Sales Tax	-	-	-	41,816	41,816	
451-0000 Interest Earnings	3,544	5,000	5,000	2,000	2,000	
TOTAL REVENUES	\$ 4,117,721	\$ 3,845,000	\$ 3,845,000	\$ 4,313,245	\$ 4,313,245	12.2%
EXPENDITURES:						
Administration: (219-1000-540)						
31 10 Office Supplies	\$ 988	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	
31 20 Computer Supplies	1,252	2,000	2,000	1,588	2,500	
31 35 Board Meeting and Director's Expenses	1,192	1,700	1,700	1,700	1,700	
51 20 General Insurance	229	400	400	277	400	
55 10 Education and Training	3,285	8,250	8,250	7,500	9,000	
57 10 Administration Services - City Reimb.	242,734	244,374	244,374	244,374	249,500	
Subtotal	249,680	257,724	257,724	256,439	264,100	2.5%
Marketing: (219-2000-540)						
31 35 Business Recruitment	1,297	-	-	-	-	
42 35 Dues, Subscriptions, and Service Contracts	50,165	-	-	-	-	
43 91 GFBEDC	12,500	12,500	12,500	12,500	12,500	
52 20 Postage	108	200	200	30	200	
52 30 Freight and Express	-	100	100	50	100	
53 10 Advertising	28,897	30,500	30,500	24,250	29,500	
54 10 Printing and Binding	3,762	4,500	4,500	9,500	4,500	
57 30 Business Retention	7,919	-	-	-	-	
Subtotal	104,648	47,800	47,800	46,330	46,800	-2.1%
West Fort Bend Management: (219-4004-540)						
43 90 RDC Memberships	40,000	-	-	-	-	
Subtotal	40,000	-	-	-	-	100.0%
Memberships and Services: (219-3000-540)						
31 35 Business Recruitment	-	9,000	9,000	2,400	8,500	
42 35 Dues, Subscriptions, and Service Contracts	-	17,627	17,627	5,422	6,977	
43 90 RDC Memberships	-	83,000	83,000	85,200	80,200	
57 30 Business Retention	-	10,000	10,000	-	-	
Subtotal	-	119,627	119,627	93,022	95,677	-20.0%
Professional Services: (219-5000-540)						
43 15 Engineering Fees	-	-	-	35,000	35,000	
43 90 Legal Fees	21,704	40,000	80,000	60,000	40,000	
Subtotal	21,704	40,000	80,000	95,000	75,000	-6.3%
Business Retention and Expansion: (219-6000-540)						
57 25 Prospective Business Incentive	-	-	-	-	500,000	
57 30 Business Appreciation Luncheon	-	-	-	-	10,000	
Subtotal	-	-	-	-	510,000	100.0%
Infrastructure: (219-7000-540)						
57 25 Prospective Business Incentive	44,621	500,000	500,000	10,000	-	
81 10 Principal	779,700	767,235	767,235	767,235	617,770	
81 20 Interest	219,694	197,708	197,708	197,708	177,221	
92 25 Transfer to RDC Projects Fund	3,884,846	1,355,375	1,485,375	1,230,375	3,700,000	
Subtotal	4,928,861	2,820,318	2,950,318	2,205,318	4,494,991	52.4%
TOTAL EXPENDITURES	\$ 5,344,893	\$ 3,285,469	\$ 3,455,469	\$ 2,696,109	\$ 5,486,568	58.8%

**CITY OF ROSENBERG, TEXAS
2015-16 BUDGET**

RDC PROJECTS FUND

FUND: 225

Classification	2013-14 Actual	2014-15 Adopted Budget	2014-15 Adjusted Budget	2014-15 Estimate	2015-16 Budget
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RDC PROJECTS FUND SUMMARY

Resources:

Total Beginning Balance	\$ 1,313,937	\$ 818,808	\$ 4,641,253	\$ 4,641,253	\$ 4,771,953
Revenues and Transfers In	<u>3,886,386</u>	<u>1,356,075</u>	<u>1,616,075</u>	<u>1,361,075</u>	<u>3,700,700</u>
Total Funds Available	<u>5,200,323</u>	<u>2,174,883</u>	<u>6,257,328</u>	<u>6,002,328</u>	<u>8,472,653</u>

Uses/Deductions:

Expenditures and Transfers	559,070	1,355,375	1,485,375	1,230,375	3,700,000
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Ending Fund Balance:

Total Ending Balance	4,641,253	819,508	4,771,953	4,771,953	4,772,653
Fund Total	<u>\$ 5,200,323</u>	<u>\$ 2,174,883</u>	<u>\$ 6,257,328</u>	<u>\$ 6,002,328</u>	<u>\$ 8,472,653</u>

Net Revenues (Expenditures)	3,327,316	700	130,700	130,700	700
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**CITY OF ROSENBERG, TEXAS
2015-16 BUDGET**

RDC PROJECTS FUND

FUND: 225

Classification	2013-14 Actual	2014-15 Adopted Budget	2014-15 Adjusted Budget	2014-15 Estimate	2015-16 Budget	Var %
~ REVENUE & EXPENDITURE SUMMARY ~						
REVENUES:						
423-4000 Other Gov'tal Entities	\$ 1,700,000	\$ -	\$ -	\$ -	\$ -	
451-0000 Interest Earnings	1,540	700	700	700	700	
481-3000 Transfer from RDC	2,184,846	1,355,375	1,485,375	1,230,375	3,700,000	
481-9101 Transfer from General Fund	-	-	130,000	130,000	-	
TOTAL REVENUES	\$ 3,886,386	\$ 1,356,075	\$ 1,616,075	\$ 1,361,075	\$ 3,700,700	129.0%

EXPENDITURES:						
Infrastructure	\$ 559,070	\$ 1,355,375	\$ 1,485,375	\$ 1,230,375	\$ 3,700,000	
Subtotal	559,070	1,355,375	1,485,375	1,230,375	3,700,000	149.1%
TOTAL EXPENDITURES	\$ 559,070	\$ 1,355,375	\$ 1,485,375	\$ 1,230,375	\$ 3,700,000	149.1%

~ AUTHORIZED POSITIONS ~

Position Title

None

~ EXPENDITURE DETAIL ~

Infrastructure (225-7000-540):						
43 95 Project Management Fees	-	5,000	5,000	5,000	-	
70 30 Business Park Development (CP1302)	270,854	-	130,000	130,000	-	
70 30 City-Wide GIS System	-	50,000	50,000	50,000	-	
70 30 Downtown Parking Lot (CP1316)	90,549	-	-	-	-	
70 30 Fort Bend Transit	-	80,000	80,000	80,000	75,000	
70 30 Paragon Infrastructure	-	-	-	-	3,000,000	
70 30 Parks Improvements (CP1301)	70,144	-	-	-	-	
70 30 Texas State Technical College (TSTC)	-	-	-	-	200,000	
70 30 Superior Tanks Incentives	-	-	-	-	25,000	
70 30 Texas Master Naturalist Contribution	-	50,000	50,000	50,000	25,000	
70 30 Transportation Gateway Improvements (CP0705)	126,143	80,000	80,000	75,000	75,000	
70 30 US 90 Redevelopment (CP1002)	1,380	-	-	-	-	
70 30 Walsh Road Industrial Park	-	300,000	300,000	300,000	-	
70 30 Workforce Development Project	-	250,000	250,000	-	-	
70 34 I-69 Bridge Enhancements	-	25,000	25,000	25,000	-	
70 35 Livable Centers (CP1501)	-	250,000	250,000	250,000	-	
70 36 Macario Garcia Park Restrooms (CP1507)	-	150,000	150,000	150,000	-	
70 37 Seabourne Creek Park Nature Center	-	-	-	-	100,000	
70 37 Traffic Signal at Reading Rd and Town Ctr Blvd (CP1503)	-	115,375	115,375	115,375	-	
70 38 Sidewalk Improvements	-	-	-	-	200,000	
Subtotal	559,070	1,355,375	1,485,375	1,230,375	3,700,000	149.1%
Total Expenditures	\$ 559,070	\$ 1,355,375	\$ 1,485,375	\$ 1,230,375	\$ 3,700,000	149.1%

Action: Director Barta moved, seconded by Director Scopel, to approve Resolution No. RDC-96, a Resolution requesting the Development Corporation of Richmond to provide funding for the Texas State Technical College Fort Bend Campus located in Rosenberg. The motion passed unanimously.

5. **REVIEW AND DISCUSS A PRESENTATION ON THE SCOPE OF SERVICES PROVIDED BY THE WEST FORT BEND MANAGEMENT DISTRICT FROM LANE WARD, RICHMOND-ROSENBERG JOINT REPRESENTATIVE TO THE WEST FORT BEND MANAGEMENT DISTRICT BOARD OF DIRECTORS.**

Executive Summary: Lane Ward, Richmond-Rosenberg joint representative to the West Fort Bend Management District board of directors will provide an overview of services offered by the West Fort Bend Management District.

Key discussion points:

- President Knesek stated that he supports West Fort Bend Management District (WFBMD) to protect the extraterritorial jurisdiction (ETJ) in Rosenberg.
- Director Barta stated that the improvements of the standards are evident, but WFBMD needs to come to a point of independence as initially intended.
- Director Garcia mentioned Rosenberg Development Corporation (RDC) does not have direct representation on the WFBMD.

Questions/Answers:

- Director Barta asked what WFBMD has done to get to the point of being self-funded.
- Lane Ward explained that WFBMD will probably always need some support from RDC.
- President Knesek asked about the proper procedure for electing a representative of the City of Rosenberg for the WFBMD Board of Directors.
- Lynne Humphries replied there are certain qualifications that must be met. If qualified, an application must be submitted to West Fort Bend Management District Board of Directors, which is then presented the City of Rosenberg.

No action was taken.

6. **CONSIDERATION OF AND ACTION ON THE RDC FISCAL YEAR 2016 BUDGET.**

Executive Summary: The RDC Finance Committee met on May 5th and May 19th to discuss the RDC Fiscal Year 16 Budget. Further, the RDC Board discussed the FY 16 Budget during the June 11th RDC Board Meeting. The following changes were made to the Budget after the June 11th RDC Board Meeting:

Sales Tax Projections

Total FY 16 sales tax revenue projections decreased from \$4,320,166 to 4,313,246 to reflect the June sales tax numbers.

RDC Memberships

RDC Memberships increased by \$2,000. The increase was a result of increasing funding towards Fort Bend Corps from \$3,000 to \$5,000. RDC Memberships also includes \$40,000 allocated to the West Fort Bend Management District. The Board had requested the opportunity to discuss funding associated with the West Fort Bend Management District after a presentation from the West Fort Bend Management District at the July RDC Board Meeting. The total amount for RDC Memberships is \$90,200.

Professional Services

Professional Services increased by \$10,000. The increase was a result of increasing funding towards engineering services from \$25,000 to \$35,000. The total amount for Professional Services is \$75,000.

Marketing

Marketing decreased by \$7,500. The decrease was a result of savings in the costs of producing the City Newsletter by shifting from a quarterly publication back to a monthly publication. The Printing and Binding line item was adjusted from \$12,000 to \$4,500. The total amount for Marketing is \$46,800.

Park Improvements

Park Improvements increased by \$25,000. The increase was a result of providing \$25,000 towards the operations of the Master Naturalists for their work at Seabourne Creek Nature Park. Total line amount for Park Improvements is \$125,000.

Business Retention & Expansion

At the request of the Board, a new category called Business Retention and Expansion was created. The prospective business incentives and business appreciation reception were included the Business Retention and Expansion category.

The Fiscal Year 16 Budget anticipates \$4,313,245 in projected revenue for the year. Further, the Budget calls for \$5,497,068 of expenditures. The proposed budget would result is an Unreserved Fund balance of \$3,393,601.

Once approved by the RDC Board, the Budget would be presented to City Council at the first meeting in August. Contingent upon approval from City Council, a public hearing would be held on August 13th to start the required 60-day public notice period.

Key discussion points:

- President Knesek stated that he supports funding the West Fort Bend Management District for Fiscal Year 2016.
- Director Barta suggested to reduce the RDC Membership line item from \$40,000 allocated to the West Fort Bend Management District to \$30,000.

Action: Director Barta moved, seconded by Director Bailey, to reduce the RDC Membership line item by \$10,000, which would reflect a decrease in funding to the West Fort Bend Management District from \$40,000 to \$30,000, contingent upon approval by the City Council. The motion passed unanimously.

7. CONSIDERATION OF AND ACTION ON REPAINTING ROSENBERG WELCOME SIGNS.

Executive Summary: At the May RDC Meeting, the RDC Board directed staff to provide an estimate to repaint the "Welcome to Rosenberg" signs. Staff estimates the cost to paint the three (3) signs at \$2,610. The RDC currently has \$66,949 in remaining funds in the Transportation Gateway Improvements line item.

Key discussion points:

Jeremy Heath explained the estimated price to refurbish the three signs.

Action: Director Garcia moved, seconded by Director Moses, to approve funding in an amount not to exceed \$3,000 for the refurbishing of three (3) "Welcome to Rosenberg" signs. The motion passed unanimously.

8. CONSIDERATION OF AND ACTION RDC SIDEWALK PROJECT FOR FISCAL YEAR 2016.

Executive Summary: At the January and February RDC Meetings the Board discussed allocating funding to construct new sidewalks in the FY 16 RDC Budget. The proposed RDC FY 16 Budget allocates \$200,000 towards sidewalk projects. This agenda item provides the opportunity for the Board to discuss the proposed locations for the new sidewalks.

Key discussion points:

- Randall Malik presented a sidewalk proposal for community connectivity.
- Director Pena suggested sidewalks should be constructed near Reading Road and FM 1640 due to young children walking to a nearby school.
- President Knesek proposed that any remaining funds would be offered to the City of Rosenberg to decide how to allocate the money towards sidewalks.

Action: Director Bailey moved, seconded by Director Garcia, to allocate a total of \$200,000 towards funding three (3) sidewalk segments as follows:

- \$13925.00 on 8th Street
- \$36,125.00 on Damon Street
- \$120,725.00 on Avenue N

The motion passed unanimously.

9. CONSIDERATION OF AND ACTION ON A REPORT FROM THE ROSENBERG DEVELOPMENT CORPORATION EXECUTIVE DIRECTOR REGARDING THE PREVIOUS MONTH'S ECONOMIC DEVELOPMENT ACTIVITIES AND CONTACTS, WHICH INCLUDES THE FOLLOWING:

- UPDATE ON ECONOMIC INDICATORS**
- UPDATE ON BUSINESS RETENTION VISITS**
- UPDATE ON LIVABLE CENTERS STUDY**



CITY COUNCIL COMMUNICATION

August 04, 2015

ITEM #	ITEM TITLE
8	Ordinance No. 2015-24 - School Zone Speed Limits for August Green Drive

ITEM/MOTION

Consideration of and action on Ordinance No. 2015-24, an Ordinance amending the Code of Ordinances by adding to Chapter 28, Article II, Division 4, Section 28-72 (c) thereof, establishing the lawful school zone speed limit along that portion of August Green Drive from FM 2977 (Minonite Road) to a point one-thousand four-hundred (1,400) feet northwest of FM 2977 (Minonite Road); making certain findings that the prima facie speed limit is unreasonable and unsafe during said school zone times; authorizing the placement of school zone speed limit signs along such street; providing a penalty for violation of any provision hereof; providing an effective date; and providing for severability.

FINANCIAL SUMMARY	ELECTION DISTRICT
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Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

- Yes No N/A

Source of Funds: N/A

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

SUPPORTING DOCUMENTS:

1. Ordinance No. 2015-24
2. Kalkomey Correspondence – 07-29-15
3. Pargoud Correspondence – 07-14-15

MUD #: N/A

APPROVALS

Submitted by:

John Maresh

John Maresh
Assistant City Manager of
Public Service

Reviewed by:

- Exec. Dir. of Administrative Services
- Asst. City Manager of Public Services
- City Attorney *DNRBHZ/rl*
- City Engineer *OK*
- Police Chief *sw*

Approved for Submittal to City Council:

Robert Gracia

Robert Gracia
City Manager

EXECUTIVE SUMMARY

Lamar Consolidated I.S.D. anticipates opening John M. Arredondo Elementary School on August 24, 2015, thus necessitating the establishment of a school zone along August Green Drive. Ordinance No. 2015-24 has been prepared to establish a school zone designation with a speed limit of twenty (20) miles per hour on August Green Drive from FM 2977 (Minonite Road) to a point 1,400 feet northwest of FM 2977, approximately one-hundred (100) feet past the property line of the school. The school zone times are typically between the hours of 7:15 a.m. to 8:00 a.m., and 2:30 p.m. to 3:15 p.m. The City Engineer has reviewed the proposed signage plan and his attached correspondence recommends approval.

Staff recommends approval of Ordinance No. 2015-24 as presented.

ORDINANCE NO. 2015-24

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROSENBERG, TEXAS, BY ADDING TO CHAPTER 28, ARTICLE II, DIVISION 4, SECTION 28-72 (C) THEREOF, ESTABLISHING THE LAWFUL SCHOOL ZONE SPEED LIMIT ALONG THAT PORTION OF AUGUST GREEN DRIVE FROM FM 2977 (MINONITE ROAD) TO A POINT ONE-THOUSAND FOUR-HUNDRED (1,400) FEET NORTHWEST OF FM 2977 (MINONITE ROAD); MAKING CERTAIN FINDINGS THAT THE PRIMA FACIE SPEED LIMIT IS UNREASONABLE AND UNSAFE DURING SAID SCHOOL ZONE TIMES; AUTHORIZING THE PLACEMENT OF SCHOOL ZONE SPEED LIMIT SIGNS ALONG SUCH STREET; PROVIDING A PENALTY FOR VIOLATION OF ANY PROVISION HEREOF; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City Council of the City of Rosenberg, Texas, finds that an engineering and traffic investigation pursuant to the Texas Transportation Code 545.356 has been conducted; and,

WHEREAS, based upon the results of an engineering and traffic investigation, the City Council of the City of Rosenberg, Texas, finds that the prima facie speed limit is unreasonable and unsafe during school zone times; and,

WHEREAS, based upon engineering and traffic investigations, the City Council of the City of Rosenberg, Texas, has determined that the safety and welfare of the students, citizens of the City and other members of the traveling public require that at the location of August Green Drive from FM 2977 (Minonite Road) to a point one-thousand four-hundred (1,400) feet northwest of FM 2977 (Minonite Road) the prima facie school zone speed limit be set at twenty (20) miles per hour and that school zone speed limit signs should be placed along such road; now, therefore,

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

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

Section 2. The Code of Ordinances of the City of Rosenberg, Texas, is hereby amended by adding to Chapter 28, of Article II, of Division 4, of Section 28-72(c) thereof the following maximum prima facie school zone speed limit as follows:

“Section 28-72 (c). School zone speed limits.

....

The prima facie school zone speed limit on August Green Drive from FM 2977 (Minonite Road) to a point one-thousand four-hundred (1,400) feet northwest of FM 2977 (Minonite Road) the prima facie school zone speed limit be set at twenty (20) miles per hour;”

Section 3. The City Manager is hereby authorized and directed to cause the placement of speed limit signs as described in Section 2 hereof.

Section 4. The speed limits established by this Ordinance shall be effective upon ten (10) days following passage of this Ordinance and shall be published in a newspaper of general circulation in compliance with Section 3.10 of the City Charter.

Section 5. Pursuant to Texas Transportation Code Section 545.356(d), not later than February 1 of each year, the Chief of Police shall ensure that a report that compares the following for each of the two previous calendar years is posted on the City’s website and submitted to the Texas Department of Transportation:

- (1) the number of traffic citations issued by peace officers of the municipality and the alleged speed of the vehicles, for speed limit violations on the highway or part of the highway;
- (2) the number of warning citations issued by peace officers of the municipality on the highway or part of the highway; and
- (3) the number of vehicular accidents that resulted in injury or death and were attributable to speed limit violations on the highway or part of the highway.

Section 6. Violations of this Ordinance shall be punished in accordance with the penalty provisions of the City of Rosenberg Code of Ordinances.

Section 7. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any

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

Section 8. This Ordinance shall be cumulative of all provisions of ordinances of the City of Rosenberg, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Any and all previous versions of this Ordinance to the extent that they are in conflict herewith are repealed.

PASSED AND APPROVED by a vote of _____ “ayes” in favor and _____ “noes” against on this first and final reading in full compliance with the provisions of Section 3.10 of the Charter of the City of Rosenberg on the _____ day of _____ 2015.

ATTEST:

APPROVED:

Linda Cernosek, **City Secretary**

Cynthia A. McConathy, **Mayor**

APPROVED AS TO FORM:

Scott Tschirhart, **CITY ATTORNEY**
Denton Navarro Rocha Bernal Hyde & Zech, P. C.



July 29, 2015

6415 Reading Road
Rosenberg, Texas 77471-5655
Tel: 281.342.2033
Fax: 281.232.9909
www.jonescarter.com

Mr. John Maresh, Assistant City Manager
City of Rosenberg
P.O. Box 32
Rosenberg, Texas 77471

Re: John M. Arredondo Elementary School School Zone Designation
Lamar Consolidated Independent School District
Jones and Carter Job No. R0001-0016-01

Dear Mr. Maresh:

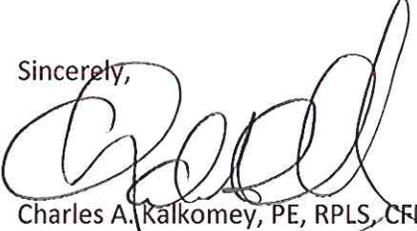
We have reviewed the request made on behalf of Lamar Consolidated Independent School District for a school zone designation to be established on August Green Drive within the City of Rosenberg. This would serve the John M. Arredondo Elementary School scheduled to open in August, 2015.

The recommended school zone signing from Traffic Engineers, Inc. is a twenty (20) miles per hour zone during designated hours. The school zone signing would be on August Green Drive from F.M. Highway 2977 to a point approximately 1,400 feet northwest of F.M. Highway 2977.

We concur with the recommendations as presented. However, we note that the location of the signing nearest F.M. Highway 2977 will probably be closer to 50 feet from the school's northeast property line because of the location of the fire station driveway.

We recommend adoption of an ordinance to establish the prima facie school zone speed limit on August Green Drive from F.M. Highway 2977 to a point one thousand, four-hundred (1,400) feet northwest of F.M. Highway 2977, and the prima facie school zone speed limit be set at twenty (20) miles per hour.

Please call should you have any questions.

Sincerely,

Charles A. Kalkomey, PE, RPLS, CFM
Client Service Manager
Municipal and District Services

CAK/dme

P:\PROJECTS\R0001 - City of Rosenberg\016-01 - GS Public Works\General\Letters\Maresh Arredondo School Zone Designation let 072915.docx

11 Greenway Plaza, 22nd Floor
Houston, Texas 77046-1104
Phone: 713/965-0608
Fax: 713/961-4571
www.pbk.com

July 14, 2015

VIA: E-MAIL



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

RE: John M. Arredondo Elementary School School Zone Designation
Lamar Consolidated Independent School District

Dear Mr. Gracia,

On behalf of Lamar Consolidated Independent School District, we are requesting that a school zone be designated along August Green Drive in Richmond, TX for the new John M. Arredondo Elementary School.

The school zone would start at the intersection of FM 2977 and August Green Drive and extend to a distance of approximately 100'-0" past the northeast property line of the site. The attached documents, a site plan and a page from the traffic study analysis, show the location and type of signage that will be installed along August Green Drive.

If you have any questions or comments concerning the contents of this letter please feel free to contact me.

Sincerely,
PBK Architecture

A handwritten signature in black ink that reads 'Lorin Y. Pargoud'. The signature is written in a cursive style.

Lorin Y. Pargoud
Project Executive

cc: John Maresh, Assistant City Manager of Public Services
Ed Bailey, Gilbane

PEDESTRIAN TRAFFIC AND FACILITIES

In addition to the future single family residential development planned in Summer Park (see **Figure 2**), Tracts 84 and 85 are being marketed as multi-family residential. Students living in Summer Park are expected to walk and ride their bike to Arredondo Elementary School. According to the developer, sidewalks will be constructed in Summer Park. Sidewalks will be provided along August Green Drive for students walking between the neighborhood to the west of the school and the school tract.

The street patterns for Tracts 84 and 85 (see **Figure 2**) are unknown. The location of crosswalks across August Green Drive for the student pedestrians cannot be identified until the street patterns are available. Lamar Consolidated ISD should coordinate with the developer of the tracts and the City of Rosenberg to ensure sidewalks and crosswalks with wheelchair ramps are provided for students crossing August Green Drive.

In addition to the on-site sidewalks that are already included in the school's site plan (shown in green in **Figure 12**), Lamar Consolidated ISD should construct sidewalks on-site along August Green Drive to provide connectivity between the school and the sidewalks within Summer Park.

School speed zone signing is recommended on August Green Drive to maintain appropriate vehicular speeds on August Green Drive during arrival and dismissal for Arredondo Elementary School, as shown in **Figure 12**.



FIGURE 12 PROPOSED PEDESTRIAN TRAFFIC FACILITIES



CITY COUNCIL COMMUNICATION

August 04, 2015

ITEM #	ITEM TITLE
9	Resolution No. R-2019 - Concrete Sidewalk Construction and Repair
ITEM/MOTION	
Consideration of and action on Resolution No. R-2019, a Resolution awarding Bid No. 2015-10 for Concrete Sidewalk Construction and Repair, waiving informalities in bidding; and, authorizing the City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same.	
FINANCIAL SUMMARY	ELECTION DISTRICT

Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

Yes No N/A

Source of Funds:

422-0000-550-7035 (CP1315)

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

SUPPORTING DOCUMENTS:

1. Bid Summary Form
2. Proposal
3. Resolution No. R-2019
4. Project Map
5. Resolution No. R-1997 – 07-07-15
6. Resolution No. R-1801 – 06-17-14
7. City Council Meeting Excerpt – 07-07-15
8. City Council Meeting Excerpt – 06-23-15
9. City Council Meeting Excerpt – 06-17-14

MUD #: N/A

APPROVALS

Submitted by:

John Maresh, Assistant City Manager of Public Services

Reviewed by:

- Exec. Dir. of Administrative Services *gf*
- Asst. City Manager of Public Services
- City Attorney
- City Engineer
- Project Director *mp*
- Director of Public Works *RC*

Approved for Submittal to City Council:

Robert Gracia
City Manager

EXECUTIVE SUMMARY

Sealed bids were received on Wednesday, July 15, 2015, for the Concrete Sidewalk Construction and Repair. The bids were opened and tabulated as indicated on the attached bid summary. A total of two (2) bids were received.

The existing Sidewalk Repair/Replacement Capital Project has approximately \$327,007.00 that will be utilized for the majority of the Phase 1 Project as presented to City Council at the June 23, 2015 Workshop. The total cost for the entire Phase 1 Project is approximately \$348,825.00. If City Council provides additional funding during the year, the Phase 1 Project could be completed and a Phase 2 Project could also be undertaken. Other Departments, such as Utilities, would also be able to utilize this unit price contract throughout the year, for concrete repairs that may be necessary due to repairs to underground water or sanitary sewer lines. The existing Sidewalk Repair/Replacement Project is included in both the FY2015 and FY2016 Capital Improvement Plan approved by City Council with the passage of Resolution No. R-1801 on June 17, 2014, and Resolution No. R-1997 on July 07, 2015.

Si Environmental, LLC, does have one revision in their bid submittal for the performance and payment

bond dollar amount. A zero dollar (\$0) amount was entered on the bid form instead of the \$6,840.00 cost for the bond. Therefore, City Council will need to waive informalities in bidding to allow for this clarification.

Staff recommends Bid No. 2015-10 be awarded to Si Environmental, LLC, for the unit price bid item amounts for an initial term of one (1) year, with the option to automatically renew up to three (3) additional, one (1) year terms based on these unit prices. Should the bid be awarded as recommended, the Si Environmental, LLC, proposal will be attached and serve as Exhibit "A" to Resolution No. R-2019.

In summary, staff recommends waiving informalities in bidding, and approval of Resolution No. R-2019 which will award Bid No. 2015-10 and provide authorization for the City Manager to negotiate and execute all appropriate documents and/or agreements regarding same.

BID SUMMARY
Bid No. 2015-10
Concrete Sidewalk Construction and Repair

Item No.	Est. Qty	Unit	Description of Unit	Si Environmental, LLC		Brooks Concrete, Inc.	
				Unit Price	Extended Price	Unit Price	Extended Price
1	10	EA	Manhole Adjustments	\$ 350.00	\$ 3,500.00	\$ 600.00	\$ 6,000.00
2	20	EA	Wheelchair Ramp, Standard, New	\$ 850.00	\$ 17,000.00	\$ 1,100.00	\$ 22,000.00
3	20	EA	Wheelchair Ramp, Standard, Removal, Dispose & Replacement	\$ 850.00	\$ 17,000.00	\$ 1,500.00	\$ 30,000.00
4	4,000	EA	Bricks, Truncated, for Wheelchair Ramps	\$ 0.60	\$ 2,400.00	\$ 5.00	\$ 20,000.00
5	500	SF	Sidewalk, New, 6" Thick	\$ 7.50	\$ 3,750.00	\$ 10.36	\$ 5,180.00
6	500	SF	Sidewalk, New, 4" Thick	\$ 6.27	\$ 3,135.00	\$ 9.96	\$ 4,980.00
7	30,000	SF	Sidewalk, Removal, Dispose & Replacement, 4" Thick	\$ 6.25	\$ 187,500.00	\$ 11.94	\$ 358,200.00
8	500	SF	Sidewalk, Removal, Dispose & Replacement, 6" Thick	\$ 10.47	\$ 5,235.00	\$ 12.28	\$ 6,140.00
9	10,000	SF	Sidewalk Connected to Curb, Remove, Dispose & Replacement	\$ 8.00	\$ 80,000.00	\$ 14.00	\$ 140,000.00
10	500	LF	6" Concrete Curb New	\$ 6.25	\$ 3,125.00	\$ 12.56	\$ 6,280.00
11	1,000	SY	Sod(Contractor to ensure growth of vegetation by whatever means necessary)	\$ 8.82	\$ 8,820.00	\$ 10.00	\$ 10,000.00
12	1,000	SF	Sidewalk Removal, Dispose and Restoration	\$ 8.82	\$ 8,820.00	\$ 4.50	\$ 4,500.00
13	10	EA	Valve Adjustment	\$ 50.00	\$ 500.00	\$ 50.00	\$ 500.00
14	30	LF	Curb and Gutter	\$ 40.00	\$ 1,200.00	\$ 25.00	\$ 750.00
15	1	LUMP	Performance/Payment Bond		* \$ 6,840.00		\$ 6,500.00
				Total Base Bid Contract Amount		Total Base Bid Contract Amount	
				* \$ 348,825.00		\$ 631,330.00	

* Corrected Bid Amount

BID SUMMARY - Continued
Bid No. 2015-10
Concrete Sidewalk Construction and Repair

-Alternate A BID SHEET-

Item No.	Est. Qty	Unit	Description of Unit	Si Environmental, LLC		Brooks Concrete, Inc.	
				Unit Price	Extended Price	Unit Price	Extended Price
A1	25	lf	PVC C-900 Drainage Pipe (all sizes) Under Sidewalks	\$ 2.15	\$ 53.75	\$ 9.50	\$ 237.50
A2	25	CY	Extra Bank Sand	\$ 10.00	\$ 250.00	\$ 20.00	\$ 500.00
A3	25	CY	Extra Cement Stabilized Sand 1 ½ sack	\$ 19.00	\$ 475.00	\$ 47.50	\$ 1,187.50
				Total Alternate Bid Contract Amount		Total Alternate Bid Contract Amount	
				\$ 778.75		\$ 1,925.00	



July 24, 2015

Mr. John Maresh
Mr. Rigoberto Calzoncin
City of Rosenberg
2110 4th Street
Rosenberg, Texas 77471

RE: Concrete Sidewalk Construction and Repairs City of Rosenberg Bid Number 2015-10

Good Morning Gentlemen,

Attached to this letter is the revised Bid sheet showing the Performance/Payment Bond amount of \$6,840.00, which is 2% of the original bid amount (\$341,985.00). The revised total sum for this project is \$348,825.00. I've also attached the revised first page of the contract with the corrected amount.

Should you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "CGOAN", with a long horizontal flourish extending to the right.

Chris Goan
Director of Maintenance
Phone: (832) 490-1511
chris@sienv.com



July 15, 2015

Mr. Rigoberto Calzoncin
Public Works Director
City of Rosenberg
2110 4th Street
Rosenberg, Texas 77471

RE: Concrete Sidewalk Construction and Repairs City of Rosenberg Bid Number 2015-10

Dear Mr. Calzoncin,

Thank you for the opportunity to expand the scope of our services to the City. Installing, repairing, and maintaining concrete and landscaping are all part of our daily routine throughout our service area. We are equally dedicated to safety, quality, value, customer satisfaction, and professionalism while performing these tasks, as we are in our water and wastewater operations activities. Si Environmental has an excellent reputation throughout the Houston marketplace, and our track record with Rosenberg has been well documented over the years. We place a high value on our relationship with the City, and view Rosenberg as a trusted partner.

Si Environmental appreciates its role on Rosenberg's team, and we will always focus on maintaining the trust and confidence that we have worked very hard to earn from staff, council, and citizens. I welcome your questions and comments and I hope you will contact me soon, either by phone or email at the numbers and addresses listed below.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Haley".

Jeff Haley
President
Phone (832) 490-1505
jeff@sienv.com

___ Legal ___ City ___ Contractor ___ Surety ___ Public Works

CONTRACT

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF FORT BEND §

THIS CONTRACT, made and entered into this _____ day of _____, 2015 by and between the City of Rosenberg, a municipal corporation, hereinafter called "CITY", and Si Environmental LLC hereinafter called the "CONTRACTOR", and referred to in the masculine pronoun singular whether a person, firm or corporation, WITNESSETH,

1. The Contractor agrees at his own cost to furnish all tools, labor, material, machinery and appliances for the construction of, and to construct and deliver to the City in a good, sound, workmanlike manner, in strict accordance with this contract, the following project:

**CITY OF ROSENBERG
CONCRETE SIDEWALK CONSTRUCTION AND REPAIRS,
CITY OF ROSENBERG BID NO. 2015-10**

in consideration of the sum of \$348,825.00 is only an estimate if unit prices are included in the Contractor's Bid Proposal) to be paid to him by the City in the manner and at the time or times provided in the Contract specifications. The work order shall begin promptly after written notice by the City to the Contractor and shall progress regularly and uninterruptedly, except as may otherwise be ordered in writing by the City, and shall be finished and fully completed within 60 calendar days.

2. The Contractor agrees that the returns and estimates of the City shall be conclusive of the amount of work completed and the sums to be paid therefore; and said Contractor shall not be entitled to be paid for any extra work which has not been ordered in writing by the City. When the Contractor completes the work provided for in this contract in strict accordance with the plans and specifications, the City shall, upon said work being finally accepted by said City, pay the Contractor the unit prices set out in full in the part hereof. It is understood that payment of the said amounts, except where otherwise provided in this contract, shall be given and received as payment in full for all the work and material described generally in Section One (1) hereof which is to be performed and furnished by the Contractor, and said prices shall be considered as including and comprehending the completion of the whole work, the bids herein being made for a complete work and not for parts of a work.

It is however, further agreed by the parties hereto that on or about the first day of each month during the progress of this work, an estimate shall be made by the City of the value of the completed work done during the previous month, and when such estimate is approved, the City shall, on or about the 15th day of the month, make payment of said estimate, deducting therefrom the appropriate retainage amount (if any) prescribed in the

specifications as an agreed amount to be retained by the said City as security that the work described herein will be completed in accordance with this contract and the plans and specifications attached hereto. When the work provided for herein shall have been completed by said Contractor to the entire satisfaction of the City, Mayor and City Council, the said City within thirty (30) days thereafter, shall pay to the said Contractor the full amount of the contract price, according to the final estimate of the City, less any amounts theretofore paid on monthly estimates.

3. Whenever payments on this contract are being made wholly or partially from a fund or funds received by the City as a grant or loan from any agency of the United States of America and payment of any estimate (including a final estimate) is not made within the specified time by reason of the fact that funds therefore have not been received from such Federal Agency, the time for payment of such estimate shall be extended until such time as said funds are received from such Federal Agency. Under no condition or circumstances shall the City be liable for any interest upon payments due the Contractor where the delay or delays past the due dates of such payment or payments are due directly or indirectly to any act or omission upon the part of any agency of the United States of America as part of said grant or loan. Under no condition or circumstance shall the City be liable to the Contractor for any part of any such grant or loan and the Contractor shall not be paid for the proportionate part of said work covered by said grant or loan except with moneys delivered to the City by the agency of the United States of America as part of the said grant or loan.
4. The Contractor has carefully examined the surface of the site and has made sufficient test holes to fully satisfy himself that such site is a correct and suitable one for this work and he assumes full responsibility therefore. The provisions of this contract shall control any inconsistent provisions contained in the specifications. All plans and specifications have been read and carefully considered by the Contractor, who understands the same and agrees to their sufficiency for the work to be done. It is expressly agreed that under no circumstances, conditions or situations shall this contract be more strongly construed against the City than against the Contractor and his surety. Any ambiguity or uncertainty in the plans, drawings or specifications shall be interpreted and construed by the City and its decision shall be final and binding upon all parties.
5. It is distinctly understood and agreed that the passing, approval and/or acceptance of any part of the work or material by the City Council or by any agent or representative as in compliance with the terms of this contract and/or of the plans and specifications covering said work, shall not operate as a waiver by the City of strict compliance with the terms of this contract, nor shall such passing, approval and/or acceptance operate to stop the City from demanding strict compliance with the terms of this contract, and/or plans and specifications covering said work, and the City may require the Contractor and/or his surety (if provided) to repair, replace, restore and/or make to comply strictly and in all things with this contract and the plans and specifications any and all of said work and/or materials which within a period of one year from and after the date of the passing, approval, and/or acceptance of any such work or material, are found to be defective or to fail in any way to comply with this contract or with the plans and specifications. Failure on the part of the Contractor and/or his surety, immediately after notice to either, to repair, or replace any such defective materials and workmanship shall entitle the City, if

it sees fit, to replace or repair the same and recover the reasonable cost of such replacement and/or repair from the Contractor and/or his surety, who shall in any event be jointly and severally liable to the City for all damage, loss and expense caused to the City by reason of the Contractor's breach of this contract and/or his failure to comply strictly and in all things with this contract and with the plans and specifications.

6. No waiver of any of the obligations of the Contractor under any of the terms or conditions of this contract, the plans, specifications or drawings, shall be binding upon the City unless the same is in writing and expressly authorized by an ordinance of the City Council.
7. All provisions of the Charter and ordinances of the City relating to public improvements are referred to and made a part of this contract, and this contract and all obligations created hereunder shall be performable in Fort Bend County, Texas.
8. **Special Notice:** (Texas Statutes Providing for Labor Classification of Wage Scale and Penalties.) Chapter 2258 of the Texas Government Code provides that any provides that any government subdivision shall ascertain the general prevailing rate of per diem wages in the locality in which the work is to be performed for each craft or type of workman or mechanic and shall specify in the call for bids and in the contract the prevailing rate of per diem wages which shall be paid for each craft type of workman. This Chapter further provides that the Contractor shall forfeit, as a penalty, to the City, County, or State or other political subdivision, Sixty Dollars (\$60.00) per day for each laborer, workman or mechanic who is not paid the stipulated wage for the type of work performed by him as set up in the wage scale. The City is authorized to withhold from the Contractor the amount of this penalty in any payment that might be claimed by the Contractor or Contractor. The Act makes the Contractor responsible for the acts of the Contractor in this respect. The Chapter likewise requires that the Contractor and Contractor keep an accurate record of the names and occupations of all persons employed by him and to show the actual per diem wages paid to each worker and these records are open to the inspection of the City. In addition Section 2258.024 provides that any Contractor or Contractor or his representative who fails to keep such record or who refuses to allow the inspection of the records or who fails to comply with Chapter 2258 insofar as payment of the prevailing wage scale is concerned is guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not exceeding Five Hundred Dollars (\$500.00), or by imprisonment in the County Jail for not exceeding six months, or by both fine and imprisonment. The City, through its representatives, will make every necessary investigation to determine whether or not these statutes are complied with and in case of violation by the Contractor, or Contractor, of the provisions of the statutes will take all necessary steps to enforce the penalties imposed by this law.
9. **Worker's Compensation Insurance Coverage:**

A. **Definitions:**

Certificate of coverage ("certificate") - A copy of a certificate of insurance, a certificate of authority to self-insure issued by the commission, or a coverage agreement (TWCC-81, TWCC-82, TWCC-83, or TWCC-84), showing statutory workers' compensation insurance coverage for the person's or entity's employees

providing services on a project, for the duration of the project.

Duration of the project - includes the time from the beginning of the work on the project until the Contractor's/person's work on the project has been completed and accepted by the City.

Persons providing services on the project ("subcontractor" in Section 406.096) - includes all persons or entities performing all or part of the services the Contractor has undertaken to perform on the project, regardless of whether that person contracted directly with the Contractor and regardless of whether that person has employees. This includes, without limitation, independent contractors, subcontractors, leasing companies, motor carriers, owner-operators, employees of any such entity, or employees of any entity which furnishes persons to provide services on the project. "Services" include, without limitation, providing, hauling, or delivering equipment or materials, or providing labor, transportation, or other service related to a project. "Services" does not include activities unrelated to the project, such as food/beverage vendors, office supply deliveries, and delivery of portable toilets.

- B. The Contractor shall provide coverage, based on proper reporting of classification codes and payroll amounts and filing any coverage agreements, which meets the statutory requirements of Texas Labor Code, Section 401.011(44) for all employees of the Contractor providing services on the project, for the duration of the project.
- C. The Contractor must provide a certificate of coverage to the City prior to being awarded the contract.
- D. If the coverage period shown on the Contractor's current certificate of coverage ends during the duration of the project, the Contractor must, prior to the end of the coverage period, file a new certificate of coverage with the City showing that coverage has been extended.
- E. The Contractor shall obtain from each person providing services on a project, and provide to the City:
 - (1) A certificate of coverage, prior to that person beginning work on the project, so the City will have on file certificates of coverage showing coverage for all persons providing services on the project; and
 - (2) No later than seven (7) days after receipt by the Contractor, a new certificate of coverage showing extension of coverage, if the coverage period shown on the current certificate of coverage ends during the duration of the project.
- F. The Contractor shall retain all required certificates of coverage for the duration of the project and for one (1) year thereafter.

- G.** The Contractor shall notify the City in writing by certified mail or personal delivery, within ten (10) days after the Contractor knew or should have known, of any change that materially affects the provision of coverage of any person providing services on the project.
- H.** The Contractor shall post on each project site a notice, in the text, form and manner prescribed by the Texas Workers' Compensation Commission, informing all persons providing services on the project that they are required to be covered, and stating how a person may verify coverage and report lack of coverage.
- I.** The Contractor shall contractually require each person with whom it contracts to provide services on a project, to:
- (1)** Provide coverage, based on proper reporting of classification codes and payroll amounts and filing of any coverage agreements, which meets the statutory requirements of Texas Labor Code, Section 401.011(44) for all of its employees providing services on the project, for the duration of the project;
 - (2)** Provide to the Contractor, prior to that person beginning work on the project, a certificate of coverage showing that coverage is being provided for all employees of the person providing services on the project, for the duration of the project;
 - (3)** Provide the Contractor, prior to the end of the coverage period, a new certificate of coverage showing extension of coverage, if the coverage period shown on the current certificate of coverage ends during the duration of the project;
 - (4)** Obtain from each other person with whom it contracts, and provide to the Contractor:
 - (a)** A certificate of coverage, prior to the other person beginning work on the project; and
 - (b)** A new certificate of coverage showing extension of coverage, prior to the end of the coverage period, if the coverage period shown on the current certificate of coverage ends during the duration of the project;
 - (5)** Retain all required certificates of coverage on file for the duration of the project and for one year thereafter;
 - (6)** Notify the City in writing by certified mail or personal delivery, within ten (10) days after the person knew or should have known, of any change that materially affects the provision of coverage of any person providing services on the project; and

- (7) Contractually require each person with whom it contracts, to perform as required by paragraphs (1) - (7), with the certificates of coverage to be provided to the person for whom they are providing services.
- J. By signing this contract or providing or causing to be provided a certificate of coverage, the Contractor is representing to the City that all employees of the Contractor who will provide services on the project will be covered by workers' compensation coverage for the duration of the project, that the coverage will be based on proper reporting of classification codes and payroll amounts, and that all coverage agreements will be filed with the appropriate insurance carrier or, in the case of a self-insured, with the commission's Division of Self-Insurance Regulation. Providing false or misleading information may subject the Contractor to administrative penalties, criminal penalties, civil penalties, or other civil actions.
- K. The Contractor's failure to comply with any of these provisions is breach of contract by the Contractor which entitles the City to declare the contract void if the Contractor does not remedy the breach within ten (10) days after receipt of notice of breach from the City.
10. **Occupational Safety and Health Standards.** The work and the Contractor's operational activities shall comply with the applicable provisions of the Department of Labor, Safety, and Health regulations for construction and applicable Occupational Safety and Health Standards.
11. The Contractor shall observe and comply with all Federal, State, and local laws, rules and regulations in any manner affecting the conduct of services herein provided and the performance of all obligations undertaken in the execution of this project and particularly in the employment practices engaged in, agrees that he will not discriminate because of race, color, religion, national origin, sex, age, handicap or disability. Specifically, the performance of this Contract shall comply with any and all requirements of the Americans with Disabilities Act of 1990, 42 USC § 12101 et seq.
12. The plans, profiles and specifications approved by the City Council are a part of this contract. The following are in particular, whether or not the same be attached hereto, a part of this contract and every covenant and undertaking therein is as fully binding upon the parties hereto as if here set forth at length, to-wit: (a) The Notice to Bidders and the Contractor's Bid Form, (b) All of those specifications and drawings which are referred to in the Contractor's Bid Form. In case of conflict, the Public Works Director has the sole decision pertaining to all specifications, drawings and plans.
13. The invalidity or illegality of any term, provision or condition of this contract or of any of the contract documents attached hereto shall not in any manner affect, invalidate or annul any other term, provision or condition hereof or thereof. The parties hereto expressly stipulate and agree that if they have included in this contract or in any of the contract documents any illegal term or provision, this contract shall read and be effective to the same force and effect as if such illegal term or provision were wholly deleted and

eliminated herefrom or therefrom.

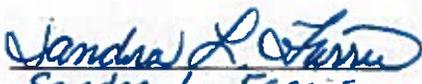
14. THE CONTRACTOR AGREES TO AND SHALL INDEMNIFY, HOLD HARMLESS, AND DEFEND THE CITY, ITS OFFICERS, AGENTS AND EMPLOYEES, FROM AND AGAINST ANY AND ALL CLAIMS, LOSSES, DAMAGES, CAUSES OF ACTION, SUITS AND LIABILITY OF EVERY KIND, INCLUDING ALL EXPENSES OF LITIGATION, COURT COSTS, AND ATTORNEY'S FEES, FOR ALL CLAIMS AND SUITS INCLUDING CLAIMS AND SUITS FOR INJURY TO OR DEATH OF ANY PERSON, OR FOR DAMAGE TO ANY PROPERTY, ARISING OUT OF OR IN CONNECTION WITH THE WORK DONE UNDER THE CONTRACT, WHETHER OR NOT CAUSED IN WHOLE OR IN PART BY THE NEGLIGENCE OF THE CITY, ITS AGENTS, OR EMPLOYEES. IT IS THE EXPRESSED INTENTION OF THE PARTIES HERETO, BOTH THE CONTRACTOR AND THE CITY, THAT THE INDEMNITY PROVIDED FOR IN THIS CONTRACT IS AN INDEMNITY BY CONTRACTOR TO INDEMNIFY AND PROTECT THE CITY FROM THE CONSEQUENCES OF ANY ACTION OF ANY NATURE WHATSOEVER, AND THE CONTRACTOR HERETO EXPRESSLY WAIVES ANY CLAIMS AGAINST THE CITY OF ANY NATURE THAT MIGHT HAVE LED UP TO THE INJURY OR OTHER EVENTS.

IN WITNESS WHEREOF, the City and the Contractor have made and executed this contract in multiple copies, each of which is an original.

[CONTRACTOR]

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

By: 
Name: Chris A. Goen
Title: Director of Maint.
Date: 7/15/15

By: 
Name: Sandra L. Farris
Title: Maintenance Supervisor
Date: 07/15/2015

CITY OF ROSENBERG, TEXAS:
Signed by:

ATTEST/SEAL:

Cynthia McConathy, Mayor

Linda Cernosek, City Secretary

Countersigned by:

Robert Gracia, City Manager

Date Countersigned:

APPROVED AS TO FORM:

_____, 2015

City Attorney

STATE OF TEXAS §

COUNTY OF FORT BEND §

THIS AGREEMENT MADE, entered into and executed by and between the CITY OF ROSENBERG, a body corporate and politic under the laws of the State of Texas, hereinafter called "CITY", and offeror named on page one of this instrument hereinafter called "CONTRACTOR".

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

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

This document and included instrument is the entire contract and recites the full consideration between the parties, there being no other written or parole agreement.

That the offer and specifications contained herein together with this instrument shall constitute the full agreement and contract between parties and for furnishing the items set out and described; the City agrees to pay the prices stipulated in the accepted offer.

It is further agreed that this contract shall not become binding or effective until signed by the parties hereto.

B-2

Concrete Sidewalk Construction and Repair Bid # 2015-10

Authorized Representative Initials CB Date 07/15/2015

**SECTION VIII
 BID SHEET**

- Base BID SHEET- Concrete Sidewalk Construction and Repair					
Please note all items herein are to include all labor, materials, mobilization, fuel surcharge, and freight, complete for the unit price.					
Item No.	Est Qty	Unit	Description of Unit	Unit Price	Extended Price
1	10	EA	Manhole Adjustments	350.00	\$3,500 -
2	20	EA	Wheelchair Ramp, Standard, New	850.00	\$17,000 -
3	20	EA	Wheelchair Ramp, Standard, Removal, Dispose & Replacement	850.00	\$17,000 -
4	4,000	EA	Bricks, Truncated, for Wheelchair Ramps	0.60	\$ 2,400 -
5	500	SF	Sidewalk, New, 6" Thick	7.50	\$ 3,750 -
6	500	SF	Sidewalk, New, 4" Thick	6.27	\$ 3,135 -
7	30,000	SF	Sidewalk, Removal, Dispose & Replacement, 4" Thick	6.25	\$187,500 -
8	500	SF	Sidewalk, Removal, Dispose & Replacement, 6" Thick	10.47	\$ 5,235 -
9	10,000	SF	Sidewalk Connected to Curb, Remove, Dispose & Replacement	8.00	\$ 80,000 -
10	500	LF	6" Concrete Curb New	6.25	\$ 3,125 -
11	1,000	SY	Sod(Contractor to ensure growth of vegetation by whatever means necessary)	8.82	\$ 8,820 -
12	1,000	SF	Sidewalk Removal, Dispose and Restoration	8.82	\$ 8,820 -
13	10	EA	Valve Adjustment	50.00	\$ 500 -
14	30	LF	Curb and Gutter	40.00	\$ 1,200 -
15	1	LUMP	Performance/Payment Bond		\$ 6,840 -
				Sub Total	Total Base Bid Contract Amount
				0	\$ 348,825 -

B-40

Concrete Sidewalk Construction and Repair Bid # 2015-10

Authorized Representative Initials: CG Rev Date: 07/24/15

-Alternate A BID SHEET- Concrete Sidewalk Construction and Repair To be only used if approved by Director of Public Works					
Please note all items herein are to include all labor, materials, mobilization, fuel surcharge, and freight, complete for the unit price.					
Item No.	Est Qty	Unit	Description of Unit	Unit Price	Extended Price
A1	25	lf	PVC C-900 Drainage Pipe (all sizes) Under Sidewalks	2.15	\$ 53.75-
A2	25	CY	Extra Bank Sand	10.00	\$ 250.00-
A3	25	CY	Extra Cement Stabilized Sand 1 ½ sack	19.00	\$ 475.00
				Sub Total	Total Alternate Bid Contract Amount
				0	\$ 778.75-
				Sub Total	Total Contract Amount
				0	\$ -

B-41

Concrete Sidewalk Construction and Repair Bid # 2015-10

Authorized Representative Initials: CB Date: 07/15/2015

RESOLUTION NO. R-2019

A RESOLUTION NO. R-2019 OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AWARDED BID NO. 2015-10 FOR CONCRETE SIDEWALK CONSTRUCTION AND REPAIR, WAIVING INFORMALITIES IN BIDDING; AND, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY OF ROSENBERG, TEXAS, APPROPRIATE DOCUMENTS AND/OR AGREEMENTS REGARDING SAME.

* * * * *

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

Section 1. The approval and award of Bid No. 2015-10 to _____, in the unit price bid amounts on the attached Proposal for Concrete Sidewalk Construction and Repair.

Section 2. The City Council hereby waives informalities in bidding.

Section 3. The City Manager is hereby authorized to negotiate and execute any documentation necessary to facilitate said project.

Section 4. A copy of the Proposal is attached hereto as Exhibit "A" and made a part hereof for all purposes.

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

ATTEST:

APPROVED:

Linda Cernosek, TRMC, **City Secretary**

Cynthia A. McConathy, **Mayor**

Phase 1 of Sidewalk Rehabilitation Project

City of Rosenberg, Texas



Sidewalks

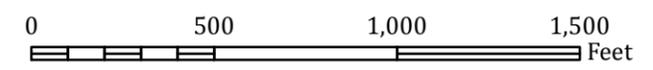
- Proposed Phase I
- Identified Next Phase
- Identified Bad Section
- Good Condition Pedestrian Connectivity Corridors

Basemap Features

- US Highway
- State Highway
- Public Road
- Private Road
- Railroad



Scale:
1:6,000
or
1 Inch = 500 Feet



Created by: City of Rosenberg GIS - Paul M. Jones
Date Created: June 22, 2015
Original Size: 11" x 17"
K:\GIS\MAPS\Public_Works\2015\Sidewalks_Rehab_Plan_June2015_II.mxd

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



RESOLUTION NO. R-1997

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, APPROVING CAPITAL IMPROVEMENT PLAN PRIORITIES FOR FY2016.

* * * * *

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

WHEREAS, the City Manager has recommended twenty-three (23) Capital Improvement Projects to be addressed in FY2016; and,

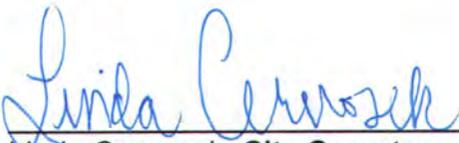
WHEREAS, the FY2016 Budget will include funding for the majority of the recommended Capital Improvement Projects and recommendations for funding other projects; now, therefore,

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

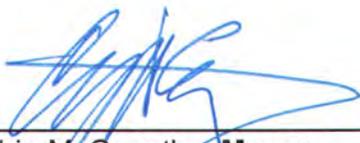
Section 1. City Council hereby approves the FY2016 Capital Improvements Plan for the City of Rosenberg which is attached hereto as Exhibit "A" and made a part hereof for all purposes.

PASSED, APPROVED, AND RESOLVED this 7th day of July 2015.

ATTEST:


Linda Cernosek, **City Secretary**

APPROVED:


Cynthia McConathy, **Mayor**



FY2016 CAPITAL IMPROVEMENT PROJECTS

GENERAL/STREETS AND DRAINAGE PROJECTS

1. Airport Avenue – Phase Two
2. **Avenue C Connector from 8th Street to River Road**
3. **Bamore Road Connector to I-69**
4. Bryan Road
5. Dry Creek Drainage Improvements
6. FM 2218 from I-69 to State Highway 36 (TxDOT)
7. **Old Richmond Road/Jennetta Street and Avenue F Drainage**
8. **Railroad Quiet Zones**
9. Sidewalks – Replace/Removal of Existing
10. Spacek Road Improvements – Phase Two
11. **State Highway 36 from I-69 to FM2218 (TxDOT)**
12. Traffic Signal at Reading Road and Town Center Boulevard
13. Traffic Signal for Reading Road at Spacek Road
14. US Highway 59/I-69 Expansion from FM 762 to **Beasley** (TxDOT)

WATER AND WASTEWATER PROJECTS

Alternate Water Projects (GRP):

15. **A Meyer Road/Benton Road/Rohan Road Waterline Extensions/Oversizing (GRP)**
16. **Chloramine Conversion System (GRP)**
17. FM 2977 Water Storage Tank (GRP)
18. **Water Plant No. 8 (GRP)**

Other Water and Wastewater Projects:

19. **North Side Water Improvements – Phase Three**
20. Spacek Road Sewer Lift Station
21. Spacek Road Sewer Line
22. Utility Adjustments for I-69 Improvement Project (TxDOT)
23. **WWTP 1A Collection System – Phase Two**

RESOLUTION NO. R-1801

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

* * * * *

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

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

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

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

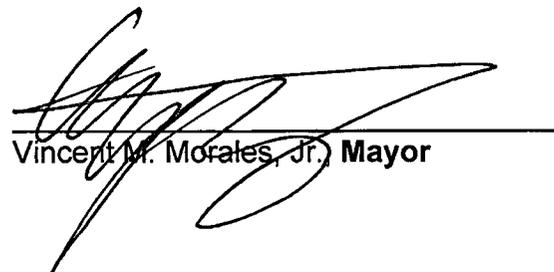
Section 1. City Council hereby approves the FY2015 Capital Improvements Plan for the City of Rosenberg which is attached hereto as Exhibit "A" and made a part hereof for all purposes.

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

ATTEST:


Linda Cernosek, City Secretary

APPROVED:


Vincent M. Morales, Jr., Mayor



FY2015 CAPITAL IMPROVEMENT PROJECTS

GENERAL/STREETS AND DRAINAGE PROJECTS

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

WATER AND WASTEWATER PROJECTS

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

included in the proposed FY2016 Budget. Staff recommends approval of Resolution No. R-1996.

Key Discussion Points: Joyce Vasut read the Executive Summary and explained that passing this Resolution does not mean that all of the projects will be funded; rather, it gives staff a priority list for guidance when trying to fund as many of the projects as possible. Ms. Vasut requested clarification from Council regarding their wishes with the Firewall, which Council stated is a priority to fund prior to a technology audit, along with ticket writers, if possible.

Action: Councilor Euton made a motion, seconded by Councilor Moses, to approve Resolution No. R-1996, a Resolution approving FY2016 Budget Priorities. The motion carried by a unanimous vote.

12. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1997, A RESOLUTION APPROVING CAPITAL IMPROVEMENT PLAN PRIORITIES FOR FY2016.**

Executive Summary: During the FY2016 Budget process, staff reviewed the current Capital Improvement Plan (CIP) and is recommending that a total of twenty-three (23) projects be addressed in FY2016. Exhibit "A" to Resolution No. R-1997 lists the twenty-three (23) individual projects. The Planning Commission met on May 20, 2015, and also recommended approval of the projects proposed for the FY2016 CIP. These projects were also presented to City Council at the June 23, 2015 City Council Workshop.

Existing funding is available for eleven (11) of the Capital Projects. Three (3) projects can be funded using General Fund Balance which will require a budget adjustment at a future meeting. The Railroad Quiet Zones Project is awaiting additional costing information before funding can be determined.

There are several remaining Capital Projects which are not completely funded. Funding for these projects may include the issuance of Certificates of Obligation, as follows:

- **Issue Certificates of Obligation – November 2015 - \$4,915,200
(to be paid with Subsidence Fees)**
 - Chloramine Conversion System (GRP) - \$376,200
 - Water Plant No. 8 (GRP) - \$4,539,000

- **Issue Certificates of Obligation – November 2015 - \$5,000,000
(to be paid with Water/Wastewater fees)**
 - WWTP 1A Collection System (Phase Two) - \$5,000,000

- **Issue Certificates of Obligation - March 2016 - \$5,612,000**
 - Bryan Road – \$2,300,000
 - Spacek Road Improvements - Phase II – \$312,000
 - Old Richmond Road/Jennetta Street and Avenue F Drainage - \$3,000,000

- **Issue Certificates of Obligation – March 2016 - \$4,317,000
(to be paid with Water/Wastewater fees)**
 - Spacek Road Sewer Lift Station - \$2,617,000
 - Spacek Road Sewer Line - \$1,700,000

The actual details regarding the issuance of Certificates of Obligation, including the dollar amounts and timing of the issues, will be analyzed and strategized during the first quarter of FY2016 to determine the best options for the City.

Approval of Resolution No. R-1997 will establish the City's FY2016 Capital Improvements Plan and allow for the projects to be properly included in the proposed FY2016 Budget. Staff recommends approval of Resolution No. R-1997.

Key Discussion Points: Joyce Vasut read the Executive Summary.

Action: Councilor Euton made a motion, seconded by Councilor Barta, to approve Resolution No. R-1997, a Resolution approving Capital Improvement Plan priorities for FY2016. The motion carried by a unanimous vote.

13. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1998, A RESOLUTION APPROVING CAPITAL IMPROVEMENT PLAN PRIORITIES FOR FY2017 THROUGH FY2020.**

Executive Summary: Pursuant to the City Charter which requires a five-year Capital Improvement Plan (CIP), staff has prepared a proposed schedule for Capital Projects in FY2017, FY2018, FY2019 and FY2020. The development of the CIP for FY2017 to FY2020 is based on several factors, including but not limited to:

- Unfunded Mandates (Fort Bend Subsidence District, TCEQ)
- Liability/Risk Management including noncompliance violations which subject the City to monetary fines, penalties and/or enforcement actions
- Protect the health, safety and welfare of the citizens and the environment
- Opportunities to leverage City funds with Fort Bend County Mobility Bond Funds or grant funds
- Quality of life/growth including City parks and City facilities

The proposed FY2017-FY2020 CIP is attached to Resolution No. R-1998 as Exhibit "A". Staff recommends approval of Resolution No. R-1998.

Key Discussion Points: Joyce Vasut read the Executive Summary. This list is a fluid document as serves as a general outline of future needs.

Action: Councilor Barta made a motion, seconded by Councilor Moses, to approve Resolution No. R-1998, a Resolution approving Capital Improvement Plan priorities for FY2017 to FY2020. The motion carried by a unanimous vote.

14. ***This item was considered at the beginning of the Agenda as item 2a.***

CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1994, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A CONTRACT EXTENSION, BY AND BETWEEN THE CITY AND PATILLO, BROWN AND HILL, LLP, FOR THE PROVISION OF PROFESSIONAL AUDIT SERVICES FOR FISCAL YEARS ENDING SEPTEMBER 30, 2015, AND SEPTEMBER 30, 2016.

15. **HOLD EXECUTIVE SESSION TO DELIBERATE THE EMPLOYMENT, EVALUATION, OR DUTIES OF THE CITY MANAGER PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE.**

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

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

16. **ADJOURN EXECUTIVE SESSION, RECONVENE INTO REGULAR SESSION, AND TAKE ACTION AS NECESSARY AS A RESULT OF EXECUTIVE SESSION.**

Mayor McConathy adjourned the Executive Session and reconvened into Regular Session at 9:25 p.m.

17. **ANNOUNCEMENTS.**

- Effective July 21, Announcements will be moved to the beginning of the Agenda.
- Rosenberg Police Explorers are conducting a competition on July 18, 2015 at Terry High School, and are need of volunteers.

18. **ADJOURNMENT.**

There being no further business, Mayor McConathy adjourned the meeting at 9:28 p.m.


Linda Cernosek, TRMC, City Secretary

CITY OF ROSEBERG

WORKSHOP COUNCIL MEETING MINUTES

On this the 23rd day of June, 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

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
Lisa Wallingford	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
Dallis Warren	Police Chief
Tracie Dunn	Assistant Police Chief
Justin Rodgers	Police Officer
Darrell Himly	Assistant Fire Chief
Justin Jurek	Fire Marshal
Angela Fritz	Executive Director of Information Services
Darren McCarthy	Parks and Recreation Director
Rigo Calzoncin	Public Works Director
Melissa Pena	Project Director
Lisa Olmeda	Human Resources Director
James Lewis	Information Services Manager
Daniel Kelleher	Main Street Manager

CALL TO ORDER.

Mayor McConathy called the meeting to order at 6:45 p.m.

AGENDA

1. **REVIEW AND DISCUSS A PRESENTATION ON THE PROPOSED SCOPE OF THE SIDEWALK REPLACEMENT PROJECT PHASE I, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: Staff has prepared a presentation on the proposed scope of the Sidewalk Repair and Replacement Project Phase I, prioritizing said repairs based on safety and overall pedestrian connectivity within the City, as established in the Pedestrian System Maintenance Program, adopted on July 01, 2014, by Resolution No. R-1812. The estimated construction cost for Phase I is \$317,000. Staff is seeking direction from City Council for any revisions to the proposed scope or authorization to proceed with Phase I.

Key Discussion Points: Melissa Pena, Project Director, gave a presentation on the proposed scope of Sidewalk Replacement Project – Phase I, inclusive of Avenue G and Mulcahy Street. She explained that surface roots are more harmful to the sidewalks, so those will be treated accordingly when the current concrete is removed, while avoiding any harm to the trees. Dallis Warren, Police Chief, confirmed that there are laws in place which require sidewalks be used

by pedestrians rather than the streets whenever they are available, and that cars should not block sidewalk paths. As such, it is important to provide a suitable footpath for pedestrians in order to uphold these laws. After discussion, the general consensus of Council was to move forward with Phase I of the Sidewalk Replacement Project, and to continue to investigate ongoing concrete issues and prioritize them for repair.

2. **REVIEW AND DISCUSS A PRESENTATION ON ACTIVITIES OF THE TEXAS MAIN STREET PROGRAM, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: This item has been added to provide City Council with an overview of the activities of the Rosenberg Main Street Program. Included in the agenda packet are draft rules and guidelines for two (2) proposed grant programs the Main Street Advisory Board is considering for visual improvements made to properties within the Main Street District. These grant programs are in the initial planning phase and are being presented for informational purposes at this time.

Should the Main Street Advisory Board choose to move forward with implementation of these programs, they would be placed on a future City Council Agenda for consideration.

Key Discussion Points: Dan Kelleher, Main Street Manager, gave information on the background of the Main Street Program and the specific initiatives the Main Street Program in Rosenberg has accomplished in the last few months. Through collaboration, the businesses in downtown Rosenberg have been able to work together to preserve history and promote growth. After discussion, Council was supportive of the Main Street Program, and hopes to see quantitative measures in the future in order to promote further success of the program.

3. **REVIEW AND DISCUSS STREET SWEEPING SERVICES, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: This item has been included to allow City Council an opportunity to discuss street sweeping services and to direct staff as necessary.

Key Discussion Points: William Benton, Councilor, At Large Position One, introduced Scott Coral of Custom Sweeping. Council thanked Mr. Coral for the service that has been provided, but asked that the drivers be advised to use more water and dump their dirt collection bins more frequently in order to improve the overall quality of the street sweeping services. Mr. Coral assured Council that the trucks are recently purchased with the greatest number of water heads, and explained that the recent onslaught of rain has contributed to a greater amount of dust and debris in the roadways.

4. **REVIEW AND DISCUSS FY2016 BUDGET PRIORITIES, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: As part of the FY2016 Budget process, each department was asked to submit their needs, not including operational expenses, for FY2016. The needs were submitted as a capital request (over \$100,000), a supplemental request (under \$100,000), or a personnel request. The majority of the items requested were identified during the strategic planning process.

Once the requests were compiled, City management (Department Directors) met and prioritized the requests. A listing of requests, as prioritized by management, was included for review along with each individual request form, as submitted by the department.

This item has been placed on the Workshop Agenda to provide City Council the opportunity to review the listing as prioritized by staff. Staff will be available to answer any questions.

The prioritized listing will be presented to City Council for consideration at a future regular City Council Meeting in the form of a Resolution. Once approval is received, City staff will determine the number of items that can be funded and included in the FY2016 Proposed

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

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

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

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

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

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

Key discussion points:

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

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

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

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

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

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

Key discussion points:

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

Questions:

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

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

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

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

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

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

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

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

Key discussion points:

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

Questions:

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



CITY COUNCIL COMMUNICATION

August 04, 2015

ITEM #	ITEM TITLE
10	Resolution No. R-1907 - EPA Grant Close Out Documents
ITEM/MOTION	
Consideration of and action on Resolution No. R-1907, a Resolution providing authorization for the City Manager to execute a request for grant closure regarding EPA Project ID Number XP-96663401, Richmond/Rosenberg West Fort Bend County Regional Water System; and/or appropriate documents regarding same.	
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-1907
2. Request for Grant Closure
3. EPA Grant
4. Resolution No. R-759 - 08-15-07
5. City Council Meeting Minute Excerpt – 08-15-07

MUD #: N/A

APPROVALS

Submitted by:

John Maresh
Assistant City Manager of
Public Services

Reviewed by:

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

Approved for Submittal to City Council:

Robert Gracia
City Manager

EXECUTIVE SUMMARY

On August 15, 2007, City Council authorized the submission of an application for grant funding through the United States Environmental Protection Agency (EPA) in association with the FY2006 Special Appropriations Act Project designated for the Richmond/Rosenberg West Fort Bend County Regional Water System. As a part of the application process, the City of Rosenberg was designated as the grant recipient and responsible party to administer the grant.

The grant provided a total of \$990,545.00 consisting of \$544,800.00 (55%) from Federal Funding and a local match of \$445,745.00 (45%). The cities of Richmond and Rosenberg utilized the Richmond/Rosenberg Local Government Corporation (RRLGC) as the vehicle to expend a large portion of the grant funds. The funds were primarily used for the proposed surface water treatment plant site selection and acquisition, environmental studies, and completion of the surface water treatment plant pilot study. During the course of the grant, approximately \$355,359.09 of the Federal Funds were used and \$290,748.35 of local matching funds were used for the abovementioned tasks. The local matching funds consisted of a 50/50 contribution by both the City of Richmond and the City of Rosenberg.

Shortly after completion of the pilot study, the City of Rosenberg determined the best, long-term solution for an alternate surface water supply was to enter into a long-term contract with the Brazosport Water Authority instead of constructing a surface water treatment plant with the City of Richmond. The remaining

grant funds cannot be utilized and the grant term will expire on August 31, 2015. A copy of the initial request for grant closure is included in the packet.

Staff recommends approval of Resolution No. R-1907, authorizing the City Manager to execute, for and on behalf of the City, appropriate documents regarding same.

RESOLUTION NO. R-1907

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, PROVIDING AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE A REQUEST FOR GRANT CLOSURE REGARDING EPA PROJECT ID NUMBER XP-96663401, RICHMOND/ROSENBERG WEST FORT BEND COUNTY REGIONAL WATER SYSTEM; AND/OR APPROPRIATE DOCUMENTS REGARDING THE SAME.

* * * * *

WHEREAS, the United States Environmental Protection Agency (EPA) has appropriated funding for the FY2006 Special Appropriations Act Project (SAAP) grant designated for the Richmond/Rosenberg West Fort Bend County Regional Water System; and,

WHEREAS, the City of Rosenberg and City of Richmond (“Cities”), Fort Bend County, Texas, have worked together in a cooperative and collaborative endeavor to attain required surface water goals that will benefit both cities and the surrounding community; and,

WHEREAS, the City of Rosenberg read, passed and approved Resolution No. R-759 on August 15, 2007, authorizing the Rosenberg City Manager to submit an application, on behalf of both Cities, seeking funding through the EPA FY2006 Special Appropriations Act designated for the Richmond/Rosenberg West Fort Bend County Regional Water System; and,

WHEREAS, the City of Richmond read, passed and approved Resolution No. 07-2007 on August 15, 2007, authorizing the Rosenberg City Manager to submit an application, on behalf of both Cities, seeking funding through the EPA FY2006 Special Appropriations Act designated for the Richmond/Rosenberg West Fort Bend County Regional Water System; and,

WHEREAS, the Cities authorized and agreed that the Rosenberg City Manager should be authorized to execute all documentation necessary to support the Cities obligations and responsibilities if the grant is awarded; and,

WHEREAS, the EPA grant designated the City of Rosenberg as the “Recipient” and the Rosenberg City Manager as the authorized representative for said EPA Grant; now, therefore,

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

Section 1. That the facts and matters set forth in the preamble of this Resolution are hereby found to be true and correct.

Section 2. The City Council of the City of Rosenberg hereby authorizes the City Manager to execute a request for request for grant closure regarding EPA Project ID Number XP-96663401, Richmond/Rosenberg West Fort Bend County Regional Water System; and/or appropriate documents regarding same.

Section 3. The City Council of the City of Rosenberg hereby designates, authorizes and directs its City Manager to act on behalf of the City in dealing with the EPA for the purposes of the grant closure, and that the City Manager is hereby officially designated as the representative in this regard.

PASSED, APPROVED, and RESOLVED this _____ day of _____ 2015.

ATTEST:

APPROVED:

Linda Cernosek, **City Secretary**

Cynthia A. McConathy, **Mayor**

August 04, 2015

Dena R. Hurst
Water Protection Division, 6WQ-AP
Environmental Protection Agency Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

**Re: Documentation for Grant Closure
Project ID Number XP-96663401-2**

Dear Ms. Hurst:

Per your e-mail, dated March 25, 2015 in response to our close out request on February 26, 2015, the following documents are provided:

1. A Work Plan documenting what work was done and the reasons the balance is being returned;
2. A signed certification of Labor Standards (XP-156);
3. A signed, final Federal Financial Report form 425;
4. A signed, final MBE/WBE Utilization form, EPA form 5700-52A; and
5. A signed Lobbying and Litigation Certification for Grants and Cooperative Agreements (form 5700-53).

No additional request for payment is being pursued; therefore, no form SF271, Final Request for Payment, is provided.

We, as the grantee, request closure of this grant. Please let us know if additional information or documentation is required. If you have any questions, or would like any additional information, please feel free to contact me at (832) 595-3500.

Sincerely,

Robert Gracia
City Manager
Grant Project Manager

xc: Luci English, eHT
Keith Kindle, eHT
John Maresh, Assistant City Manager of Public Services – Rosenberg
Terri Vela, City Manager – Richmond
Joyce Vasut, Executive Director of Administrative Services

Work Plan for Project Close-Out

Financial Assistance Agreement ID Number: XP-96663401-2

Project Title: Richmond / Rosenberg West Fort Bend County Regional Water System

Recipient Name: City of Rosenberg, 2110 Fourth Street, Rosenberg, TX 77471

Budget Period: 11/07/2007 – 08/31/2015

Work Completed:

The City of Richmond and the City of Rosenberg initially formed the Richmond-Rosenberg Local Government Corporation (RRLGC) to manage planning and construction of a surface water treatment plant (SWTP) to reduce local reliance on groundwater sources to meet benchmarks in the Groundwater Reduction Plan. The grant recipient was City of Rosenberg as RRLGC's agent. The original contract authorized tasks under the budget category of land, structures, rights-of-way, appraisal, etc. The site procurement tasks included surveying and environmental site assessment services.

Initial progress was slow due to the difficulty of determining an appropriate site for the SWTP. Tasks authorized under this project contract began in earnest during early 2011. Based on site selection criteria including land availability, the new SWTP will be located at Old Richmond Road and Riverwood Drive. The initial tasks consisted of surveying and a Phase 1 environmental site assessment for the Environmental Information Document (EID) process.

A request for a contract time extension was approved by the Environmental Protection Agency (EPA) through a contract amendment on September 30, 2011 since significant progress toward the planning goals were being achieved. Tasks completed under this project include the following:

- Land appraisal services,
- Preparation of the site EID,
 - documentation of direct, indirect, and cumulative impacts associated with the future construction of the SWTP and surface water transmission lines,
 - Socioeconomic analysis,
 - Historical, cultural, and archaeological review,
 - Wetland due diligence survey,
 - Land use analysis, and
 - Threatened and endangered species review, and
- Surveying and mapping.

The land has been acquired for the new facility. The project received a Finding of No Significant Impact from EPA, dated June 24, 2013, based on the EID results. Initial surveying and mapping the site for the land acquisition was completed.

With the majority of land-related tasks completed, a budget modification was requested and approved by EPA on January 24, 2013 to transfer a large portion of the remaining budget to architectural and engineering fees. A Basis of Design Report (BODR) was prepared for the proposed new SWTP and includes design criteria, process loading and sizing, operational concepts and space planning.

Reason the Balance is Being Returned:

Recently, the RRLGC has decided not to cooperatively construct the SWTP; instead, the City of Richmond will be constructing the SWTP independently. Since the project is nearing the contract end date of August 31, 2015 and only a small portion of the budget is remaining under this contract, the RRLGC (both the City of Richmond and the City of Rosenberg) have decided to return the remaining balance of funds. The City of Richmond will continue to pursue the construction of the SWTP in order to meet the project's original goals of reducing local reliance on groundwater sources. During the last several months, a pilot study has been conducted for the new SWTP and design is underway. Construction is anticipated to progress and a new SWTP is anticipated to be completed within the near future. The EPA assistance project has provided a significant environmental benefit during the land acquisition and planning phase of the SWTP development such that construction and start-up of the SWTP will be achieved.

Date

Signature of Authorized Representative

Robert Gracia, City Manager, City of Rosenberg, TX

Name and Title

**U.S. ENVIRONMENTAL PROTECTION AGENCY
 MBE/WBE UTILIZATION UNDER FEDERAL GRANTS
 AND COOPERATIVE AGREEMENTS**

PART I. (Reports are required even if no procurements are made during the reporting period.)

1A. FEDERAL FISCAL YEAR (Oct. 1-Sep 30) 20 <u>15</u>		1B. REPORTING PERIOD (Check ALL appropriate boxes) <input type="checkbox"/> 1 st (Oct-Dec) <input type="checkbox"/> 2 nd (Jan-Mar) <input type="checkbox"/> 3 rd (Apr-Jun) <input type="checkbox"/> 4 th (Jul-Sep) <input type="checkbox"/> Semi-Annual (Oct-Mar) <input type="checkbox"/> Semi-Annual (Apr-Sep) <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Check if this is the last report for the project (Project completed).																				
1C. REVISION OF A PRIOR REPORT? Y or N Year: <u>NO</u> Quarter: _____		BRIEFLY DESCRIBE THE REVISIONS YOU ARE MAKING: N/A																				
2A. EPA FINANCIAL ASSISTANCE OFFICE ADDRESS (ATTN: DBE Coordinator) Environmental Protection Agency, Region 6 (6MD-RP) 1445 Ross Avenue, Ste 1200, Dallas, TX 75202-2733		3A. RECIPIENT NAME AND ADDRESS City of Rosenberg 2110 Fourth Street, Rosenberg, TX 77471																				
2B. EPA DBE COORDINATOR Name: Debra N. Bradford E-mail: bradfor.debora@epa.gov	2C. PHONE: 214-665-7406 Fax: 214-665-8505	3B. RECIPIENT REPORTING CONTACT: Name: John Maresh E-mail: johnm@ci.rosenberg.tx.us	3C. PHONE: 832-595-3500 Fax: 832-595-3501																			
4A. FINANCIAL ASSISTANCE AGREEMENT ID NUMBER (SRF State Recipients, refer to Instructions for Completion of blocks 4A, 5A and 5C.) XP-96663401-2		4B. FEDERAL FINANCIAL ASSISTANCE PROGRAM TITLE or CFDA NUMBER: 66.202 - Congressionally Mandated Projects																				
5A. TOTAL ASSISTANCE AGREEMENT AMOUNT (SRF State Recipients, refer to Instructions for Completion of blocks 4A, 5A and 5C.) EPA Share: \$ <u>544,800.00</u> Recipient Share: \$ <u>445,745.00</u>		5B. If NO procurement and NO accomplishments were made this reporting period (by the recipients, sub-recipients, loan recipients, and prime contractors), CHECK and SKIP to Block No. 7. (Procurements are all expenditures through contract, order, purchase, lease or barter of supplies, equipment, construction, or services needed to complete Federal assistance programs. Accomplishments, in this context, are procurements made with MBEs and/or WBEs. <input checked="" type="checkbox"/>																				
5C. Total Procurements This Reporting Period (Only include amount not reported in any prior reporting period) Total Procurement Amount \$ _____ (Include total dollar values awarded by recipient, sub-recipients and SRF loan recipients, including MBE/WBE expenditures.)																						
5D. Were sub-awards issued under this assistance agreement? Yes <input type="checkbox"/> No <input type="checkbox"/> Were contracts issued under this assistance agreement? Yes <input type="checkbox"/> No <input type="checkbox"/>																						
5E. MBE/WBE Accomplishments This Reporting Period Actual MBE/WBE Procurement Accomplished: (Include total dollar values awarded by recipient, sub-recipients, SRF loan recipients and Prime Contractors.) <table border="1" style="width:100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th></th> <th align="center"><u>Construction</u></th> <th align="center"><u>Equipment</u></th> <th align="center"><u>Services</u></th> <th align="center"><u>Supplies</u></th> <th align="center"><u>Total</u></th> </tr> </thead> <tbody> <tr> <td>\$MBE:</td> <td align="center">_____</td> <td align="center">_____</td> <td align="center"><u>0.00</u></td> <td align="center">_____</td> <td align="center"><u>0.00</u></td> </tr> <tr> <td>\$WBE:</td> <td align="center">_____</td> <td align="center">_____</td> <td align="center"><u>0.00</u></td> <td align="center">_____</td> <td align="center"><u>0.00</u></td> </tr> </tbody> </table>						<u>Construction</u>	<u>Equipment</u>	<u>Services</u>	<u>Supplies</u>	<u>Total</u>	\$MBE:	_____	_____	<u>0.00</u>	_____	<u>0.00</u>	\$WBE:	_____	_____	<u>0.00</u>	_____	<u>0.00</u>
	<u>Construction</u>	<u>Equipment</u>	<u>Services</u>	<u>Supplies</u>	<u>Total</u>																	
\$MBE:	_____	_____	<u>0.00</u>	_____	<u>0.00</u>																	
\$WBE:	_____	_____	<u>0.00</u>	_____	<u>0.00</u>																	
6. COMMENTS: (If no MBE/WBE procurements were accomplished during the reporting period, please explain what steps you are taking to achieve the MBE/WBE Program requirements specified in the terms and conditions of the Assistance Agreement.) 																						
7. NAME OF RECIPIENT'S AUTHORIZED REPRESENTATIVE Robert Gracia		TITLE City Manager																				
8. SIGNATURE OF RECIPIENT'S AUTHORIZED REPRESENTATIVE		DATE																				

PART II.

MBE/WBE PROCUREMENTS MADE DURING REPORTING PERIOD

EPA Financial Assistance Agreement Number: XP-96663401-0

1. Procurement Made By			2. Business Enterprise		3. \$ Value of Procurement	4. Date of Procurement MM/DD/YY	5. Type of Product or Services ^A (Enter Code)	6. Name/Address/Phone Number of MBE/WBE Contractor or Vendor
Recipient	Sub-Recipient and/or SRF Loan Recipient	Prime	Minority	Women				
		✓		✓	\$0.00		3	Berg-Oliver Associates, Inc. 14701 Saint Marys Lane, #400, Houston, TX 77079 (281) 589-0898
		✓	✓		\$0.00		3	Surveying & Mapping, Inc. (SAM, Inc) 16770 Imperial Valley, Ste 115, Houston, TX 77060 (281) 481-9300

Type of product or service codes:

1 = Construction

2 = Supplies

3 = Services

4 = Equipment

Note: Refer to Terms and conditions of your Assistance Agreement to determine the frequency of reporting. Recipients are required to submit MBE/WBE reports to EPA beginning with the Federal fiscal year quarter the recipients receive the award, continuing until the project is completed.

Instructions:

A. General Instructions:

MBE/WBE utilization is based on 40 CFR Part 33. EPA Form 5700-52A must be completed by recipients of Federal grants, cooperative agreements, or other Federal financial assistance which involve procurement of supplies, equipment, construction or services to accomplish Federal assistance programs.

Recipients are required to report 30 days after the end of each federal fiscal quarter, semiannually, or annually, per the terms and conditions of the financial assistance agreement.

	Quarterly Reporting Due Date	Semiannual Reporting Due Date	Annual Reporting Due Date
Agreements awarded prior to May 27, 2008	January 30, April 30, July 30, October 30	N/A	October 30
Agreements awarded on or after May 27, 2008	N/A	April 30, October 30	October 30

MBE/WBE program requirements, including reporting, are material terms and conditions of the financial assistance agreement.

B. Definitions:

Procurement is the acquisition through contract, order, purchase, lease or barter of supplies, equipment, construction or services needed to accomplish Federal assistance programs.

A **contract** is a written agreement between an EPA recipient and another party (also considered "prime contracts") and any lower tier agreement (also considered "subcontracts") for equipment, services, supplies, or construction necessary to complete the project. This definition excludes written agreements with another public agency. This definition includes personal and professional services, agreements with consultants, and purchase orders.

A **minority business enterprise (MBE)** is a business concern that is (1) at least 51 percent owned by one or more minority individuals, or, in the case of a publicly owned business, at least 51 percent of the stock is owned by one or more minority individuals; and (2) whose daily business operations are managed and directed by one or more of the minority owners. In order to qualify and participate as an MBE prime or subcontractor for EPA

recipients under EPA's DBE Program, an entity must be properly certified as required by 40 CFR Part 33, Subpart B.

U.S. citizenship is required. Recipients shall presume that minority individuals include Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, or other groups whose members are found to be disadvantaged by the Small Business Act or by the Secretary of Commerce under section 5 of Executive order 11625. The reporting contact at EPA can provide additional information.

A **woman business enterprise (WBE)** is a business concern that is, (1) at least 51 percent owned by one or more women, or, in the case of a publicly owned business, at least 51 percent of the stock is owned by one or more women and (2) whose daily business operations are managed and directed by one or more of the women owners. In order to qualify and participate as a WBE prime or subcontractor for EPA recipients under EPA's DBE Program, an entity must be properly certified as required by 40 CFR Part 33, Subpart B.

Business firms which are 51 percent owned by minorities or women, but are in fact managed and operated by non-minority individuals do not qualify for meeting MBE/WBE procurement goals. U.S. Citizenship is required.

Good Faith Efforts

A recipient is required to make the following good faith efforts whenever procuring construction, equipment, services, and supplies under an EPA financial assistance agreement. These good faith efforts for utilizing MBEs and WBEs must be documented. Such documentation is subject to EPA review upon request:

1. Include of MBEs/WBEs on solicitation lists.
2. Assure that MBEs/WBEs are solicited once they are identified.
3. Divide total requirements into smaller tasks to permit maximum MBE/WBE participation, where feasible.
4. Establish delivery schedules which will encourage MBE/WBE participation, where feasible.
5. Encourage use of the services of the U.S. Department of Commerce's Minority Business Development Agency (MBDA) and the U.S. Small Business Administration to identify MBEs/WBEs.

6. Require that each party to a subgrant, subagreement, or contract award take the good faith efforts outlined here.

C. Instructions for Part I:

1a. Specify Federal fiscal year this report covers. The Federal fiscal year runs from October 1st through September 30th (e.g. November 29, 2010 falls within Federal fiscal year 2011)

1b. Check applicable reporting box, quarterly, semiannually, or annually. Also indicate if this is the last report for the project.

1c. Indicate if this is a revision to a previous year, half-year, or quarter, and provide a brief description of the revision you are making.

2a-c. Please refer to your financial assistance agreement for the mailing address of the EPA financial assistance office for your agreement.

The "EPA DBE Reporting Contact" is the DBE Coordinator for the EPA Region from which your financial assistance agreement was originated. For a list of DBE Coordinators please refer to the EPA OSBP website at www.epa.gov/osbp. Click on "Regional Contacts" for the name of your coordinator.

3a-c. Identify the agency, state authority, university or other organization which is the recipient of the Federal financial assistance and the person to contact concerning this report.

4a. Provide the Assistance Agreement number assigned by EPA. A separate report must be submitted for each Assistance Agreement.

***For SRF recipients:** In box 4a list numbers for ALL OPEN Assistance Agreements being reported on this form. Please note that although the New DBE Rule (which took effect May 27, 2008) revised the reporting frequency requirements from quarterly to semiannually, that change only applies to agreements awarded AFTER the New DBE Rule took effect. Therefore, SRF recipients may either continue to report activity for all Agreements on one form on a quarterly basis until the last award that was made prior to the New DBE Rule has been closed out; OR, the recipient may split the submission of SRF reports into quarterly reports for Agreements awarded prior the New DBE Rule, and semiannually for the awards made after the New DBE Rule.

4b. Refer back to Assistance Agreement document for this information.

5a. Provide the total amount of the Assistance Agreement which includes Federal funds plus recipient matching funds and funds from other sources.

***For SRF recipients only:** SRF recipients will not enter an amount in 5a. Please leave 5a blank.

5b. Self-explanatory.

5c. Provide the total dollar amount of ALL procurements awarded this reporting period by the recipient, sub-recipients, and SRF loan recipients, including MBE/WBE expenditures. For example: Actual dollars for procurement from the procuring office; actual contracts let from the contracts office; actual goods, services, supplies, etc., from other sources including the central purchasing/ procurement centers).

***NOTE:** To prevent double counting on line 5C, if any amount on 5E is for a subcontract and the prime contract has already been included on Line 5C in a prior reporting period, then report the amount going to MBE or WBE subcontractor on line 5E, but exclude the amount from Line 5C. To include the amount on 5C again would result in double counting because the prime contract, which includes the subcontract, would have already been reported.

5d. State whether or not sub-awards and/or subcontracts have been issued under the assistance agreement by indicating "yes" or "no".

5e. Where requested, also provide the total dollar amount of all MBE/WBE procurement awarded during this reporting period by the recipient, sub-recipients, SRF loan recipients, and prime contractors in the categories of construction, equipment, services and supplies. These amounts include Federal funds plus recipient matching funds and funds from other sources.

***For SRF recipients only:** In 5c please enter the total procurement amount for the quarter, or semiannual period, under all of your SRF Assistance Agreements. The figure reported in this section is not directly tied to an individual Assistance Agreement identification number. (SRF state recipients report state procurements in this section)

6. If there were no MBE/WBE accomplishments this reporting period, please briefly explain what

- specific steps you are taking to achieve the MBE/WBE requirements specified in the terms and conditions of the Assistance Agreement.
7. Name and title of official administrator or designated reporting official.
 8. Signature, month, day, and year report submitted.

D. Instructions for Part II:

For each MBE/WBE procurement made under this assistance agreement during the reporting period, provide the following information:

1. Check whether this procurement was made by the recipient, sub-recipient/SRF loan recipient, or the prime contractor.
2. Check either the MBE or WBE column. If a firm is both an MBE and WBE, the recipient may choose to count the entire procurement towards EITHER its MBE or WBE accomplishments. The recipient may also divide the total amount of the procurement (using any ratio it so chooses) and count those divided amounts toward its MBE and WBE accomplishments. If the recipient chooses to divide the procurement amount and count portions toward its MBE and WBE accomplishments, please state the appropriate amounts under the MBE and WBE columns on the form. **The combined MBE and WBE amounts for that MBE/WBE contractor must not exceed the "Value of the Procurement" reported in column #3**
3. Dollar value of procurement.
4. Date of procurement, shown as month, day, year. Date of procurement is defined as the date the contract or procurement was awarded, **not** the date the contractor received payment under the awarded contract or procurement, unless payment occurred on the date of award. **(Where direct purchasing is the procurement method, the date of procurement is the date the purchase was made)**
5. Using codes at the bottom of the form, identify type of product or service acquired through this procurement (e.g., enter 1 if construction, 2 if supplies, etc).
6. Name, address, and telephone number of MBE/WBE firm.

and 33); OMB Circulars; or added by EPA to ensure sound and effective assistance management. Accurate, complete data are required to obtain funding, while no pledge of confidentiality is provided.

The public reporting and recording burden for this collection of information is estimated to average 1 hour per response annually. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclosure or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, OPPE Regulatory Information Division, U.S. Environmental Protection Agency (2136), 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460. Include the OMB Control number in any correspondence. Do not send the completed form to this address.

**This data is requested to comply with provisions mandated by: statute or regulations (40 CFR Part 30, 31,

XP-156

CERTIFICATION OF LABOR STANDARDS

I certify that all the Labor Standards Contract Provisions of the specifications have been complied with during construction of water and/or wastewater infrastructure(s) known by the U. S. Environmental Protection Agency as

XP – 96663401-2,
(Project Number)

Richmond/Rosenberg West Fort Bend County Regional Water System
(Legal Name of Project)

Date

Signature of Authorized Representative

Robert Gracia, City Manager, City of Rosenberg, TX
Name and Title

*This is a suggested format. The grantee may substitute an equivalent format.



LOBBYING AND LITIGATION CERTIFICATION FOR GRANTS AND COOPERATIVE AGREEMENTS*

INSTRUCTIONS:

*At project completion, complete this form pursuant to the 2001 Department of Veterans Affairs and Housing and Urban Development, and Independent Appropriations Act, Public Law 106-377, Section 424 and 2000 Department of Veterans Affairs and Housing and Urban Development, and Independent Appropriations Act, Public Law 106-74, Section 426 and any other subsequent Appropriation Act requirements.

Please mail this form to your EPA Grant Specialist within 90 days of project completion. DO NOT send this information to the Office of Management & Budget.

Assistance Agreement Number(s):

XP-96663401-2

Richmond/Rosenberg West Fort Bend County Regional Water System

I hereby certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law.

Signature of the Chief Executive Officer

Date

Robert Gracia, City Manager, City of Rosenberg, Texas

Print Name

Burden Statement - The annual public reporting and record keeping burden for this collection of information is estimated to average 5 minutes per respondent. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Regulatory Information Division, U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Mail Code 3213A, Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, N.W., Washington, DC 20503, Attention: Desk Officer for EPA. Include the EPA ICR number and OMB control number in any correspondence.

	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment	GRANT NUMBER (FAIN): 96663401		DATE OF AWARD 01/24/2013
		MODIFICATION NUMBER: 2 PROGRAM CODE: XP		MAILING DATE 01/24/2013
		TYPE OF ACTION No Cost Amendment		ACH# 66944
		PAYMENT METHOD: ACH		
RECIPIENT TYPE: Municipal		Send Payment Request to: Las Vegas Finance Center		
RECIPIENT: City of Rosenberg 2110 Fourth St. Rosenberg, TX 77471 EIN: 74-6002014		PAYEE: City of Rosenberg 2110 Fourth Street Rosenberg, TX 77471		
PROJECT MANAGER Jack Hamlett 2110 Fourth St. Rosenberg, TX 77471 E-Mail: jackh@ci.rosenberg.tx.us Phone: 832-595-3310		EPA PROJECT OFFICER Nasim Jahan 1445 Ross Avenue, Suite 1200, 6WQ-AP Dallas, TX 75202-2733 E-Mail: nasim.jahan@epa.gov Phone: 214-665-7522		EPA GRANT SPECIALIST Jeraldine Englerth Grants Management Office, 6MD-CG E-Mail: englerth.jeraldine@epa.gov Phone: 214-665-7402
PROJECT TITLE AND EXPLANATION OF CHANGES Richmond/Rosenberg West Fort Bend County Regional Water System General Amendment Requiring Signature; This amendment moves \$600,000 from budget category Land, structures, rights-of-way, appraisals, etc. to Architectural and engineering fees per a request from the city.				
BUDGET PERIOD 11/07/2007 - 08/31/2015	PROJECT PERIOD 11/07/2007 - 08/31/2015	TOTAL BUDGET PERIOD COST \$990,545.00	TOTAL PROJECT PERIOD COST \$990,545.00	
NOTICE OF AWARD				
Based on your Application dated 08/29/2007 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$. EPA agrees to cost-share 55.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$544,800. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.				
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE	
ORGANIZATION / ADDRESS Grant Programs Section, 6MD-CG 1445 Ross Avenue, Suite 1200 Dallas, TX 75202-2733			ORGANIZATION / ADDRESS U.S. EPA, Region 6 Water Quality Protection Division (6WQ) 1445 Ross Avenue, Suite 1200 Dallas, TX 75202-2733	
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY				
Digital signature applied by EPA Award Official Jerri Englerth - Grants Specialist				DATE 01/24/2013

Approved Budget	
Program Element Classification (Construction)	Approved Allowable Budget Period Cost
1. Administration Expense	\$0
2. Preliminary Expense	\$0
3. Land Structure, Right Of Way	\$390,545
4. Architectural Engineering Basic Fees	\$600,000
5. Other Architectural Engineering Fees	\$0
6. Project Inspection Fees	\$0
7. Land Development	\$0
8. Relocation Expenses	\$0
9. Relocation Payments to Individuals & Bus.	\$0
10. Demolition and Removal	\$0
11. Construction and Project Improvement	\$0
12. Equipment	\$0
13. Miscellaneous	\$0
14. Total (Lines 1 thru 13)	\$990,545
15. Estimate Income	\$0
16. Net Project Amount (Line 14 minus 15)	\$990,545
17. Less: Ineligible Exclusions	\$0
18. Add: Contingencies	\$0
19. Total (Share: Recip <u>45.00%</u> Fed <u>55.00%</u>)	\$990,545
20. TOTAL APPROVED ASSISTANCE AMOUNT	\$544,800

Administrative Conditions

EXCEPT AS PROVIDED HEREIN, ALL TERMS AND CONDITIONS OF THE BASIC ASSISTANCE AGREEMENT, INCLUDING PRIOR AMENDMENTS, REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.

THE FOLLOWING TERMS AND CONDITIONS ARE NEW OR CHANGED:

1. Payment Methods:

a. The Debt Collection Improvement Act of 1996 requires that Federal payments be made by electronic funds transfer. In order to comply with the Act, a recipient must receive payments via one of two electronic methods available to them:

Automated Standard Application for Payments (ASAP)

The ASAP system is the preferred method of payment for EPA grantees. ASAP enrollment is highly encouraged for organizations that have multiple grants/cooperative agreements and for those with a frequent need to request funds. If your organization uses multiple bank accounts for EPA grants/cooperative agreements, you must enroll in ASAP. If you are interested in receiving funds electronically via ASAP, please complete the ASAP Initiate Enrollment form located at <http://www.epa.gov/ocfo/finservices/forms.htm> and email it to LVFC-grants@epa.gov or fax it to LVFC at 702-798-2423

Under this payment mechanism, the Recipient initiates, via ASAP, an electronic payment request which is approved or rejected based on the amount of available funds authorized by EPA in the Recipient's account. Approved funds are credited to the recipient organization at the financial institution identified on the recipient's ASAP enrollment application. Additional information concerning ASAP and enrollment can be obtained by contacting the EPA Las Vegas Finance Center, at (702) 798-2485, or by visiting www.fms.treas.gov/asap.

Electronic Funds Transfer (EFT)

Under this payment mechanism, the EPA Las Vegas Finance Center will obtain your organization's banking information from your System for Award Management (SAM) registration. Upon completion of required Regional training, a Las Vegas Finance Center Representative will send you an email message with your EFT Control Number and payment information. Additional information concerning EFT can be obtained by contacting the EPA Las Vegas Finance Center at (702) 798-2485, or by visiting <http://www.epa.gov/ocfo/finservices/payinfo.htm>

NOTE: If your banking information is not correct or changes at any time prior to the end of your agreement, please update your SAM registration and notify the EPA Las Vegas Finance Center as soon as possible so the new banking information can be retrieved. This is vital to ensure proper and timely deposit of funds.

b. In accepting this assistance agreement, the recipient agrees to draw cash only as needed for its disbursement. Failure on the part of the recipient to comply with this condition may cause the undisbursed portions of the assistance agreement to be revoked and financing method changed to a reimbursable basis.

2. Unliquidated Obligations: Pursuant to 40 CFR 31.41(b) and 31.50(b), EPA recipients shall submit an annual Federal Financial Report (SF-425) to EPA no later than 90 calendar days following the end of the reporting quarter.

The following reporting period end dates shall be used for interim reports: 3/31, 6/30, 9/30, or 12/31.

At the end of the project, the recipient must submit a final Federal Financial Report to EPA no later than 90 calendar days after the end of the project period. The form is available on the internet at

<http://www.epa.gov/ocfo/finservices/forms.htm> . All FFRs must be submitted to the Las Vegas Finance Center:

US EPA, Las Vegas Finance Center
4220 S. Maryland Pkwy, Bld C, Rm 503
Las Vegas, NV 89119

or by fax to: 702-798-2423

or by email to: lvfc-grants@epa.gov

The LVFC will make adjustments, as necessary, to obligated funds after reviewing and accepting a final Federal Financial Report. Recipients will be notified and instructed by EPA if they must complete any additional forms for the closeout of the assistance agreement.

EPA may take enforcement actions in accordance with 40 CFR 31.43 if the recipient does not comply with this term and condition.

3. Central Contractor Registration and Universal Identifier Requirements:

- A. Requirement for Central Contractor Registration (CCR). Unless you are exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain the currency of your information in the CCR until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.
- B. Requirement for Data Universal Numbering System (DUNS) numbers. If you are authorized to make subawards under this award, you:
1. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you unless the entity has provided its DUNS number to you.
 2. May not make a subaward to an entity unless the entity has provided its DUNS number to you.
- C. Definitions. For purposes of this award term:
1. Central Contractor Registration (CCR) means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the System for Award Management (SAM) Internet site (currently at <http://www.sam.gov>).
 2. Data Universal Numbering System (DUNS) number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities. A DUNS number may be obtained from D&B by telephone (currently 866-705-5711) or the Internet (currently at <http://fedgov.dnb.com/webform>).
 3. Entity, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:
 - a. A Governmental organization, which is a State, local government, or Indian tribe;
 - b. A foreign public entity;
 - c. A domestic or foreign nonprofit organization;
 - d. A domestic or foreign for-profit organization; and
 - e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
 4. Subaward:

- a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
 - b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. --.210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
 - c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.
5. Subrecipient means an entity that:
- a. Receives a subaward from you under this award; and
 - b. Is accountable to you for the use of the Federal funds provided by the subaward.

4. Suspension & Debarment: Recipients shall fully comply with Subpart C of 2 CFR Part 180 entitled, "Responsibilities of Participants Regarding Transactions Doing Business With Other Persons," as implemented and supplemented by 2 CFR Part 1532. Recipient is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 2 CFR Part 180, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. Recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. Recipient acknowledges that failing to disclose the information required under 2 CFR 180.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment.

Recipients may access suspension and debarment information at <http://www.sam.gov>. This system allows recipients to perform searches determining whether an entity or individual is excluded from receiving Federal assistance. This term and condition supersedes EPA Form 5700-49, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters."

5. Utilization of Small, Minority and Women's Business Enterprises:

GENERAL COMPLIANCE, 40 CFR, Part 33

The recipient agrees to comply with the requirements of EPA's Program for Utilization of Small, Minority and Women's Business Enterprises in procurement under assistance agreements, contained in 40 CFR, Part 33.

FAIR SHARE OBJECTIVES, 40 CFR, Part 33, Subpart D

A recipient must negotiate with the appropriate EPA award official, or his/her designee, fair share objectives for MBE and WBE (MBE/WBE) participation in procurement under the financial assistance agreements.

Accepting the Fair Share Objectives/Goals of Another Recipient

The dollar amount of this assistance agreement is \$250,000, or more; or the total dollar amount of all of the recipient's non-TAG assistance agreements from EPA in the current fiscal year is \$250,000, or more. The recipient accepts the applicable MBE/WBE fair share objectives/goals negotiated with EPA by the **Texas Water Development Board (TWDB)** as follows:

MBE: CONSTRUCTION 12.94%; SUPPLIES 9.68%; SERVICES 10.84%; EQUIPMENT 7.12%

WBE: CONSTRUCTION 8.72%; SUPPLIES 9.34%; SERVICES 5.72%; EQUIPMENT 5.39%

By signing this financial assistance agreement, the recipient is accepting the fair share objectives/goals stated above and attests to the fact that it is purchasing the same or similar construction, supplies, services and equipment, in the same or similar relevant geographic buying

market as TWDB.

Negotiating Fair Share Objectives/Goals, 40 CFR, Section 33.404

The recipient has the option to negotiate its own MBE/WBE fair share objectives/goals. If the recipient wishes to negotiate its own MBE/WBE fair share objectives/goals, the recipient agrees to submit proposed MBE/WBE objectives/goals based on an availability analysis, or disparity study, of qualified MBEs and WBEs in their relevant geographic buying market for construction, services, supplies and equipment.

The submission of proposed fair share goals with the supporting analysis or disparity study means that the recipient is **not** accepting the fair share objectives/goals of another recipient. The recipient agrees to submit proposed fair share objectives/goals, together with the supporting availability analysis or disparity study, to the Regional MBE/WBE Coordinator within 120 days of its acceptance of the financial assistance award. EPA will respond to the proposed fair share objective/goals within 30 days of receiving the submission. If proposed fair share objective/goals are not received within the 120 day time frame, the recipient may not expend its EPA funds for procurements until the proposed fair share objective/goals are submitted.

SIX GOOD FAITH EFFORTS, 40 CFR, Part 33, Subpart C

Pursuant to 40 CFR, Section 33.301, the recipient agrees to make the following good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement, and to require that sub-recipients, loan recipients, and prime contractors also comply. Records documenting compliance with the six good faith efforts shall be retained:

- a. Require DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
- b. Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.
- c. Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
- d. Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.
- e. Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.
- f. If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

MBE/WBE REPORTING, 40 CFR, Part 33, Sections 33.502 and 33.503

The recipient agrees to submit an EPA form 5700-52A "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements" beginning with the Federal fiscal year quarter the recipient receives the award and continuing until the project is completed. These reports must be submitted **quarterly** to the Regional MBE/WBE Coordinator within 30 days of the end of the Federal Fiscal quarter (January 30, April 30, July 30, and October 30). **Only procurements with certified MBE/WBEs are counted toward a recipient's MBE/WBE accomplishments.** Reports

should be sent to:

Debora Bradford
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

Final MBE/WBE reports must be submitted within 90 days after the project period of the grant ends. Your grant cannot be officially closed without all MBE/WBE reports.

EPA Form 5700-52A may be obtained from the EPA Office of Small Business Program's Home Page on the Internet at www.epa.gov/osbp.

CONTRACT ADMINISTRATION PROVISIONS, 40 CFR, Section 33.302

The recipient agrees to comply with the contract administration provisions of 40 CFR, Section 33.302.

BIDDERS LIST, 40 CFR, Section 33.501(b) and (c)

Recipients of a Continuing Environmental Program Grant or other annual reporting grant, agree to create and maintain a bidders list. Recipients of an EPA financial assistance agreement to capitalize a revolving loan fund also agree to require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. Please see 40 CFR, Section 33.501 (b) and (c) for specific requirements and exemptions.

Programmatic Conditions

EXCEPT AS PROVIDED HEREIN, ALL TERMS AND CONDITIONS OF THE BASIC ASSISTANCE AGREEMENT, INCLUDING PRIOR AMENDMENTS, REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.

THE FOLLOWING TERMS AND CONDITIONS ARE NEW OR CHANGED:

Electronic and Information Technology Accessibility: Recipients and subrecipients are subject to the program accessibility provisions of Section 504 of the Rehabilitation Act, codified in 40 CFR Part 7, which includes an obligation to provide individuals with disabilities reasonable accommodations and an equal and effective opportunity to benefit from or participate in a program, including those offered through electronic and information technology ("EIT"). In compliance with Section 504, EIT systems or products funded by this award must be designed to meet the diverse needs of users (e.g., U.S. public, recipient personnel) without barriers or diminished function or quality. Systems shall include usability features or functions that accommodate the needs of persons with disabilities, including those who use assistive technology. At this time, the EPA will consider a recipient's websites, interactive tools, and other EIT as being in compliance with Section 504 if such technologies meet standards established under Section 508 of the Rehabilitation Act, codified at 36 CFR Part 1194. While Section 508 does not apply directly to grant recipients, we encourage recipients to follow either the 508 guidelines or other comparable guidelines that concern accessibility to EIT for individuals with disabilities. Recipients may wish to consult the latest Section 508 guidelines issued by the US Access Board or W3C's Web Content Accessibility Guidelines (WCAG) 2.0(see <http://www.access-board.gov/sec508/guide/index.htm>).

RESOLUTION NO. R-759

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, IN COOPERATION WITH THE COMMISSION OF THE CITY OF RICHMOND, TEXAS, AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR GRANT FUNDING THROUGH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY IN ASSOCIATION WITH THE FY2006 SPECIAL APPROPRIATIONS ACT PROJECT DESIGNATED FOR THE RICHMOND/ROSENBERG WEST FORT BEND COUNTY REGIONAL WATER SYSTEM.

WHEREAS, the United States Environmental Protection Agency (EPA) has appropriated funding for the FY2006 Special Appropriations Act Project (SAAP) grant designated for the Richmond/Rosenberg West Fort Bend County Regional Water System; and,

WHEREAS, the City of Rosenberg and the City of Richmond ("cities), Fort Bend County, Texas, are working together in a cooperative and collaborative endeavor to attain required surface water goals that will benefit both cities and the surrounding community; and,

WHEREAS, the cities are cooperatively endeavoring to improve the ability to conserve, account for, and manage future water needs for both cities and the surrounding community through the West Fort Bend County Regional Surface Water Project; and,

WHEREAS, the grant amount is \$544,800, and the cities find it desirable to submit an application seeking funding through the EPA FY2006 Special Appropriations Act designated for the Richmond/Rosenberg West Fort Bend County Regional Water System for surface water improvements related to the West Fort Bend County Regional Surface Water Project; and,

WHEREAS, the cities agree to the required cost-share and/or matching fund requirements denoted within the application in addition to all associated costs to facilitate the application's submission to be provided equally; and,

WHEREAS, the cities authorize and agree that Rosenberg City Manager Jack S. Hamlett should be authorized to execute, on behalf of both cities, an application seeking funding through the EPA FY2006 Special Appropriations Act designated for the Richmond/Rosenberg West Fort Bend County Regional Water System; and,

WHEREAS, the cities authorize and agree that Rosenberg City Manager Jack S. Hamlett should be authorized to execute all documentation necessary to support the cities obligations and responsibilities if the grant is awarded.

NOW, THEREFORE BE IT RESOLVED that the Cities of Rosenberg and Richmond authorize Rosenberg City Manager Jack S. Hamlett and Richmond City Manager Glen Gilmore to submit an application for funding through the United States Environmental Protection Agency's FY2006 Special Appropriations Act Project (SAAP) grant designated for the Richmond/Rosenberg West Fort Bend County Regional Water System; and,

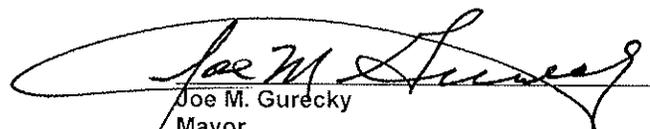
FURTHERMORE BE IT RESOLVED that Rosenberg City Manager Jack S. Hamlett is hereby designated as the authorized representative for said SAAP grant application and is authorized to execute all documents required.

READ, PASSED, AND APPROVED at a meeting of the City Council of the City of Rosenberg the 15th day of August, 2007.

ATTEST:


Linda Cernosek, TRMC
City Secretary

APPROVED:


Joe M. Gurecky
Mayor

- a contract facility for the lower Colorado River Authority, which is under expansion.
 - Glen Gilmore distributed a time table on the next steps on the Regional Surface Water Project.
 - Jack Hamlett stated in buying water rights you are banking it for the future. Water supply becomes limited. In order to secure a water supply, the only option for the City is BRA. We do not want to hamper growth due to a lack of water supply. It is a matter of knowing how much we feel secure with in order to move forward. It is good to know we can sell back a portion of that if the growth does not take place. We need to build some flexibility into it. North Fort Bend is another option, but we would have to pay more just to be a part of their conversion credits. We have to have a secure dependable water supply we can depend on for the residents in 2015.
 - Mayor Gurecky summed the discussion up:
 - Staff will be coming back with a recommendation to do the take or pay.
 - In the meanwhile, staff will look at the opportunity of getting credits and what the cost would be.
 - Jack Hamlett stated if we secure the water and know we have the surface water secured, it would buy us some time and would not have to have the plant in operation until 2015. Hopefully, the customer base will be larger and the cost can be spread and the debt service has to be paid.
 - Glen Gilmore stated an estimate to secure ground water for Richmond would be \$150,000 a year and Rosenberg \$218,000. Agreements would be made with the MUD's for them to share some of that cost.
2. **REVIEW AND DISCUSS A PROPOSED U.S. ENVIRONMENTAL PROTECTION AGENCY GRANT APPLICATION (CFDA 66.202), AND TAKE ACTION AS NECESSARY.**
 3. **CONSIDERATION OF AND ACTION ON THE APPOINTMENT OF AN AUTHORIZED REPRESENTATIVE TO EXECUTE SAID GRANT APPLICATION AND ALL APPROPRIATE DOCUMENTATION NECESSARY TO FACILITATE SUBMISSION TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY (CFDA 66.202).**

4. **CONSIDERATION OF AND ACTION ON RESOLUTION NO R-759, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, IN COOPERATION WITH THE COMMISSION OF THE CITY OF RICHMOND, TEXAS, AUTHORIZING THE STATES ENVIRONMENTAL PROTECTION AGENCY IN ASSOCIATION WITH THE FY2006 SPECIAL APPROPRIATIONS ACT PROJECT DESIGNATED FOR THE RICHMOND/ROSENBERG WEST FORT BEND COUNTY REGIONAL WATER SYSTEM.**

Key discussion points:

- Jack Hamlett gave an overview of Item 2. There was an allocation designated by Congressman Delay for the two cities with an Environmental Protection Agency (EPA) Grant and is approximately \$540,000 set aside. An application would have to be submitted to have access to those funds. Staff has met with representatives and if we want to apply before some rules occur, the application must be submitted by August 31, 2007. There is a match of forty-five percent (45%) required which would be one million \$1M of expenditures. Staff recommends to the two city councils to apply for those funds to use for purchase of the land for the site, purchase of easements and some of the water quality testing. These are expenditures that will not take a lot of red tape to go through the EPA and will have to spend within the next eighteen (18) months.

Action: Councilor Hopkins made a motion, seconded by Councilor Grigar in connection with the City of Rosenberg, to consider Items 2, 3, and 4, above together, and appoint Jack Hamlett to be the City of Rosenberg's authorized representative and move approval of Resolution R-759, which caption reads as follows: **"A Resolution of the City Council of the City of Rosenberg, Texas, in cooperation with the Commission of the City of Richmond, Texas, authorizing the submission of an application for grant funding through the United States Environmental Protection Agency in association with the FY2006 Special Appropriations Act project designated for the Richmond/Rosenberg West Fort Bend County regional water system."** The motion carried by a unanimous vote of those present.

ITEM 11

Announcements.

ITEM 12

Adjournment.