

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, September 01, 2015

TIME: 7:00 p.m.

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

PURPOSE: Regular City Council Meeting, agenda as follows:

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

Call to order: City Hall Council Chamber

Invocation and Pledge of Allegiance. (Pastor Robert Delgado, All Nations Worship Center, Richmond)

Announcements.

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

Presentation of Proclamation Proclaiming September 14, 2015, as Star-Spangled Banner Day in the City of Rosenberg. (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.

CONSENT AGENDA

1. Review of Consent Agenda.
All Consent Agenda items listed are considered to be routine by the City Council and may be enacted by one (1) motion. There will be no separate discussion of Consent Agenda items unless a City Council Member has requested that the item be discussed, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Regular Agenda.
 - A. Consideration of and action on Special Meeting Minutes for August 08, 2015, and Workshop Meeting Minutes for August 08, 2015. (Linda Cernosek, City Secretary)
 - B. Consideration of and action on Resolution No. R-2028, a Resolution authorizing the Mayor to execute, for and on behalf of the City, Amendment 4 To: Security Services Contract between Lamar Consolidated Independent School District and the City of Rosenberg for Police Services provided by Rosenberg Police Officers. (Dallis Warren, Police Chief)

REGULAR AGENDA

2. Consideration of and action on Ordinance No. 2015-26, an Ordinance approving and adopting the City of Rosenberg, Texas, Budget for the Fiscal Year 2015-2016; making appropriations for the City for such year as reflected in said Budget; and making certain findings and containing certain provisions relating to the subject. (Joyce Vasut, Executive Director of Administrative Services)

3. Consideration of and action on Ordinance No. 2015-27, an Ordinance providing for the levy and collection of ad valorem taxes of the City of Rosenberg, Texas, for the Year 2015; providing for the date on which such taxes shall be due and payable; providing for penalty and interest on all taxes not timely paid; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; and providing for severability. (Joyce Vasut, Executive Director of Administrative Services)
4. Consideration of and action on ratification of adoption of a Budget that will require raising more revenue from property taxes than in the previous year due to an increase in new development. (Joyce Vasut, Executive Director of Administrative Services)
5. Consideration of and action on Resolution No. R-2029, a Resolution awarding Bid No. 2015-07 for construction of the Community Development Block Grant (CDBG) Project related to construction services for the North Side Waterline Improvements Phase II; and, providing authorization for 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)
6. Consideration of and action on Resolution No. R-2017, a Resolution authorizing the City Manager to execute, for and on behalf of the City, an Interlocal Agreement by and between the City and the Fort Bend Subsidence District regarding participation as a sponsor in the Water Conservation Education Program. (John Maresh, Assistant City Manager of Public Services)
7. Review and discuss proposed cancellation of the October 06, 2015 Regular City Council Meeting, to accommodate the National Night Out activities, and take action as necessary. (Linda Cernosek, City Secretary)
8. Consideration of and action on Variance Decision and Order No. V2015-01, a Variance Request by Victor Macha to the requirements of Section 25-68 of the Code of Ordinances relating to the building lines for single-family residential lots, allowing for a proposed carport addition to the property located at 1509 George Street (Allendale Manor, Block 12, Lot 3). (Travis Tanner, Executive Director of Community Development)
9. Review and discuss a petition for disannexation of 1.393 acres (60,689 square feet) located in the Wiley Martin League, A-56, Fort Bend County, Texas (Fort Bend County Municipal Utility District No. 155), and take action as necessary to direct staff. (Travis Tanner, Executive Director of Community Development/Scott Tschirhart, City Attorney)
10. Consideration of and action on Resolution No. R-2031, a Resolution withdrawing consent to the establishment of any development standards or guidelines of the West Fort Bend Management District and repealing all prior development standards and guidelines adopted by the West Fort Bend Management District. (Cynthia A. McConathy, Mayor)
11. Hold Executive Session to deliberate the appointment, employment, and evaluation of the City Manager pursuant to Section 551.074 of the Texas Government Code.
12. Adjourn Executive Session, reconvene into Regular Session, and take action as necessary as a result of Executive Session.
13. Adjournment.

[EXECUTION PAGE TO FOLLOW]

Announcements.

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

City of Rosenberg

IMAGE COMMITTEE

Certificate of Recognition

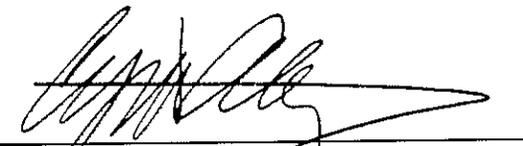
Be it hereby known to all, that

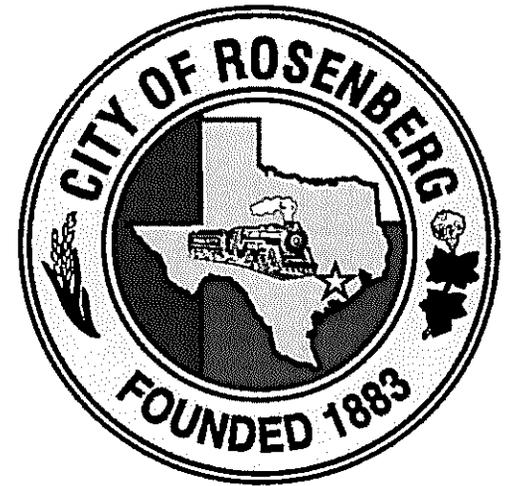
Agnes Helm

1122 Lawrence Street

has, on this 1st day of September 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.




Cynthia A. McConathy, Mayor



City of Rosenberg

IMAGE COMMITTEE

Certificate of Recognition

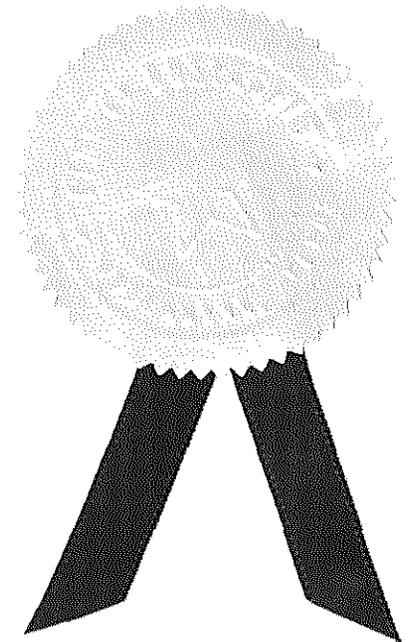
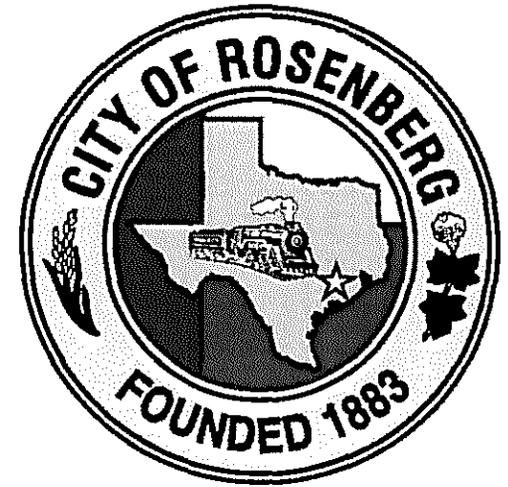
Be it hereby known to all, that

Ryan and Jade Ohl
1122 Lawrence Street

have, on this 1st day of September 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

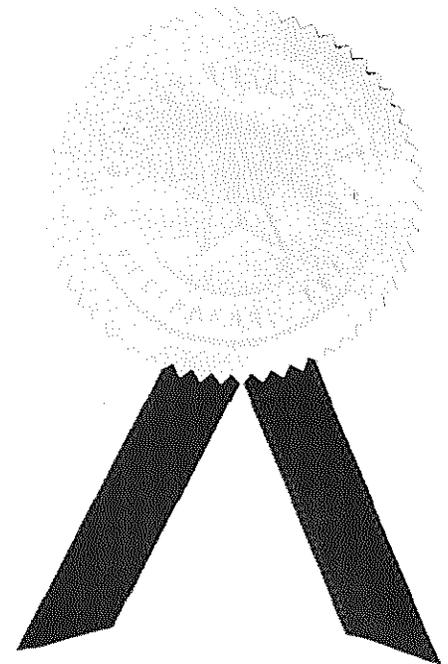
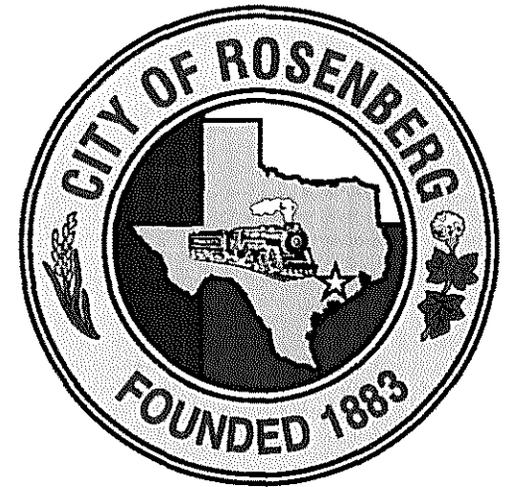
Robert and Cheryl Duran

503 Houston Street

have, on this 1st day of September 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

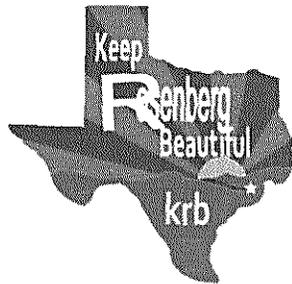
Certificate of Recognition

Be it hereby known to all, that

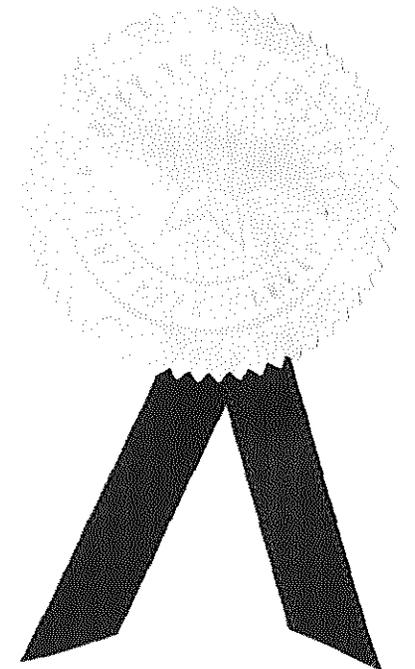
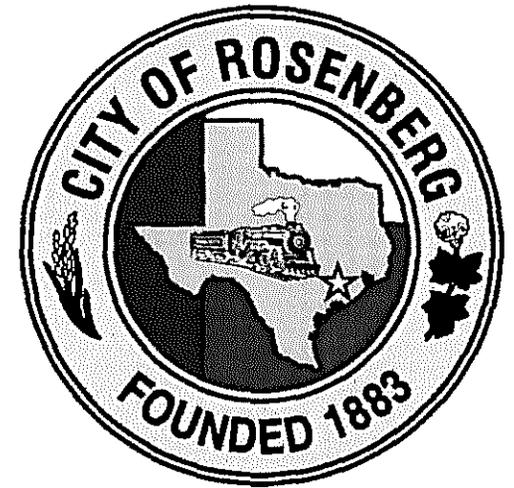
Robert Anthony Duran

503 Houston Street

has, on this 1st day of September 2015, been recognized for his acts of labor and excellence in beautifying this property and for his 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

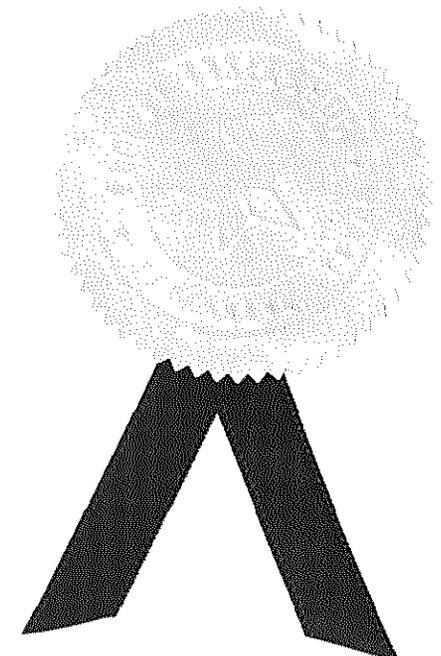
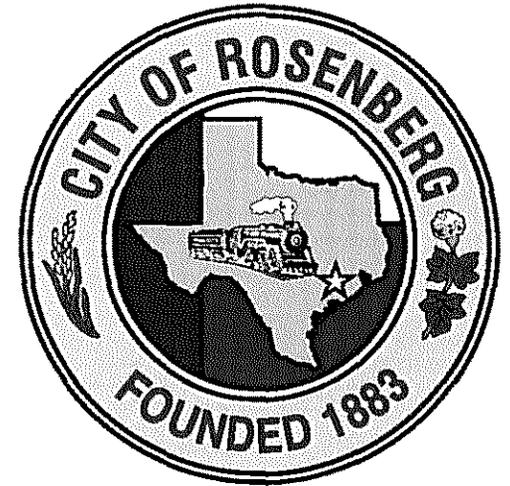
Be it hereby known to all, that

Rosenberg Station
5101 Avenue H

have, on this 1st day of September 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



**Presentation of Proclamation Proclaiming
September 14, 2015, as Star-Spangled
Banner Day in the City of Rosenberg.**

PROCLAIMING SEPTEMBER 14, 2015 AS STAR-SPANGLED BANNER DAY IN THE CITY OF ROSENBERG

WHEREAS, "The Star-Spangled Banner", our National Anthem, was written during the War of 1812; and,

WHEREAS, By the dawn's early light on September 14, 1814, Francis Scott Key saw the American flag flying over Fort McHenry, signifying an American victory, and was inspired to write the words of "The Star-Spangled Banner"; and,

WHEREAS, In 1918, members of the National Society United States Daughters of 1812 led a campaign to make "The Star-Spangled Banner" the National Anthem of the United States; and,

WHEREAS, On March 3, 1931, President Herbert Hoover signed Public Law 823 making "The Star-Spangled Banner" our National Anthem; and,

WHEREAS, Millions of Americans cherish and respect the words and music of "The Star-Spangled Banner"; and,

WHEREAS, Sporting and public events begin with the singing or playing of the National Anthem as a reaffirmation of patriotism and love of country; and,

WHEREAS, The National Society United States Daughters of Eighteen Hundred and Twelve and the Captain James Asbury Tait Chapter #89 calls for a day to observe the historical significance of "The Star-Spangled Banner" and to celebrate the words that Francis Scott Key penned in 1814.

NOW, THEREFORE, I, Cynthia A. McConathy, Mayor of the City of Rosenberg in the State of Texas, do hereby proclaim September 14th as "Star-Spangled Banner Day" and urge all citizens to recognize and celebrate the anniversary of the birth of our country's National Anthem.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official Seal of the City of Rosenberg to be affixed this the 1st day of September, 2015.



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. Special City Council Meeting Minutes – August 08, 2015**
- 2. City Council Workshop Meeting Minutes – August 08, 2015**

CITY OF ROSENBERG

SPECIAL COUNCIL MEETING MINUTES *DRAFT*

On this the 8th day of August, 2015, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Special Session, in the Rosenberg City Hall Council Chamber, located at 2110 4th Street, Rosenberg, Texas.

PRESENT

Cynthia A. McConathy	Mayor
William Benton	Councilor at Large, Position 1
Amanda J. Barta	Councilor at Large, Position 2
Jimmie J. Pena	Councilor, District 1
Susan Euton	Councilor, District 2
Lisa M. 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
Dallis Warren	Police Chief
Tracie Dunn	Assistant Police Chief
Katrina Bubb	Police Officer
Wade Goates	Fire Chief
Justin Jurek	Fire Marshal
Angela Fritz	Executive Director of Information Services
Jenny Pavlovich	Communications Manager
Darren McCarthy	Parks and Recreation Director
Randall Malik	Economic Development Director
Rigo Calzoncin	Public Works Director
James Lewis	Information Services Manager
Steven Trevino	Information Technology Specialist
Lori Dresner	Finance Analyst
Luis Garza	Accounting Supervisor
Daniel Kelleher	Main Street Manager
Kaye Supak	Executive Assistant
Jackie Jurasek	Animal Control Supervisor
Val Martinez	Fleet Supervisor
Karl Zwahr	Utilities Director
Carolyn Kagy	Civic Center Manager

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 8:01 a.m.

GENERAL COMMENTS FROM THE AUDIENCE.

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

COMMENTS FROM THE AUDIENCE FOR CONSENT AND REGULAR AGENDA ITEMS.

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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.

AGENDA

1. **CONSIDERATION OF AND ACTION ON THE 2015 CERTIFIED PROPERTY TAX ROLL, NEW PROPERTY VALUES, APPRAISED VALUE OF ALL PROPERTIES, AND THE ANTICIPATED COLLECTION RATE OF 100%.**

Executive Summary: The Fort Bend County Tax Assessor/Collector, Patsy Schultz, requests that the City Council acknowledge in the minutes receipt of the Certified Appraisal Roll Totals, the Value of New Property, and the Anticipated Collection Rate for the 2015 Tax Year.

Staff recommends that City Council accept the Certified Appraisal Roll Totals, the Value of New Property, and the Anticipated Collection Rate for the 2015 Tax Year as presented by the County Tax Assessor/Collector.

Key Discussion Points: Joyce Vasut, Executive Director of Administrative Services, read the Executive Summary, and stated that the Total Taxable Value of all property is \$1,933,380,329. The County sets an Anticipated 2015 Tax Year Collection Rate at 100%, but the City of Rosenberg budgets for a 97% collection rate.

Action: Councilor Benton made a motion, seconded by Councilor Euton, to accept the 2015 Certified Property Tax Roll, New Property Values, Appraised Value of All Properties, and the Anticipated Collection Rate of 100%. The motion carried by a unanimous vote.

2. **CONSIDERATION OF AND ACTION TO PLACE AN ACTION ITEM ON THE AGENDA FOR SEPTEMBER 01, 2015, TO VOTE ON A TAX RATE INCREASE AS COMPUTED UNDER STATE GUIDELINES WITH A PROPOSED TAX RATE NOT TO EXCEED \$0.48 PER \$100 VALUATION.**

Executive Summary: Chapter 140 of the Local Government Code and Chapter 26 of the Property Tax Code require taxing units to comply with Truth-in-Taxation laws in adopting their tax rates. These laws were designed to make taxpayers aware of tax rate proposals and to allow taxpayers, in certain cases, to roll back or limit a tax increase. Beginning with Tax Year 1998, any increase in property tax revenue requires the taxing unit to vote to place a proposal to increase tax revenues on the Agenda of a future meeting as an action item.

The City's current tax rate is \$0.49 per \$100 valuation. Based on the 2015 effective tax rate calculation, the 2015 effective tax rate is \$0.474526. Thus, the proposed rate of \$0.474526 is not considered a tax increase. However, City Council should vote to place the proposed tax rate on the Agenda of a future meeting as an action item and to publish a Notice of 2015 Tax Year Proposed Property Tax Rate for City of Rosenberg. Two (2) public hearings on the tax rate will not be required. These items are summarized in the attached timetable.

A presentation will be provided at the meeting regarding the tax rate. Staff recommends placing an action item on the Agenda for September 01, 2015, to vote on a tax rate of \$0.474526 per \$100 valuation and to publish a Notice of 2015 Tax Year Proposed Property Tax Rate for the City of Rosenberg.

Key Discussion Points: Joyce Vasut read the Executive Summary and gave a presentation on the Tax Rates:

- Based on the calculations of our debt requirements for next year and the 2015 taxable values, the FY2016 Calculated Debt Rate equals \$0.216258.
- Based on the calculation of 2014 Revenues divided by 2015 Adjusted Taxable Value, the FY2016 Effective Tax Rate equals \$0.474526.
 - The lower effective tax rate is a positive indication of the growth within the City.
- The FY 2016 Rollback Rate with Sales Tax Adjustment equals \$0.500195.
- The proposed budget includes a tax rate of \$0.474526, which includes a decrease of \$0.015474 from the FY2015 tax rate.
- Based on the total tax rate and debt service rate, the FY 2016 M&O Rate equals \$0.258268.
- The comparison between FY2015 and FY2016 as proposed are as follows:

	Current Rates	Proposed Rates
	FY2015	FY2016
Debt Rate	\$0.231420	\$0.216258

M&O Rate	\$0.258580	\$0.258268
Total Tax Rate	\$0.490000	\$0.474526
Effective Tax Rate	\$0.478172	\$0.474526
Rollback Rate	\$0.504526	\$0.500195

Action: Councilor Euton made a motion, seconded by Councilor Wallingford, to approve placing an action item on the Agenda for September 01, 2015, to vote on the tax rate as computed under state guidelines with a proposed tax rate of \$0.474526 per \$100 valuation.

Amended Action: Councilor Benton made a motion, seconded by Councilor Barta, to approve placing an action item on the Agenda for September 01, 2015, to vote on the tax rate as computed under state guidelines with a proposed tax rate of \$0.470000 per \$100 valuation.

The motion carried by a vote of 4 to 3 as follows: Yeses: Mayor McConathy, Councilors Benton, Barta, and Moses. Noes: Councilors Pena, Euton, and Wallingford.

After the vote, Joyce Vasut stated that the newspaper notice will be published on Wednesday, August 12, 2015, with the amended tax rate reflected at \$0.470000.

3. **CONSIDERATION OF AND ACTION ON SETTING PUBLIC HEARING DATES RELATED TO THE PROPOSED AD VALOREM TAX RATE FOR THE FISCAL YEAR BEGINNING OCTOBER 01, 2015, AND ENDING SEPTEMBER 30, 2016.**

Executive Summary: Chapter 26 of the Property Tax Code requires that taxing units comply with Truth-in-Taxation laws during the tax rate adoption process. These laws were designed to make taxpayers aware of increases in tax rate proposals and to provide an avenue for comment. The proposed rate of \$0.470000 per \$100 is not considered a tax rate increase and the City is not required to hold two public hearings on the tax rate.

However, staff is recommending that the following dates be set to receive public comment regarding the proposed budget for the fiscal year beginning October 1, 2015, and ending September 30, 2016:

Tuesday, August 18, 2015, at 7:00 p.m.

Tuesday, August 25, 2015, at 6:00 p.m.

Should these dates be approved by City Council, Agenda items to accommodate the public hearings will be included on the City Council Agendas for the meeting dates as indicated. Additionally, the required notice will be published in the newspaper to give the public the proper notification.

Key Discussion Points: Joyce Vasut read the Executive Summary.

Action: Councilor Benton made a motion, seconded by Councilor Barta, to approve public hearing dates related to the proposed ad valorem tax rate for the fiscal year beginning October 01, 2015, and ending September 30, 2016. The motion carried by a unanimous vote.

4. **ADJOURNMENT.**

There being no further business, Mayor McConathy adjourned the meeting at 8:20 a.m.

Linda Cernosek, TRMC, City Secretary

CITY OF ROSENBERG

WORKSHOP COUNCIL MEETING MINUTES *DRAFT*

On this the 8th day of August, 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 A. McConathy	Mayor
William Benton	Councilor at Large, Position 1
Amanda J. Barta*	Councilor at Large, Position 2
Jimmie J. Pena	Councilor, District 1
Susan Euton	Councilor, District 2
Lisa M. 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
Dallis Warren	Police Chief
Tracie Dunn	Assistant Police Chief
Katrina Bubb	Police Officer
Wade Goates	Fire Chief
Justin Jurek	Fire Marshal
Angela Fritz	Executive Director of Information Services
Jenny Pavlovich	Communications Manager
Darren McCarthy	Parks and Recreation Director
Randall Malik	Economic Development Director
Rigo Calzoncin	Public Works Director
James Lewis	Information Services Manager
Steven Trevino	Information Technology Specialist
Lori Dresner	Finance Analyst
Luis Garza	Accounting Supervisor
Daniel Kelleher	Main Street Manager
Kaye Supak	Executive Assistant
Jackie Jurasek	Animal Control Supervisor
Val Martinez	Fleet Supervisor
Karl Zwahr	Utilities Director
Carolyn Kagy	Civic Center Manager

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 8:20 a.m.

AGENDA

1. **REVIEW AND DISCUSS FISCAL YEAR 2015-2016 BUDGET AS SUBMITTED BY THE CITY MANAGER ON JULY 21, 2015, PURSUANT TO ROSENBERG CITY CHARTER, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**
Key Discussion Points: Joyce Vasut, Executive Director of Administrative Services gave an overview on the Proposed FY2016 Budget, and led discussions on the following funds and departments:
 - General Fund Overview
 - Mayor and City Council

- Increase the Education and Training for the Mayor and each Council position from \$1,600 or \$1,700 to \$2,500. Total increase in expense for this item is \$5,900.
 - Increase the Business Expense for the Mayor and each Council position by \$1,000. Total increase in expense for this item is \$7,000.
- City Manager
- Human Resources
- Economic Development
- Technology
- Communications
- City Secretary
- Finance
- Municipal Court
- City Attorney/City Prosecutor
- General Government
 - Increase the Special Committee Expense in General Government by \$1,300.
- Building Maintenance
- Mayor McConathy adjourned the meeting for a break at 9:30 a.m., and reconvened the meeting at 9:45 a.m.
- Planning
- Engineering
- Code Enforcement
- Health
- Parks and Recreation
- Special Events
- Police
- Emergency Management
- School Resource Officers
- Animal Control
- Fire
- Fire Marshal
- Public Works
- Street Lighting and Signals
- Fleet
- Solid Waste
- Special Revenue Funds Overview
- Hotel/Motel
 - Main Street Program
 - Increase the expenses for the Hotel Motel Fund – Main Street Program to include a total of \$50,000 for façade improvement matching grant program (\$20,000), physical improvement matching grant program (\$10,000) and downtown seasonal events (\$20,000).
 - Marketing/Tourism
- Municipal Court Technology Fund
- Mayor McConathy adjourned the meeting for lunch at 11:50 a.m., and reconvened the meeting at 1:00 p.m.
- *Councilor Barta left the meeting prior to discussion for the Beautification Fund.
- Beautification Fund
- Law Enforcement Fund
- Community Development Block Grant
- Police Asset Forfeiture
- Park Land Dedication Fund
- Juvenile Case Manager Fund
- Child Safety Fund
- Municipal Court Building Security Fund
- MUD Fire Services
- Police Federal Forfeiture Fund
- PEG Capital Fund
- Fire Station No. 3 Operating
 - Remove funding for the assessment payable to Summer Park Property Owners Association, Inc. fee in the amount of \$11,469 from the Fire Station No. 3 Operating Fund and decrease the transfer from the General Fund to the Fire Station No. 3 Operating Fund by \$11,469.

- Enterprise Funds Overview
 - Water/Wastewater Fund
 - W/WW - Customer Service
 - W/WW Administration
 - W/WW – Water Production
 - W/WW – Water Distribution
 - W/WW – Wastewater Collection
 - W/WW – W/W Treatment
 - W/WW – Reclaimed Water
- Non-Departmental
- Civic Center Fund
- Internal Service Funds Overview
 - Insurance Fund
 - Fleet Replacement Fund
 - Technology Fund
- Rosenberg Development Corp.
- Reduce the Transfer from the General Fund to the General Supplemental Fund by \$22,500 for a budget request item that was mistakenly included in the budget. Also, reduce the corresponding Machinery and Equipment expense in the General Supplemental Fund by \$22,500.

The Budget items were generally agreed upon as presented unless otherwise noted.

2. **ADJOURNMENT.**

There being no further business, Mayor McConathy adjourned the meeting at 1:50 p.m.

Linda Cernosek, TRMC, City Secretary



CITY COUNCIL COMMUNICATION

September 01, 2015

ITEM #	ITEM TITLE
B	Resolution No. R-2028 - Amendment 4 to LCISD Security Services Contract

ITEM/MOTION

Consideration of and action on Resolution No. R-2028, a Resolution authorizing the Mayor to execute, for and on behalf of the City, Amendment 4 To: Security Services Contract between Lamar Consolidated Independent School District and the City of Rosenberg for Police Services provided by Rosenberg Police Officers.

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. Resolution No. R-2028
2. Resolution No. R-1536 - 08-21-12
3. City Council Meeting Minute Excerpt – 08-21-12

APPROVALS

Submitted by:

Dallis Warren
Police Chief

Reviewed by:

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

Approved for Submittal to City Council:

Robert Gracia
City Manager

EXECUTIVE SUMMARY

Amendment 4 to the Security Services Contract (Contract) with Lamar Consolidated Independent School District (LCISD) is to provide for one (1) additional one-year extension to the current Contract.

LCISD and Rosenberg mutually agree that the terms and provisions of the original Agreement, executed by a representative of LCISD on March 22, 2012, and by the City on August 21, 2012, shall renew automatically for a term of one (1) year, ending on August 31, 2016. One (1) additional one-year renewal remains upon mutual agreement of the parties

Amendment 4 is included as Exhibit "A" to Resolution No. R-2028. Staff recommends approval of Resolution No. R-2028 as presented.

RESOLUTION NO. R-2028

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE, FOR AND ON BEHALF OF THE CITY OF ROSENBERG, TEXAS, AMENDMENT 4 TO: SECURITY SERVICES CONTRACT BETWEEN LAMAR CONSOLIDATED INDEPENDENT SCHOOL DISTRICT AND THE CITY OF ROSENBERG, TEXAS, FOR POLICE SERVICES PROVIDED BY ROSENBERG POLICE OFFICERS.

* * * * *

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

Section 1. The City Council of the City of Rosenberg hereby authorizes the Mayor to execute Amendment 4 To: Security Services Contract between Lamar Consolidated Independent School District and the City of Rosenberg, Texas, for police services provided by Rosenberg Police Officers.

Section 2. A copy of said Amendment 4 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**

**AMENDMENT 4 TO:
SECURITY SERVICES CONTRACT
BETWEEN
LAMAR CONSOLIDATED INDEPENDENT SCHOOL DISTRICT
&
CITY OF ROSENBERG, TEXAS**

THIS AMENDMENT is made and entered into by and between the Lamar Consolidated Independent School District, hereinafter referred to as "LCISD," and the City of Rosenberg, Texas, hereinafter referred to as "Rosenberg," and in this regard, the parties hereto mutually agree to the terms outlined below.

WITNESSETH

WHEREAS, LCISD finds that the continued presence of police officers on LCISD property and/or campuses is beneficial and desirable; and

NOW, THEREFORE, for and in consideration of these premises, LCISD and Rosenberg do hereby stipulate and agree to the following changes in terms:

1. LCISD and Rosenberg mutually agree that the terms and provisions of the original agreement executed by a representative of Lamar Consolidated Independent School District on the 22nd day of March 2012 renew automatically for a term of one year ending on August 31, 2016. One (1) additional one-year renewal remains upon mutual agreement of the parties.

WITNESS OUR HANDS:

LAMAR CONSOLIDATED INDEPENDENT SCHOOL DISTRICT

By: _____
Dr. Thomas Randle, Superintendent

Attest: _____
Secretary

CITY OF ROSENBERG

By: _____
Cynthia A. McConathy, Mayor

Attest: _____
Secretary

RESOLUTION NO. R-1536

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A SECURITY SERVICES CONTRACT, BY AND BETWEEN LAMAR CONSOLIDATED INDEPENDENT SCHOOL DISTRICT AND THE CITY OF ROSENBERG, TEXAS, FOR POLICE SERVICES PROVIDED BY ROSENBERG POLICE OFFICERS.

* * * * *

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

Section 1. The Mayor is hereby authorized to execute a Security Services Contract (Contract) between Lamar Consolidated Independent School District and the City of Rosenberg, Texas, for police services provided by Rosenberg Police Officers; and,

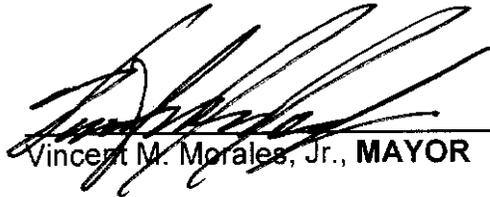
Section 2. A copy of such Contract is attached hereto as Exhibit "A" and made a part hereof for all purposes.

PASSED, APPROVED, AND RESOLVED this 21st day of August 2012.

ATTEST:


Linda Cernosek, CITY SECRETARY

APPROVED:


Vincent M. Morales, Jr., MAYOR



**SECURITY SERVICES CONTRACT
BETWEEN
LAMAR CONSOLIDATED INDEPENDENT SCHOOL DISTRICT
&
CITY OF ROSENBERG, TEXAS**

THIS AGREEMENT is made and entered into by and between the Lamar Consolidated Independent School District, hereinafter referred to as "LCISD", and the City of Rosenberg, Texas, hereinafter referred to as "Rosenberg", and in this regard, the parties hereto mutually agree and state as follows:

WITNESSETH

WHEREAS, LCISD finds that the continued presence of police officers on LCISD property and/or campuses is beneficial and desirable; and

WHEREAS, LCISD recognizes that Rosenberg and other municipalities cannot unilaterally provide the degree of law enforcement presence that is necessary and desirable on school campuses; and

WHEREAS, LCISD may commission peace officers to provide necessary security and protection (Services), and determine the jurisdiction of such peace officers; and

WHEREAS, LCISD has determined to enter into an agreement with Rosenberg for such Services, and has specifically authorized the subject peace officers to carry weapons in performing such Services within LCISD's jurisdiction, which it determines to include without limitations all LCISD schools under the control of the school district;

NOW, THEREFORE, for and in consideration of these premises, LCISD and Rosenberg do hereby stipulate and agree as follows:

1. LCISD and Rosenberg mutually agree that the terms and provisions of this agreement shall commence at 10:01 a.m. on the 1st day of September 2012, and shall continue in full force and effect for a one-year period ending on the 31st day of August 2013, and shall automatically renew for an additional period of one year, unless the parties hereto shall have previously exercised their right to cancel this agreement as hereinafter provided.
2. LCISD agrees to pay to Rosenberg from current revenues available, the officers' salary, benefits, and administrative fees due and payable in four equal quarterly payments with the first payment to be due on the 1st day of September 2012, and subsequent payments on the 1st day of December, the 1st day of March, and a last payment on the 1st day of June 2013, for the purpose of subsidizing the expenses incurred by Rosenberg in the

employment and retention of police officers to provide law enforcement on all LCISD properties and campuses as herein provided. The parties agree at such times as are convenient and necessary to adjust and/or re-compute the monies as herein provided when circumstances and conditions exist making such adjustments necessary and desirable to accomplish the objectives of this agreement.

3. LCISD further agrees to purchase and provide to Rosenberg a police vehicle having standard police equipment and packages in a make, model, and equipment presence as specified by the Chief of Police of the City of Rosenberg and at no expense or cost to Rosenberg at any time. LCISD shall further provide and pay for the maintenance of said vehicle in a manner as provided for and approved by Rosenberg. Such vehicle when provided shall be marked with appropriate logos and the informational text as shall be deemed necessary and desirable by the Chief of Police of the City of Rosenberg to properly designate the vehicle as a vehicle owned by LCISD and operated by Rosenberg.

4. In consideration for LCISD providing the equipment and cash consideration as herein specified, Rosenberg, through its Chief of Police, shall designate nine (9) officers to be "primary responsible officers for LCISD". Said officers shall be fully qualified as police officers in the State of Texas and shall primarily be directed by the Chief of Police and other officers of the police force of Rosenberg to patrol and provide a police presence on such properties and campuses owned by LCISD, including without limitation, all LCISD schools.

5. This agreement, after all parties shall execute the same, shall continue in full force and effect for a one-year period after the date of execution. However, the parties hereto may permit the automatic renewal of this agreement for four additional one year periods unless either party hereof shall give notice, not less than thirty (30) days prior to the expiration thereof that said party wishes to terminate said agreement and render the same null and void. Upon giving such notice and making such termination, this agreement shall become null and void upon the expiration thereof. This agreement, if automatically renewed, shall finally expire at 10:01 a.m. on the 1st day of September 2017. Notice shall be deemed sufficient if hand delivered or posted in the United States Mail postage prepaid, Certified or Registered Mail not less than thirty (30) days prior to the expiration thereof. In the event of termination as herein provided, all payments and monies otherwise due and payable to Rosenberg by LCISD under the terms of the agreement shall continue to remain due and payable until fully paid.

6. The parties agree that every effort should be made to schedule and/or designate vacation days, compensatory time, and other days off at times when school is not in session or at other times when the absence of police officers will not otherwise cause unnecessary risks.

7. It is the intent of the parties that Rosenberg (and designated officers thereof) be an independent contractor and not an employee, agent, joint venture, or partner of LCISD. Nothing in this contract shall be interpreted or construed as creating or establishing the relationship of employer or employee between LCISD and Rosenberg or any employee or agent thereof. LCISD understands and agrees notwithstanding other provisions herein that the police officers to be hired under the requirements of this agreement shall at all times be deemed officers of the police force of Rosenberg and shall be primarily responsible to and under the command of the Chief of Police of Rosenberg.

8. LCISD and Rosenberg mutually agree that all terms and conditions contained in Rosenberg's response to RFP#03-2012 are incorporated in this agreement by reference herein.

9. The term of this contract is a commitment of LCISD current revenue only, and continuity is dependent upon future annual appropriations of funds.

I. AMENDMENTS

This agreement may be amended only by written instrument duly approved and executed by all parties in accordance with the formalities of this agreement.

II. BINDING ON SUCCESSORS

This agreement shall bind and benefit the respective parties and their legal successors, but shall not otherwise be assignable, in whole or in part, by any party without first obtaining the written consent of all other parties.

III. LEGALITY

This agreement shall be subject to all present and future valid laws, orders, rules, and regulations of the United States of America, the State of Texas, and any other regulatory body thereof having jurisdiction and shall be construed under the laws of the State of Texas.

IN WITNESS WHEREOF, this agreement has been executed on behalf of the parties hereto as follows, to-wit:

- a) It has, on the 22nd day of March 2012, been executed by a representative of Lamar Consolidated Independent School District duly acting upon the approval of its governing body; and

b) It has, on this ___ day of August 2012, been executed by a representative of the City of Rosenberg duly acting upon the approval of its governing body.

WITNESS OUR HANDS:

LAMAR CONSOLIDATED INDEPENDENT SCHOOL DISTRICT

By: Thomas Randle
Dr. Thomas Randle, Superintendent

Attest: Karen Vacak
Secretary

CITY OF ROSENBERG

By: _____
Vincent M. Morales, Jr., Mayor

Attest: _____
Secretary

COMMENTS FROM THE AUDIENCE FOR CONSENT AND REGULAR AGENDA ITEMS.

Citizens who desire to address the City Council with regard to matters on the Consent Agenda or Regular Agenda will be received at this time. 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.

Cowboy Bill, 1326 Damon Street, Rosenberg, Texas, addressed Council, regarding Item No. 3.

- Cowboy Bill attempted to speak regarding Republic Waste. As this item was not on the agenda, Mayor Morales informed him he could not speak about an item not on the agenda at this point in the meeting. Speakers are allowed to speak under General Comments from the Audience at the end of the meeting.

Bill Knesek, 3602 Glenmeadow, Rosenberg, Texas, addressed Council regarding Item No. 8 as President of the Rosenberg Development Corporation.

- He spoke to Council seeking their support for the Reading Road Overpass Interchange Enhancement Project. He gave a brief example of the benefits of such enhancement. He asked Council to consider this project as an investment in Rosenberg's future.

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 JULY 24, 2012, SPECIAL MEETING MINUTES FOR JULY 31, 2012, SPECIAL MEETING MINUTES FOR AUGUST 01, 2012, AND REGULAR MEETING MINUTES FOR AUGUST 07, 2012.

B. CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1536, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SECURITY SERVICES CONTRACT WITH LAMAR CONSOLIDATED INDEPENDENT SCHOOL DISTRICT FOR POLICE SERVICES PROVIDED BY ROSENBERG POLICE OFFICERS.

Executive Summary: Lamar Consolidated Independent School District (LCISD) finds that the continual presence of Police Officers on LCISD property and/or campuses is beneficial and desirable; therefore LCISD has determined to enter into a Security Services Contract for such services.

The terms of this Contract shall commence on September 01, 2012, and shall continue in full force and effect for a one-year period, ending August 31, 2013.

Staff recommends approval of Resolution No. R-1536, a Resolution authorizing the Mayor to execute a Security Services Contract between LCISD and the City for police services provided by Rosenberg Police Officers at no cost to the City and for a term of one (1) year. A copy of said Contract was attached as Exhibit "A" to Resolution No. R-1536.

C. CONSIDERATION OF AND ACTION ON RECOMMENDATION OF A PAYMENT PLAN ON THE CONTRIBUTIONS TO THE CONSTRUCTION OF FIRE STATION NO. 3 IN ACCORDANCE WITH A FIRE SERVICES AGREEMENT FOR PARTICIPATING MUNICIPAL UTILITY DISTRICTS.

Executive Summary: As part of the negotiations with the participating Municipal Utility Districts (MUDs), the MUDs have requested a payment plan for the contributions to the construction of Fire Station No. 3. Staff has reviewed their request and would support the payment plan. This item provides City Council the opportunity to review and approve the alternate payment plan. Following City Council approval, the Agreements will include the payment plan. A copy of the payment plan was included in the agenda packet for Council's review.

D. CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1537, A RESOLUTION REGARDING THE APPOINTMENT OF POSITION 3 OF THE RICHMOND-ROSENBERG LOCAL GOVERNMENT CORPORATION BOARD OF DIRECTORS.

Executive Summary: Position 3 of the Richmond-Rosenberg Local Government Corporation (RRLGC) Board of Directors is currently held by James C. Hopkins. Mr. Hopkins was appointed to

period ended June 30, 2012.

Mayor Morales referenced the corrections to the July 24, 2012 Special Council Workshop Meeting Minutes as indicated in the memorandum to Council dated August 21, 2012.

Action: Councilor McConathy made a motion, seconded by Councilor Salazar to approve the Consent Agenda with the corrections to the July 24, 2012 Special Council Workshop Meeting Minutes as presented.

Questions/Comments:

- Councilor McConathy referenced Item B, first and second page of the contract, Item 1- "the School District and Rosenberg mutually agree to automatically renew for an additional period of one year once this contract goes into place". Under Item 5 – "however, the parties can automatically renew the agreement for an additional four one year agreements". Shouldn't the first item reflect that there are an additional four one year periods to be consistent?
- Chief Gracia stated this is standard language for a one year automatic renewal. There is language in the agreement for either party to opt out with thirty days notice.
- Lora Lenzsch, City Attorney stated this would not be an issue since the two parties have been contracting for several years.
- Jack Hamlett, City Manager stated the School District approves it in one year increments because it is subject to budget. It allows the school board to approve it up to four years without having to go back.
- Councilor McConathy referenced Item C – the payment schedule for Fire Station 3, page 2, payment schedule. The first one shows twenty percent (20%) and the following two forty percent (40%). Since we are in need of money could we switch the 40% to be first and move the 20% to the last?
- Jack Hamlett stated that is the percentage in the existing contract, the 20/40/40. We are extending the time period they have to pay it out with interest. We kept the same percentages and came up with different dates at the request of the MUDs.
- Councilor McConathy referenced Item E – should Council agree to this, when would the membership fee be due on a going forward basis?
- John, Maresh, Assistant City Manager, stated it would be due and run with the City's fiscal year. It is based on the population that is published by TML that is updated annually. It is also subject to change year to year based on monies spent in previous years.
- Councilor McConathy referenced Item H – specific to the maps that show the agricultural agreements that have been signed by certain color versus agricultural agreements that have not been signed – specifically on the UP tracts and Baker Road tracts – it says agricultural 2/4 – is that two of four properties that are signed?
- Cyndy Powell, Assistant to the City Manager, stated yes.
- Councilor McConathy referenced Item J – Financial Report – Who sets the investment policy?
- Joyce Vasut, Finance Director, stated the Audit Finance Committee.
- Councilor Salazar asked if the owners that have not signed agricultural agreements will have the opportunity to sign and what happens to those agreements.
- Cyndy Powell stated she has been in contact with a property owner of the 3/5 property. The property owner is getting in touch with relatives. The contact information for the 2 of 4 was provided today. It requires all signatures to be filed with the County.
- Jack Hamlett stated they have a deadline of September 4th when Council votes on the annexation. If Council approves the annexation, then they will no longer have an opportunity to execute. Their property will be considered annexed and they will pay the full property tax.

Upon voting the motion carried by unanimous vote.

REGULAR AGENDA

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

Executive Summary: On August 15, 2012, Eagle Scout candidate Zachary Obmaces presented his planned Eagle Scout Project (Project) in Seabourne Creek Nature Park to the Parks and Recreation Board



CITY COUNCIL COMMUNICATION

September 01, 2015

ITEM #	ITEM TITLE
2	Ordinance No. 2015- 26 – Adoption of FY2015-2016 Operating Budget

ITEM/MOTION

Consideration of and action on Ordinance No. 2015-26, an Ordinance approving and adopting the City of Rosenberg, Texas, Budget for the Fiscal Year 2015-2016; making appropriations for the City for such year as reflected in said Budget; and making certain findings and containing certain provisions relating to the subject.

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. Vasut Memorandum - 08-26-15
2. Ordinance No. 2015-26

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 *DNRBHZ/jv*
- City Engineer
- (Other)

Approved for Submittal to City Council:


 Robert Gracia
 City Manager

EXECUTIVE SUMMARY

Ordinance No. 2015-26 provides City Council with the opportunity to consider adopting the FY2015-2016 Budget as prepared and presented by staff and adjusted by City Council during the recent Budget workshops.

The proposed operating Budget as shown in the Combined Budget Summary, or Exhibit "A" of Ordinance No. 2015-26, appropriates those monies necessary to fund City operations, including general operations, water and wastewater operations, debt service obligations, special revenue fund operations, internal service fund operations and capital outlays for FY2015-2016.

This Budget, as presented in Exhibit "A", is based on the proposed FY2015-2016 Budget that was originally presented to City Council on July 21, 2015, and includes the changes presented in the attached memorandum dated August 26, 2015.

Staff recommends approval of Ordinance No. 2015-26, providing for and adopting the City of Rosenberg, Texas, Budget for the Fiscal Year 2015-2016.

MEMORANDUM

To: Honorable Mayor and City Council
CC: Robert Gracia, City Manager
From: Joyce Vasut, Finance Director ♀
Subject: FY2016 Proposed Budget Changes
Date: August 26, 2015

During the recent Budget Workshops and Council Meetings, City staff presented the proposed FY2016 Budget. Several recommendations for changes were considered and discussed. Based on these discussions, the following changes are recommended to be made to the FY2016 Proposed Budget:

1. Increase the Education and Training for the Mayor and each Council position from \$1,600 or \$1,700 to \$2,500. Total increase in expense for this item is \$5,900.
2. Increase the Business Expense for the Mayor and each Council position by \$1,000. Total increase in expense for this item is \$7,000.
3. Increase the Special Committee Expense in General Government by \$1,300.
4. Increase the expenses for the Hotel Motel Fund – Main Street Program to include a total of \$50,000 for the following: façade improvement matching grant program (\$20,000), physical improvement matching grant program (\$10,000) and downtown seasonal events (\$20,000).
5. Remove funding for the assessment payable to Summer Park Property Owners Association, Inc. fee in the amount of \$11,469 from the Fire Station No. 3 Operating Fund and decrease the transfer from the General Fund to the Fire Station No. 3 Operating Fund by \$11,469.
6. Reduce the Transfer from the General Fund to the General Supplemental Fund by \$22,500 for a budget request item that was mistakenly included in the budget. Also, reduce the corresponding Machinery and Equipment expense in the General Supplemental Fund by \$22,500.
7. Reduce Property Tax Revenues – Current Taxes by \$89,278 for the reduction of the M&O tax rate from \$0.258268 per \$100 valuation to \$0.253742 per \$100 valuation.
8. Remove the director of the Communications Department from the budget which reduces expenditures by \$113,899 for salary and benefits.
9. Reduce the Transfer from the Hotel Fund and the corresponding Transfer to the General Fund in the amount of \$11,390 to maintain the transfer at 10% of Communication’s personnel costs.
10. Reduce Sales Tax by \$33,000 as a conservative approach to balance the budget.

The following page includes of summary of the changes described above.

Summary of Budget Changes – General Fund

Item	Description	Balance
<i>Balance of Proposed Budget</i>		\$0
1	Education and Training – Mayor and City Council	(5,900)
2	Business Expense – Mayor and City Council	(7,000)
3	Special Committee Expense	(1,300)
4	No Effect on General Fund	-
5	Assessment for Summer Park Property Owners	11,469
6	General Supplemental – Equipment	22,500
7	Property Tax Reduction	(89,278)
8	Communications Department Personnel	113,899
9	Hotel Fund Transfer to General Fund – Communications Personnel	(11,390)
10	Sales Tax Revenue Reduction	(33,000)
<i>Balance of Proposed Budget with Adjustments</i>		\$0

If you have any questions or need additional information, feel free to contact me.

ORDINANCE NO. 2015-26

AN ORDINANCE APPROVING AND ADOPTING THE CITY OF ROSENBERG, TEXAS, BUDGET FOR THE FISCAL YEAR 2015-2016; MAKING APPROPRIATIONS FOR THE CITY FOR SUCH YEAR AS REFLECTED IN SAID BUDGET; AND MAKING CERTAIN FINDINGS AND CONTAINING CERTAIN PROVISIONS RELATING TO THE SUBJECT.

WHEREAS, within the time and in the manner required by law, the City Manager of the City of Rosenberg (the "City") has prepared and submitted to the City Council a budget estimate of expenditures and revenues of all City departments, divisions and offices for the fiscal year beginning October 01, 2015, and ending on September 30, 2016; and,

WHEREAS, such budget was timely filed with the City Secretary, has been available for inspection, was submitted to City Council, and two (2) public hearings on such budget were held by City Council on August 18, 2015, and August 25, 2015, after proper notice having been given in accordance with law; and,

WHEREAS, the City Council has considered the proposed budget and has made such changes therein as in its judgment were warranted by law and were in the best interest of the citizens and taxpayers of the City; and,

WHEREAS, a copy of such budget has been filed with the City Secretary and the City Council now desires to approve and adopt the same; now, therefore,

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

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

Section 2. The City Council hereby approves and adopts the budget described in the preamble of this Ordinance, a summary of which is attached hereto as Exhibit "A" and made a part of this Ordinance for all purposes and a copy of which is on file with the

City Secretary. The City Secretary is hereby directed to place on said budget an endorsement, which shall be signed by the City Secretary, which shall read as follows: "The Official Budget of the City of Rosenberg, Texas, for the Fiscal Year Beginning October 01, 2015, and ending September 30, 2016." Such budget, as thus endorsed, shall be kept on file in the office of the City Secretary as a public record.

Section 3. In support of said budget and by virtue of the adoption thereof, the several amounts specified for the various purposes named in said budget are hereby appropriated to and for such purposes.

Section 4. The City Manager is hereby directed to file a copy of the budget with all agencies pursuant to Section 9.11 of the City's home-rule charter, as amended.

Section 5. The requirement in Section 3.10 of the City's home-rule charter that ordinances be read on two separate days is hereby dispensed with by an affirmative vote of five or more of the Council Members, and this Ordinance shall take effect upon its adoption.

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 this, 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.

**CITY OF ROSENBERG, TEXAS
2015-16 BUDGET**

COMBINED BUDGET SUMMARY

Fund	Estimated Beginning Balance 10/1/2015	Revenues & Transfers In	Expenditures & Transfers Out	Estimated Ending Balance 9/30/2016
	Note (1)			
GOVERNMENTAL FUND TYPES:				
GENERAL FUND	\$ 15,878,489	\$ 26,991,596	\$ 26,991,596	\$ 15,878,489
SPECIAL REVENUE FUNDS:				
Hotel/Motel Fund	1,691,566	651,100	694,539	1,648,127
Municipal Court Technology Fund	17,738	18,010	20,900	14,848
Beautification Fund	63,960	24,010	24,000	63,970
Law Enforcement Fund	105,397	50	104,500	947
Community Development Block Grant Fund	130,114	360,000	360,000	130,114
Police Asset Forfeiture Fund	34,118	-	10,000	24,118
Park Land Dedication Fund	282,614	5,200	250,000	37,814
Juvenile Case Management Fund	167,540	18,060	28,640	156,960
Municipal Court Child Safety Fund	183,247	36,065	59,465	159,847
Municipal Court Building Security Fund	-	10,000	10,000	-
MUD Fire Services Fund	1,013,097	750,210	869,000	894,307
Police Federal Forfeiture Fund	143,212	-	70,000	73,212
PEG Fund	93,695	60,000	150,000	3,695
Fire Station No. 3 Operating Fund	239,696	971,841	1,200,236	11,301
Subtotal	4,165,993	2,904,546	3,851,280	3,219,259
DEBT SERVICE FUND	4,990,530	7,642,826	7,642,826	4,990,530
CAPITAL PROJECTS FUNDS	331,215	76,370	306,163	101,422
TOTAL GOVERNMENTAL FUNDS	25,366,227	37,615,338	38,791,865	24,189,700
PROPRIETARY FUND TYPES:				
ENTERPRISE FUNDS:				
Water & Wastewater Fund:				
Operating Funds	6,199,585	9,083,691	9,083,691	6,199,585
Restricted Funds	7,632,261	3,357,300	9,270,000	1,719,561
Civic Center Fund	58,510	426,507	436,920	48,097
Subtotal	13,890,356	12,867,498	18,790,612	7,967,242
INTERNAL SERVICE FUNDS:				
Insurance Fund	744,453	2,696,979	2,850,065	591,367
Fleet Replacement Fund	3,819,554	656,935	810,000	3,666,489
Technology Fund	243,239	645,523	645,473	243,289
Subtotal	4,807,246	3,999,437	4,305,538	4,501,145
TOTAL PROPRIETARY FUNDS	18,697,602	16,866,935	23,096,150	12,468,387
COMPONENT UNITS:				
Rosenberg Development Corporation	10,144,368	4,313,945	5,486,568	8,971,745
GRAND TOTAL	\$ 54,208,197	\$ 58,796,218	\$ 67,374,582	\$ 45,629,832

Notes:

(1) - Total beginning reserves, including restricted reserves.



CITY COUNCIL COMMUNICATION

September 01, 2015

ITEM #	ITEM TITLE
3	Ordinance No. 2015-27 - Levy Ad Valorem Taxes for Tax Year 2015

ITEM/MOTION

Consideration of and action on Ordinance No. 2015-27, an Ordinance providing for the levy and collection of ad valorem taxes of the City of Rosenberg, Texas, for the Year 2015; providing for the date on which such taxes shall be due and payable; providing for penalty and interest on all taxes not timely paid; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; and providing for severability.

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

- Ordinance No. 2015-27

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 **DNRBHZ/jv**
- City Engineer
- (Other)

Approved for Submittal to City Council:


 Robert Gracia
 City Manager

EXECUTIVE SUMMARY

Staff recommends the adoption of Ordinance No. 2015-27. This Ordinance levies an ad valorem tax rate of \$0.470000 per \$100 valuation for Tax Year 2015, the collection of which falls in FY2015-2016, beginning October 01, 2015, and ending September 30, 2016. The maintenance and operation tax rate will be set at \$0.253742 per \$100 valuation and the debt service tax rate will be set at \$0.216258 per \$100 valuation.

To approve Ordinance No. 2015-27, it will be necessary for City Council to consider three (3) separate motions in accordance with specific statutory requirements applicable to the adoption of the tax rate, and indicated as follows:

- Motion:** I move that a tax rate of \$0.253742 for the purpose of funding the maintenance and operation expenses of the City be approved;
- Motion:** I move that a tax rate of \$0.216258 for the purpose of paying the accruing interest and to provide a sinking fund for the payment of the indebtedness of the City be approved; and,
- Motion:** I move that the property tax rate be adopted at a tax rate of \$0.470000 per \$100 valuation, and I move to adopt Ordinance No. 2015-27.

ORDINANCE NO. 2015-27

AN ORDINANCE PROVIDING FOR THE LEVY AND COLLECTION OF AD VALOREM TAXES OF THE CITY OF ROSENBERG, TEXAS, FOR THE YEAR 2015; PROVIDING FOR THE DATE ON WHICH SUCH TAXES SHALL BE DUE AND PAYABLE; PROVIDING FOR PENALTY AND INTEREST ON ALL TAXES NOT TIMELY PAID; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

WHEREAS, Section 26.05 of the Texas Property Tax Code provides that before the later of September 30th, or the 60th day after the date the certified appraisal roll is received by the taxing unit, the governing body of each taxing unit shall adopt a tax rate for the current tax year; and,

WHEREAS, such Section further provides that where the tax rate consists of two components (one which will impose the amount of taxes needed to pay the unit's debt service and the other which will impose the amount of taxes needed to fund maintenance and operation expenditures of the unit for the next year), each of the components must be approved separately; and,

WHEREAS, the proposed tax rate for the current tax year of the City of Rosenberg, Texas, consists of two components a tax rate for the purpose of paying the accruing interest and to provide a sinking fund for payment of the indebtedness of the City, and a tax rate for the purpose of funding the maintenance and operation expenditures of the City for the next fiscal year, as set forth in Section 5 of this ordinance; and,

WHEREAS, City Council has approved, by separate motions, the tax rate heretofore specified for each of said components; and,

WHEREAS, City Council finds that all notices and hearings required by law as a prerequisite to the passage, approval, and adoption of this Ordinance have been timely and properly given and held; now, therefore,

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

Section 1. The facts and recitations set forth in the preamble of this Ordinance are found to be true and correct and are hereby adopted, ratified, and confirmed.

Section 2. There is hereby levied, for the tax year 2015, to fund the City's fiscal year 2015-2016 municipal budget, an ad valorem tax at the total rate of forty-seven cents (\$0.470000) on each one hundred dollars (\$100) of assessed valuation on all property, real, personal, and mixed, within the corporate limits of the City, upon which an ad valorem tax is authorized by law to be levied by the City of Rosenberg, Texas. Said tax being so levied and apportioned to the specific purposes here set forth:

- 1) For the maintenance and operations expenditures of the City (General Fund), \$0.253742 on each \$100 valuation of property; and
- 2) For interest and sinking fund, \$0.216258 on each \$100 valuation of property.

All such taxes shall be assessed and collected in current money of the United States of America.

Section 3. THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE DUE TO AN INCREASE IN NEW DEVELOPMENT.

Section 4. All ad valorem taxes levied hereby, in the total amount of forty-seven cents (\$0.470000) on each one hundred dollars (\$100.00) of assessed valuation, as reflected by Sections 2 and 4 hereof, shall be due and payable on or before January

31, 2015. All ad valorem taxes due the City of Rosenberg, Texas, and not paid on or before January 31st following the year for which they were levied, shall bear penalty and interest as prescribed in the Texas Tax Code.

Section 5. All taxes shall become a lien upon property against which assessed, and the Fort Bend County as the assessor and collector of the City is hereby authorized and empowered to enforce the collection of such taxes according to the Constitution and laws of the State of Texas and ordinances of the City, and shall, by virtue of the tax rolls, fix and establish a lien by levying upon such property, whether real or personal, for the payment of said taxes, penalty and interest, and the interest and penalty collected from such delinquent taxes shall be apportioned to the general fund of the City.

Section 6. All ordinances and parts of ordinances inconsistent or in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. If any provision of this Ordinance is found to be invalid or unconstitutional by a court of competent jurisdiction, the same shall not invalidate or impair the validity, force, or effect of any other provision of this Ordinance.

Section 8. The requirement in Section 3.10 of the City of Rosenberg's home-rule charter that ordinances be read on two separate days is hereby dispensed with by an affirmative vote of five or more of the Council Members, and this Ordinance shall take effect upon its adoption.

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 this, 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.



CITY COUNCIL COMMUNICATION

September 01, 2015

ITEM #	ITEM TITLE
4	Ratification of Property Tax Revenues Per FY2015-2016 Budget

ITEM/MOTION

Consideration of and action on ratification of adoption of a Budget that will require raising more revenue from property taxes than in the previous year due to an increase in new development.

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

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

- Local Government Code Excerpt – Chapter 102, Section 102.007

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 **DNRBHZ/jv**
- City Engineer
- (Other)

Approved for Submittal to City Council:

Robert Gracia
City Manager

EXECUTIVE SUMMARY

In accordance with the requirements of Section 102.007 of the Texas Local Government Code, the City Council is required to have a separate vote to ratify the adoption of a Budget that will require raising more revenue from property taxes than in the previous year. The City Council plans to adopt a tax rate of \$0.47 per \$100, which is less than the effective rate and the rollback rate. Therefore according to Truth-in-Taxation, the City Council is not adopting a tax increase. However, due to the amount of new development, there will be an increase in the amount of taxable property and the City anticipates the collection of more property tax revenue than in the previous year. The 2015-2016 Budget as adopted also anticipates this increase.

In order to ratify the adoption of a Budget that will raise more revenues from property taxes than the previous year, it will be necessary for City Council to indicate such ratification with the following motion:

Motion: I move to ratify the adoption of the 2015-2016 Budget that will require raising more revenue from property taxes than in the previous year due to the increase in new development.

LOCAL GOVERNMENT CODE
CHAPTER 102. MUNICIPAL BUDGET

§ 102.007. ADOPTION OF BUDGET.

- (a) At the conclusion of the public hearing, the governing body of the municipality shall take action on the proposed budget.
- (b) The governing body may make any changes in the budget that it considers warranted by the law or by the best interest of the municipal taxpayers.
- (c) Adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget. A vote under this subsection is in addition to and separate from the vote to adopt the budget or a vote to set the tax rate required by Chapter 26, Tax Code, or other law.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.
Amended by: Acts 2007, 80th Leg., R.S., Ch. 924, § 4, eff. September 1, 2007.



CITY COUNCIL COMMUNICATION

September 01, 2015

ITEM #	ITEM TITLE
5	Resolution No. R-2029 - Community Development Block Grant North Waterline Improvements Phase II Bid Award

ITEM/MOTION

Consideration of and action on Resolution No. R-2029, a Resolution awarding Bid No. 2015-07 for construction of the Community Development Block Grant (CDBG) Project related to construction services for the North Side Waterline Improvements Phase II; and, providing authorization for 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:

216-1900-540-7031 (CP1505)

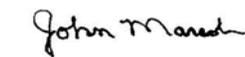
District 1
 District 2
 District 3
 District 4
 City-wide
 N/A

SUPPORTING DOCUMENTS:

1. Bid Summary Form
2. Proposal
3. Kaluza Correspondence – 08-19-15
4. Project Map
5. Resolution No. R-2029

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
 Project Director 

Approved for Submittal to City Council:

 Robert Gracia
 City Manager

EXECUTIVE SUMMARY

Proposals were received on Wednesday, August 19, 2015, for Phase II of the Community Development Block Grant (CDBG) waterline improvements. The bids were opened and tabulated as indicated on the attached Bid Summary. A total of nine (9) bids were received.

Staff recommends Bid No. 2015-07 be awarded to Scohil Construction Services, LLC, for the Base Bid amount of \$ 179,760.00 and Alternate Bid No.1 in the amount of \$ 63,520.00, for a total amount of \$ 243,280.00 with a term of thirty (30) working days. The attached correspondence from Kelly R. Kaluza & Associates, Inc., recommends same. Should the bid be awarded as recommended, the Scohil Construction proposal will be attached and will serve as Exhibit "A" to Resolution No. R-2029.

CDBG funding of \$210,000.00 has been provided for this project; \$39,900.00 is provided for engineering reimbursement and \$170,100.00 is provided for construction. The City would provide local matching funds in the amount of \$73,180.00 to fully fund the remaining construction cost that is above the grant amount. The City had budgeted \$61,000.00 for the local matching funds; therefore, a budget adjustment in the amount of \$12,180.00 will be presented at a future meeting.

Staff recommends approval of Resolution No. R-2029 which will award Bid No. 2015-07 and provide authorization for the City Manager to negotiate and execute all required documents necessary to facilitate the Project.

BID SUMMARY
Bid No. 2015-07
CDBG North Side Waterline Improvements – Phase II

Contractor	Base Bid Amount	Alt. Bid 1 Amount	Total Amount Bid	Total No. Working Days
Scohil Construction	\$179,760.00	\$63,520.00	\$243,280.00	30
Trans-Tex Construction, LLC.	\$189,840.00	\$63,955.00	\$253,795.00	60
Haddock Construction Company	\$195,595.00	\$67,990.00	\$263,585.00	90
Supak Construction	\$213,245.00	\$82,955.00	\$296,200.00	270
D L Elliot Enterprises, Inc.	\$249,809.00	\$69,881.00	\$319,690.00	90
Reliance Construction	\$252,936.95	\$89,448.10	\$342,195.05	120
A Absolute Plumbing, Inc.	\$274,745.00	\$97,510.00	\$372,255.00	120
Texas Pride Utilities	\$260,160.00	\$128,550.00	\$388,710.00	75
AR Turnkey Construction	\$317,940.00	\$100,770.00	\$418,710.00	80

**FORT BEND COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
BLOCK GRANT PROGRAM
BLOCK GRANT NO. B-14-UC-48-004
PROJECT NO. #14-697**

**PHASE II – NORTH ROSENBERG WATER DISTRIBUTION IMPROVEMENTS
CITY OF ROSENBERG
FORT BEND COUNTY, TEXAS
BID PROPOSAL**

TO: The Honorable Mayor Cynthia A. McConathy
City of Rosenberg
Post Office Box 32
Rosenberg, Texas 77471

THE UNDERSIGNED BIDDER, having examined the plans, specifications, and other proposed Contract Documents, and all Addenda thereto, and being acquainted with and fully understanding:

- (a) the extent and character of the work covered by this proposal;
- (b) the location, arrangement, and specified requirements for the proposed work;
- (c) the location, character, and condition of existing streets, roads, highways, pavements, surfacing, walks, driveways, curbs, gutters, trees, sewers, utilities, drainage courses, and other installations, both surface and underground, which may affect or be affected by the proposed work;
- (d) the nature and extent of the work to be made, and the type, character and general condition of materials to be excavated;
- (e) necessary handling and rehandling of excavated materials, including the construction of fills and embankments;
- (f) the location and extent of necessary or probable de-watering requirements;
- (g) the difficulties and hazards to the work which might be caused by storm and flood water;
- (h) local conditions relative to labor, transportation, hauling and rail delivery facilities;
- (i) all other factors and conditions affecting or which may be affected by the work.

WE HEREBY PROPOSE to furnish all required materials, supplies, equipment, tools, and plant; to perform all necessary labor and supervision; and to construct, install, erect, equip, and complete all work stipulated in, required by, and in accordance with the contract documents and the plans, specifications, and other documents referred to therein (as altered, amended, or modified by all addenda thereto) for and in consideration of the following prices:

**PHASE II – NORTH ROSENBERG WATER DISTRIBUTION IMPROVEMENTS
CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS
BID FORM**

ITEM DESCRIPTION AND UNIT PRICE WRITTEN IN WORDS	ESTIMATED QUANTITIES UNIT	UNIT PRICE	TOTAL PRICE BID
I. <u>BASE BID</u>			
1. 12" WATER LINE, P.V.C. AWWA C-900, DR-18 WITH #10 GAUGE INSULATED COPPER TRACER WIRE CONNECTORS PLACED OVER NEW WATER LINE. COMPLETE AND IN PLACE FOR <u>SEVENTY FOUR</u> DOLLARS & <u>NO</u> CENTS	395 L.F.	\$ <u>74⁰⁰</u>	\$ <u>29,230⁰⁰</u>
2. 12" WATER LINE, P.V.C. AWWA C-900, DR-18 RESTRAINED JOINT (CERTA-LOK OR APPROVED EQUAL) WITH #10 GAUGE INSULATED COPPER TRACER WIRE CONNECTORS PLACED OVER NEW WATER LINE WITHIN THE STEEL ENCASEMENT PIPE UNDER RAILROAD. COMPLETE AND IN PLACE FOR <u>FORTY EIGHT</u> DOLLARS & <u>NO</u> CENTS	265 L.F.	\$ <u>48⁰⁰</u>	\$ <u>12,720⁰⁰</u>
3. BORE AND JACK 12" WATER LINE (DO NOT INCLUDE COST OF PIPE). COMPLETE AND IN PLACE FOR <u>TWENTY FOUR</u> DOLLARS & <u>NO</u> CENTS	40 L.F.	\$ <u>24⁰⁰</u>	\$ <u>960⁰⁰</u>
4. BORE AND JACK 20" STEEL ENCASEMENT PIPE (INCLUDE COST OF PIPE). COMPLETE AND IN PLACE FOR <u>TWO HUNDRED NINETY FIVE</u> DOLLARS & <u>NO</u> CENTS	265 L.F.	\$ <u>295⁰⁰</u>	\$ <u>78,175⁰⁰</u>

**PHASE II – NORTH ROSENBERG WATER DISTRIBUTION IMPROVEMENTS
CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS
BID FORM**

ITEM DESCRIPTION AND UNIT PRICE WRITTEN IN WORDS	ESTIMATED QUANTITIES UNIT	UNIT PRICE	TOTAL PRICE BID
5. 6" P.V.C. WATER LINE, AWWA C-900, DR-18 WITH #10 GAUGE INSULATED COPPER TRACER WIRE CONNECTORS PLACED OVER NEW WATER LINE. COMPLETE AND IN PLACE FOR <u>SIXTY TWO</u> DOLLARS & <u>NONE</u> CENTS	40 L.F.	\$ <u>62.00</u>	\$ <u>2,480.00</u>
6. TRENCH BOX OR SHORING WATER LINE EXCAVATION IN ACCORDANCE WITH O.S.H.A. STANDARDS AT ALL REQUIRED LOCATIONS. COMPLETE AND IN PLACE FOR <u>ONE</u> DOLLARS & <u>NONE</u> CENTS	395 L.F.	\$ <u>1.00</u>	\$ <u>395.00</u>
7. 12" GATE VALVE AND BOX WITH CONCRETE PAD. COMPLETE AND IN PLACE FOR <u>TWO THOUSAND ONE HUNDRED FIFTY</u> DOLLARS & <u>NONE</u> CENTS	4 EACH	\$ <u>2,150.00</u>	\$ <u>8,600.00</u>
8. 6" GATE VALVE AND BOX WITH CONCRETE PAD. COMPLETE AND IN PLACE FOR <u>ONE THOUSAND SIX HUNDRED SEVENTY FIVE</u> DOLLARS & <u>NONE</u> CENTS	4 EACH	\$ <u>1,675.00</u>	\$ <u>6,700.00</u>
9. FLUSHING VALVE (5' BURY). COMPLETE AND IN PLACE FOR <u>TWO THOUSAND EIGHT HUNDRED FIFTY</u> DOLLARS & <u>NONE</u> CENTS	1 EACH	\$ <u>4,850.00</u>	\$ <u>4,850.00</u>

**PHASE II – NORTH ROSENBERG WATER DISTRIBUTION IMPROVEMENTS
CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS
BID FORM**

ITEM DESCRIPTION AND UNIT PRICE WRITTEN IN WORDS	ESTIMATED QUANTITIES UNIT	UNIT PRICE	TOTAL PRICE BID
10. 12" X 12" TEE. COMPLETE AND IN PLACE FOR <u>FOUR HUNDRED FIFTY</u> DOLLARS & <u>NO</u> CENTS	1 EACH	\$ <u>450⁰⁰</u>	\$ <u>450⁰⁰</u>
11. 12" X 6" TEE. COMPLETE AND IN PLACE FOR <u>FOUR HUNDRED</u> DOLLARS & <u>NO</u> CENTS	4 EACH	\$ <u>400⁰⁰</u>	\$ <u>1,600⁰⁰</u>
12. 12" PLUG AND CLAMP. COMPLETE AND IN PLACE FOR <u>FOUR HUNDRED FIFTY</u> DOLLARS & <u>NO</u> CENTS	3 EACH	\$ <u>450⁰⁰</u>	\$ <u>1,350⁰⁰</u>
13. 6" PLUG AND CLAMP. COMPLETE AND IN PLACE FOR <u>THREE HUNDRED FIFTY</u> DOLLARS & <u>NO</u> CENTS	3 EACH	\$ <u>350⁰⁰</u>	\$ <u>1,050⁰⁰</u>
14. 2" BLOW-OFF ASSEMBLY. COMPLETE AND IN PLACE FOR <u>ONE THOUSAND FOUR HUNDRED FIFTY</u> DOLLARS & <u>NO</u> CENTS	1 EACH	\$ <u>1,450⁰⁰</u>	\$ <u>1,450⁰⁰</u>
15. MISCELLANEOUS WATER LINE FITTINGS. COMPLETE AND IN PLACE FOR <u>TWO THOUSAND</u> DOLLARS & <u>NO</u> CENTS	1 TON	\$ <u>2,000⁰⁰</u>	\$ <u>2,000⁰⁰</u>
16. CONNECT NEW 6" WATER LINE TO EXISTING 6" WATER LINE (WET CONNECTION). COMPLETE AND IN PLACE FOR <u>SIX HUNDRED FIFTY</u> DOLLARS & <u>NO</u> CENTS	3 EACH	\$ <u>650⁰⁰</u>	\$ <u>1,950⁰⁰</u>

**PHASE II – NORTH ROSENBERG WATER DISTRIBUTION IMPROVEMENTS
CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS
BID FORM**

ITEM DESCRIPTION AND UNIT PRICE WRITTEN IN WORDS	ESTIMATED QUANTITIES UNIT	UNIT PRICE	TOTAL PRICE BID
17. HYDROMULCH SEEDING OF DISTURBED AREA AND PROVIDE WATERING UNTIL VEGETATION ESTABLISHMENT. COMPLETE AND IN PLACE FOR <u>TWO DOLLARS & FIFTY</u> DOLLARS & <u>FIFTY</u> CENTS	600 S.Y.	\$ <u>2.50</u>	\$ <u>1,500.00</u>
18. CONTRACTOR MOBILIZATION. COMPLETE AND IN PLACE FOR <u>SEVEN THOUSAND FIVE HUNDRED</u> DOLLARS & <u>NO</u> CENTS	1 L.S.	\$ <u>7,500.00</u>	\$ <u>7,500.00</u>
19. FURNISH AND MAINTAIN SIGNAGE, FLAGMEN, TRAFFIC CONTROL AND DETOUR PLAN FOR LANE CLOSURES, AND OTHER WARNING DEVICES IN ACCORDANCE WITH THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES. COMPLETE AND IN PLACE FOR <u>ONE THOUSAND SIX HUNDRED</u> DOLLARS & <u>NO</u> CENTS	1 L.S.	\$ <u>1,600.00</u>	\$ <u>1,600.00</u>
20. PROVIDE BONDS, INSURANCE, PERMITS AND MISCELLANEOUS IN ACCORDANCE WITH CONTRACT DOCUMENTS. COMPLETE AND IN PLACE FOR <u>FIVE THOUSAND EIGHT HUNDRED</u> DOLLARS & <u>NO</u> CENTS	1 L.S.	\$ <u>5,800.00</u>	\$ <u>5,800.00</u>

**PHASE II – NORTH ROSENBERG WATER DISTRIBUTION IMPROVEMENTS
CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS
BID FORM**

	ITEM DESCRIPTION AND UNIT PRICE WRITTEN IN WORDS	ESTIMATED QUANTITIES	UNIT PRICE	TOTAL PRICE BID
21.	PROVIDE INSURANCE AND FEES FOR WORK IN TWO RAILROADS (NOTE: THE CITY HAS PURCHASED RAILROAD PROTECTIVE LIABILITY INSURANCE FOR BNSF RAILROAD). COMPLETE AND IN PLACE FOR <i>SEVEN THOUSAND FOUR HUNDRED</i> DOLLARS & <u>NO</u> CENTS	1	L.S. \$ <u>7,400⁰⁰</u>	\$ <u>7,400⁰⁰</u>
22.	CONSTRUCTION STAKING. COMPLETE AND IN PLACE FOR <u>TWO THOUSAND</u> DOLLARS & <u>NO</u> CENTS	1	BUD. \$ <u>2,000.00</u>	\$ <u>2,000.00</u>

I. TOTAL AMOUNT OF BASE BID = \$ 179,760⁰⁰

TOTAL NUMBER OF WORKING DAYS
 TO COMPLETE BASE BID = 20 WORKING DAYS
 (CONTRACTOR TO SPECIFY)

NOTE TO CONTRACTOR:
 This project is being funded through a grant from the Fort Bend County Community Development Block Grant Program. Based on available construction funds, a portion of the water line may be deleted or added to, depending upon the final construction bids received. The unit prices specified in the bid proposal will be used to increase or decrease the total contract amount.

**PHASE II - NORTH ROSENBERG WATER DISTRIBUTION IMPROVEMENTS
CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS
BID FORM**

ITEM DESCRIPTION AND UNIT PRICE WRITTEN IN WORDS	ESTIMATED QUANTITIES UNIT	UNIT PRICE	TOTAL PRICE BID
II. ALTERNATE BID			
A1. 12" WATER LINE, P.V.C. AWWA C-900, DR-18 WITH #10 GAUGE INSULATED COPPER TRACER WIRE CONNECTORS PLACED OVER NEW WATER LINE. COMPLETE AND IN PLACE FOR <u>SIXTY SEVEN</u> DOLLARS & <u>NO</u> CENTS	330 L.F.	\$ <u>67⁰⁰</u>	\$ <u>22,110⁰⁰</u>
A2. BORE AND JACK 12" WATER LINE (DO NOT INCLUDE COST OF PIPE). COMPLETE AND IN PLACE FOR <u>TWENTY TWO</u> DOLLARS & <u>NO</u> CENTS	110 L.F.	\$ <u>22⁰⁰</u>	\$ <u>2,420⁰⁰</u>
A3. 6" P.V.C. WATER LINE, AWWA C-900, DR-18 WITH #10 GAUGE INSULATED COPPER TRACER WIRE CONNECTORS PLACED OVER NEW WATER LINE. COMPLETE AND IN PLACE FOR <u>FORTY EIGHT</u> DOLLARS & <u>NO</u> CENTS	120 L.F.	\$ <u>48⁰⁰</u>	\$ <u>5,760⁰⁰</u>
A4. BORE AND JACK 6" WATER LINE (DO NOT INCLUDE COST OF PIPE). COMPLETE AND IN PLACE FOR <u>FOURTEEN</u> DOLLARS & <u>NO</u> CENTS	50 L.F.	\$ <u>14⁰⁰</u>	\$ <u>700⁰⁰</u>

**PHASE II – NORTH ROSENBERG WATER DISTRIBUTION IMPROVEMENTS
CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS
BID FORM**

ITEM DESCRIPTION AND UNIT PRICE WRITTEN IN WORDS	ESTIMATED QUANTITIES UNIT	UNIT PRICE	TOTAL PRICE BID
A5. 2" WATER LINE, P.V.C. AWWA C-900, CLASS 200. COMPLETE AND IN PLACE FOR <u>THIRTY FOUR</u> DOLLARS & <u>NO</u> CENTS	20 L.F.	\$ <u>34⁰⁰</u>	\$ <u>680⁰⁰</u>
A6. TRENCH BOX OR SHORING WATER LINE EXCAVATION IN ACCORDANCE WITH O.S.H.A. STANDARDS AT ALL REQUIRED LOCATIONS. COMPLETE AND IN PLACE FOR <u>ONE</u> DOLLARS & <u>NO</u> CENTS	310 L.F.	\$ <u>1.00</u>	\$ <u>310⁰⁰</u>
A7. 12" GATE VALVE AND BOX WITH CONCRETE PAD. COMPLETE AND IN PLACE FOR <u>TWO THOUSAND NINE HUNDRED</u> DOLLARS & <u>NO</u> CENTS	3 EACH	\$ <u>2,900⁰⁰</u>	\$ <u>8,700⁰⁰</u>
A8. 6" GATE VALVE AND BOX WITH CONCRETE PAD. COMPLETE AND IN PLACE FOR <u>FIVE HUNDRED EIGHTY</u> DOLLARS & <u>NO</u> CENTS	5 EACH	\$ <u>980⁰⁰</u>	\$ <u>4,900⁰⁰</u>
A9. 2" GATE VALVE AND BOX WITH CONCRETE PAD. COMPLETE AND IN PLACE FOR <u>FIVE HUNDRED NINETY</u> DOLLARS & <u>NO</u> CENTS	1 EACH	\$ <u>590⁰⁰</u>	\$ <u>590⁰⁰</u>

**PHASE II – NORTH ROSENBERG WATER DISTRIBUTION IMPROVEMENTS
CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS
BID FORM**

ITEM DESCRIPTION AND UNIT PRICE WRITTEN IN WORDS	ESTIMATED QUANTITIES UNIT	UNIT PRICE	TOTAL PRICE BID
A17. CONNECT NEW 6" WATER LINE TO EXISTING 6" WATER LINE (WET CONNECTION). COMPLETE AND IN PLACE FOR <u>EIGHT HUNDRED</u> DOLLARS & <u>NO</u> CENTS	3 EACH	\$ <u>800⁰⁰</u>	\$ <u>2,400⁰⁰</u>
A18. CONNECT NEW 2" WATER LINE TO EXISTING 2" WATER LINE (WET CONNECTION). COMPLETE AND IN PLACE FOR <u>THREE HUNDRED EIGHTY</u> DOLLARS & <u>NO</u> CENTS	1 EACH	\$ <u>380⁰⁰</u>	\$ <u>380⁰⁰</u>
A19. 1" SHORT SERVICE CONNECTION. COMPLETE AND IN PLACE FOR <u>SEVEN HUNDRED TWENTY FIVE</u> DOLLARS & <u>NO</u> CENTS	2 EACH	\$ <u>725⁰⁰</u>	\$ <u>1,450⁰⁰</u>
A20. 1" LONG SERVICE CONNECTION. COMPLETE AND IN PLACE FOR <u>NINE HUNDRED FIFTY</u> DOLLARS & <u>NO</u> CENTS	1 EACH	\$ <u>950⁰⁰</u>	\$ <u>950⁰⁰</u>
A21. RELOCATION OF EXISTING WATER METER AND BOX. COMPLETE AND IN PLACE FOR <u>FIVE HUNDRED FIFTY</u> DOLLARS & <u>NO</u> CENTS	2 EACH	\$ <u>550⁰⁰</u>	\$ <u>1,100⁰⁰</u>

**PHASE II – NORTH ROSENBERG WATER DISTRIBUTION IMPROVEMENTS
CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS
BID FORM**

	ITEM DESCRIPTION AND UNIT PRICE WRITTEN IN WORDS	ESTIMATED QUANTITIES UNIT	UNIT PRICE	TOTAL PRICE BID
A22.	HYDROMULCH SEEDING OF DISTURBED AREA AND PROVIDE WATERING UNTIL VEGETATION ESTABLISHMENT. COMPLETE AND IN PLACE FOR <u>Two</u> DOLLARS & <u>FIFTY</u> CENTS	450 S.Y.	\$ <u>2.50</u>	\$ <u>1,125.00</u>
A23.	CONSTRUCTION STAKING. COMPLETE AND IN PLACE FOR <u>ONE THOUSAND FIVE HUNDRED</u> DOLLARS & <u>NO</u> CENTS	1 BUD.	\$ <u>1,500.00</u>	\$ <u>1,500.00</u>

II. TOTAL AMOUNT OF ALTERNATE BID = \$ 63,520.00

TOTAL NUMBER OF WORKING DAYS
TO COMPLETE ALTERNATE BID = 10 WORKING DAYS
(CONTRACTOR TO SPECIFY)

NOTE TO CONTRACTOR:

This project is being funded through a grant from the Fort Bend County Community Development Block Grant Program. Based on available construction funds, a portion of the water line may be deleted or added to, depending upon the final construction bids received. The unit prices specified in the bid proposal will be used to increase or decrease the total contract amount.

SUMMARY OF BIDS

I. TOTAL AMOUNT FOR BASE BID = \$ 179,760⁰⁰

II. TOTAL AMOUNT FOR ALTERNATE BID = \$ 63,520⁰⁰

TOTAL AMOUNT BID = \$ 243,280⁰⁰

TOTAL NUMBER OF WORKING DAYS TO COMPLETE ENTIRE PROJECT = 30 WORKING DAYS
(CONTRACTOR TO SPECIFY)

NOTE TO CONTRACTOR:

This project is being funded through a grant from the Fort Bend County Community Development Block Grant Program. Based on available construction funds, a portion of the water line may be deleted or added to, depending upon the final construction bids received. The unit prices specified in the bid proposal will be used to increase or decrease the total contract amount.

Total amounts bid for TOTAL BASE BID AND ALTERNATE BID include all costs, commissions, overhead, permits, and payments required and necessary for the complete work as specified.

I/We acknowledge receipt of the addenda listed below and the total bid price has been adjusted accordingly.

1. *1 Rec'd 8/17/15 AJ
2. _____

In submitting the Bid, I/We do so with the understanding that all Contract Documents, drawings, Specifications and Addenda are completely understood and that there is no doubt as to the intent and scope of the work to be accomplished.

If I/We are notified of the acceptance of this bid, I/We will:

- (a) Furnish Payment and Performance Bonds in accordance with approved forms, to be paid by me/us for the proper completion of the work as specified and in the time allotted, the said bonds to be issued for one hundred percent (100%) of the amount of the total contract sums. Said Bonds shall conform to the laws of Texas.
- (b) Furnish a construction schedule satisfactory to Owner within ten (10) days after written notice to proceed.

It is agreed that, in the event the undersigned fails to enter into such contract and furnish such bonds within the time and in the manner required, the bidder will forfeit to Owner, as liquidated damages, the bank certified check, cashier's check, or bidder's bond, as provided in the specifications.

I/We agree and understand that Owner reserves the right to accept or reject any or all bids and/or to accept any bid or combination of bids considered advantageous.

DATE: 8/19/2015

BIDDER: Scovil Construction Services LLC
Company's Name

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

BY: [Signature]
Signature

George Scoular
Printed or Typed Name

President
Title

BY: [Signature]

15821 Fm 529 #116
Street Address

NAME: Lucy Lambertson

Houston, TX 77095
City, State & Zip Code

TITLE: Office Manager

281 955 8375
Area Code and Phone Number

KELLY R. KALUZA & ASSOCIATES, INC.

Consulting Engineers & Surveyors

Engineering Firm No. F-1339

Surveying Firm No. 10010000

3014 Avenue I, Rosenberg, Texas 77471

(281) 341-0808 ■ FAX (281) 341-6333

August 19, 2015

Ms. Melissa Peña
City of Rosenberg
Post Office Box 32
2220 Fourth Street
Rosenberg, TX 77471

RE: Engineer's Recommendation of Award of Construction Contract for Phase II - North Rosenberg Water Distribution Improvements (Fort Bend Community Block Grant No. B-14-UC-48-004, Project No. #14-697), City of Rosenberg, Fort Bend County, Texas

Dear Ms. Peña:

Construction bids were received and formally opened at 10:00 a.m. on Wednesday, August 19, 2015 for the above referenced project. A total of nine (9) construction bids were received and opened.

Enclosed for your review, file, and distribution are ten (10) copies of the bid spreadsheet tabulating the construction bids received. A summary of the bids with the Base Bid amount, Alternate Bid No. 1, and the number of working days for the project are as follows:

<u>Contractor</u>	<u>Total Amt Base Bid</u>	<u>Total Amt Alt. Bid #1</u>	<u>Total Amt Bid</u>	<u>Total Number Working Days</u>
Scohil Construction	\$179,760.00	\$ 63,520.00	\$243,280.00	30
Trans-Tex Construction	\$188,655.00	\$ 63,955.00	\$252,610.00	60
Haddock Construction	\$195,595.00	\$ 67,990.00	\$263,585.00	90
Supak Construction	\$213,245.00	\$ 82,955.00	\$296,200.00	270
D L Elliot Enterprises	\$249,809.00	\$ 69,881.00	\$319,690.00	90
Reliance Construction	\$252,936.95	\$ 89,448.10	\$342,385.05	120
Texas Pride Utilities	\$257,660.00	\$128,550.00	\$386,210.00	75
A Absolute Plumbing	\$274,745.00	\$ 97,510.00	\$372,255.00	120
AR Turnkee Construction	\$317,940.00	\$100,770.00	\$418,710.00	110

The bids were checked for completeness and mathematical errors. Trans-Tex Construction made a minor mathematical error as did Reliance Construction, Texas Pride Utilities, and AR Turnkee, however, these minor errors did not change the bidders' status. Scohil Construction Services, LLC was low bidder for the project. We have worked with Scohil Construction Services, LLC on other projects, and find them competent to complete the project.

Ms. Melissa Peña
City of Rosenberg
Page Two (2)
August 19, 2015

We are recommending that the City of Rosenberg accept the construction bids received on the project and enter into a construction contract with Scohil Construction Services, LLC for the Base Bid and Alternate Bid No. 1 in the amount of \$243,280.00. If you have any questions, please contact me.

Sincerely,

KELLY R. KALUZA & ASSOCIATES, INC.

A handwritten signature in black ink that reads "Kelly Kaluza" with a stylized flourish at the end.

Kelly R. Kaluza, P.E.
Project Engineer

KRK/msg
Enclosures

cc: John Maresh, Assistant City Manager
Karen Bringol, Fort Bend Community Development
DeWayne Davis, Fort Bend County Engineering
Scohil Construction Services, LLC

CITY OF ROSENBERG

BRAZOS RIVER

WOW Cem

Brazos Park

HOUSTON ST (F.M. 723)

A. W. JACKSON SCHOOL

WATER PLANT NO. 1
 WATER WELL NO. 4
 150,000 GAL. E.S.T.
 (TO BE REMOVED)

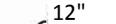
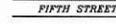
PHASE II North Rosenberg

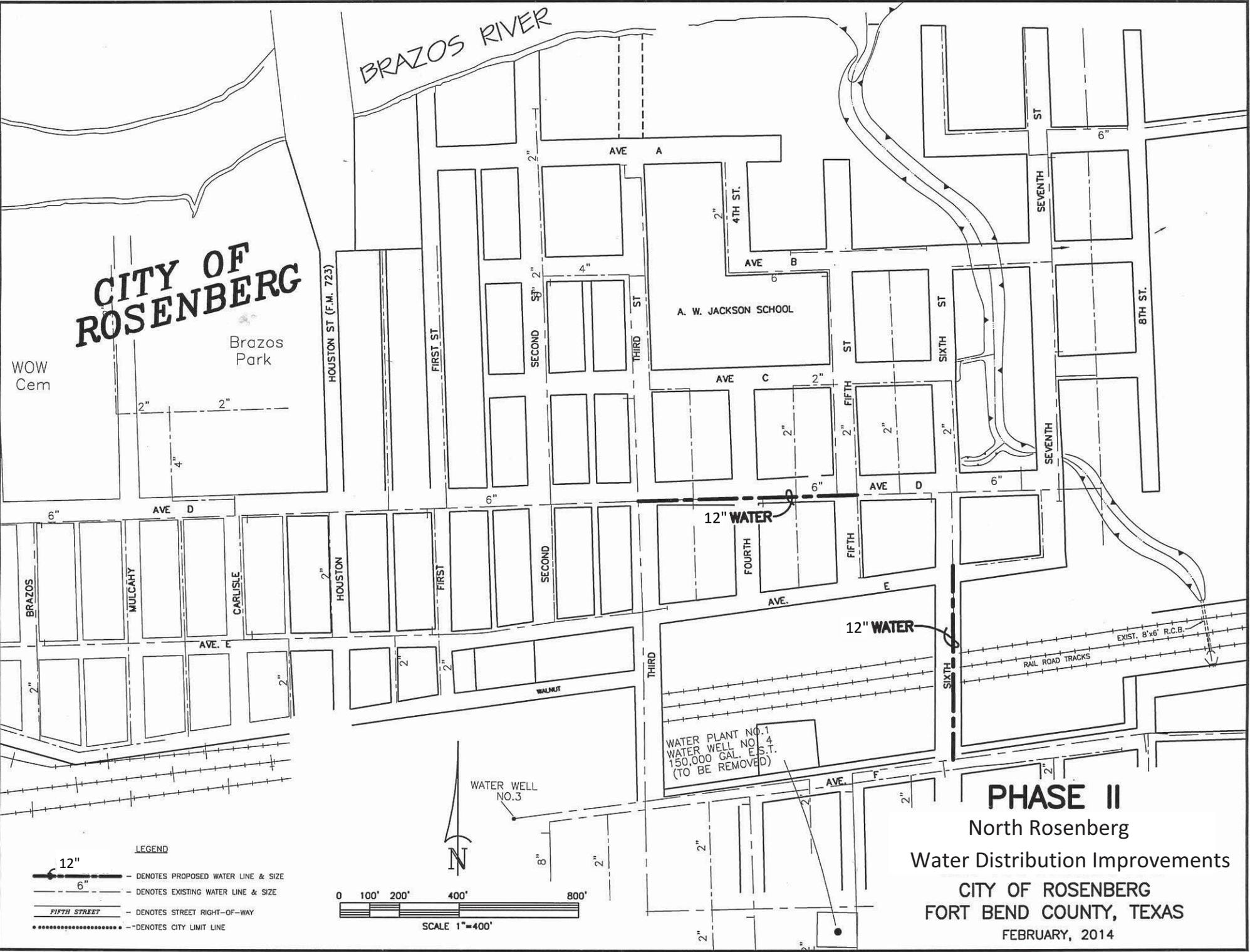
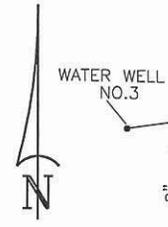
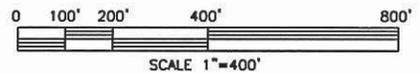
Water Distribution Improvements

CITY OF ROSENBERG
 FORT BEND COUNTY, TEXAS

FEBRUARY, 2014

LEGEND

-  12" - DENOTES PROPOSED WATER LINE & SIZE
-  6" - DENOTES EXISTING WATER LINE & SIZE
-  FIFTH STREET - DENOTES STREET RIGHT-OF-WAY
-  - DENOTES CITY LIMIT LINE



RESOLUTION NO. R-2029

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AWARING BID NO. 2015-07 FOR CONSTRUCTION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT RELATED TO CONSTRUCTION SERVICES FOR THE NORTH SIDE WATERLINE IMPROVEMENTS PHASE II; AND, PROVIDING AUTHORIZATION FOR 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. 2015-07 to _____, in the amount of \$_____ for construction of Community Development Block Grant (CDBG) Project North Side Waterline Improvements – Phase II, generally located in the area bounded by Avenue D to the north, Avenue F to the south, 6th street to the east and 3rd Street to the west.

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

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

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

ATTEST:

APPROVED:

Linda Cernosek, **City Secretary**

Cynthia A. McConathy, **Mayor**



CITY COUNCIL COMMUNICATION

September 01, 2015

ITEM #	ITEM TITLE
6	Resolution No. R-2017 - Interlocal Agreement Fort Bend Subsidence District Water Conservation Education Program

ITEM/MOTION

Consideration of and action on Resolution No. R-2017, a Resolution authorizing the City Manager to execute, for and on behalf of the City, an Interlocal Agreement, by and between the City and the Fort Bend Subsidence District regarding participation as a sponsor in the Water Conservation Education Program.

FINANCIAL SUMMARY

ELECTION DISTRICT

Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

- Yes No N/A

Source of Funds:

514-0000-600-5710

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

SUPPORTING DOCUMENTS:

MUD #: N/A

1. Resolution No. R-2017
2. Turco Correspondence – 06-09-15

APPROVALS

Submitted by:

John Maresh
Assistant City Manager of
Public Services

Reviewed by:

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

Approved for Submittal to City Council:

Robert Gracia
City Manager

EXECUTIVE SUMMARY

The City of Rosenberg has participated in the Fort Bend Subsidence District (District) Water Conservation Education (Learning to be Water Wise) Program (Program) annually since FY2006-2007. Per the attached correspondence from Mr. Mike Turco, General Manager, the District is preparing for FY2015-2016 and has provided an Interlocal Agreement to formalize the City's continued sponsorship of the Program. This Agreement, attached to Resolution No. R-2017 as Exhibit "A", will require renewal on an annual basis. The proposed FY2016 Budget Water/Wastewater Fund 514 includes a \$20,000 appropriation for said purpose. This is the same dollar amount as the current FY2014-2015 Budget.

The City receives a Certificate of Deposit water conservation credit equal to 84,000 gallons of groundwater for each student, at a cost of \$35.40 per student. Each Certificate of Deposit can be held for up to 20 years after the issuance date. These water conservation credits are a valuable asset that can be used by the City to help meet the District's 30% groundwater reduction requirement, or they can be sold to other public or private entities that must also comply with the groundwater reduction requirement. Based on the current construction schedule to begin taking delivery of treated surface water from the Brazosport Water Authority, staff does anticipate having to use said credits to help meet the 30% groundwater reduction requirement effective on October 01, 2016.

Staff recommends approval of Resolution No. R-2017 as presented.

RESOLUTION NO. R-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY OF ROSENBERG, TEXAS, AN INTERLOCAL AGREEMENT, BY AND BETWEEN THE CITY OF ROSENBERG, TEXAS, AND THE FORT BEND SUBSIDENCE DISTRICT REGARDING PARTICIPATION AS A SPONSOR IN THE WATER CONSERVATION EDUCATION PROGRAM.

* * * * *

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

Section 1. The City Council of the City of Rosenberg hereby authorizes the City Manager to execute an Interlocal Agreement by and between the City and the Fort Bend Subsidence District regarding participation as a sponsor in the Water Conservation Education Program (Learning to be Water Wise).

Section 2. A copy of said Interlocal Agreement 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**

THE STATE OF TEXAS §
COUNTY OF FORT BEND §

INTERLOCAL AGREEMENT

This Interlocal Agreement ("Agreement") entered into by and between the Fort Bend Subsidence District, a body corporate and politic under the laws of the State of Texas ("Subsidence District") and City of Rosenberg, also a body corporate and politic under the laws of the State of Texas ("Sponsor").

WITNESSETH:

THAT WHEREAS, the Subsidence District is the regulatory agency responsible for preventing subsidence through reduction of groundwater withdrawals, governed by Chapter 8834, Special District Local Laws Code, which specifically provides that the Subsidence District may cooperate with "any local government to establish water conservation goals, guidelines, and plans to be used within the district"; and

WHEREAS, the Subsidence District cannot achieve water conservation goals without the cooperation and assistance of the public water supply systems; and

WHEREAS, the Subsidence District has designed a project to achieve water conservation through the retrofit of plumbing fixtures combined with a strong educational component administered through the public schools; and

WHEREAS, this project, "Learning to be Water Wise" has been tested in several area schools; and

WHEREAS, the plumbing retrofit devices used as part of this Project have been tested in the Municipal Utility District No. 55 Project, jointly sponsored by that District, the Texas Water Development Board, and the Subsidence District, and have demonstrated an average savings of 1,400 gallons of water per month; and

WHEREAS, the Sponsor is also dedicated to conserving water supplies and providing outstanding service to their customers and taxpayers; and

WHEREAS, the governing bodies of the Subsidence District and the Sponsor have duly authorized this Agreement; and

WHEREAS, this Agreement is made pursuant to Chapter 791, Tex. Gov. Code, the Interlocal Cooperation Act;

NOW THEREFORE, for and in consideration of the mutual promises and representations herein contained, the parties hereby agree as follows:

I.

PROJECT ADMINISTRATION

1.01 The Subsidence District will coordinate the Project by doing the following tasks:

(A) Purchase and distribute the school curriculum kits, including the teacher's guide, teaching aids, and plumbing retrofit kits.

- (B) Provide in-service training to teachers and provide all support functions such as slide presentations, video presentations, publications, and program outlines.
- (C) Conduct an evaluation of the program, collecting and analyzing evaluation forms from teachers, students, administrators and parents, and provide the evaluation results to the Sponsor.
- (D) Provide all necessary documentation to the Texas Education Agency, Texas Water Development Board, and Texas Commission on Environmental Quality.

1.02 The Subsidence District will maintain a Groundwater Bank and shall provide water conservation credits as follows:

- (A) The Sponsor shall receive a Certificate of Deposit water conservation credit equal to 84,000 gallons of groundwater (which equals 1,400 gallons per month for five years) for each student sponsored.
- (B) The Sponsor may hold, transfer, sell, or redeem the Certificates of Deposit at any time, provided however, that the Certificates of Deposit will be honored by the District for no longer than 20 years after the date the Certificate of Deposit is issued.
- (C) Redemption of the Certificate of Deposit requires the Subsidence District to increase the redeemer's groundwater allocation by the amount of the water conservation credit, provided however, that Certificates of Deposit issued beginning with the 2001-2002 school year (Series B) may only be applied to a maximum of 30% of the permittee's total water demand. This absolute right to increase the groundwater allocation by up to 30% of the permittee's total water demand does not in any way affect the other terms and conditions of the groundwater permit and all groundwater withdrawals will be subject to the permit fees and other rules of the District in effect at the time of the permit.

1.03 The Subsidence District shall perform all coordination activities without charge to the Sponsor. The Sponsor may assist in any coordination activities and may participate in any phase of the Project at its own discretion.

II.

PAYMENT

- 2.01** The sponsor agrees to sponsor 564 students, not to exceed \$20,000.00 in local Fort Bend county schools.
- 2.02** The Sponsor hereby agrees to pay to the Subsidence District, promptly upon receipt of an invoice from the Subsidence District, the total amount due, which is equal to \$35.40 per student sponsored. The above payment shall provide sponsorship for the above listed school(s) for one year. The amount of the invoice shall be calculated using the actual enrollment in the named schools for each year of the Project.
- 2.03** From time-to-time the Sponsor may seek to adjust the number of students sponsored by providing a written request to the Subsidence District, subject to the availability of schools willing to participate in the project.
- 2.04** The Sponsor agrees to pay a similar amount, adjusted for the actual cost of the sponsorship kit and the number of students sponsored, each year for the term of this Agreement.
- 2.05** This cost represents the sole monetary obligation of the Sponsor in exchange for and in consideration of the Subsidence District's obligations hereunder.

III.

TERM AND TERMINATION

3.01 The term of this Agreement shall be from the effective date hereof until termination of the 2015-2016 school year. This agreement may be renewed annually with written authorization of the Sponsor and approval of that authorization by the General Manager of the Subsidence District.

3.02 The Certificates of Deposit in the Groundwater Bank shall be transferred to the custody of the Sponsor upon receipt of payment from sponsor, and shall be honored by the Subsidence District for no longer than 20 years after the date the Certificate of Deposit is issued.

IV.

MISCELLANEOUS

4.01 Subsidence District is engaged as an independent contractor, and all of the services provided for herein shall be accomplished by Subsidence District in such capacity. The Sponsor will have no control or supervisory powers as to the detailed manner or method of the Subsidence District's performance of the subject matter of this Agreement. All personnel supplied or used by the Subsidence District shall be deemed employees or subcontractors of the Subsidence District and will not be considered employees, agents or subcontractors of the Sponsor for any purpose whatsoever.

4.02 Each party to the contract is paying for the performance of the contract from current revenues and will pay for each subsequent year this agreement continues from the revenues budget for that year. The parties agree that each party is paying fair compensation for the services or products rendered.

4.03 This Agreement merges the prior negotiations and understandings of the parties hereto and embodies the entire agreement of the parties, and there are not other agreements, assurances, conditions, covenants (expressed or implied) or other terms with respect to the Project, whether written or verbal, antecedent or contemporaneous with the execution hereof.

4.04 The Subsidence District shall not assign or delegate any portion of its performance under this Agreement without the written consent of the Sponsor.

4.05 The Subsidence District shall remain obligated under all clauses of this Agreement that expressly or by their nature extend beyond the expiration or termination of this Agreement, including the obligation to honor Certificates of Deposit in the Groundwater Bank as provided in Section 1.02.

IN WITNESS WHEREOF, the parties put their hands to this Agreement on the dates indicated below. This Agreement shall be effective on the date of the last signature hereto.

SPONSOR

By: _____
(Title)

ATTEST:

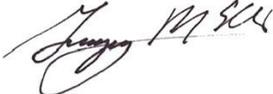
By: _____
(Title)

FORT BEND SUBSIDENCE DISTRICT



By: Robert Thompson, Deputy General

ATTEST:



By: Greg Ellis, General Counsel

Date: 7/14/2015

Alan Petrov
Chairman



Michael J. Turco
General Manager

Harris - Galveston Subsidence District

1660 West Bay Area Boulevard Friendswood, Texas 77546

June 9, 2015

Re: Water Conservation Education Program

Dear Student Sponsor:

Thank you for your continued participation as a sponsor in the District's Water Conservation Education Program.

As you begin the process of the Interlocal agreement for the 2015-2016 school year, please be advised that the District is currently requesting qualifications and proposals for firms to serve as our primary contractor for this program. As such, there is the possibility that the cost per student sponsored, amount of the groundwater credit earned, and/or the time till the credit expires could change.

We plan on making a selection this summer, we will certainly communicate any changes to the program at that time.

If you have any questions, please feel free to call me at (281) 956-2191 or Robert Thompson at (281) 956-2194

Sincerely,

Michael J. Turco
General Manager

Board of Directors: Alan Petrov – Chairman (*Municipalities of West University Place, Southside Place, Bellaire, and Jacinto City*); Dennis Sander – Vice Chairman (*City of Houston*); Susan Baird – Secretary (*City of Houston*); Alberto Gonzalez (*City of Houston*); Robert Ybanez (*City of Houston*); Lindall Murff (*Harris County Commissioners Court*); Joe Goins (*Harris County Commissioners Court*); Ken Hufstetler (*Galveston County Commissioners Court*); Chris Canonico (*City of Houston*); Jason Hayley (*Municipalities of Galveston County*); Linn Smyth (*Harris County Commissioners Court*); William Latimer (*Galveston County Commissioners Court*); Pete Cote (*City of Baytown*); James Edwards (*Clear Lake Water Authority and the municipalities of Deer Park, Galena Park, La Porte, Nassau Bay, and Seabrook*); Pamela Puckett (*City of Houston*); Edgar Barlow (*City of Pasadena*); Kyle Sears (*Municipalities of Humble, Piney Point Village, Hedwig Village, Bunker Hill Village, Hunters Creek Village, Hillshire Village, and Spring Valley*); Don Johnson (*Municipalities of Galveston County*); Kathy Rogers (*Galveston County Commissioners Court*)

FBSD WATER CONSERVATION PROGRAM CREDIT POLICY

Beginning with the 2003-2004 school year, the Fort Bend Subsidence District (District) will partner with the Harris-Galveston Coastal Subsidence District (HGCSO) in the implementation of the "Learning to be WaterWise" water conservation program. The program involves the education of predominantly 5th grade students in the need for water conservation, by providing student and teacher educational materials and a water conservation kit at no cost to the school or student. Sponsorships from permittees or other entities bear the cost of the program. The cost of the "Learning to be WaterWise" program is \$35.40 per student for the 2014-2015 school year. Water conservation program credits will be issued, administered, and redeemed in accordance with this policy.

1. Issuance of Water Conservation Program Credits

For every student sponsored in the District's "Learning to be WaterWise" water conservation program, the sponsor will receive a water conservation credit of 84,000 gallons. The 84,000 gallon credit is based on a study conducted with the cooperation of the Texas Water Development Board which concluded that the potential savings of the Program was 1,400 gallons per household per month. The District will give a credit of 84,000 gallons per student sponsored, which is based 1,400 gallons per month for the first 5 years.

The water conservation program credits will be issued labeled on a "Series B" certificate with the following conditions:

- 1) term of no more than 20 years from issuance date
- 2) redeemable for no more than 30% of a permittee's total water demand
- 3) based on 84,000 gallons per student sponsored
- 4) at a current cost of \$35.40 per student sponsored

2. Redemption of Water Conservation Program Credits

A permittee may request a permit for an amount of groundwater that exceeds the applicable groundwater reduction requirements without becoming subject to payment of a disincentive permit fee provided that the permittee submits water conservation program credits to cover the amount of groundwater requested in excess of the amount allowed. The permittee will be required to pay the regular permit fee for any amount of groundwater allocation requested, including any amount for which water conservation program credits are submitted.

Water conservation program credits may be sold or otherwise transferred without the involvement of the District.



CITY COUNCIL COMMUNICATION

September 01, 2015

ITEM #	ITEM TITLE
7	Proposed Cancellation of Regular City Council Meeting
ITEM/MOTION	

Review and discuss proposed cancellation of the October 06, 2015 Regular City Council Meeting, to accommodate the National Night Out activities, 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

MUD #: N/A

SUPPORTING DOCUMENTS:

1. None

APPROVALS**Submitted by:**


Linda Cernosek
City Secretary

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

Last year, the first Regular City Council Meeting in October was cancelled in order to allow for the members of City Council to have time to attend the "National Night Out" events that are planned in the City. This item will offer City Council the opportunity to discuss cancelling the Regular City Council Meeting scheduled for October 06, 2015.



CITY COUNCIL COMMUNICATION

September 01, 2015

ITEM #	ITEM TITLE
8	Variance Decision and Order No. V2015-01 – 1509 George Street
ITEM/MOTION	
Consideration of and action on Variance Decision and Order No. V2015-01, a Variance Request by Victor Macha to the requirements of Section 25-68 of the Code of Ordinances relating to the building lines for single-family residential lots, allowing for a proposed carport addition to the property located at 1509 George Street (Allendale Manor, Block 12, Lot 3).	
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. Variance Decision and Order No. V2015-01
2. Variance Request Application – 07-12-15
3. Proposed Carport Graphic
4. Vicinity Map
5. Surrounding Area Photos
6. Code of Ordinances Excerpts – Chapter 25, Sections 25-8 and 25-68
7. Planning Commission Meeting Draft Minute Excerpt – 08-19-15

APPROVALS**Submitted by:**

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
City Manager

EXECUTIVE SUMMARY

A Variance Request has been submitted for a proposed carport addition at 1509 George Street (Allendale Manor, Block 12, Lot 3). A vicinity map of the property, application materials, and photos are attached for review. The property is located on the east side of George Street between Avenue M and Dyer Street, and across the street from Holy Rosary Church.

The subdivision, Allendale Manor, was originally platted in 1949. Due to the age of the subdivision, an image of the plat is not available on the County website. However, based on adjoining plats and other subdivisions platted around the same time and for which images are available, it is unlikely that there are platted building lines (or setbacks). The current "Subdivision" Ordinance (Code of Ordinances, Ch. 25, Sec. 25-68) requires a 25' front building line on single-family residential lots. This requirement appears to have been in place since 2005 and, to staff's knowledge, has been enforced consistently since that time

The property itself appears to have an approximately 23' front setback and the owner wishes to construct a carport approximately 5' from the right-of-way line. Upon further investigation of the area, staff found the following:

- There are ten (10) nonconforming carports within approximately three (3) blocks, or within approximately 1,000', on George Street.
- There are eighteen (18) nonconforming carports within approximately five (5) blocks, or within approximately 1,500', on George Street.

The above is likely because many of the homes either have no garage, have a relatively small garage (i.e., one-car), or have a garage that has been enclosed. *Setbacks and building lines are generally applied to maintain a consistent residential character. However, in this case, the residential character to date includes a relatively high number of carports.*

Variances must be evaluated by the Planning Commission and City Council based on the four (4) criteria outlined in the Code (Sec. 25-8). The following is staff's analysis of each of the criteria.

(1) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land;

The applicant has claimed in their application a lack of protection from rain and extreme temperatures. It could also be claimed that the neighborhood being highlighted by many existing/nonconforming carports is unique. Further, it could be argued that it is unreasonable to not allow the property owner to use their land consistently with surrounding properties, unless the Council believes the proposed and existing carports are in any way detrimental to the area (and thus their existence should not be promoted in the future).

(2) The granting of the variance will not be detrimental to the public safety or welfare, or injurious to other property in the area;

Staff cannot identify any safety concerns or specific negative impacts associated with this request (based in part on many of the nearby properties also having carports without any apparent issues). The applicant claims it will be structurally sound; additionally, it will be required to comply with applicable international codes and would be inspected by the City.

(3) The granting of the variance will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this chapter; and

The granting of the variance should not prevent orderly subdivisions in the area. New subdivisions are required to have building lines in accordance with City codes and in that way are not the same as older subdivisions with lesser or nonexistent building lines. Applicant claims no existing carports in the neighborhood are close to meeting the required setback, which is an accurate statement. They (carports) appear to range from zero (0) to five (5) feet from the street right-of-way.

(4) A more appropriate design solution exists which is not currently allowed in this chapter.

The proposed design solution does not appear to be inappropriate for the particular area. It has apparently not been deemed inappropriate for the area in the past (pre-2005).

Staff has no objection to the proposed variance with the condition of a minimum five (5) foot setback from the right-of-way. Lack of objection is based on the surrounding residential character and not being inconsistent with the four (4) criteria as outlined in the Code. The condition of having a five (5) foot setback is recommended to comply with international code requirements. With the latter condition in place, staff sees no further issues.

The Planning Commission recommended approval to City Council of the variance on August 19, 2015. Per the Code, City Council has the ultimate authority to grant variances if it finds that a hardship exists.

CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS

Decision and Order on Variance No. V2015-01

On September 1, 2015, the City Council of the City of Rosenberg, Texas (the "Council") held a hearing to consider an application submitted by Victor Macha, (the "Appellant"), seeking a variance from the minimum front building setback requirement of twenty-five (25) feet contained in Section 25-68 of the Code of Ordinances as applied to the property located at 1509 George Street [Allendale Manor, Block 12, Lot 3].

The Appellant contended that: a) the requested variance would not be contrary to the public interest; b) due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; c) that the spirit of the ordinance would be observed and substantial justice would be done if the variances were granted.

After considering the evidence and arguments presented at the hearing, and considering the recommendation for approval by the Planning Commission on August 19, 2015, it is the opinion of the Council that the requested variances should be granted / denied (circle one). It is therefore ordered (check one box):

- 1. The Council finds that an undue hardship would result from requiring strict compliance with the current minimum front building setback requirement of twenty-five (25) feet contained in Section 25-68 of the Code of Ordinances.

<OR>

- 2. That the Appellant adhere to the minimum front building setback requirement of twenty-five (25) feet contained in Section 25-68 of the Code of Ordinances.

DECISION AND ORDER ENTERED this _____ day of _____ 2015.

ATTEST:

APPROVED:

Linda Cernosek, CITY SECRETARY

Cynthia A. McConathy, MAYOR



Planning Department
Variance Request Application

Submit this application and the appropriate (completed) documents to the Planning Department at the City Hall Annex, located at 2220 Fourth Street. See the attached schedule for submittal deadlines. Contact 832-595-3500 for assistance.

Project Name: Victor MACHA - Carport
Date: _____

Applicant / Project Manager's Information (Primary Contact for the Project):

Contact & Company: Victor Macha
Street Address: 1509 George City: Rosenberg
State: Tx. Zip Code: 77471 E-Mail Address: _____
Phone Number: 281-743-9850 Fax Number: _____

Property Location:

City Extraterritorial Jurisdiction

Geographic Location (List major streets, bayous, creeks, and adjacent subdivisions):

Requesting Variance from (i.e. Subdivision Regulations; Section 25-65(b)(1)):

Submittal Fees:

Variance \$200.00

Pursuant to Sec. 25-8 of the Rosenberg Code of Ordinances, the applicant has the responsibility of proving that compliance with the Ordinance will create undue hardship*, and the following conditions must be present for consideration:

1. There are special circumstances affecting the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of this land.
2. The granting of the variance will not be detrimental to the public safety or welfare or injurious to other property in the area.
3. The granting of the variance will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this ordinance.
4. A more appropriate design solution exists which is not currently allowed in this ordinance.

* Economic hardship (financial impact) to the subdivider, standing alone, shall not be deemed to constitute undue hardship.

No variance will be granted unless an undue hardship exists. No application will be deemed complete unless the applicant has explained in detail and demonstrated that ALL FOUR conditions have been met. On a separate sheet, please clearly label by number the condition, and then proceed to demonstrate in writing how this application meets each condition.

This is to certify that the information on this form is complete, true, and correct and the undersigned is authorized to make this application.

Victor Macha
Signature of Applicant

12 Jul 15
Date

City of Rosenberg

Planning Department

This application for Variance is being presented for a simple yet strong means of protection for an eighty four year old citizen who has to use a walking device to go to and from his vehicle. We all know extreme temperatures and heavy rains can hinder even the best of us.

- 1. This person is seeking protection for himself and vehicle from elements of weather. Heavy rains and extreme temperatures make dangerous situations.**

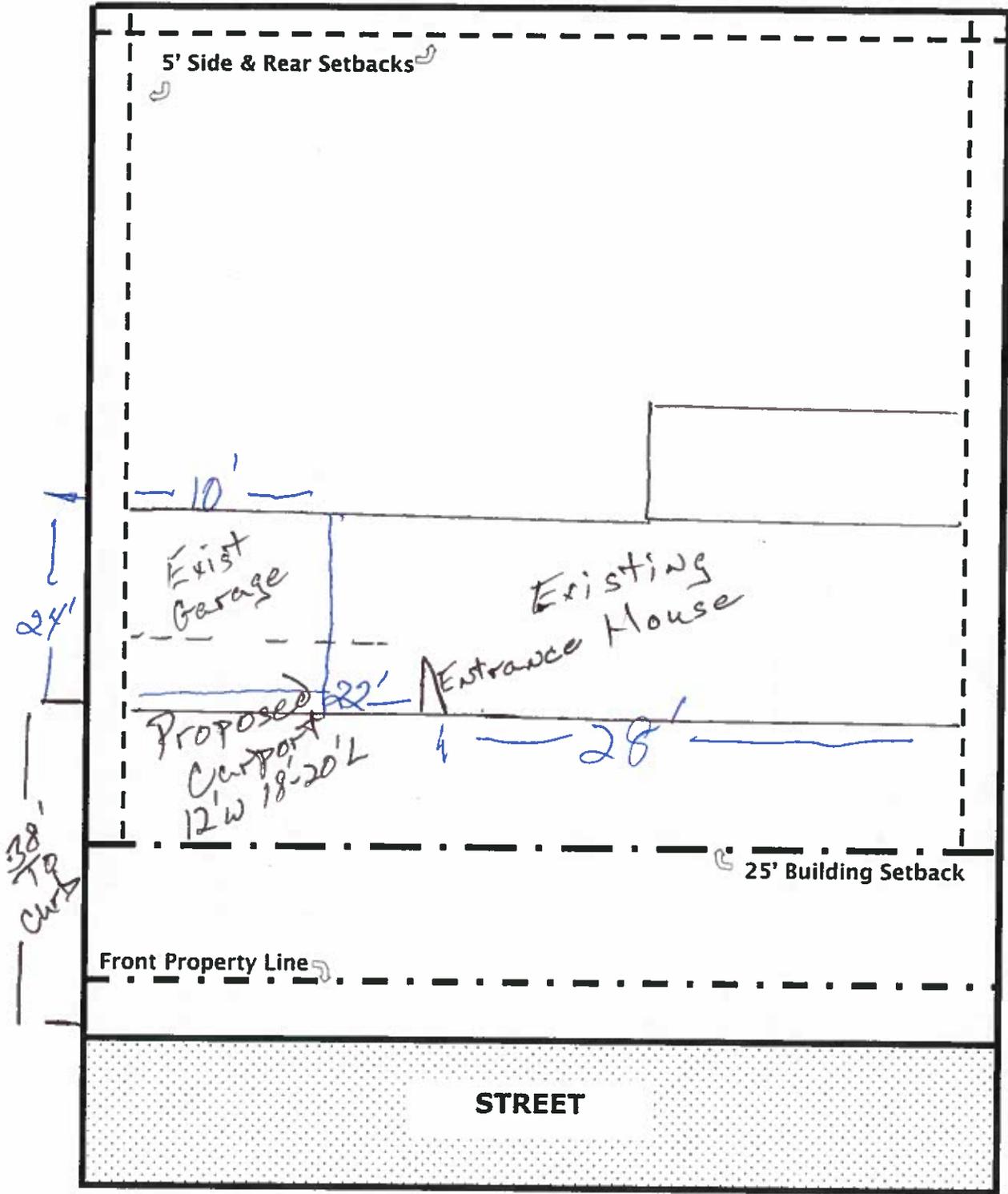
- 2. This structure is sound and strong enough not to offer damage or danger to surrounding properties.**

- 3. No other carport grandfathered or otherwise meets or is even close to the twenty five foot ordinance.**

- 4. Not a single home on George St. in Rosenberg Tx was built to allow a carport to end twenty five feet from the property line. Eight or more examples exist on George St.**

SITE PLAN

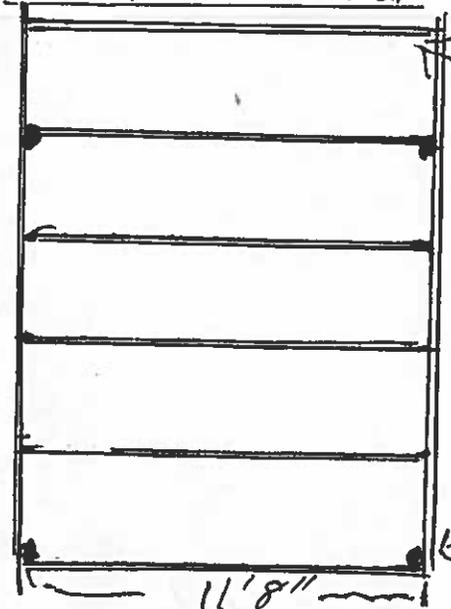
Alley or Rear Property Line



Address: 1509 George

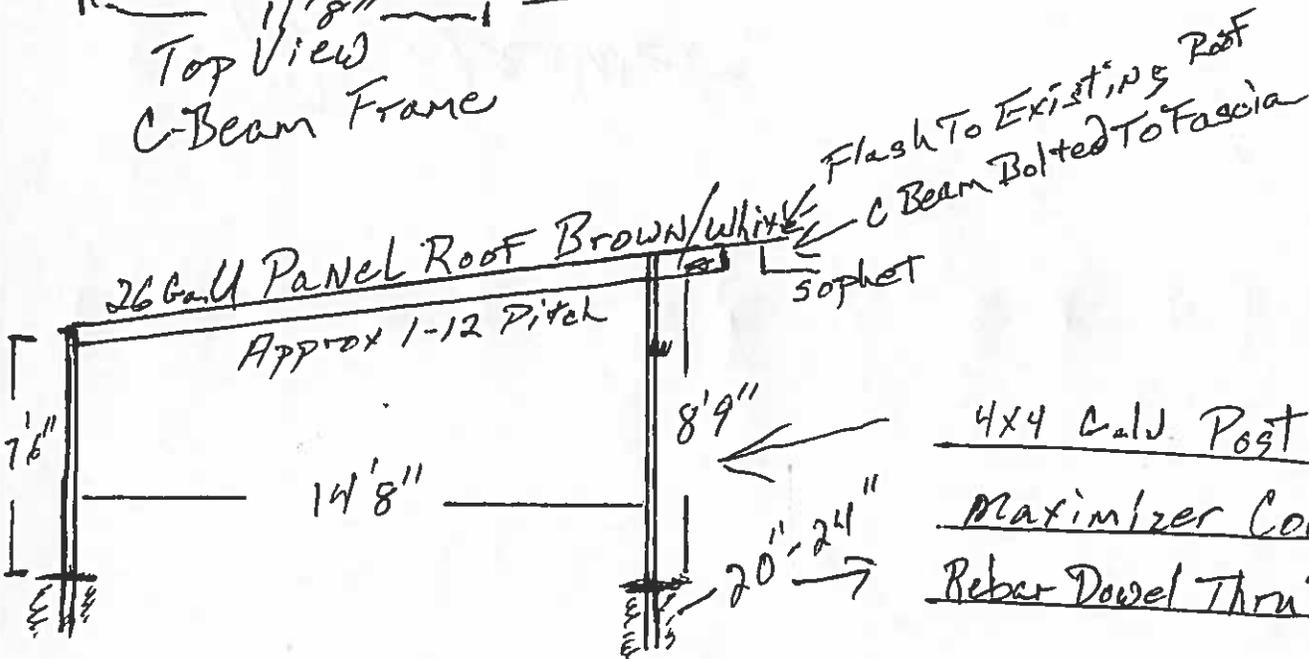
Victor Macha - 1509 George - 281-743-9850

Flash To House

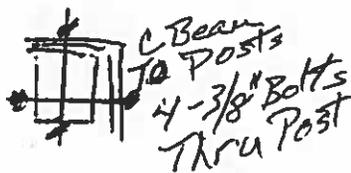
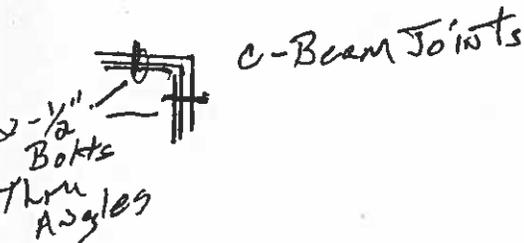


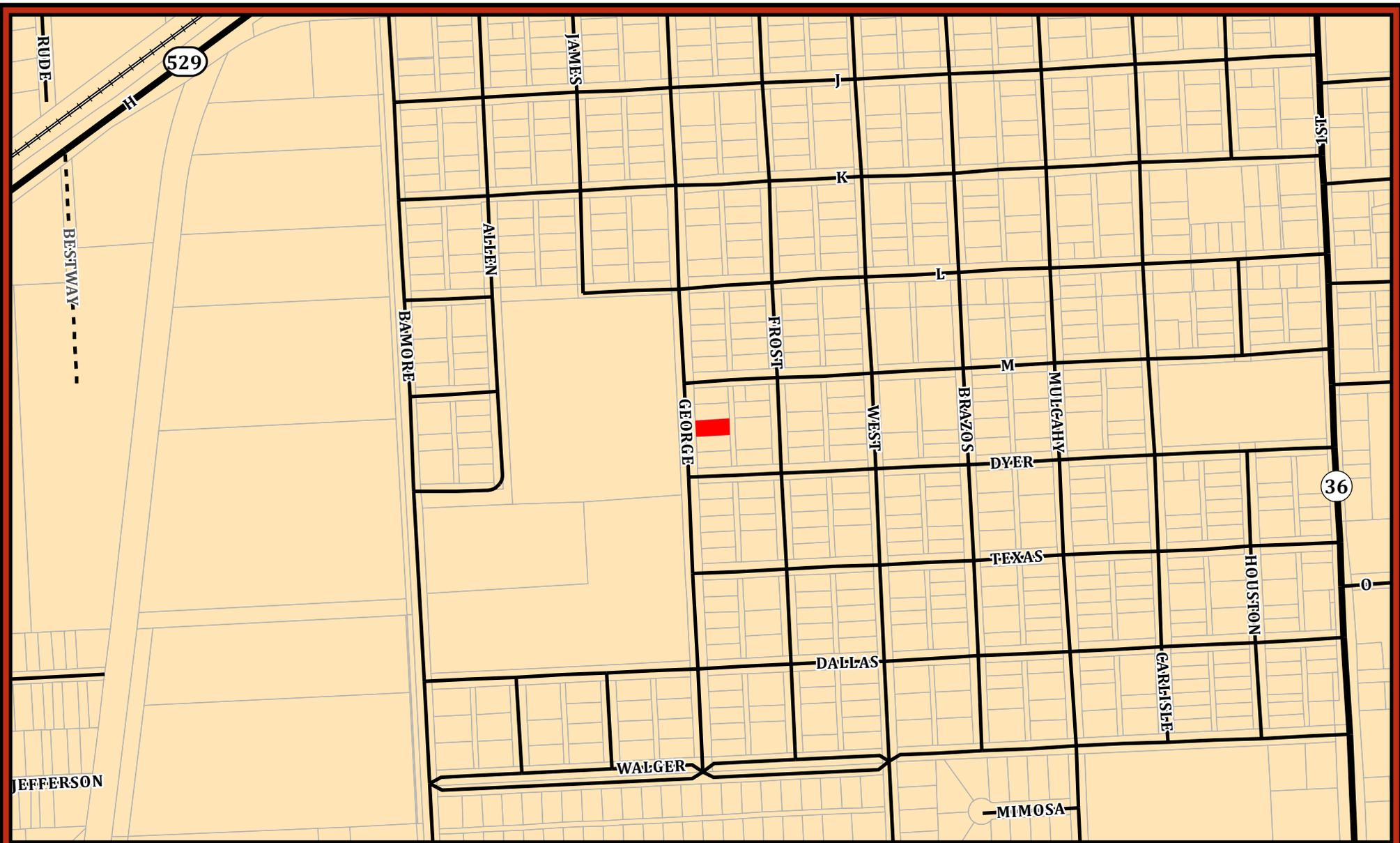
Bolt To House 4-4x4 1/4 Ga. Galv Posts Set 2' conc,
 6-2x6 1/4 Ga Galv. C-Beam Approx
 2x4" C Bolted w/ 1/2" x 1" w Angles

Top View
 C-Beam Frame



side View

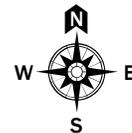
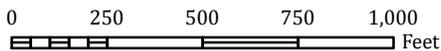




**1509 George St
City of Rosenberg, Texas**

- State Highway
- Public Road
- Private Road
- Railroad
- 1509 George St
- FBCAD 2015 2nd Quarter Parcels
- Rosenberg City Limits

Scale:
1:6,000
or
1 inch = 500 feet



Created by: City of Rosenberg GIS - Paul M. Jones
Date Created: August 04, 2015
Original Size: 8.5" x 11"
K:\GIS\MAPS\Planning\2015\1509_GeorgeSt.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.



Surrounding Area Photos

Subject Property – 1509 George St.



Nearby Carports 1 & 2



Carport 3



Carports 4 & 5



Carports 6 & 7



Carport 8



Carport 9



Carport 10



Rosenberg Code of Ordinances
Chapter 25 - Subdivisions
Article I - In General

Sec. 25-8. - Variances.

- (a) The commission shall review the variance request and make a recommendation to the city council. The city council may then authorize a variance from these regulations when in its opinion undue hardship will result from requiring strict compliance. The applicant shall have the responsibility of proving that compliance would create a hardship. In granting a variance, the city council may prescribe conditions that it deems necessary or desirable to the public interest. Any conditions that are prescribed shall be deemed continuing and shall be placed of record in the office of the county clerk either on the face of the subdivision plat or as an attachment thereto. The city council shall take into account the nature of the proposed use of land involved and existing uses of the land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon public health, safety, convenience, and welfare in the vicinity. No variance will be granted unless the city council finds that an undue hardship exists. The following conditions must be present for consideration:
- (1) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land;
 - (2) The granting of the variance will not be detrimental to the public safety or welfare, or injurious to other property in the area;
 - (3) The granting of the variance will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this chapter; and
 - (4) A more appropriate design solution exists which is not currently allowed in this chapter.
- (b) A variance may not be granted in such cases where the only evidence for the granting of the variance is the loss of a potential profit at the time of the lot development and build out. Economic hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.
- (c) Such recommendations of the commission and findings of the city council, together with the specific facts on which such findings are based, shall be incorporated in the official minutes of the commission and the city council meetings at which such variance is recommended or granted. Variances may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice done. The city council may reach a conclusion that a hardship exists if it finds that:
- (1) The applicant complies strictly with the provisions of this chapter, and no other reasonable use of the property may be made except for the use that is proposed and recommended;
 - (2) The hardship to which the applicant complains is one suffered by the applicant rather than by neighbors or the general public;
 - (3) The hardship relates to the applicant's land, rather than personal circumstances;
 - (4) The hardship is unique to the property, rather than one shared by many surrounding properties; and
 - (5) The hardship is not the result of the applicant's own actions or neglectful conduct.
- (d) In granting variances, the city may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties. All conditions as are imposed shall be placed of record on the face of the subdivision plat or may, as an alternative thereof, be placed of record by separate instrument duly filed for record with the subdivision plat in the office of the county clerk.
- (e) A variance may, at the sole discretion of the city council, be issued for an indefinite duration or for a specified period of time.
- (f) All conditions imposed by the city council are enforceable in the same manner as any other applicable requirement of this Code.

Rosenberg Code of Ordinances
Chapter 25 - Subdivisions
Article III - Subdivision Design Requirements (Standards)
Division 2. - Specific Requirements

Sec. 25-68. - Building lines—Single-family lots.

Building lines or setback lines shall be established for all single-family residential lots and so indicated on all subdivision plats as stipulated below:

- (1) Corner lots. The setback lines for corner lots shall be as follows:
 - a. A minimum building setback of twenty-five (25) feet shall be provided on the front and fifteen (15) feet on the side of all corner lots where such lots side upon minor streets.
 - b. A minimum building setback of twenty-five (25) feet shall be provided on the front and twenty (20) feet on the side of all corner lots where such lots side upon collector streets.
 - c. A minimum building setback of twenty-five (25) feet shall be provided on the front and twenty-five (25) feet on the side of all corner lots where such lots side upon major thoroughfares.
- (2) Corner lots less than fifty (50) feet in width. The setback lines for corner lots less than fifty (50) in width shall be as follows:
 - a. A minimum building setback of twenty-five (25) feet shall be provided on the front and five (5) feet on the side of all corner lots where such lots sides upon a street containing the required right-of-way for its classification according to the City of Rosenberg's Thoroughfare Plan.
 - b. This provision shall not apply to a lot within a townhouse subdivision or patio home subdivision as defined by this chapter.
- (3) Interior lots. A minimum building setback of twenty-five (25) feet shall be provided on the front and five (5) feet on each side of all interior lots fronting on minor and collector streets and major thoroughfares.

(Ord. No. 2005-24, § 1, 10-18-05; Ord. No. 2010-12, § 2, 4-6-10)

Action Taken: Commissioner Urbish moved, seconded by Commissioner Phipps to nominate Wayne Poldrack to serve as Planning Commission Secretary. The motion carried unanimously.

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

Action Taken: Vice Chairperson Phipps moved, seconded by Commissioner Poldrack, to approve the minutes of the Regular Planning Commission Meeting of July 15, 2015, as written. The motion carried unanimously.

3. HOLD PUBLIC HEARING ON A PRELIMINARY PLAT OF TRAN PLAZA, A SUBDIVISION OF 9.9985 ACRES (435,538 SQ. FT.) TRACT OF LAND SITUATED IN THE S.A. AND M.G.R.R. COMPANY SURVEY, ABSTRACT 330, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS, SAID 9.9985 ACRE TRACT BEING OUT OF AND PART OF LOT 60 AND A PORTION OF LOT 69 OF THE SLAVIN AND GEORGE SUBDIVISION, RECORDED IN VOLUME 64, PAGE 252 OF THE DEED RECORDS OF FORT BEND COUNTY, TEXAS; 1 BLOCK, 1 RESERVE.

Executive Summary: The Preliminary Plat of Tran Plaza is a proposed replat consisting of 9.9985 acres located off of Anton Stade Road, south of Randon School Road. As a general point of reference, this is located not far from the intersection of I-69/US 59 and Spur 10.

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

Key Discussion:

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

Chairperson Urbish opened the public hearing at 4:11 p.m. After two calls for speakers, no one stepped forward. Chairperson Urbish closed the public hearing at 4:13 p.m.

4. CONSIDERATION OF AND ACTION ON A VARIANCE REQUEST FOR A CARPORT ADDITION LOCATED AT 1509 GEORGE STREET.

Executive Summary: A Variance Request has been submitted for a proposed carport addition at 1509 George Street. A vicinity map of the property, application materials, and photos are attached for review. The property is located on the east side of George Street between Avenue M and Dyer, and across the street from Holy Rosary Church.

The subdivision, Allendale Manor, was originally platted in 1949. Due to the age of the subdivision, an image of the plat is not available on the County website. However, based on adjoining plats and other subdivisions platted around the same time and for which images are available, it is unlikely that there are platted building lines (or setbacks). The current "Subdivision" Ordinance (Code of Ordinances, Ch. 25, Sec. 25-68) requires a 25' front building line on single-family residential lots. This requirement appears to have been in place since 2005 and, to staff's knowledge, has been enforced consistently since that time.

The property itself appears to have an approximately 23' front setback and the owner wishes to construct a carport approximately 5' from the right-of-way line. Upon further investigation of the area, staff found the following:

- There are ten (10) nonconforming carports within approximately three (3) blocks, or within approximately 1,000, on George Street.
- There are eighteen (18) nonconforming carports within approximately five (5) blocks, or within approximately 1,500', on George Street.

The above is likely because many of the homes either have no garage, have a relatively small garage (i.e., one-car), or have a garage that has been enclosed. *Setbacks and building lines are generally applied to maintain a consistent residential character. However, in this case, the residential character to date includes a relatively high number of carports.*

Variances must be evaluated by the Planning Commission based on the four (4) criteria outlined in the Code (Sec. 25-8). Following is staff's analysis of each of the criteria.

- (1) There are special circumstances or conditions affecting the land involved such that the strict**

application of the provisions of this chapter would deprive the applicant of the reasonable use of his land;

The applicant has claimed in their application a lack of protection from rain and extreme temperatures. It could also be claimed that the neighborhood being highlighted by many existing/nonconforming carports is unique. Further, it could be argued that it is unreasonable to not allow the property owner to use their land consistently with surrounding properties, unless the Commission believes the proposed and existing carports are in any way detrimental to the area (and thus their existence should not be promoted in the future).

(2) The granting of the variance will not be detrimental to the public safety or welfare, or injurious to other property in the area;

Staff cannot identify any safety concerns or specific negative impacts associated with this request (based in part on many of the nearby properties also having carports without any apparent issues). The applicant claims it will be structurally sound; additionally, it will be required to comply with applicable international codes and would be inspected by the City.

(3) The granting of the variance will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this chapter; and

The granting of the variance should not prevent orderly subdivisions in the area. New subdivisions are required to have building lines in accordance with City codes and in that way are not the same as older subdivisions with lesser or nonexistent building lines. Applicant claims no existing carports in the neighborhood are close to meeting the required setback, which is an accurate statement. They (carports) appear to range from zero (0) to five (5) feet from the street right-of-way.

(4) A more appropriate design solution exists which is not currently allowed in this chapter.

The proposed design solution does not appear to be inappropriate for the particular area. It has apparently not been deemed inappropriate for the area in the past (pre-2005).

Staff has no objection to the proposed variance with the condition of a minimum five (5) foot setback from the right-of-way. Lack of objection is based on the surrounding residential character and not being inconsistent with the four (4) criteria as outlined in the Code. The condition of having a five (5) foot setback is recommended to comply with international code requirements. With the latter condition in place, staff sees no further issues.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Mr. Tanner presented photos of the property in question, along with other photos of existing homes in the general proximity.
- Commissioner Poldrack inquired if the posts for the carport addition would be wood or steel.
- Mr. Tanner stated that he could ask the applicant about the construction material. Mr. Tanner stated that he believes the posts would be steel. Mr. Tanner stated that the carport was not enclosed and that it would be used primarily for protection against the weather.
- Vice Chairperson Phipps stated that the criteria for the variance request had not been met and that the applicant had not been deprived of any reasonable use of his land.
- Vice Chairperson Phipps stated that he is not in favor of passing the variance request, and the request should be addressed by City Council.
- Commissioner Villagomez inquired about the five (5') setback.
- Mr. Tanner explained that the structure would require a minimum five (5') setback from the right-of-way.
- Commissioner Villagomez inquired about setback requirements in 2005.
- Mr. Tanner explained that Allendale Manor did not have setback requirements prior to 2005. All code requirements were adopted in 2005.
- Councilor Euton stated that if the proposed variance request was approved by both the Planning Commission and City Council, what standards would be required by the homeowner.
- Mr. Tanner replied that the standards must comply with international codes.
- Mr. Tschirhart explained that the variance could specify a particular design where it would not conflict with other designs in the area.
- Commissioner Villagomez inquired if the homeowner was elderly.
- Mr. Tanner replied that the homeowner was elderly, however, age was not taken in to consideration.
- Chairperson Urbish stated that other homeowners on the street have the benefit of a carport, while the

homeowner at 1509 George Street does not.

- Chairperson Urbish stated that he is in favor of approving the variance request.
- Commissioner Poldrack stated that the neighborhood is very old, many of which have single-car garages or have converted the garage to a living area. Commissioner Poldrack prefers that homeowners have a carport as opposed to parking in the street.

Action taken: Commissioner Poldrack moved, seconded by Commissioner Villagomez to approve the Variance Request for a proposed carport addition located 1509 George Street. The motion carried by a vote of five "ayes" to one "no". **AYES:** Chairperson Urbish, Commissioners Poldrack, Davis, Villagomez, and Monk. **NO:** Vice Chairperson, Phipps.

5. CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF CVS STORE #10637, A SUBDIVISION OF 2.091 ACRES OF LAND BEING A PORTION OF A CALLED 173.34 ACRE TRACT RECORDED IN THE NAME OF CL WATERFORD, LLC C.F. NO. 2010054252, F.B.C.O.P.R. LOCATED IN THE ROBERT E. HANDY SURVEY, ABSTRACT NO. 187, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS; 1 BLOCK, 0 LOTS, 1 RESERVE.

Executive Summary: The Preliminary Plat of CVS Store #10637 consists of 2.091 acres of land located at the southeast intersection of Reading and Spacek Roads. This location is generally across Reading Road from Kroger.

As seen in the plat description, this is just over two (2) acres being platted for the purpose of developing a CVS store. The site will have its access from two (2) proposed thirty-foot (30') access easements which are in alignment with the existing median openings in Reading and Spacek Roads and in compliance with the City driveway separation standards. Notably, due to existing level of service at the intersection, development of the site will require the installation of a traffic signal. The applicant is aware of this and intends to submit plans for the signal to the City. Development would be contingent on the signal installation.

While the main purpose of the plat is simply to plat out raw acreage for this development (existing utilities are in place to serve the tract), the property is located Fort Bend County MUD No. 144 and will therefore be subject to its development standards, which are generally more stringent than City standards (e.g., landscaping and masonry requirements).

Seeing no issues in conflict with City ordinances, staff recommends approval of the Preliminary Plat of CVS Store #10637.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Poldrack inquired about who would be responsible for paying for the traffic signal.
- Mr. Tanner replied that the developer would be responsible for paying for the traffic signal, however, other developers may also be responsible for contributing to the expense.
- Commissioner Poldrack inquired if CVS would be responsible for the expense of the traffic signal.
- Mr. Tanner replied that the developer or developers would be responsible for the expense of implementing.
- Commissioner Poldrack inquired if the City would be responsible for any of the expense of the traffic signal.
- Mr. Tanner replied that the City could possibly assist with the expense, but the developer is actually responsible for expenses incurred.

Action taken: Commissioner Phipps moved, seconded by Commissioner Villagomez to approve the Preliminary Plat of CVS Store #10637, a subdivision of 2.091 acres of land being a portion of a called 173.34 acre tract recorded in the name of CL Waterford, LLC C.F. No. 2010054252, F.B.C.O.P.R. located in the Robert E. Handy Survey, Abstract No. 187, City of Rosenberg, Fort Bend County, Texas; 1 block, 0 lots, 1 reserve. The motion carried unanimously.

6. CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF TRAN PLAZA, A SUBDIVISION OF 9.9985 ACRES (435,538 SQ. FT.) TRACT OF LAND SITUATED IN THE S.A. AND M.G.R.R. COMPANY SURVEY, ABSTRACT 330, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS, SAID 9.9985 ACRE TRACT BEING OUT OF AND PART OF LOT 60 AND A PORTION OF LOT 69 OF THE SLAVIN AND GEORGE SUBDIVISION, RECORDED IN VOLUME 64, PAGE 252 OF THE DEED RECORDS OF FORT BEND COUNTY, TEXAS; 1 BLOCK, 1 RESERVE.

Executive Summary: This agenda item consists of a Preliminary Plat of Tran Plaza, which also happens to be a partial replat of Slavin and George Subdivision, hence the previous Public Hearing item on the Agenda. As discussed,



CITY COUNCIL COMMUNICATION

September 01, 2015

ITEM #	ITEM TITLE
9	MUD No. 155 Disannexation Petition Discussion
ITEM/MOTION	
Review and discuss a petition for disannexation of 1.393 acres (60,689 square feet) located in the Wiley Martin League, A-56, Fort Bend County, Texas (Fort Bend County Municipal Utility District No. 155), and take action as necessary to direct staff.	
FINANCIAL SUMMARY	
ELECTION DISTRICT	

Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

- Yes No N/A
- Source of Funds:** N/A

District 1

District 2

District 3

District 4

City-wide

N/A

SUPPORTING DOCUMENTS:

MUD #: 155 (Bonbrook Plantation)

1. Petition for Disannexation from the City of Rosenberg (Revised) – 08-13-15
2. Vicinity Map
3. Local Government Code Excerpt – Chapter 43, Subchapter G
4. City Charter Excerpt – Article I, Section 1.04

APPROVALS

Submitted by:

Travis Tanner

Travis Tanner, AICP
Executive Director of
Community Development

Reviewed by:

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

Approved for Submittal to City Council:

Robert Gracia

Robert Gracia
City Manager

EXECUTIVE SUMMARY

City staff has received a request from Beazer Homes and current property owners/residents regarding the disannexation of approximately 1.393 acres from the City of Rosenberg City Limits and in Fort Bend County MUD No. 155 (Bonbrook Plantation). It should also be noted that the petition suggests making said disannexation retroactive prior to January 01, 2015. However, staff has consulted with the City Attorney and we do not believe the latter can be done legally.

As discussed, the petition involves a 1.393-acre tract of land. The tract was originally annexed by the City in 1990 and happens to intersect with a small portion of what is now MUD No. 155, or Bonbrook Plantation. The property in question was platted in 2014 as part of Bonbrook Plantation North Section Nine. In many cases, lots were subsequently built on and sold, resulting in homeowners or residents being part in and part out of the City.

While the City did not develop the property or necessarily create the situation, having lots in multiple jurisdictions is not a situation that staff recommends continuing. Further, the estimated fiscal impact or loss of ad valorem tax revenue is only approximately \$900 annually based on 2014 City taxes levied.

While staff does not object to releasing the property from the City's jurisdiction based on the circumstances, it is a more rigorous process than if the land was unoccupied. If unoccupied, such a disannexation can be initiated simply by a petition from the property owner. If occupied, however, per state law (Local Government Code, Ch. 43) and City Charter (Sec. 1.04), it requires a petition from the majority of voters residing in the area and additional notification requirements to be completed by petitioner/s.

It appears at this time all registered voters (7 out of 7) have signed the petition. This has been verified by Fort Bend County as of August 24, 2015. Additionally, the petition specifically waives the right for petitioner/s to recover any City property taxes paid to date, so there should not be a negative fiscal impact from that standpoint.

This request was initially submitted in May 2015, with the City Attorney commenting that the disannexation needed to follow publication, posting, voting and timing requirements per state law. According to a letter received from Beazer Homes, dated August 13, 2015, the publishing, posting, voting and timing requirements have been fulfilled. The City Attorney has reviewed the resubmitted petition and attached exhibits and found them to be in conformance with the requirements of the City Charter and the Local Government Code.

Staff believed it was important to first bring this item to City Council for discussion purposes since it will set a precedent for how the City deals with future potential disannexation of occupied property. Therefore it is important to review the requirements per state law.



Beazer Homes - Houston
10235 West Little York
Suite 200
Houston, TX 77040
Office 281.560.6600
www.beazer.com

August 13, 2015

Mr. Travis Tanner, AICP
Executive Director
Community Development
City of Rosenberg
Via: hand delivery

Re: Request for Disannexation (Revised)
Bonbrook Plantation

Dear Mr. Tanner:

Beazer Homes and current property owners are hereby requesting disannexation of approximately 1.393 acres from the City of Rosenberg City Limits, retroactive prior to January 1st, 2015. This is property which is currently within both the City and within HCMUD 155.

You may recall this request was initially submitted in May 2015, with the City commenting that the disannexation needed to follow publication, posting, voting, and timing requirements.

Accordingly, the following steps have now been completed:

Publishing: The petition was published once in a newspaper of general circulation (Fort Bend Herald) before the 15th day before the date the petition was first circulated. A copy of the sworn affidavit of the publisher is attached showing the advertising date of July 3, 2015. The petition was first circulated for signatures on July 21, 2015.

Posting: Notice of the petition was given by posting the petition beginning July 9 2015 (ten days before circulation for signatures) in three public places within the annexed area as well as 3 additional public places within the community. A map showing the posting locations and time-stamped photos of the postings are attached.

Voting: A majority of voters residing in the territory have signed the petition and a sworn affidavit stating the dates and places of the postings. An original copy of the signed petition is attached.

Timing:

Publication of the petition occurred on July 3 2015. Posting of the petition occurred beginning July 9, 2015. Petitions were circulated beginning July 21st.

Beazer has worked closely with residents living in the affective area on this matter. Submitted with this application is a letter from one of the property owners showing support of this application and requesting that this application be approved retroactive prior to January 1, 2015. Please let me know if you have questions or need additional information.

Thanks for your assistance.

Sincerely,


Gregory R. Coleman, P.E.
Beazer Homes Texas, L.P.

PETITION FOR DISANNEXATION FROM
THE CITY OF ROSENBERG

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF ROSENBERG,
TEXAS:

The undersigned, property owners of Bonbrook Subdivision (collectively, the "Petitioners"), acting pursuant to the provisions of Chapter 43, Texas Local Government Code, particularly Section 43.142 of that Code, together with all amendments and additions thereto, and pursuant to Article I, Section 1.04 of the Code of Ordinances of the City of Rosenberg, Texas, respectfully petition the City Council of the City of Rosenberg, Texas (the "City"), for the disannexation of the tract of land described by metes and bounds and illustrated by plat drawing in Exhibit "A" (the "Land"). In support of this petition, the undersigned would show the following:

I.

The Petitioners hold fee simple title to the Land.

II.

Petitioners desire that the Land be disannexed in accordance with Section 43.142 of the Texas Local Government Code and not for failure to provide services as that process is set forth in Section 43.141, Texas Local Government Code.

III.

Petitioners acknowledge that the amount of property taxes and fees collected by the City during the time the Land has been located within the City is less than or equal to the amount of money that the City has spent for the direct benefit of the Land during that same period.

IV.

Petitioners waive any remedies or rights as set forth in law or equity pertaining to recovery of property taxes and fees collected by the City relative to the Land.

EXECUTED this 10 day of August, 2015.

Bonbrook Subdivision Property Owners of:

**Bonbrook Section 9 Block 2 Lot 5
202 Lockridge Hill Lane**

**Bonbrook Section 9 Block 2 Lot 6
103 Conchola Lane**

**Bonbrook Section 9 Block 2 Lot 12
127 Conchola Lane**

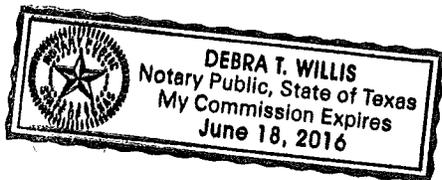
By: Beazer Homes Texas, L.P.
By Beazer Homes Texas Holdings, Inc.
Its sole General Partner

By: 
Greg Coleman,
Land Development Director

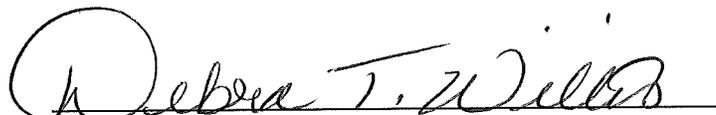
Voting District: N/A
Voter Registration Number: N/A

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This instrument was acknowledged before me on the 10 day of August 2015, by Greg Coleman, Land Development Director of Beazer Homes Texas Holdings, Inc., sole General Partner of Beazer Homes Texas, L.P., on behalf of said corporation.



(NOTARY SEAL)


Notary Public, State of Texas

EXECUTED this 24 day of July, 2015.

Bonbrook Subdivision Property Owners of:

**Bonbrook Section 9 Block 2 Lot 11
123 Conchola Lane
Rosenberg, TX 77469**

By: *Thomas Oliver Painter*
Thomas Oliver Painter

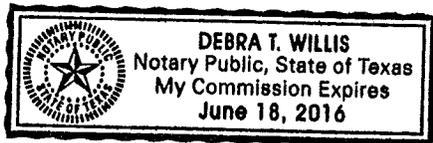
Voting District: 1007-08
Voter Registration Number: 701853
VUID: 1201737129

THE STATE OF Texas §
COUNTY OF Fort Bend §
§

This instrument was acknowledged before me on the 24 day of July, 2015, by Thomas Oliver Painter.

Debra T. Willis
Notary Public, State of Texas

(NOTARY SEAL)



EXECUTED this 4 day of August, 2015.

Bonbrook Subdivision Property Owner of:

**Bonbrook Section 9 Block 2 Lot 4
206 Lockridge Hill Lane
Rosenberg, TX 77469**

By: David McWalters Sonntag
David McWalters Sonntag

Voting District: _____
Voter Registration Number: _____
VUID: _____

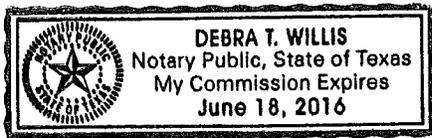
THE STATE OF Texas §

COUNTY OF Fort Bend §

This instrument was acknowledged before me on the 4 day of August, 2015, by David McWalters Sonntag.

Debra T. Willis
Notary Public, State of Texas

(NOTARY SEAL)



EXECUTED this 24 day of July, 2015.

Bonbrook Subdivision Property Owners of:

**Bonbrook Section 9 Block 2 Lot 9
115 Conchola Lane
Rosenberg, TX 77469**

By: Colleen Echols
Colleen Echols

Voting District: 1007
Voter Registration Number: _____
VID: 1100493339

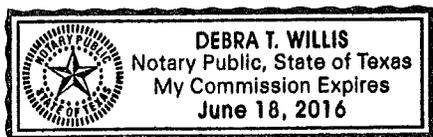
THE STATE OF Tx
COUNTY OF Fort Bend

§
§
§

This instrument was acknowledged before me on the 24 day of July, 2015, by Colleen Echols.

Debra T. Willis
Notary Public, State of Tx

(NOTARY SEAL)



EXECUTED this 27 day of July, 2015.

Bonbrook Subdivision Property Owners of:

**Bonbrook Section 9 Block 2 Lot 10
119 Conchola Lane
Rosenberg, TX 77469**

By: [Signature]
Robert Vaughn

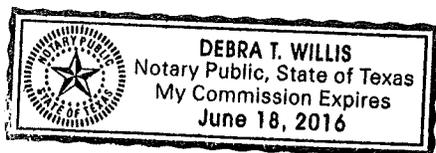
Voting District: _____
Voter Registration Number: _____
VUID: _____

THE STATE OF Texas §
COUNTY OF Fort Bend §
§

This instrument was acknowledged before me on the 27 day of July, 2015, by Robert Vaughn.

[Signature]
Notary Public, State of Texas

(NOTARY SEAL)



EXECUTED this 27 day of July, 2015.

Bonbrook Subdivision Property Owners of:

**Bonbrook Section 9 Block 2 Lot 10
119 Conchola Lane
Rosenberg, TX 77469**

By: Vera Vaughn
Vera Vaughn

Voting District: _____
Voter Registration Number: 596072
VUID: _____

THE STATE OF Texas §
COUNTY OF Fort Bend §
§

This instrument was acknowledged before me on the 27 day of July, 2015, by Vera Vaughn.

Debra T. Willis
Notary Public, State of Texas

(NOTARY SEAL)

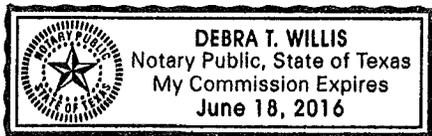


Exhibit A

January 28, 2015
Job No. 1032-1550

DESCRIPTION OF
1.393 ACRES
(60,689 SQAURE FEET)

Being 1.393 acres of land located in the Wiley Martin League, Abstract 56, Fort Bend County, Texas, more particularly being a portion of Lots 4 thru 15, Block 2 of Bonbrook Plantation North Section Nine, a subdivision of record on Plat Number 20140026, of the Plat Records of said Fort Bend County (F.B.C.P.R.), said 1.393 acres being more particularly described by metes and bounds as follows, all bearings referenced to the Texas Coordinate System, South Central Zone (NAD 83);

BEGINNING at a 5/8-inch iron rod with plastic cap stamped "RPLS 4722" found for the north corner of Lot 5, Block 2 of said Bonbrook Plantation Section Nine subdivision, on the common survey line of said Wiley Martin League and the Joseph Kuykendall League, Abstract 49, Fort Bend County, Texas, same being the most northerly southwest corner of Bridlewood Estates Section Four, a subdivision of record in Slide Numbers 1799B thru 1801A, F.B.C.P.R., same being on the easterly line of Benton Park, a subdivision of record in Slide Numbers 1985B thru 1986B, F.B.C.P.R.;

Thence, South 68° 12' 41" East, along the northerly line of said Lots 5 thru 15 and the southerly line of said Bridlewood Estates Section Four, 672.31 feet to a point for corner, from which the northeast corner of said Bonbrook Plantation Section Nine subdivision bears South 68° 12' 41" East, 702.36 feet;

Thence, North 83° 12' 00" West, departing said northerly and southerly lines, 698.07 feet to a point for corner on the west line of said Bonbrook Plantation Section Nine subdivision and the west line of the aforesaid Benton Park Subdivision;

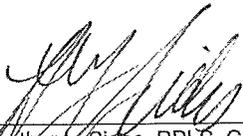
1.393 Acres

January 28, 2015
Job No. 1032-1550

Thence, North 22° 25' 36" East, 180.55 feet to the POINT OF BEGINNING and containing 1.393 acres of land.

"This document, prepared under 22 TAC§663.21, does not reflect the results of an on the ground survey and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

LJA Engineering, Inc.



Heather L. Sides, RPLS, CFedS
Registered Professional Land Surveyor
Texas Registration No. 5997



NOTES:

1. All bearings referenced to the Texas Coordinate System, South Central Zone (NAD83)
2. "This document, prepared under 22 TAC § 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interest implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

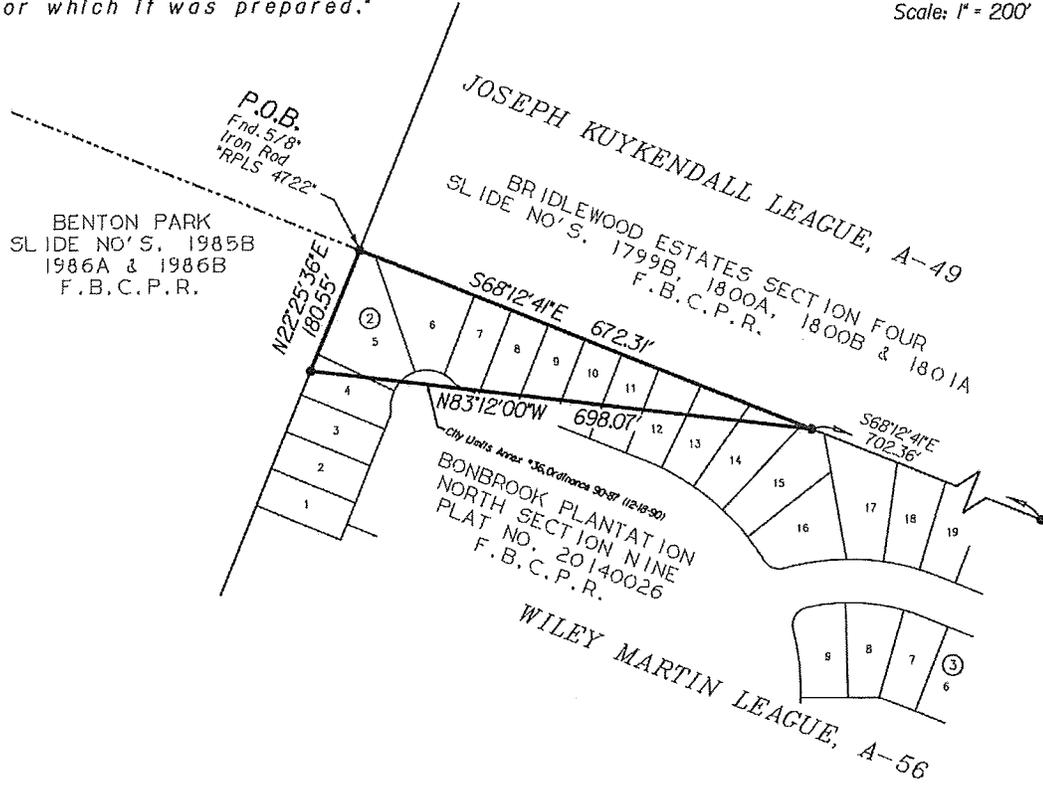
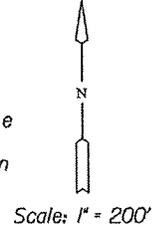


EXHIBIT OF
1.393 ACRES
(60,689 SQUARE FEET)
LOCATED IN THE
WILEY MARTIN LEAGUE, A-56
FORT BEND COUNTY, TEXAS
JANUARY 2015 JOB NO. 1032-1550

LJA Engineering, Inc.
2929 Briarpark Drive Suite 600
Houston, Texas 77042
Phone 713.953.5200
Fax 713.953.6026

PETITION FOR DISANNEXATION FROM
THE CITY OF ROSENBERG

SWORN AFFIDAVIT OF VOTERS

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

By my signature below, I solemnly swear that the petition attached hereto as Schedule 1 (the "Petition") was posted from July 9, 2015 to July 20, 2015, in the areas shown in the illustration attached hereto as Schedule 2.

[Signature Pages Follow]

EXECUTED this 10 day of AUGUST, 2015.

Bonbrook Subdivision Property Owners of:

**Bonbrook Section 9 Block 2 Lot 5
202 Lockridge Hill Lane**

**Bonbrook Section 9 Block 2 Lot 6
103 Conchola Lane**

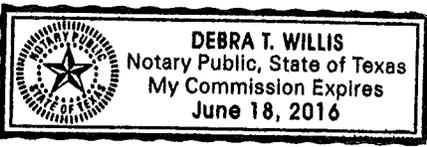
**Bonbrook Section 9 Block 2 Lot 12
127 Conchola Lane**

By: Beazer Homes Texas, L.P.
By Beazer Homes Texas Holdings, Inc.
Its sole General Partner

By: Greg Coleman
Greg Coleman,
Land Development Director

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This instrument was acknowledged before me on the 10 day of AUGUST 2015, by Greg Coleman, Land Development Director of Beazer Homes Texas Holdings, Inc., sole General Partner of Beazer Homes Texas, L.P., on behalf of said corporation.



Debra T. Willis
Notary Public, State of Texas

(NOTARY SEAL)

EXECUTED this 24 day of July, 2015.

Bonbrook Subdivision Property Owners of:

**Bonbrook Section 9 Block 2 Lot 11
123 Conchola Lane
Rosenberg, TX 77469**

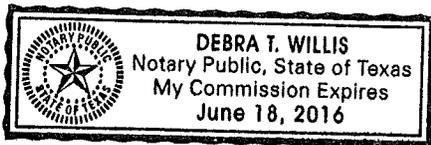
By: *Thomas Oliver Painter*
Thomas Oliver Painter
1201737129

THE STATE OF Texas §
COUNTY OF Fort Bend §
§

This instrument was acknowledged before me on the 24 day of July, 2015, by Thomas Oliver Painter.

Debra T. Willis
Notary Public, State of Texas

(NOTARY SEAL)



EXECUTED this 21 day of July, 2015.

Bonbrook Subdivision Property Owners of:

**Bonbrook Section 9 Block 2 Lot 11
123 Conchola Lane
Rosenberg, TX 77469**

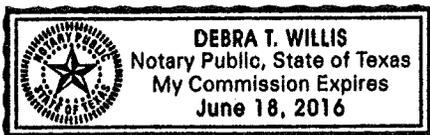
By: *Jeane Marie Govan*
Jeane Marie Govan
VOID# 1201737138

THE STATE OF Texas §
§
COUNTY OF Fort Bend §

This instrument was acknowledged before me on the 21 day of July, 2015, by
Jeane Marie Govan.

Debra T. Willis
Notary Public, State of Texas

(NOTARY SEAL)



EXECUTED this 4 day of August, 2015.

Bonbrook Subdivision Property Owner of:

**Bonbrook Section 9 Block 2 Lot 4
206 Lockridge Hill Lane
Rosenberg, TX 77469**

By: David McWalters Sonntag
David McWalters Sonntag

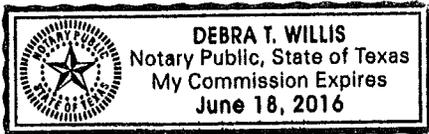
THE STATE OF Texas §

COUNTY OF Fort Bend §

This instrument was acknowledged before me on the 4 day of August 2015, by David McWalters Sonntag.

Debra T. Willis
Notary Public, State of Texas

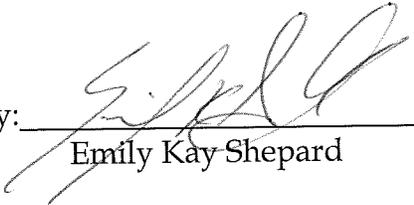
(NOTARY SEAL)



EXECUTED this 24 day of July, 2015.

Bonbrook Subdivision Property Owner of:

**Bonbrook Section 9 Block 2 Lot 7
107 Conchola Lane
Rosenberg, TX 77469**

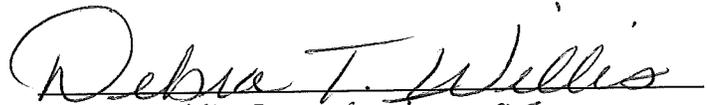
By: 
Emily Kay Shepard

THE STATE OF Texas

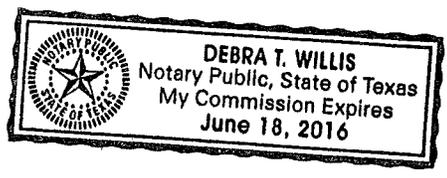
§
§
§

COUNTY OF Fort Bend

This instrument was acknowledged before me on the 24 day of July, 2015, by Emily Kay Shepard.


Notary Public, State of Texas

(NOTARY SEAL)



EXECUTED this 24 day of July, 2015.

Bonbrook Subdivision Property Owners of:

**Bonbrook Section 9 Block 2 Lot 9
115 Conchola Lane
Rosenberg, TX 77469**

By: Colleen Echols
Colleen Echols

Proc # 1007
VOID 1100493339

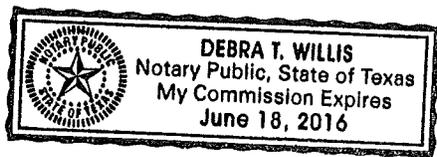
THE STATE OF TX
COUNTY OF Fort Bend

§
§
§

This instrument was acknowledged before me on the 24 day of July, 2015, by Colleen Echols.

Debra T. Willis
Notary Public, State of Texas

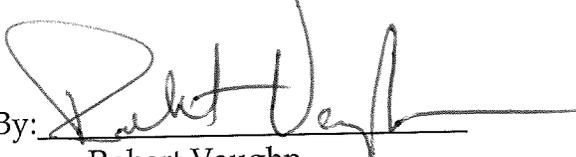
(NOTARY SEAL)



EXECUTED this 27 day of July, 2015.

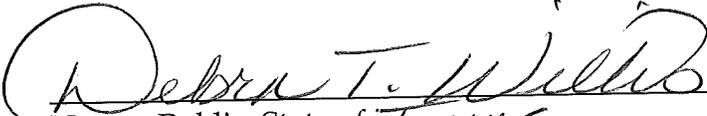
Bonbrook Subdivision Property Owners of:

**Bonbrook Section 9 Block 2 Lot 10
119 Conchola Lane
Rosenberg, TX 77469**

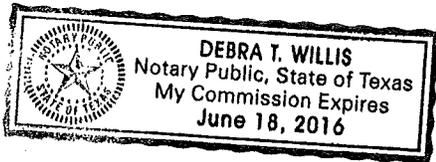
By: 
Robert Vaughn

THE STATE OF Texas §
COUNTY OF Fort Bend §

This instrument was acknowledged before me on the 27 day of July, 2015, by Robert Vaughn.


Notary Public, State of Texas

(NOTARY SEAL)



EXECUTED this 1st day of August, 2015.

Bonbrook Subdivision Property Owners of:

**Bonbrook Section 9 Block 2 Lot 13
203 Conchola Lane
Rosenberg, TX 77469**

By: [Signature]
Hugo Cabrera

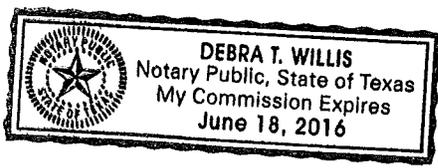
THE STATE OF TEXAS
COUNTY OF FORT BEND

§
§
§

This instrument was acknowledged before me on the 1 day of August 2015, by Hugo Cabrera.

[Signature]
Notary Public, State of TEXAS

(NOTARY SEAL)



SCHEDULE 1- PETITION

Exhibit "A" to Ordinance No. 2015-

PETITION FOR DISANNEXATION FROM
THE CITY OF ROSENBERG

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF ROSENBERG,
TEXAS:

The undersigned, property owners of Bonbrook Subdivision (collectively, the "Petitioners"), acting pursuant to the provisions of Chapter 43, Texas Local Government Code, particularly Section 43.142 of that Code, together with all amendments and additions thereto, and pursuant to Article I, Section 1.04 of the Code of Ordinances of the City of Rosenberg, Texas, respectfully petition the City Council of the City of Rosenberg, Texas (the "City"), for the disannexation of the tract of land described by metes and bounds and illustrated by plat drawing in Exhibit "A" (the "Land"). In support of this petition, the undersigned would show the following:

I.

The Petitioners hold fee simple title to the Land.

II.

Petitioners desire that the Land be disannexed in accordance with Section 43.142 of the Texas Local Government Code and not for failure to provide services as that process is set forth in Section 43.141, Texas Local Government Code.

III.

Petitioners acknowledge that the amount of property taxes and fees collected by the City during the time the Land has been located within the City is less than or equal to the amount of money that the City has spent for the direct benefit of the Land during that same period.

IV.

Petitioners waive any remedies or rights as set forth in law or equity pertaining to recovery of property taxes and fees collected by the City relative to the Land.

Exhibit A

January 28, 2015
Job No. 1032-1550

DESCRIPTION OF
1.393 ACRES
(60,689 SQAURE FEET)

Being 1.393 acres of land located in the Wiley Martin League, Abstract 56, Fort Bend County, Texas, more particularly being a portion of Lots 4 thru 15, Block 2 of Bonbrook Plantation North Section Nine, a subdivision of record on Plat Number 20140026, of the Plat Records of said Fort Bend County (F.B.C.P.R.), said 1.393 acres being more particularly described by metes and bounds as follows, all bearings referenced to the Texas Coordinate System, South Central Zone (NAD 83);

BEGINNING at a 5/8-inch iron rod with plastic cap stamped "RPLS 4722" found for the north corner of Lot 5, Block 2 of said Bonbrook Plantation Section Nine subdivision, on the common survey line of said Wiley Martin League and the Joseph Kuykendall League, Abstract 49, Fort Bend County, Texas, same being the most northerly southwest corner of Bridlewood Estates Section Four, a subdivision of record in Slide Numbers 1799B thru 1801A, F.B.C.P.R., same being on the easterly line of Benton Park, a subdivision of record in Slide Numbers 1985B thru 1986B, F.B.C.P.R.;

Thence, South 68° 12' 41" East, along the northerly line of said Lots 5 thru 15 and the southerly line of said Bridlewood Estates Section Four, 672.31 feet to a point for corner, from which the northeast corner of said Bonbrook Plantation Section Nine subdivision bears South 68° 12' 41" East, 702.36 feet;

Thence, North 83° 12' 00" West, departing said northerly and southerly lines, 698.07 feet to a point for corner on the west line of said Bonbrook Plantation Section Nine subdivision and the west line of the aforesaid Benton Park Subdivision;

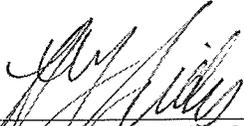
1.393 Acres

January 28, 2015
Job No. 1032-1550

Thence, North 22° 25' 36" East, 180.55 feet to the POINT OF BEGINNING and containing 1.393 acres of land.

"This document, prepared under 22 TAC§663.21, does not reflect the results of an on the ground survey and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

LJA Engineering, Inc.



Heather L. Sides, RPLS, CFedS
Registered Professional Land Surveyor
Texas Registration No. 5997



NOTES:

1. All bearings referenced to the Texas Coordinate System, South Central Zone (NAD83)
2. "This document, prepared under 22 TAC § 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interest implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."



Scale: 1" = 200'

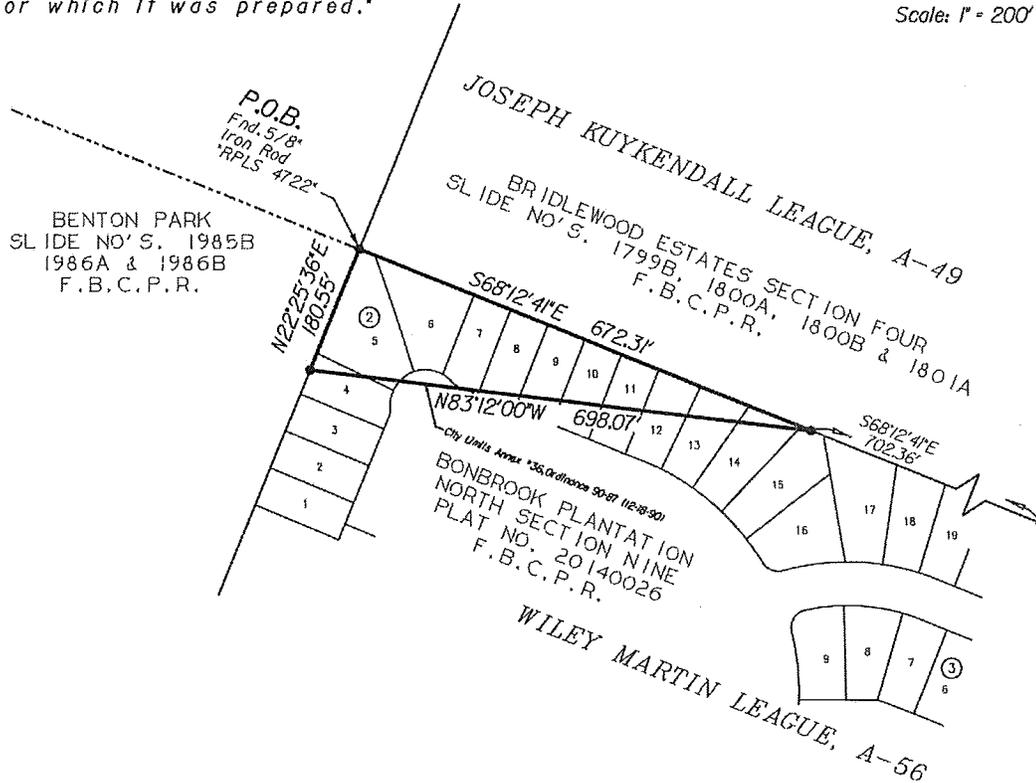
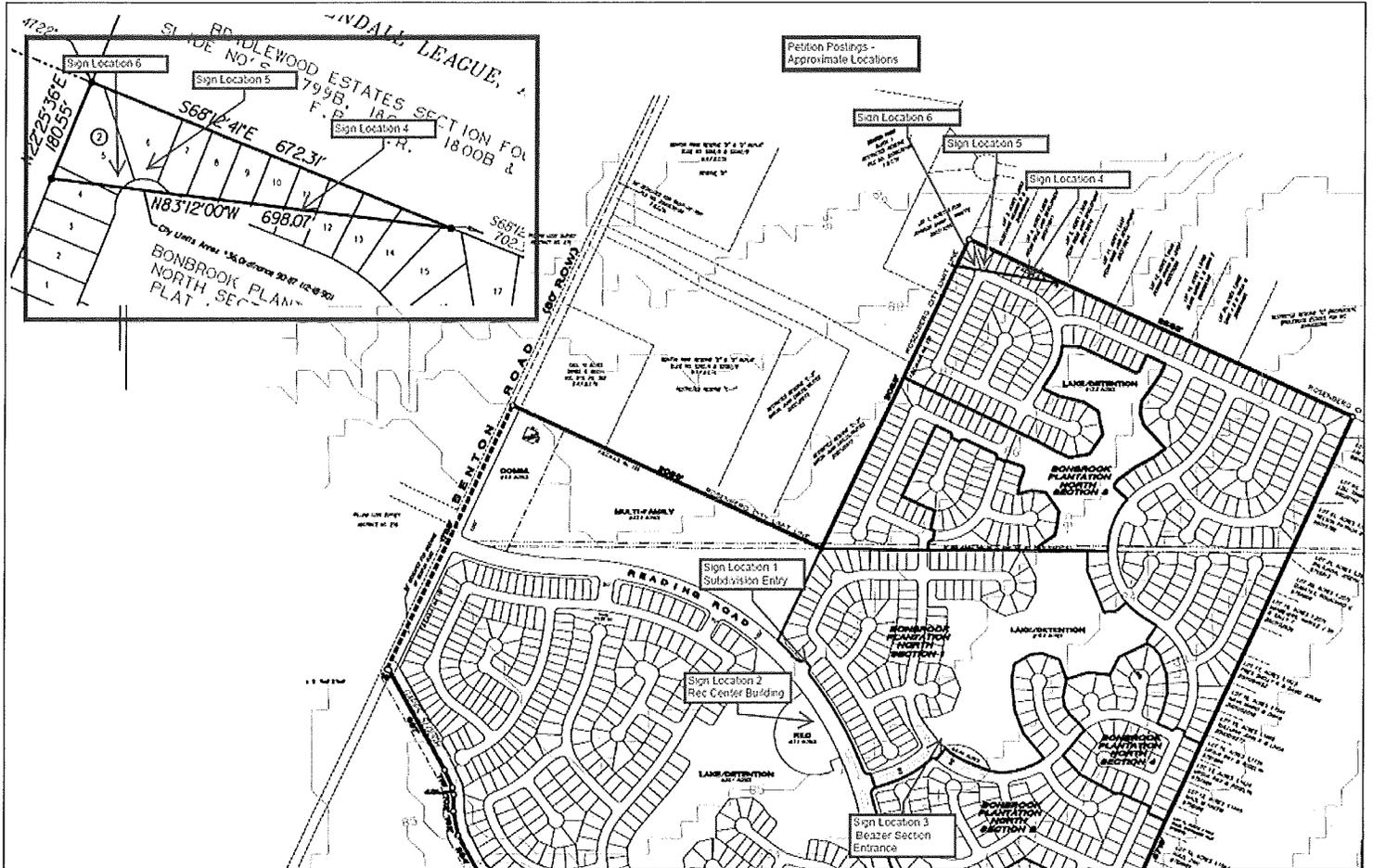


EXHIBIT OF
 1.393 ACRES
 (60,689 SQUARE FEET)
 LOCATED IN THE
 WILEY MARTIN LEAGUE, A-56
 FORT BEND COUNTY, TEXAS
 JANUARY 2015 JOB NO. 1032-1550

LJA Engineering, Inc.
 2929 Briarpark Drive
 Suite 600
 Houston, Texas 77042
 Phone 713.953.5200
 Fax 713.953.5026

SCHEDULE 2 - POSTING ILLUSTRATION



Beayer Homer Texas, L.P.

PUBLISHER'S AFFIDAVIT

Dissemination

THE STATE OF TEXAS §
COUNTY OF FORT BEND §

Before me, the undersigned authority, on this day personally appeared Lee Hartman who being by me duly sworn, deposes and says that he is the Publisher of Fort Bend Herald and that said newspaper meets the requirements of Section 2051.044 of the Texas Government Code, to wit:

- 1. it devotes not less than twenty-five percent (25%) of its total column lineage to general interest items;
2. it is published at least once each week;
3. it is entered as second-class postal matter in the county where it is published; and
4. it has been published regularly and continuously since 1959.
5. it is generally circulated within Fort Bend County.

(CLIPPING) (S)
ON BACK

Publisher further deposes and says that the attached notice was published in said newspaper on the following date(s) to wit:

7-3

, A.D. 2015

[Signature]

Lee Hartman
Publisher

SUBSCRIBED AND SWORN BEFORE ME by Lee Hartman, who

X a) is personally known to me, or

b) provided the following evidence to establish his/her identity,

on this the 3rd day of July, A.D. 2015 to certify which witness my hand and seal of office.

Jeanne McCarroll
Notary Public, State of Texas
JEANNE M. CARROLI
Notary Public, State of Texas
My Commission Expires
March 06, 2017

PETITION FOR DISANNEXTION FROM
THE CITY OF ROSENBERG

THE STATE OF TEXAS §
COUNTY OF FORT BEND §

THE STATE OF Texas §
COUNTY OF Harris §
This instrument was acknowledged before me on the ____ day of ____, 2015,
by Elizabeth Ann Neal.

By: Ralph Vitale
Voting District: _____
Voter Registration Number: _____

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS:

The undersigned, property owners of Bonbrook Subdivision (collectively, the "Petitioners"), acting pursuant to the provisions of Chapter 43, Texas Local Government Code, particularly Section 43.142 of that Code, together with all amendments and additions thereto, and pursuant to Article I, Section 1.04 of the Code of Ordinances of the City of Rosenberg, Texas, respectfully petition the City Council of the City of Rosenberg, Texas (the "City"), for the disannexation of the tract of land described by metes and bounds and illustrated by plat drawing in Exhibit "A" (the "Land"). In support of this petition, the undersigned would show the following:

Notary Public, State of _____
(NOTARY SEAL)

EXECUTED this ____ day of ____, 2015.

Bonbrook Subdivision Property Owners of:

Bonbrook Section 9 Block 2 Lot 8
111 Conchola Lane
Rosenberg, TX 77469

By: Alexandria Dorothy Herrick
Voting District: _____
Voter Registration Number: _____

THE STATE OF Texas §
COUNTY OF Harris §
This instrument was acknowledged before me on the ____ day of ____
Ralph Vitale.

Notary Public, State of _____
(NOTARY SEAL)

EXECUTED this ____ day of ____, 2015.

Bonbrook Subdivision Property Owners of:

Bonbrook Section 9 Block 2 Lot 14
287 Conchola Lane
Rosenberg, TX 77469

By: InSuk Vitale
Voting District: _____
Voter Registration Number: _____

I.
The Petitioners hold fee simple title to the Land.

II.
Petitioners desire that the Land be disannexed in accordance with Section 43.142 of the Texas Local Government Code and not for failure to provide services as that process is set forth in Section 43.141, Texas Local Government Code.

THE STATE OF Texas §
COUNTY OF Harris §
This instrument was acknowledged before me on the ____ day of ____, 2015,
by Alexandria Dorothy Herrick.

Notary Public, State of _____
(NOTARY SEAL)

EXECUTED this ____ day of ____, 2015.

Bonbrook Subdivision Property Owners of:

Bonbrook Section 9 Block 2 Lot 8
111 Conchola Lane
Rosenberg, TX 77469

By: Nathaniel Lee Herrick
Voting District: 1007-08
Voter Registration Number: 675098

THE STATE OF Texas §
COUNTY OF Harris §
This instrument was acknowledged before me on the ____ day of ____
InSuk Vitale.

Notary Public, State of _____
(NOTARY SEAL)

EXECUTED this ____ day of ____, 2015.

Bonbrook Subdivision Property Owners of:

Bonbrook Section 9 Block 2 Lot 15
211 Conchola Lane
Rosenberg, TX 77469

By: Tyrone Patterson
Voting District: _____
Voter Registration Number: _____

III.
Petitioners acknowledge that the amount of property taxes and fees collected by the City during the time the Land has been located within the City is less than or equal to the amount of money that the City has spent for the direct benefit of the Land during that same period.

IV.
Petitioners waive any remedies or rights as set forth in law or equity pertaining to recovery of property taxes and fees collected by the City relative to the Land.

THE STATE OF Texas §
COUNTY OF Harris §
This instrument was acknowledged before me on the ____ day of ____, 2015,
by Nathaniel Lee Herrick.

Notary Public, State of _____
(NOTARY SEAL)

EXECUTED this ____ day of ____, 2015.

Bonbrook Subdivision Property Owners of:

Bonbrook Section 9 Block 2 Lot 9
115 Conchola Lane
Rosenberg, TX 77469

By: Richard Echols
Voting District: _____
Voter Registration Number: _____

THE STATE OF Texas §
COUNTY OF Harris §
This instrument was acknowledged before me on the ____ day of ____
Tyrone Patterson.

Notary Public, State of _____
(NOTARY SEAL)

EXECUTED this ____ day of ____, 2015.

Bonbrook Subdivision Property Owners of:

Bonbrook Section 9 Block 2 Lot 15

THE STATE OF Texas §
COUNTY OF Harris §
This instrument was acknowledged before me on the ____ day of ____, 2015, by Greg Coleman, Land Development Director of Beazer Homes Texas Holdings, Inc., sole General Partner of Beazer Homes Texas, L.P., on behalf of said corporation.

THE STATE OF Texas §

EXECUTED this _____ day of _____, 2015.

Bonbrook Subdivision Property Owners of:

Bonbrook Section 9 Block 2 Lot 11
123 Conchola Lane
Rosenberg, TX 77469

By:

Jeane Marie Govan
Voting District: 1007-08
Voter Registration Number: 701854

THE STATE OF Texas §

COUNTY OF Harris §

This instrument was acknowledged before me on the _____ day of _____, 2015,
by Jeane Marie Govan.

Notary Public, State of _____
(NOTARY SEAL)

EXECUTED this _____ day of _____, 2015.

Bonbrook Subdivision Property Owner of:

Bonbrook Section 9 Block 2 Lot 5
202 Lockridge Hill Lane
Rosenberg, TX 77469

By:

Thomas Strother
Voting District: _____
Voter Registration Number: _____

THE STATE OF Texas §

COUNTY OF Harris §

This instrument was acknowledged before me on the _____ day of _____, 2015,
by Thomas Strother.

Notary Public, State of _____
(NOTARY SEAL)

EXECUTED this _____ day of _____, 2015.

Bonbrook Subdivision Property Owner of:

Bonbrook Section 9 Block 2 Lot 7
107 Conchola Lane
Rosenberg, TX 77469

By:

Emily Kay Shepard
Voting District: _____
Voter Registration Number: _____

THE STATE OF Texas §

COUNTY OF Harris §

This instrument was acknowledged before me on the _____ day of _____, 2015,
by Emily Kay Shepard.

Notary Public, State of _____
(NOTARY SEAL)

EXECUTED this _____ day of _____, 2015.

Bonbrook Subdivision Property Owner of:

Bonbrook Section 9 Block 2 Lot 7
107 Conchola Lane
Rosenberg, TX 77469

This instrument was acknowledged before me on the _____ day of _____, 2015, by
Robert Vaughn.

Notary Public, State of _____
(NOTARY SEAL)

EXECUTED this _____ day of _____, 2015.

Bonbrook Subdivision Property Owners of:

Bonbrook Section 9 Block 2 Lot 10
119 Conchola Lane
Rosenberg, TX 77469

By:

Vera Vaughn
Voting District: _____
Voter Registration Number: _____

THE STATE OF Texas §

COUNTY OF Harris §

This instrument was acknowledged before me on the _____ day of _____, 2015, by
Vera Vaughn.

Notary Public, State of _____
(NOTARY SEAL)

EXECUTED this _____ day of _____, 2015.

Bonbrook Subdivision Property Owners of:

Bonbrook Section 9 Block 2 Lot 13
203 Conchola Lane
Rosenberg, TX 77469

By:

Hugo Cabrera
Voting District: _____
Voter Registration Number: _____

THE STATE OF Texas §

COUNTY OF Harris §

This instrument was acknowledged before me on the _____ day of _____, 2015, by
Hugo Cabrera.

Notary Public, State of _____
(NOTARY SEAL)

EXECUTED this _____ day of _____, 2015.

Bonbrook Subdivision Property Owners of:

Bonbrook Section 9 Block 2 Lot 13
203 Conchola Lane
Rosenberg, TX 77469

By:

Patricia De La Fuente
Voting District: _____
Voter Registration Number: _____

THE STATE OF Texas §

COUNTY OF Harris §

This instrument was acknowledged before me on the _____ day of _____, 2015, by
Patricia De La Fuente.

Notary Public, State of _____
(NOTARY SEAL)

EXECUTED this _____ day of _____, 2015.

County, Texas, more particularly being a portion of Lots 4 thru 15, Block
Plantation North Section Nine, a subdivision of record on Plat Number 2014
Records of said Fort Bend County (F.B.C.P.R.), said 1.393 acres being
described by metes and bounds as follows, all bearings referenced to the T
System, South Central Zone (NAD 83):

BEGINNING at a 5/8-inch iron rod with plastic cap stamped "RPLS 47
north corner of Lot 5, Block 2 of said Bonbrook Plantation Section Nine 3u
common survey line of said Wiley Martin League and the Joseph Kuykendall
49, Fort Bend County, Texas, same being the most northerly southwest corner
Estates Section Four, a subdivision of record in Slide Numbers 1799B thru 18
same being on the easterly line of Benton Park, a subdivision of record in Slide
thru 1986B, F.B.C.P.R.:

Thence, South 68° 12' 41" East, along the northerly line of said Lots 5
southerly line of said Bridlewood Estates Section Four, 672.31 feet to a point
which the northeast corner of said Bonbrook Plantation Section Nine subdivis
68° 12' 41" East, 702.30 feet;

Thence, North 63° 12' 00" West, departing said northerly and southerly
to a point for corner on the west line of said Bonbrook Plantation Section Nine
the west line of the aforesaid Benton Park Subdivision;

1.393 Acres
J
Job

Thence, North 22° 25' 36" East, 180.55 feet to the POINT OF BI
containing 1.393 acres of land.

"This document, prepared under 22 TAC§663.21, does not reflect the
the ground survey and is not to be used to convey or establish interests
except those rights and interests implied or established by the creation or
of the boundary of the political subdivision for which it was prepared."

LIA E

Heather L. Sides, RPLS, CFedS
Registered Professional Land Surveyor
Texas Registration No. 5997



NOTES:

- 1. All bearings referenced to the Texas Coordinate System, South Central Zone (NAD83).
- 2. "This document, prepared under 22 TAC § 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property, except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

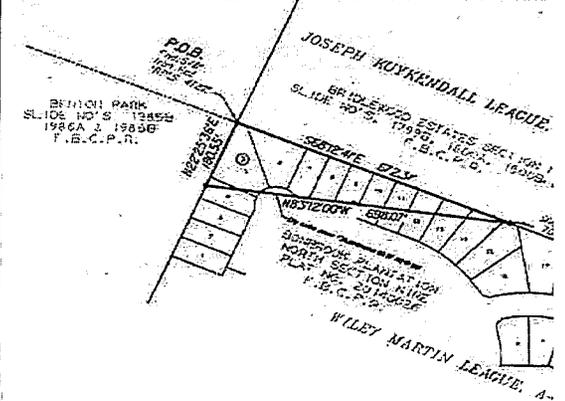
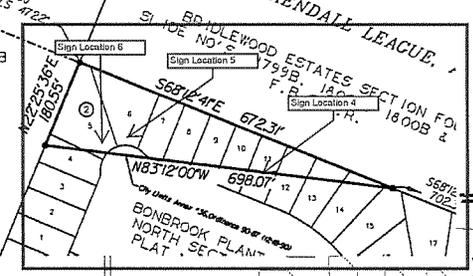
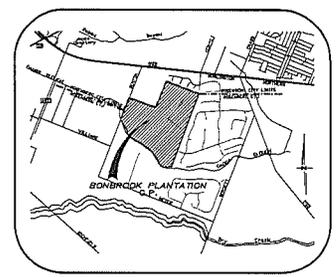


EXHIBIT
1.393 AC
60,689 SQUAF
LOCATED IN

KERRY R. GILBERT & ASSOCIATES, INC.
 1985B
 1986B
 R.



Petition Postings -
 Approximate Locations



Vicinity Map
 N.T.S.

BONBROOK PLANTATION LOT ANALYSIS 2004

BONBROOK PLANTATION NORTH LOT ANALYSIS

(TYP. 60' x 120') = 0 LOTS
(TYP. 65' x 120') = 290 LOTS (48%)
(TYP. 60' x 115') = 0 LOTS
(TYP. 65' x 115') = 319 LOTS (52%)
TOTAL LOTS = 618

BONBROOK PLANTATION SOUTH LOT ANALYSIS

(TYP. 60' x 120') = 218 LOTS (36%)
(TYP. 65' x 120') = 190 LOTS (32%)
(TYP. 60' x 120') = 0 LOTS
(TYP. 65' x 120') = 196 LOTS (32%)
TOTAL LOTS = 602

BONBROOK PLANTATION LOT ANALYSIS 2010
BONBROOK PLANTATION NORTH LOT ANALYSIS

(TYP. 60' x 120') = 20 LOTS (3%)
(TYP. 65' x 120') = 279 LOTS (46%)
(TYP. 60' x 115') = 12 LOTS (2%)
(TYP. 65' x 115') = 307 LOTS (50%)
TOTAL LOTS = 618

BONBROOK PLANTATION SOUTH LOT ANALYSIS

(TYP. 60' x 120') = 233 LOTS (39%)
(TYP. 65' x 120') = 125 LOTS (21%)
(TYP. 60' x 120') = 2 LOTS (0.3%)
(TYP. 65' x 120') = 242 LOTS (40%)
TOTAL LOTS = 602

BONBROOK OVERALL 2010

(TYP. 60' x 120') = 253 LOTS (20%)
(TYP. 65' x 120') = 404 LOTS (33%)
(TYP. 60' x 120') = 14 LOTS (1%)
(TYP. 65' x 120') = 549 LOTS (46%)

1220 Lots Total

BONBROOK OVERALL 2004

(TYP. 60' x 120') = 218 LOTS (18%)
(TYP. 65' x 120') = 498 LOTS (40%)
(TYP. 60' x 120') = 319 LOTS (26%)
(TYP. 65' x 120') = 196 LOTS (16%)

1220 Lots Total

Ac r e a g e

DISCLAIMER AND LIMITED WARRANTY

THIS LAND PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE CITY OF ROSENBERG ORDINANCE NUMBER 08-01. AT THE TIME THIS PLAN WAS PREPARED, NO VARIANCE OR VARIANCES TO THE PROVISIONS OF THE APPLICABLE ORDINANCE WHICH ARE SUBSEQUENTLY GRANTED BY THE CITY OF ROSENBERG PLANNING COMMISSION. THIS LAND PLAN WAS PREPARED FOR THE LIMITED PURPOSE OF OBTAINING THE PREPARATION OF ACTUAL ENGINEERING AND DEVELOPMENT PLANS. THIS LIMITED WARRANTY IS MADE IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, AND NEITHER KERRY R. GILBERT & ASSOCIATES, INC. NOR ANY OF ITS OFFICES OR DIRECTORS OR EMPLOYEES MAKE ANY OTHER WARRANTIES OR REPRESENTATIONS, EXPRESS OR IMPLIED, CONCERNING THE DESIGN, LOCATION, QUALITY, CHARACTER OF ACTUAL UTILITIES OR OTHER FACILITIES IN, ON, OVER, OR UNDER THE PREMISES INDICATED IN THE LAND PLAN.

A LAND PLAN FOR

BONBROOK PLANTATION

BEING 448.62± ACRES OF LAND

OUT OF THE
 WILEY MARTIN LEAGUE, A-56
 FORT BEND COUNTY, TEXAS

OWNER:
BONBROOK PLANTATION, L.P.
 ATTN: MR. JOHN TAYLOR, (281) 334-5489
 1625 CORNICHE LEAGUE CITY, 77573
BEAZER HOMES U.S.A.
 ATTN: MR. DAN OLSON, (713) 849-5017
 10235 WEST LITTLE YORK #115 HOUSTON TX. 77040

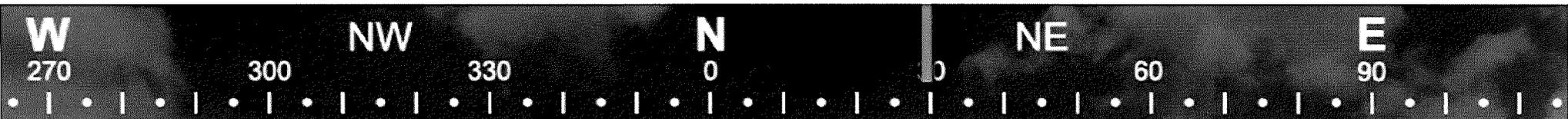
PLANNER:
KERRY R. GILBERT & ASSOCIATES, INC.

Land Planning Consultants
 23501 Cinco Ranch Blvd.
 Suite A-250
 Katy, Texas 77494
 (281)579-0340

SCALE: 1" = 400'
 0 200 400 600

OCTOBER 22, 2010
 KQA# 1-102

KERRY R. GILBERT & ASSOCIATES, INC.

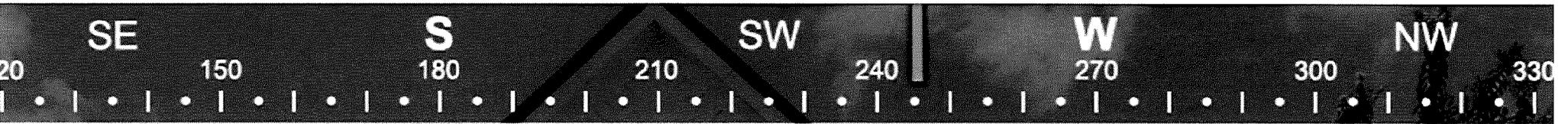


☉ 30°NE (T) ☉ 29°31'46"N, 95°43'20"W ±16.4ft ▲ 85ft



09 Jul 2015, 12:38

LOCATION 1

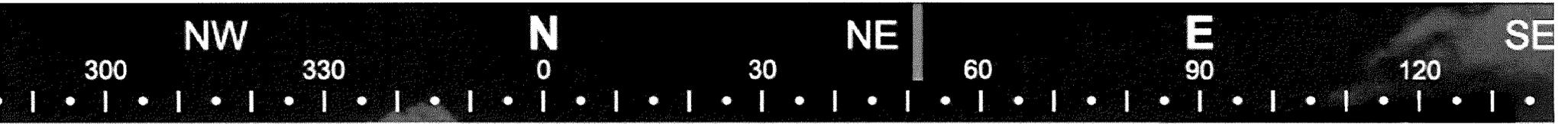


☉ 246°SW (T) ● 29°31'43"N, 95°43'19"W ±16.4ft ▲ 83ft



09 Jul 2015, 12:50

LOCATION 2

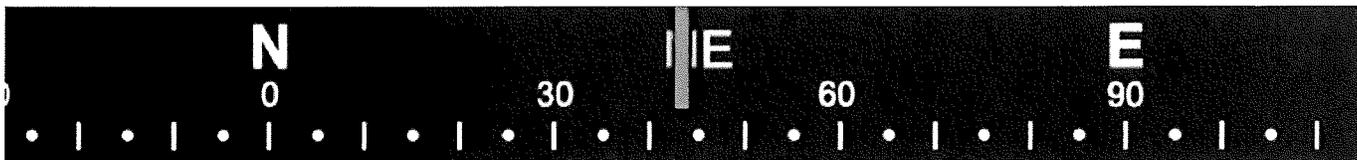


☀ 52°NE (T) ☉ 29°31'41"N, 95°43'11"W ±16.4ft ▲ 94ft



09 Jul 2015, 12:44

LOCATION 3

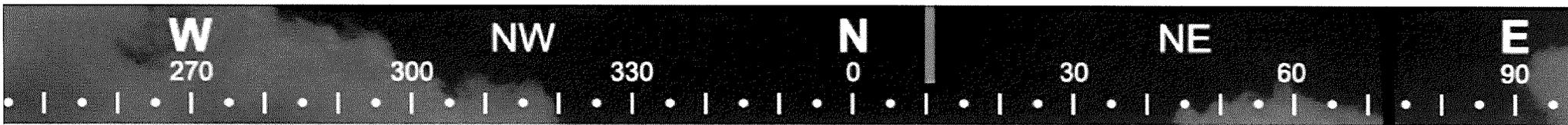


☉ 44°NE (T) ☉ 29°32'10"N, 95°43'6"W ±16.4ft ▲ 87ft



LOCATION 4

09 Jul 2015, 12:34

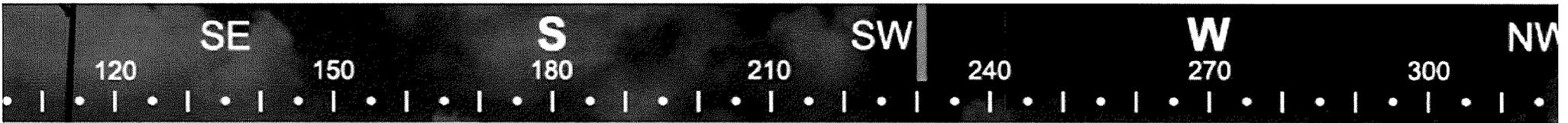


☀ 11°N (T) ☉ 29°32'11"N, 95°43'8"W ±16.4ft ▲ 95ft



09 Jul 2015, 12:31

LOCATION 5



☼ 231°SW (T) ● 29°32'11"N, 95°43'9"W ±16.4ft ▲ 86ft



09 Jul 2015 12:28

LOCATION 6

August 9, 2015

Thomas Painter

123 Conchola Ln.

Rosenberg, TX 77469

Dear Mr. Mayor and Council Members of the City of Rosenberg:

My name is Thomas Painter and I have been serving as a *de facto* representative for homeowners on lots 4, 7-11, and 13-15 in Bonbrook Plantation North, Section 9, Block 2 in conjunction with Beazer Homes representative Greg Coleman, who represents lots 5, 6, and 12. We have been working together for the past several months with respect to an ongoing petition for disannexation from the City of Rosenberg. We have had one review of a prior petition by your city attorney and feel that we have now corrected the issues to be in line with state law.

My reason for contacting your by means of this letter is to ask for your consideration of our petition and that, should an ordinance for disannexation be passed, that it be made retroactive to January 1, 2015. Some of our recent interactions with the county about the actual location of the Rosenberg City limits line have indicated that it may be within your power to do all of these things.

The reason for this request is because we are currently being asked by Fort Bend County to pay taxes to the city and that the local government code appears to indicate that we will be responsible for these taxes because we were officially located wholly or partially within the city on January 1st of this year. These amounts vary due to the location of the boundary line, but could be upwards of \$1000 this year for the most affected lots. Our interactions with our MUD 155 attorney, Susan Edwards, who had also previously written a letter to the city planner on February 6th of this year requesting consideration for disannexation of our affected area, indicated that we receive no services from the city and only from MUD 155. Conversations with Executive Director of Community Development, Travis Tanner, have not only led to the same conclusion, but also to the fact that the city had never intended and does not intend to provide services in the future to our small section. We certainly understand how it would be problematic in terms of actually providing the services.

Furthermore, despite being on the voting roster the City of Rosenberg has on file, neither my, nor my fiancé's voting certificates show that we have a vote within the city and we were summarily unable to cast votes for any Rosenberg city office during the May 9th election. We were only able to vote for our Lamar CISD school board representative for district 5. I've attached our certificates for reference. Texas Election Code Sec. 11.001 specifically provides for a choice when a property is within two voting territories:

“Sec. 11.001. ELIGIBILITY TO VOTE. (a) Except as otherwise provided by law, to be eligible to vote in an election in this state, a person must:

(1) be a qualified voter as defined by Section 11.002 on the day the person offers to vote;

(2) be a resident of the territory covered by the election for the office or measure on which the person desires to vote; and

(3) satisfy all other requirements for voting prescribed by law for the particular election.

(b) For a person who resides on property located in more than one territory described by Subsection (a)(2), the person shall choose in which territory the residence of the person is located.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Amended by:

Acts 2005, 79th Leg., Ch. 1107 (H.B. 2309), Sec. 1.06, eff. September 1, 2005.”

We were not provided this choice and unable to cast votes within a territory in which we reside. This situation could be viewed as a violation of our rights under Article 6, Section 3 of the Texas Constitution:

“Sec. 3. MUNICIPAL ELECTIONS; QUALIFICATIONS OF VOTERS. All qualified voters of the State, as herein described, who reside within the limits of any city or corporate town, shall have the right to vote for Mayor and all other elective officers.

(Amended Nov. 4, 1997, and Nov. 2, 1999.) (TEMPORARY TRANSITION PROVISIONS for Sec. 3: See Appendix, Note 1.) ”

Given that the City of Rosenberg does not provide us services and that a situation exists which could be viewed as “taxation without representation,” we do not feel that anyone could blame us if we had decided to use the full legal rights afforded to us under Texas Local Government Code 43.141, which covers the process of petitioning for disannexation for failure to provide services. As stated in the petition, we instead elected to pursue petition for disannexation under section 43.142 as petitioning under section 43.141 appears to contain restriction clauses covering a 10 year period that could possibly complicate future agreements. For this reason we believe that petitioning under the first provision for failure to provide services would not serve in anyone’s best interest.

Throughout our conversations, we feel that no party involved had intended for this situation to happen and that, in the current state of affairs, assigning blame would not help to provide any meaningful solution the problem. I have been assured by Greg Coleman that the City of Rosenberg is

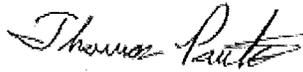
managed by a group of "common sense" individuals who want nothing more than to do right by the people. Passing the ordinance for which we are petitioning and making it retroactive, if it is legally possible to do so in such a way that no further tax funds need change hands, would go a long way in making us feel that the city understands our situational burden and has done the right thing to help.

It has also been indicated to us that cleaning up the boundary in this area is something that the city is interested in accomplishing. My neighbors and I, with the help of Mr. Tanner, have already taken steps to ensure that the Fort Bend Central Appraisal District's GIS department has the correct location of the city limits line on file so that, should an ordinance be passed, removal of our section from the city can be more easily transitioned through the county records. As a result, the effort needed to update the county records should be minimalized to the extent we were able to reduce it from our side of the situation.

Thank you for your consideration.

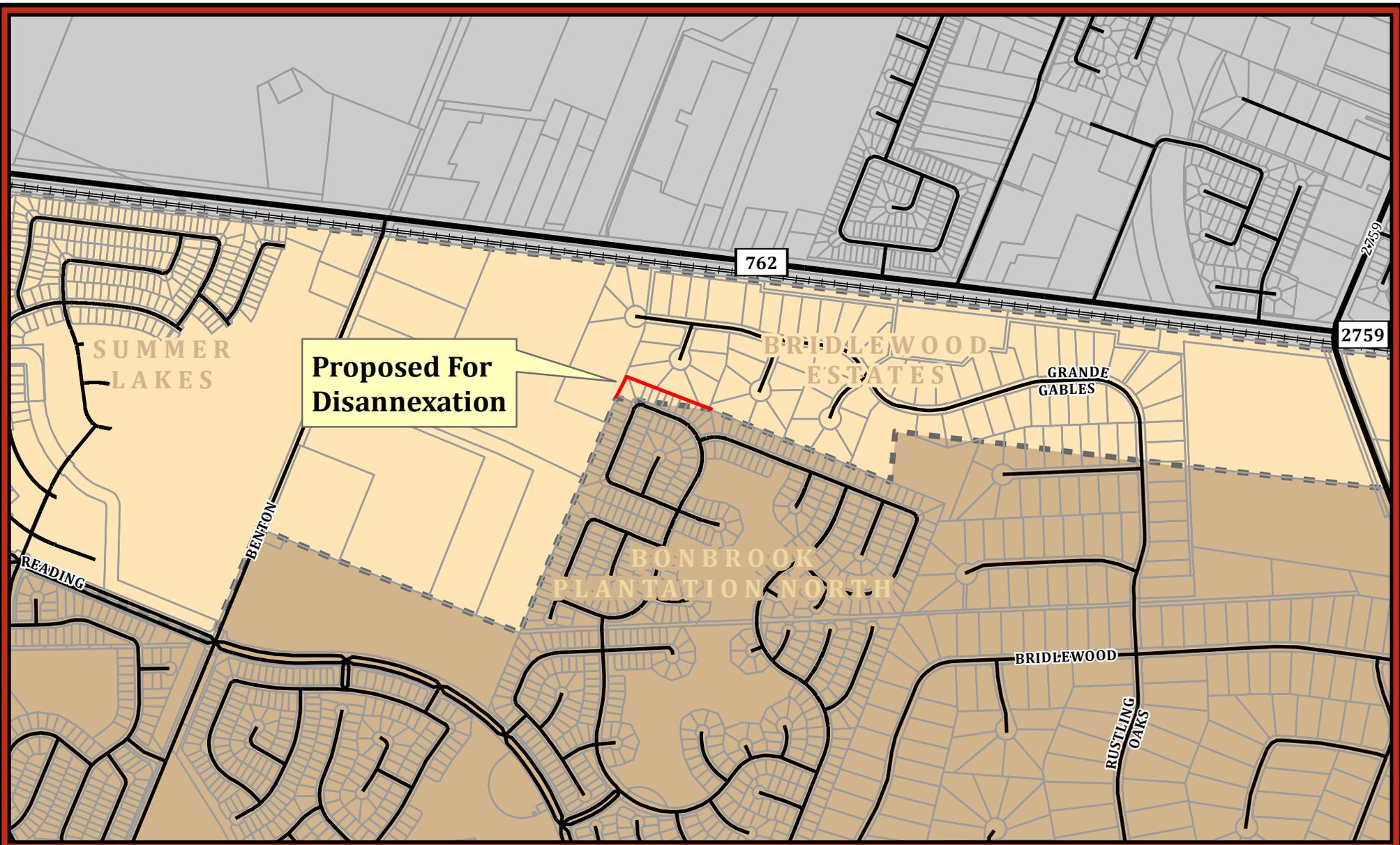
Sincerely,

The affected homeowners of Bonbrook Plantation North, Section 9, Block 2 and

A handwritten signature in cursive script that reads "Thomas Painter".

Thomas Painter, PhD

Of 123 Conchola Ln. (Lot 11)



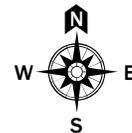
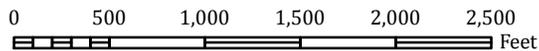
Proposed For Disannexation

- Interstate
- US Highway
- State Highway
- Public Road
- Private Road
- Railroad
- Brazos River
- FBCAD 2015 Parcels (2nd Quarter)
- Rosenberg City Limits
- Rosenberg ETJ
- Other Jurisdictions

The 2014 Aerial Imagery Data is the sole property of Houston-Galveston Area Council, which reserves all rights thereto. Use or reproduction of this data is strictly prohibited absent written consent from the Houston-Galveston Area Council, which may be contacted at www.h-gac.com.

**Proposed Disannexation
Bonbrook Plantation
City of Rosenberg, Texas**

Scale:
1:12,000
or
1 inch = 1,000 feet



Created by: City of Rosenberg GIS - Cory Vardaman
Date Created: August 19, 2015
Original Size: 8.5" x 11"
K:\GIS\MAPS\Planning\2015\Bonbrook_Disannex_8_5x11.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.



SUBCHAPTER G. DISANNEXATION

Sec. 43.141. DISANNEXATION FOR FAILURE TO PROVIDE SERVICES. (a) A majority of the qualified voters of an annexed area may petition the governing body of the municipality to disannex the area if the municipality fails or refuses to provide services or to cause services to be provided to the area within the period specified by Section 43.056 or by the service plan prepared for the area under that section.

(b) If the governing body fails or refuses to disannex the area within 60 days after the date of the receipt of the petition, any one or more of the signers of the petition may bring a cause of action in a district court of the county in which the area is principally located to request that the area be disannexed. On the filing of an answer by the governing body, and on application of either party, the case shall be advanced and heard without further delay in accordance with the Texas Rules of Civil Procedure. The district court shall enter an order disannexing the area if the court finds that a valid petition was filed with the municipality and that the municipality failed to perform its obligations in accordance with the service plan or failed to perform in good faith.

(c) If the area is disannexed under this section, it may not be annexed again within 10 years after the date of the disannexation.

(d) The petition for disannexation must:

- (1) be written;
- (2) request the disannexation;
- (3) be signed in ink or indelible pencil by the appropriate voters;
- (4) be signed by each voter as that person's name appears on the most recent official list of registered voters;
- (5) contain a note made by each voter stating the person's residence address and the precinct number and voter registration number that appear on the person's voter registration certificate;
- (6) describe the area to be disannexed and have a plat or other likeness of the area attached; and
- (7) be presented to the secretary of the municipality.

(e) The signatures to the petition need not be appended to one paper.

(f) Before the petition is circulated among the voters, notice of the petition must be given by posting a copy of the petition for 10 days in three public places in the annexed area and by publishing a copy of the petition once in a newspaper of general circulation serving the area before the 15th day before the date the petition is first circulated. Proof of the posting and publication must be made by attaching to the petition presented to the secretary:

(1) the sworn affidavit of any voter who signed the petition, stating the places and dates of the posting; and

(2) the sworn affidavit of the publisher of the newspaper in which the notice was published, stating the name of the newspaper and the issue and date of publication.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1999, 76th Leg., ch. 1167, Sec. 14, eff. Sept. 1, 1999.

Sec. 43.142. DISANNEXATION ACCORDING TO MUNICIPAL CHARTER IN HOME-RULE MUNICIPALITY. A home-rule municipality may disannex an area in the municipality according to rules as may be provided by the charter of the municipality and not inconsistent with the procedural rules prescribed by this chapter.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Rosenberg Code of Ordinances

Part I: The Charter

Article I. - Form of Government and Boundaries

Sec. 1.04. - Contraction of boundaries.

Whenever there exists within the corporate limits of the City of Rosenberg any territory not suitable or necessary for city purposes, the city council may upon a petition signed by a majority of the qualified voters residing in such territory if the same be inhabited, or without any such petition if the same be uninhabited, by ordinance duly passed, discontinue said territory as a part of said city; said petition and ordinance shall specify accurately the metes and bounds of the territory sought to be eliminated from the city and shall contain a plat designating such territory so that the same can be definitely ascertained; and when said ordinance has been duly passed the same shall be entered upon the minutes and records of said city, and from and after the entry of such ordinance said territory shall cease to be a part of said city, but said territory shall still be liable for its pro rata share of any debts incurred while said area was a part of said city, and the city shall continue to levy, assess and collect taxes on the property within said territory to pay the indebtedness incurred while said area was a part of the city as though the same had not been excluded from the boundaries of the city.

State Law reference— Disannexation, V.T.C.A., Local Government Code § 43.141.



CITY COUNCIL COMMUNICATION

September 01, 2015

ITEM #	ITEM TITLE
10	Resolution No. R-2031 – Withdrawal of Consent Regarding Standards and Guidelines of the West Fort Bend Management District

ITEM/MOTION

Consideration of and action on Resolution No. R-2031, a Resolution withdrawing consent to the establishment of any development standards or guidelines of the West Fort Bend Management District and repealing all prior development standards and guidelines adopted by the West Fort Bend Management District.

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

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

1. Resolution No. R-2031
2. City Council Meeting Minute Excerpt – 08-04-15
3. City Council Meeting Minute Excerpt – 07-21-15

APPROVALS

Submitted by:	Reviewed by:	Approved for Submittal to City Council:
Cynthia A. McConathy/ks	<input type="checkbox"/> Exec. Dir. of Administrative Services	
Cynthia A. McConathy	<input type="checkbox"/> Asst. City Manager of Public Services	Robert Gracia
Mayor	<input checked="" type="checkbox"/> City Attorney DNRBHZ/ri	City Manager
	<input type="checkbox"/> City Engineer	
	<input type="checkbox"/> (Other)	

EXECUTIVE SUMMARY

This item has been added to the Agenda to provide City Council with an opportunity to consider Resolution No. R-2031 (Resolution). Standard and guideline adoption by the West Fort Bend Management District (District) must be approved by the cities of Rosenberg and Richmond. This Resolution will withdraw consent by the City of Rosenberg from all previously adopted development standards and guidelines so that no such development standards and guidelines will be enforceable within the District.

Resolution No. R-2031 is attached for your review and consideration.

RESOLUTION NO. R-2031

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, WITHDRAWING CONSENT TO THE ESTABLISHMENT OF ANY DEVELOPMENT STANDARDS OR GUIDELINES OF THE WEST FORT BEND MANAGEMENT DISTRICT AND REPEALING ALL PRIOR DEVELOPMENT STANDARDS AND GUIDELINES ADOPTED BY THE WEST FORT BEND MANAGEMENT DISTRICT.

* * * * *

WHEREAS, the City finds that the West Fort Bend Management District no longer serves a legitimate public purpose in regulating development standards and guidelines; and,

WHEREAS, Section 3835.102 Texas Special District Local Laws Code states that the Board of the West Fort Bend Management District may not establish development standards or guidelines unless the governing bodies of the cities of Richmond and Rosenberg each consent by resolution or ordinance to the establishment of the standards or guidelines; and,

WHEREAS, the City Council has determined that it is necessary to withdraw consent from all previously adopted development standards and guidelines adopted by the West Fort Bend Management District so that no such development standards and guidelines will be henceforth enforceable in the geographic area of the West Fort Bend Management District; now, therefore,

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

Section 1. The Rosenberg City Council hereby withdraws consent to the establishment of any development standards or guidelines previously adopted by the West Fort Bend Management District pursuant to Section 3835.102(a) of the Texas Special District Local Laws Code.

Development standards and guidelines shall include the “West Fort Bend Management District Recodified Architectural and Landscaping Standards and Guidelines for New Construction, Development and Redevelopment for U.S. 59, Portions of Highway 36, Portions of Highway 90A, FM 359, Portions of FM 762, FM 2218 and Spur 10 Corridors”; Revised Chapter 7. Signage Standards, “West Fort Bend

Management District's Rules and Regulations for Implementation of Architectural and Landscaping Standards and Guidelines", along with all rules and regulations involving Plat Approval, Building Permits, Landscaping Permits, Site Clearing and Heritage Tree Removal Permits, Sign Permits, Lighting Permits, Maintenance, Requests for Variance and Administration, Enforcement and Fees, and any other development standard or guideline which may have been adopted by the West Fort Bend Management District.

Section 2. This Resolution shall be effective immediately.

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

ATTEST:

APPROVED:

Linda Cernosek, **City Secretary**

Cynthia A. McConathy, **Mayor**

- City Hall Annex customer service area crowded
- Preservation of heavy equipment – need storage
- Records are being housed in non-hardened buildings
- Maintenance has been deferred in many of the facilities, and is now becoming necessary
- Modifications have been made to facilities without changing mechanical and other systems
- Restrooms in poor condition
- Image that buildings present are not consistent with the City's goals of attracting new businesses
- ADA / TAS accessibility standards are not being met in older buildings
- New fire facilities will be needed as the City expands to the West and South

The next steps as identified were:

1. Council review period now until October 2015
2. Staff will work with Council in FY 2016 to determine which projects and when they are implemented
3. Project specifics will be updated and budgets set at the time of implementation
4. Adoption of the Master Plan entails accepting the recommendations and general direction of PGAL, City Staff and the Task Force

Action: Councilor Benton made a motion, seconded by Councilor Moses, to approve Resolution No. R-1972, a Resolution accepting the City of Rosenberg Facilities Master Plan, contingent upon making an amendment to the Resolution wording from "adopting" to "accepting." The motion carried by a unanimous vote.

5. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1995, A RESOLUTION PROVIDING FOR ACCEPTANCE OF A CLASSIFICATION AND COMPENSATION PLAN.**

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.

Key Discussion Points: Joyce Vasut, Executive Director of Administrative Services, read the Executive Summary.

Action: Councilor Benton made a motion, seconded by Councilor Moses, to approve Resolution No. R-1995, a Resolution providing for acceptance of Option 1 of the Classification and Compensation Plan. The motion carried by a unanimous vote.

6. **REVIEW AND DISCUSS FUNDING FOR THE WEST FORT BEND MANAGEMENT DISTRICT, AND TAKE ACTION AS NECESSARY.**

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.

Key Discussion Points:

- Mayor McConathy gave an overview of the item, and requested clarification from Scott Tschirhart, City Attorney.

- Mr. Tschirhart stated that an Economic Development Corporation that is formed under the City becomes a unit of the City and serves at Council's pleasure. Council has supervisory authority of all programs under the City, may review any financials of any such corporation, a creating unit retains control and responsibility over the corporation. Further, Mr. Tschirhart explained that Rosenberg City Council may approve or disapprove the standards of the WFBMD.
- **Bill Knesek, 3602 Glenmeadow, Rosenberg, Texas** - gave his appeal to Council to approve the RDC budget, including the WFBMD funding, with a proposed 25% reduction from previous years. The mission of the Management District is to provide an aesthetically pleasing corridor throughout Rosenberg and Richmond.
- Council urged WFBMD to loosen their restrictions and compromise with the City in order to allow more businesses to be able to come into the area without having to adhere to such strict standards.
- The WFBMD was founded with the understanding that it would ultimately become self sustaining.
- Mr. Tschirhart stated that it would be more efficient to take action on the next item. Council may approve or reject the entire budget of RDC, or approve the budget contingent on a particular change.
- No action was taken on this item.

7. **REVIEW AND DISCUSS A PRESENTATION REGARDING THE ROSENBERG DEVELOPMENT CORPORATION FY2016 BUDGET, AND TAKE ACTION AS NECESSARY.**

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.

Key Discussion Points:

- Randall Malik, Economic Development Director, gave a presentation on the Rosenberg Development FY2016 Budget.
- **Bill Knesek, 3602 Glenmeadow, Rosenberg, Texas** - clarified that WFBMD has no authority over the Cities, and the standards which they enforce are standards that each City adopted. Mr. Knesek requested that Council either approve the RDC Budget in its entirety, or approve it contingent on the deletion of the WFBMD funding line item, rather than reject the budget and send it back to RDC. He appealed once more that Council not do away with an organization whose sole mission is to make this City more attractive.
- After discussion, it was apparent that the majority of the Council wished to approve the RDC Budget with the exclusion of the funding for the WFBMD.
- Joyce Vasut, Executive Director of Financial Services, clarified that the Final RDC Budget cannot be adopted at this meeting, but rather must be adopted along with the City Council Budget. She recommended using the word "accept" instead of "adopt."

Action: Councilor Benton made a motion, seconded by Councilor Moses, to accept the Rosenberg Development Corporation FY2016 Budget, excluding funding for the West Fort Bend Management District. **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.**

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.**

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 recommends approval.

Staff recommends approval of Ordinance No. 2015-24 as presented.

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

ITEM 11

Hold Executive Session to deliberate the appointment, employment, and evaluation of the City Manager pursuant to Section 551.074 of the Texas Government Code.

ITEM 12

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

ITEM 13

Adjournment.