

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 16, 2014

TIME: 7:00 p.m.

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

PURPOSE: Regular City Council Meeting, agenda as follows:

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

Call to order: City Hall Council Chamber

Invocation and Pledge of Allegiance. (Pastor David Hodges, Grace Community Bible Church, Richmond)

Presentation of Texas Comptroller Leadership Circle Platinum Member Award for Achievement in Financial Transparency. (Vincent M. Morales, Jr., Mayor)

Presentation of Proclamation Proclaiming September 2014 as Prostate Cancer Awareness Month in the City of Rosenberg. (Vincent M. Morales, Jr., Mayor)

GENERAL COMMENTS FROM THE AUDIENCE.

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

COMMENTS FROM THE AUDIENCE FOR CONSENT AND REGULAR AGENDA ITEMS.

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

CONSENT AGENDA

1. Review of Consent Agenda.
All Consent Agenda items listed are considered to be routine by the City Council and may be enacted by one (1) motion. There will be no separate discussion of Consent Agenda items unless a City Council Member has requested that the item be discussed, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Regular Agenda.
 - A. Consideration of and action on Regular Meeting Minutes for August 19, 2014. (Linda Cernosek, City Secretary)
 - B. Consideration of and action on Ordinance No. 2014-38, an Ordinance amending the Code of Ordinances by adding that certain section of Junker Road, between US 90A and Spur 529, to Section 28-160(a) of Article IV of Chapter 28 thereof, as streets within the City upon which it is unlawful to operate a truck as defined in Section 28-159 of the Code of Ordinances; providing for the installation of "No Truck" signs indicating the boundaries of the no truck designations along Junker Road; providing a penalty in an amount of not less than \$1.00 nor more than \$200.00 for each violation of any provision hereof; providing for severability; and providing an effective date. (John Maresh, Assistant City Manager of Public Services)
 - C. Consideration of and action on Resolution No. R-1858, a Resolution authorizing acceptance of a donation of seventy-five (75) trees from the Apache Foundation Tree Grant Program to be planted in Seabourne Creek Nature Park and Seabourne Creek Regional Sports Complex. (Darren McCarthy, Parks and Recreation Director)

- D. Consideration of and action on a Final Plat of Bonbrook Plantation North Section Eleven, a subdivision of 8.924 acres of land situated in the Wiley Martin League, Abstract 56, Fort Bend County, Texas; 35 lots, 0 reserves, 3 blocks. (Travis Tanner, Executive Director of Community Development)
- E. Consideration of and action on a Final Plat of Bonbrook Plantation North Section Twelve, a subdivision of 8.522 acres of land situated in the Wiley Martin League, Abstract 56, Fort Bend County, Texas; 34 lots, 0 reserves, 2 blocks. (Travis Tanner, Executive Director of Community Development)
- F. Consideration of and action on a Final Plat of Bonbrook Plantation North Section Thirteen, a subdivision of 19.476 acres of land situated in the Wiley Martin League, Abstract 56, Fort Bend County, Texas; 88 lots, 3 reserves (1.031 acres), 3 blocks. (Travis Tanner, Executive Director of Community Development)

REGULAR AGENDA

- 2. Hold Executive Session to consult with City Attorney on pending or contemplated litigation regarding Cause No. 140DCV-211746; City of Rosenberg, Texas, and City of Richmond, Texas v. Fort Bend Subsidence District; in the District Court of Fort Bend County, Texas, 268th Judicial District, pursuant to Section 551.071 of the Texas Government Code; and, to discuss or deliberate economic development negotiations regarding business prospects seeking to locate, stay or expand in the Rosenberg area pursuant to Section 551.087 of the Texas Government Code.
- 3. Adjourn Executive Session, reconvene into Regular Session, and take action as necessary as a result of Executive Session.
- 4. Review and discuss Cause No. 140DCV-211746; City of Rosenberg, Texas and City of Richmond, Texas v. Fort Bend Subsidence District; in the District Court of Fort Bend County, Texas, 268th Judicial District, and take action as necessary. (John Maresh, Assistant City Manager of Public Services.)
- 5. Hear and discuss a presentation regarding a proposed Eagle Scout Project to restore bleachers in Sunset Park, and take action as necessary. (Darren McCarthy, Parks and Recreation Director)
- 6. Hear and discuss a presentation regarding a proposed Eagle Scout Project to restore picnic tables in City Parks, and take action as necessary. (Darren McCarthy, Parks and Recreation Director)
- 7. Consideration of and action on Resolution No. R-1856, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Professional Services Agreement for the engineering services for the Avenue I and Avenue H Water Line Replacements, by and between the City and Jones and Carter, Inc., in the amount of \$224,000.00. (John Maresh, Assistant City Manager of Public Services)
- 8. Consideration of and action on Resolution No. R-1816, a Resolution authorizing the public sale of certain real property located at 2033 Avenue H, Rosenberg, Texas (old City Hall), more particularly described as being the east 60 feet (E. 60') off of the east end of Lots Eighteen (18), Nineteen (19) and Twenty (20), in Block Forty-Three (43) of the Town of Rosenberg, Fort Bend County, Texas, according to the map or plat thereof recorded in Volume P, Page 146 of the Deed Records of Fort Bend County, Texas, and further authorizing that the City Manager shall direct the preparation and execution of all necessary documentation regarding same; and containing other provisions relating to the subject. (Randall Malik, Economic Development Director)
- 9. Consideration of and action on Resolution No. R-1849, a Resolution authorizing publication of Notice of Intention to Issue Certificates of Obligation, in an aggregate principal amount not to exceed \$3,200,000, for the acquisition, construction and improvement of certain public works, and authorizing certain other matters relating thereto. (Joyce Vasut, Executive Director of Administrative Services)
- 10. Consideration of and action on Resolution No. R-1850, a Resolution authorizing the Mayor to purchase real property described as Lot One (1), Block Eighteen (18), Rosenberg, located in Fort Bend County, Texas, and being more particularly described in Clerk's File Number 9007021 of the Real Property Records of Fort Bend County, Texas; and, containing other provisions relating to the subject. (Joyce Vasut, Executive Director of Administrative Services)
- 11. Consideration of and action on Resolution No. R-1848, a Resolution authorizing the City Manager to execute, for and on behalf of the City, Budget Amendment 14-16 in the amount of \$55,000, for write-off of certain accounts receivable. (Joyce Vasut, Executive Director of Administrative Services)
- 12. Announcements.
- 13. Adjournment.

[EXECUTION PAGE TO FOLLOW]

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

by _____.

Attest:
Christine Krahn, Acting City Secretary

Approved for Posting:
Robert Gracia, City Manager

Approved:
Vincent M. Morales, Jr., Mayor

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

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

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

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

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

**Presentation of Texas Comptroller
Leadership Circle Platinum Member Award
for Achievement in Financial Transparency.**



Texas Comptroller Leadership Circle Platinum Member

awarded to

City of Rosenberg

For continued progress toward achieving financial transparency. The Texas Comptroller's Leadership Circle program recognizes local governments across Texas that are striving to meet a high standard for financial transparency online. Your efforts to provide citizens with clear, consistent pictures of spending and share information in a user-friendly format have paved the way for achieving greater financial transparency.

August 25, 2014

A handwritten signature in black ink, reading "Susan Combs". The signature is written in a cursive, flowing style. Below the signature is a thin horizontal line.

**Presentation of Proclamation Proclaiming
September 2014 as Prostate Cancer
Awareness Month in the City of Rosenberg.**

**PROCLAIMING SEPTEMBER 2014
AS PROSTATE CANCER AWARENESS MONTH
IN THE CITY OF ROSENBERG**

WHEREAS, Prostate cancer is both the second most commonly diagnosed cancer and the second leading cause of cancer deaths; and

WHEREAS, In 2013 alone, 239,000 men in the United States were diagnosed with the illness, and almost 30,000 men died from the disease; and

WHEREAS, National Prostate Health Month is observed every September in the United States by health experts, health advocates, and individuals concerned with men's prostate cancer; and

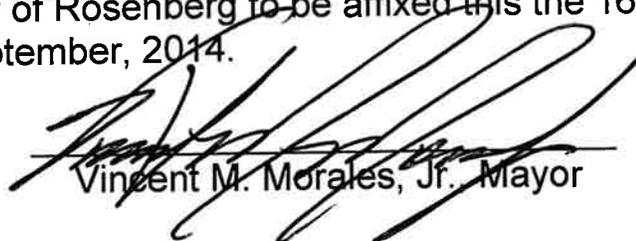
WHEREAS, Designating a month for the issue serves the purpose of increasing public awareness of the importance of prostate health; providing easily accessible prostate health screenings; educating about risk factors and symptoms of prostate related diseases; and advocating for further research on prostate health issues; and

WHEREAS, Cancer research will enhance our knowledge and improve prostate cancer prevention and treatment; and

WHEREAS, The City of Rosenberg will commemorate awareness by shining blue lights at the Rosenberg City Hall Gazebo on September 25, 26, 27 and 28, 2014.

NOW, THEREFORE, I, Vincent M. Morales, Jr., Mayor of the City of Rosenberg, urge all citizens and individuals, to raise awareness, support research, improve care, and prevention of prostate cancer.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official Seal of the City of Rosenberg to be affixed this the 16th of September, 2014.


Vincent M. Morales, Jr. Mayor



General Comments from the Audience:

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Comments from the Audience for Consent and Regular Agenda Items:

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ITEM 1

Review of Consent Agenda.

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ITEM A

Minutes:

- 1. Regular City Council Meeting Minutes – August 19, 2014**

**CITY OF ROSENBERG
REGULAR CITY COUNCIL MEETING MINUTES**

*****DRAFT*****

On this the 19th day of August, 2014, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Regular Session, in the Rosenberg City Hall Council Chamber, located at 2110 4th Street, Rosenberg, Texas.

PRESENT

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

ABSENT

Dwayne Grigar	Councilor, District 3
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STAFF PRESENT

Robert Gracia	City Manager
Linda Cernosek	City Secretary
Scott Tschirhart	Attorney for the City
John Maresh	Assistant City Manager for Public Services
Jeff Trinker	Executive Director of Support Services
Joyce Vasut	Executive Director of Administrative Services
Maritza Salazar	Budget Analyst
Lisa Olmeda	Human Resources Director
Charles Kalkomey	City Engineer
Dallis Warren	Police Chief
Wade Goates	Fire Chief
Travis Tanner	Executive Director of Community Development
Tonya Palmer	Building Official
Darren McCarthy	Parks and Recreation Director
Randall Malik	Economic Development Director
Jeremy Heath	Assistant Economic Development Director
Angela Fritz	Executive Director of Information Services
James Lewis	Information Services Manager
Kaye Supak	Executive Assistant
Tommy Havelka	Police Department
John Johnson	Police Department

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CALL TO ORDER.

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

INVOCATION AND PLEDGE OF ALLEGIANCE.

Pastor Randy Beck, Water's Edge Community Church, Richmond gave the invocation. Zachary Lawrence of Scout Troop 1656 led the pledge of allegiance to the flag.

GENERAL COMMENTS FROM THE AUDIENCE.

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CONSENT AGENDA

1. REVIEW OF CONSENT AGENDA.

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A. CONSIDERATION OF AND ACTION ON SPECIAL MEETING MINUTES FOR JULY 29, 2014.

B. CONSIDERATION OF AND ACTION ON AUTHORIZATION TO SELL THE PROPOSED LIST OF SURPLUS PROPERTY ITEMS TO BE INCLUDED IN THE ON-LINE AUCTION.

Executive Summary: For City Council's consideration, staff has provided items on the attached list to be included in the City-wide auction to retire surplus equipment, confiscated items, and other salvaged property. The on-line auction is ongoing with PropertyRoom.Com.

Staff recommends approval of the surplus list as presented.

C. CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2014-32, AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY AMENDING SECTION 24-190 OF ARTICLE VII OF CHAPTER 24 THEREOF, ESTABLISHING SURETY BONDS TO GUARANTEE THE RESTORATION OF RIGHT-OF-WAY IN THE EVENT THE APPLICANT LEAVES A JOB SITE IN THE RIGHT-OF-WAY UNSAFE, INCOMPLETE OR UNFINISHED; PROVIDING AN EFFECTIVE DATE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

Executive Summary: Article VII, of Chapter 24 of the Code of Ordinances addresses public street right-of-way management pertaining to the construction, installation, or operation of facilities within the City's public rights-of-way. More specifically, Section 24-190(b)(7)(f), includes a requirement for an applicant submitting a permit request to file a surety bond in the amount of \$25,000.00 to guarantee the restoration of the right-of-way in the event the applicant leaves a job site in the right-of-way unsafe, incomplete or unfinished. Based on recent experience with the construction of a pipeline to transport oil products under certain City public rights-of-way, staff has determined the \$25,000.00 surety bond amount is insufficient to cover the potential damages that can occur to the public infrastructure such as street and drainage infrastructure. In order to be prepared for future infrastructure construction projects, such as pipelines and telecommunications cables that will be installed in, or cross public right-of-ways, staff has prepared Ordinance No. 2014-32 which will increase the surety bond requirement from \$25,000.00 to \$100,000.00. Staff believes the \$100,000.00 bond is reasonable and should be adequate to cover the restoration costs that would otherwise be incurred by the City in the event an applicant fails to complete a project.

Staff recommends approval of Ordinance No. 2014-32 which increases the surety bond requirement from \$25,000.00 to \$100,000.00 for permitted work performed in the City rights-of-way.

D. CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1834, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A GENERAL SERVICES CONTRACT EXTENSION FOR THE PROVISION OF MOSQUITO CONTROL SERVICES, BY AND BETWEEN THE CITY AND CYPRESS CREEK PEST CONTROL FOR A PERIOD OF ONE (1) YEAR, EFFECTIVE OCTOBER 01, 2014, IN THE AMOUNT OF \$38,000.

Executive Summary: A new Contract for mosquito control services was executed for FY2014 with the option to renew the Contract for one (1) additional year. The contractor, Cypress Creek Pest Control, has performed in a satisfactory manner, and City staff recommends extension of this Contract for FY2015.

The only anticipated change to Contract is the addition of the paved alley encircling Bayou Park. Cypress Creek Pest Control has stated they will spray this alley at no additional cost. This additional area has been included on the Contract Extension.

The Contract Extension is attached to Resolution No. R-1834 as Exhibit "A". Staff recommends approval of Resolution No. R-1834 as presented.

- E. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1835, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND BEHALF OF THE CITY, A GENERAL SERVICES CONTRACT EXTENSION FOR THE PROVISION OF JANITORIAL SERVICES, BY AND BETWEEN THE CITY AND CLARON BUILDING MAINTENANCE, FOR A PERIOD OF ONE (1) YEAR, EFFECTIVE OCTOBER 01, 2014, IN THE AMOUNT OF \$58,336.**

Executive Summary: A new Contract for janitorial services was executed for FY2014 with the option to renew for one (1) additional year. The contractor, Claron Building Maintenance, Inc., has performed in a satisfactory manner. City staff recommends extension of this Contract for FY2015.

Janitorial service will be added to the Contract Extension for the Animal Control facility for \$650 per month, or \$7,800 per year. This will increase the annual Contract amount from \$50,536 to \$58,336.

The Contract Extension is attached to Resolution No. R-1835 as Exhibit "A". Staff recommends approval of Resolution No. R-1835 as presented.

- F. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1836, A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, A PROFESSIONAL SERVICES AGREEMENT FOR SERVICES RELATED TO THE CREATION OF A FACILITIES MASTER PLAN, BY AND BETWEEN THE CITY AND PIERCE GOODWIN ALEXANDER AND LINVILLE (PGAL), IN AN AMOUNT NOT TO EXCEED \$52,500.**

Executive Summary: At the June 30, 2014 Special City Council Meeting, the City Council authorized the City Manager to negotiate with PGAL, for and on behalf of the City, a Professional Services Agreement for services related to the creation of a Facilities Master Plan. The proposed fees for the Facilities Master Plan break down as follows:

- Basic Services: \$30,000
- Reimbursable Expenses: \$2,500 (estimate)
- Level II Building Analysis (mechanical, electrical and plumbing systems): \$4,000 per building

Total fees for this Agreement, attached to Resolution No. R-1836 as Exhibit "A", are not to exceed \$52,500.

Staff recommends approval of Resolution No. R-1836 as presented.

- G. **CONSIDERATION OF AND ACTION ON QUARTERLY FINANCIAL REPORT AND QUARTERLY INVESTMENT REPORT FOR QUARTER ENDING JUNE 30, 2014.**

Executive Summary: Overall, the financial status of the City is stable. Most funds have positive variances when compared to budget and prior year actual. The largest revenues of sales tax and property tax are positive when compared to budget and expenses which are within the 75% benchmark for the third quarter of FY2014.

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

Staff recommends the acceptance of the Quarterly Financial Reports and the Investment Report for the third quarter of Fiscal Year 2014.

Councilor Benton asked to move Item C to the Regular Agenda. The item was moved to the Regular Agenda as Item 2A. Councilor Euton asked to move Item G to the Regular Agenda. The item was moved to the Regular Agenda as Item 2B.

Action: Councilor McConathy made a motion, seconded by Councilor Benton to approve Items A, B, D, E and F on the Consent Agenda. The motion carried by a unanimous vote of those present.

REGULAR AGENDA

2A. ***This item was previously Item C on the Consent Agenda.***

CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2014-32, AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY AMENDING SECTION 24-190 OF ARTICLE VII OF CHAPTER 24 THEREOF, ESTABLISHING SURETY BONDS TO GUARANTEE THE RESTORATION OF RIGHT-OF-WAY IN THE EVENT THE APPLICANT LEAVES A JOB SITE IN THE RIGHT-OF-WAY UNSAFE, INCOMPLETE OR UNFINISHED; PROVIDING AN EFFECTIVE DATE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

Executive Summary: Article VII, of Chapter 24 of the Code of Ordinances addresses public street right-of-way management pertaining to the construction, installation, or operation of facilities within the City's public rights-of-way. More specifically, Section 24-190(b)(7)(f), includes a requirement for an applicant submitting a permit request to file a surety bond in the amount of \$25,000.00 to guarantee the restoration of the right-of-way in the event the applicant leaves a job site in the right-of-way unsafe, incomplete or unfinished. Based on recent experience with the construction of a pipeline to transport oil products under certain City public rights-of-way, staff has determined the \$25,000.00 surety bond amount is insufficient to cover the potential damages that can occur to the public infrastructure such as street and drainage infrastructure. In order to be prepared for future infrastructure construction projects, such as pipelines and telecommunications cables that will be installed in, or cross public right-of-ways, staff has prepared Ordinance No. 2014-32 which will increase the surety bond requirement from \$25,000.00 to \$100,000.00. Staff believes the \$100,000.00 bond is reasonable and should be adequate to cover the restoration costs that would otherwise be incurred by the City in the event an applicant fails to complete a project.

Staff recommends approval of Ordinance No. 2014-32 which increases the surety bond requirement from \$25,000.00 to \$100,000.00 for permitted work performed in the City rights-of-way.

Key discussion points:

- John Maresh, Assistant City Manager for Public Services read the Executive Summary.

Questions:

- **Q:** The suggested bond requirement limits are raised from \$25,000 to \$100,000. Will this make the bond too expensive? What is the cost difference from \$25,000 to \$100,000?
- **A:** This will primarily affect the large utility companies doing multi-million dollar projects. An oil pipeline was constructed about a year ago and the company did \$50,000 worth of damage to one road and \$45,000 of damage to another.

Action: Councilor McConathy made a motion, seconded by Councilor Benton to approve Ordinance No. 2014-32, an Ordinance amending the Code of Ordinances by amending Section 24-190 of Article VII of Chapter 24 thereof, establishing surety bonds to guarantee the restoration of right-of-way in the event the applicant leaves a job site in the right-of-way unsafe, incomplete or unfinished; providing an effective date; providing a penalty in an amount not to exceed \$2,000 for violation of any provision hereof; and providing for severability. The motion carried by a unanimous vote of those present.

2B. ***This item was previously Item G on the Consent Agenda.***

CONSIDERATION OF AND ACTION ON QUARTERLY FINANCIAL REPORT AND QUARTERLY INVESTMENT REPORT FOR QUARTER ENDING JUNE 30, 2014.

Executive Summary: Overall, the financial status of the City is stable. Most funds have positive variances when compared to budget and prior year actual. The largest revenues of sales tax and property tax are positive when compared to budget and expenses which are within the 75% benchmark for the third quarter of FY2014.

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

by the Public Funds Investment Act.

Staff recommends the acceptance of the Quarterly Financial Reports and the Investment Report for the third quarter of Fiscal Year 2014.

Key discussion points:

- Joyce Vasut, Executive Director of Administrative Services gave an overview of the item.

Questions:

- **Q:** What was the percentage for TEXPOOL?
- **A:** TEXPOOL is at 59% and the cutoff is 55% within the individual pool. We have evened the pools.

Action: Councilor Bolf made a motion, seconded by Councilor McConathy to approve the Quarterly Financial Report and Quarterly Investment Report for quarter ending June 30, 2014. The motion carried by a unanimous vote of those present.

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

Executive Summary: On July 24, 2014, Zachary Lawrence of Troop 1656 presented a proposed Eagle Scout Project (Project) to be placed in Seabourne Creek Nature Park to the Parks and Recreation Board (Board). After reviewing his presentation regarding the proposal to build owl nesting boxes, the Board unanimously recommended the Project plan for approval as presented.

Staff recommends approval of the proposed Eagle Scout Project at Seabourne Creek Nature Park based upon Zachary Lawrence's presentation and the recommendation of the Parks and Recreation Board.

Key discussion points:

- Darren McCarthy, Director of Park and Recreation introduced Zachary Lawrence.
- Zachary Lawrence of Scout Troop 1656 presented his project to build owl nesting boxes for Seabourne Creek Nature Park.
- Council thanked him for his hard work and project.

Action: Councilor McConathy made a motion, seconded by Councilor Bolf to approve a proposed Eagle Scout Project to build owl nesting boxes for Seabourne Creek Nature Park. The motion carried by a unanimous vote of those present.

3. **Item No. 3 was tabled. HEAR AND DISCUSS A PRESENTATION REGARDING A PROPOSED EAGLE SCOUT PROJECT TO RESTORE BLEACHERS FOR SUNSET PARK, AND TAKE ACTION AS NECESSARY.**

Executive Summary: On July 24, 2014, Joshua Garcia, Troop 1000 presented a proposed Eagle Scout Project (Project) to be placed in Sunset Park to the Parks and Recreation Board (Board). After reviewing his presentation regarding the proposal to restore bleachers, the Board unanimously recommended the Project plan for approval as presented.

Staff recommends approval of the proposed Eagle Scout Project at Sunset Park based upon Joshua Garcia's presentation and the recommendation of the Parks and Recreation Board.

Action: Councilor Benton made a motion, seconded by Councilor McConathy to table the item regarding a proposed Eagle Scout Project to restore bleachers for Sunset Park. The motion carried by a unanimous vote of those present.

4. **HEAR AND DISCUSS A CITIZEN REQUEST TO ADDRESS CITY COUNCIL REGARDING A PREVIOUS DONATION OF CERTAIN PROPERTY FOR USE AS PARKLAND, AND TAKE ACTION AS NECESSARY.**

Executive Summary: Ms. Joan Williams McLeod has requested an opportunity to address City Council regarding a certain six (6) acres of land donated by her family approximately twenty (20) years ago for parkland use.

Key discussion points:

- Ms. Joan Williams McLeod, Galveston, Texas addressed Council regarding the park land she and her mother donated. She had a letter from the Farm Bureau regarding an eminent domain they passed that no profit is to be made off the land donated or under eminent domain. That was her legal point. The City has been putting hay on it and made some profit. This was in the last twenty years and those twenty years expired last Christmas. She expressed her concern with the pipeline that came through this spring and the Boy Scouts use of the park. She asked that one-half of the land be given back to her. She does not think anything should be built on it or the Boy Scouts should play on it or use it.
 - When they bought the land from General Homes, they were in bankruptcy. She was afraid she would lose her agricultural exemption and she and her mother donated the land to the City with the understanding that they might name some of it after the Williams. She thinks that Seabourne Park is a good name for the park but it would have been nice to have a walking trail or something named after her family.
 - Mayor Morales asked with Council's permission to defer this to our Attorney because there are some legal issues and our Attorney should address them.
 - Scott Tschirhart, Attorney for the City addressed Ms. McLeod and stated it sounds like you are asking this Council to abandon a part of the property back to you. There is a procedure in the City Code on abandonment in Section 24-1. Before the Council would have any power to do what you are asking to do you really would have to go through this process. It involves submitting a petition to abandon the property and requires a reason for it, a survey plat, written consent of all the landowners around, etc. The problem is a little different because it is a park now. This City can't abandon a piece of park property so easily as an unused roadway. Both the Texas Government Code Section 15.02.55A and the Local Government Code say that we would have to put it up for election and the majority of the voters in that election would have to vote to divest the City of that park property or any portion. Even if the voters said we could sell this property it would have to be sold on competitive bid.
 - Ms. McLeod referenced an article regarding eminent domain passed by Rick Perry that says you cannot make profit off of eminent domain property or property that has been given to you. You can't sell it. TxDOT can't take land from me and make a profit on it.
 - Scott Tschirhart stated he is very familiar with the statute and has litigated several cases involving that and has one in district court in another county now. Unfortunately, this donation was made long before that law was passed and it does not apply to this property.
 - Councilor Benton suggested that Council be allowed to consult with legal counsel to work this out.
 - Mayor Morales stated we need to take this under advice of legal counsel.
5. **HOLD FIRST PUBLIC HEARING TO CONSIDER COMMENTS RELATING TO THE PROPOSED AD VALOREM TAX RATE FOR THE FISCAL YEAR BEGINNING OCTOBER 01, 2014, AND ENDING SEPTEMBER 30, 2015, AND TAKE ACTION AS NECESSARY.**

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 tax rate proposals and to provide an avenue for comment. On Saturday, August 09, 2014, City Council set two (2) public hearing dates for Tuesday, August 19, 2014, at 7:00 p.m., and Tuesday, August 26, 2014, at 6:00 p.m., to receive public comment regarding the proposed Ad Valorem Tax Rate for the fiscal year beginning October 1, 2014, and ending September 30, 2015.

The required notice was published in the newspaper on August 12, 2014, to give the public the proper notification.

The Truth-in-Taxation laws also require that at each public hearing, the governing body must announce the date, time and place of the meeting at which it will vote on the tax rate. The meeting to vote on the tax rate has been set for Tuesday, September 02, 2014, at 7:00 p.m., at the Rosenberg City Hall Council Chamber at 2110 4th Street, Rosenberg, Texas 77471.

Key discussion points:

- Joyce Vasut, Executive Director of Administrative Services read the Executive Summary regarding the item.
- Mayor Morales open the public hearing at 7:33:12 p.m., There were no speakers. He closed the public hearing at 7:33:24 p.m.

6. **HOLD FIRST PUBLIC HEARING TO CONSIDER COMMENTS RELATING TO FISCAL YEAR 2014-2015 PROPOSED BUDGET, WHICH INCLUDES THE CITY OF ROSENBERG'S CAPITAL IMPROVEMENT PLAN (CIP), AND TAKE ACTION AS NECESSARY.**

Executive Summary: Section 9.06 of the Rosenberg City Charter requires the Rosenberg City Council to hold a public hearing on the proposed Budget submitted; and, all interested persons shall be given an opportunity to be heard for or against any item or the amount of any item contained in the proposed Budget.

Notice of this public hearing was published in the newspaper on Sunday, August 10, 2014. The second public hearing on the proposed Budget will be held on Tuesday, August 26, 2014.

This public hearing is held to provide the citizens the opportunity to present their comments regarding the proposed FY2014-2015 Budget.

Key discussion points:

- Joyce Vasut read the Executive Summary regarding the item.
- Councilor Benton commented that we are proposing a tax rate reduction from \$0.50 cents to \$0.49 cents per \$100.
- Mayor Morales opened the public hearing at 7:34:25 p.m. There were no speakers. He closed the public hearing at 7:35:07 p.m.

7. **HOLD DISCUSSION BY CITY COUNCIL ON THE FISCAL YEAR 2014-2015 PROPOSED BUDGET, WHICH INCLUDES THE CITY OF ROSENBERG'S CAPITAL IMPROVEMENT PLAN (CIP), AND TAKE ACTION AS NECESSARY.**

Executive Summary: Section 9.08 of the Rosenberg City Charter requires that after the conclusion of the public hearing on the proposed Budget, the City Council may insert new items or may increase or decrease the items of said Budget, except items in proposed expenditures fixed by law. However, if City Council requests to increase the total proposed expenditures, it shall also provide for an increase in the total anticipated revenue to at least equal such proposed expenditures.

At this time, City Council shall have an opportunity to discuss the proposed FY2014-2015 Budget, any changes thereto, and by a majority vote direct staff to make such changes.

City Council may vote to direct staff to make changes to the Budget. A second public hearing and Budget discussion will be held on Tuesday, August 26, 2014, to finalize the Budget. The final FY2014-2015 Budget will be considered for adoption at the September 02, 2014 City Council Meeting.

Key discussion points:

- Joyce Vasut read the Executive Summary regarding the item.

Questions/Comments:

- Councilor McConathy commented regarding the addition for several departments to allow for an auto allowance. Information was received from the City Manager and his reason for doing that. She understands his reason for doing so. To be equitable and fair to all employees because this allowance had been given to male employees at the oversight of some of the female directors. This City Manager stated the reason being the equal pay act Section 1620.11 – Fringe Benefits. She wanted to make sure everyone understands that she is not against giving employee benefits and not against people being reimbursed for the personal use of vehicles. In order to be equitable and fair she thinks this Council should adopt a policy that IRS Code provides for which allows the reimbursement of \$.56 per mile for any employee that utilizes their vehicle for business use. That would avoid the potential possibility of discrimination. This entitles every employee to receive reimbursement for personal use of their vehicle.
- Councilor Benton stated he will backup what Councilor McConathy said. He stated he did not receive any information although he requested it from the City Manager.
- Robert Gracia, City Manager stated the memo was sent to all City Councilors.
- Councilor Benton stated he thinks employee should be reimbursed the \$.56 per mile for use of their personal vehicles for City business.
- Councilor Bolf stated she looked at it per department need. Some departments drive more than others. She suggested that the Human Resource Department, City Secretary Department and Director of Finance proposed amount be cut in-half for the yearly allowance.
- Councilor Pena concurred with Councilor Bolf. He thinks the way it was setup all issues were

looked at before. This would be the easiest way to accomplish that goal.

- Councilor Euton stated she thinks when this was initially setup it was to eliminate the paperwork to turn in mileage.
- Joyce Vasut stated that was probably true. She asked Councilors McConathy and Benton if they mean for all employees to go by the \$.56 reimbursement rate.
- Councilor McConathy stated the policy states it would be approved by either the City Manager or the supervisor for those that would be reimbursed for mileage. Understanding the other benefit of following the IRS Code as opposed to a generic allowance would be that the City would be reimbursing for actual expenses as opposed to picking an arbitrary number that could exceed this amount, which in some cases it would. In adopting the IRS Code it would be a wiser use of City funds. She understands that in some cases we want to get qualified employees and in some cases we utilize an auto allowance as an added benefit where we can't provide that in terms of compensation. But, in order to be fair, which was the move behind adding three more, this would be more fair and equitable to those that qualify.
- Councilor Benton concurred and stated it would be easier for all. Public safety and police are a priority and there were no Police Department on the list. Some of these positions have really high salaries and in addition to that an additional \$4,800 is a lot. When people heard about it he got feedback.
- Councilor Bolf stated keeping up with mileage takes a lot. We know these department heads drive for City business. Some departments drive more than others but to keep up to pay the \$.56 is a lot to keep up with.
- Councilor Euton asked if Council wants to take away the auto allowance totally.
- Robert Gracia stated there are department heads that negotiated a car allowance as part of their fringe benefits to come to work here.
- Scott Tschirhart stated being a part of their compensation changing this in mid-stream would become problematic from a legal point for the City. State employees get paid \$.56 per mile for reimbursement for personal use of their vehicles. But when you have it as part of the negotiated contract of certain employees of the City we can't unilaterally change that without consequences.
- Councilor Benton asked if these employees have contracts.
- Robert Gracia stated that is not what he said. During the time the job was offered part of the agreed upon compensation package was upon management and the employment during that time an automobile allowance would be a fringe benefit. He wants to make sure that there is no question that all administrative staff travels on behalf of the City and after discussion with the administrative team it was apparent that travel in one form or another is unavoidable for all departments. Thus, the decision was made to present all department heads with travel related compensation. His concern was the equal pay act specifically Section 1620.11 which addresses fringe benefits and he read "a fringe benefit includes such terms as medical, hospital, accident, life insurance and retirement benefits. Profit sharing and bonus plan, leave and other such concepts." An automobile allowance in his opinion falls into this category as defined in Section 1620.11 and he wants to make sure we are in compliance to minimize liability.
- Councilor Euton stated that according to what the City Manager and Attorney are saying she does not think it's Council's right to be able to change the compensation for employees at this time. The only thing we could do is approve the new ones. From a legal standpoint they want to add those few employees that it didn't occur so the City would not be in violation of that law and subject to any jeopardy. If Council wants to address every employee by adding the \$.56 mile IRS Rule, which that has probably already been added. When Council goes on City trips they are reimbursed at the IRS rate. She thinks other employees are offered that reimbursement.
- Councilor Bolf stated that looking at these departments that don't drive as much she thinks it is fair to reduce the amount to one-half of the proposed amount.
- Councilor Benton asked if these agreements were in writing.
- Robert Gracia stated he understands it was part of the negotiation. He does not know if it was in writing or not.
- Joyce Vasut stated some of them are. There are letters that are issued when someone is hired and it states what they will get if they accept employment. It is not an employment contract but a letter that states the terms they accept when being hired.
- Robert Gracia stated it was brought to his attention in November of last year that there were issues regarding the car allowance and salaries. He looked into the matter and there were discrepancies. After reviewing salaries and fringe benefits, in order to make it an equal playing field it was only proper to make those adjustments to be in compliance with the act. He is concerned and his job is to minimize liability and that is why this is being proposed for Council to consider for this next year. Emergency personnel are issued take home vehicles. There are no

car allowances provided to the Police Chief or Fire Chief or any employee that is assigned a City vehicle.

- Councilor Pena stated that as Councilor Bolf requested it was an amendment to the policy. It wasn't a complete change. Anybody that works in a capacity where a car or car allowance comes with the job it is something that should not be changed. Those have been established and he thinks that would breach a contract.
- Councilor Benton stated there is no contract but then you say we have an agreement and it is part of their package but there is nothing in writing.
- Scott Tschirhart stated it is not strictly an employment contract. The employees of the City are at will employees. They don't have an employment contract in the traditional sense of the word, but; they do have a compensation package that some have negotiated and this is part of the negotiated compensation package. These are the terms under which they agreed to take the job.
- Councilor Benton stated they take the job. He addressed record keeping and mileage logs and stated he has a limousine service and the IRS requires that he keeps logs in order to deduct expense for doing business. He is required to keep logs on all his vehicles. It is done every day in business and to say we will pay someone \$4,800 a year because they can't write down mileage where they go he is opposed to it.
- Mayor Morales stated Council has two proposals. One the \$.56 per mile IRS proposal for the three departments that are in question at this point. We also have a proposal of those three departments giving them \$2,400 per year which currently they receive nothing at this point.
- Joyce Vasut clarified that all City employees can submit for \$.56 per mile except ones that already get an auto allowance.
- Mayor Morales stated that as part of the compensation package of those that have been getting it that needs to stay in place. From what he has heard tonight from a legal standpoint it should be distributed equally.
- Scott Tschirhart stated he concurs with the City Manager's assessment of the situation but he also understands that different department heads travel different distances depending on their job description. That is a policy decision up to Council to make but he sees the City Manager's concern about this. He will not say that legally you have to but he understands the concern. You have only one item because the policy exists that employees can submit for the \$.56 reimbursement for mileage. The only item before Council is whether to give these three department heads a vehicle allowance.
- Councilor Benton asked about the others.
- Mayor Morales stated the others already have a compensation package we should not change at this point.
- Robert Gracia stated that agreement was made when they were offered employment with the City.
- Councilor McConathy stated for clarity, that is not all directors. That is some of the directors that were recently hired.
- Robert Gracia stated yes, he thinks that is correct.

Action: Councilor Bolf made a motion, seconded by Councilor Pena to add the Executive Director of Administrative Services, City Secretary and Human Resources Director to the car allowance list at a rate of \$2,400 per year.

Further discussion:

- Councilor McConathy stated she is changing her vote as a matter of record.
- Mayor Morales stated he stands with what the City Manager and what Council has said from a legal standpoint.

Upon voting the motion carried by a vote of 4 to 2 as follows: Yeses: Mayor Morales, Councilors McConathy, Pena and Bolf. Noes: Councilors Benton and Euton.

Further comment:

- Joyce Vasut stated at the budget workshop there were a few other items that Council asked staff to change. Staff could not get the one Council voted on tonight. There are four items. Next week when this item comes back for Council to discuss there will be a formal memorandum that lists these items so we are all clear. These are four items that would be changed from the proposed budget to the budget that Council plans to adopt on September 2nd. Those items include removing the assessment fee for Fire Station No. 3; adding the expense for the shared cost of the helicopter with the County to a special revenue fund, increasing the street sweeping contract and

now reducing three of the auto allowances from \$4,800 to \$2,400. All numbers will be available in the memorandum coming to Council.

8. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1837, A RESOLUTION AUTHORIZING THE RESALE OF PROPERTY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO FOR ALL PURPOSES, HAVING BEEN ACQUIRED THROUGH TAX FORECLOSURE PROCEEDINGS.**

Executive Summary: Mike Darlow with Perdue, Brandon, Fielder, Collins and Mott LLP (PBFCM), provided a list of property held in trust by the City or Fort Bend County on lots in the City that did not sell at the initial tax sale. Mr. Darlow suggested that the City Council authorize the tax attorneys to conduct a second tax sale to try to sell the lots. City staff has reviewed the list and approved those properties in Exhibit 'A' for resale. Yolanda Humphrey from PBFCM will be available at the meeting to answer any questions that council may have.

Staff recommends approval of Resolution No. R-1837, a Resolution authorizing the resale of property described in Exhibit "A" that was acquired through tax foreclosure proceedings. Upon approval of the Resolution, staff will include the required approval date in the Resolution.

Key discussion points:

- Joyce Vasut read the Executive Summary regarding the item.
- Yolanda Humphrey of Perdue, Brandon, Fielder, Collins and Mott, LLP was present for any questions from Council. She gave an overview of the item.

Questions/Comments:

- Councilor Benton stated these properties will go back at a lower amount.
- Yolanda Humphrey stated they will look at the value of the property, judgment, etc., and the bid amount may be less than the cost of these properties.

Action: Councilor McConathy made a motion, seconded by Councilor Benton to approve Resolution No. R-1837, a Resolution authorizing the resale of property described in Exhibit "A", properties having been acquired through tax foreclosure proceedings. The motion carried by a unanimous vote of those present.

9. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1838, A RESOLUTION AUTHORIZING AMENDMENTS TO THE EMPLOYEE BENEFITS TRUST DECLARATION OF TRUST, A TRUST CREATED FOR THE PURPOSE OF PROVIDING CITY OFFICERS, EMPLOYEES, AND QUALIFIED RETIREES AND THEIR DEPENDENTS, WITH LIFE, DENTAL, DISABILITY, SICKNESS, ACCIDENT, AND OTHER HEALTH BENEFITS, EITHER DIRECTLY OR THROUGH THE PURCHASE OF INSURANCE, AND TO PERFORM OPERATIONS IN FURTHERANCE THEREOF.**

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

On Tuesday, August 19, 2014, the Employee Benefits Trust Committee will meet to discuss the necessary changes to the Declaration of Trust, Section I to reflect the change in Trustees, and also to Schedule "A" to reflect the new plan year of 2014. Therefore, the Declaration of Trust document would need to be amended to reflect these changes.

A redlined copy of the recommended changes to same was included in the agenda packet for City Council consideration. Mr. Sunday will be available at the City Council meeting to answer any questions.

Staff recommends approval of Resolution No. R-1838, authorizing the amendment to the Employee Benefits Trust Declaration of Trust, attached as Exhibit "A" to said Resolution.

Key discussion points:

- Lisa Olmeda, Human Resources Director read the Executive Summary regarding the item.

Action: Councilor Bolf made a motion, seconded by Councilor Benton to approve Resolution No. R-1838, a Resolution authorizing amendments to the Employee Benefits Trust Declaration of Trust, a Trust created for the purpose of providing City Officers, employees, and qualified retirees and their dependents, with life, dental, disability, sickness, accident, and other health benefits, either directly or through the

purchase of insurance, and to perform operations in furtherance thereof. The motion carried by a unanimous vote of those present.

10. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1839, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AN ADMINISTRATIVE SERVICES AGREEMENT, BY AND BETWEEN THE CITY AND THE ROSENBERG EMPLOYEE BENEFITS TRUST, FOR THE PROVISION OF CERTAIN ADMINISTRATIVE SERVICES FOR A TERM OF ONE (1) YEAR.**

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

The Trust will meet on Tuesday, August 19, 2014, immediately preceding the Regular City Council Meeting. During the meeting, the Trust will be asked to approve the Agreement.

Staff recommends approval of Resolution No. R-1839, a Resolution authorizing the City Manager to execute an Administrative Services Agreement, attached to Resolution No. R-1839 as Exhibit "A", for the provision of certain administrative services for a term of one (1) year, commencing October 01, 2014.

Key discussion points:

- Lisa Olmeda read the Executive Summary regarding the item.

Questions/Comments:

- Councilor Benton asked if the City will be reimbursed for administering the Trust.
- Burke Sunday with Benefit Services explained when the Trust was adopted in 2008 the City Attorney at that time believed that there should be a bridge between the Trust and City in terms of providing certain administrative services. There is really no expense involved here. The duties that the City staff are executing on behalf of the Trust are the duties they were previously executing prior to the Trust. The Trust is a legal vehicle that allows you under Chapter 222 of Texas Insurance Code to save 1.75% of the gross premium. This premium tax you can avoid and have been avoiding for approximately 7 to 8 years now. The City has saved approximately \$300,000 as a result of this.

Action: Councilor Benton made a motion, seconded by Councilor Bolf to approve Resolution No. R-1839, a Resolution authorizing the City Manager to execute, for and on behalf of the City, an Administrative Services Agreement, by and between the City and the Rosenberg Employee Benefits Trust, for the provision of certain administrative services for a term of one (1) year. The motion carried by a unanimous vote of those present.

11. **Item No. 11 was tabled.**

CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1840, A RESOLUTION APPROVING EMPLOYEE AND RETIREE PREMIUM CONTRIBUTION RATES TO THE CITY'S HEALTH INSURANCE PLAN.

Executive Summary: On January 21, 2003, the City Council adopted a policy that qualified retirees would pay the same premium contribution rates as active employees. The premium contribution rate for health insurance coverage for employees and retirees is 10%.

On August 20, 2013, the City Council approved Resolution No. R-1688, which adopted a Premium Incentive Program under the Affordable Care Act (ACA) health care reform law, effective January 1, 2014. In January 2014, the Biometric Screening and Risk Assessment requirements were implemented. In Fiscal Year 2014-2015, the Biometric Screening, Risk Assessment, and Tobacco Use requirements were implemented. In order to receive a premium incentive deduction, the employee must comply with the established regulations.

During the July 29, 2014, Employee Benefits Committee Meeting, the Committee Members requested the City staff to provide options for the premium contribution rate from the 10%. City staff prepared options as requested, which included the Premium Incentive Program and will be presented to the Trust for discussion.

The Employee Benefits Trust will discuss the options at the meeting on August 19, 2014, and will provide a recommendation to the City Council.

Staff recommends approval of Resolution No. R-1840, a Resolution approving employee and retiree

premium contribution rates to the City's health insurance plan.

Key discussion points:

- Mayor Morales stated the item will be tabled due to the circumstances of it coming in a little later than with the budget but it is something that Council would like to bring back and look at in the next budget cycle.

Action: Councilor Benton made a motion, seconded by Councilor McConathy to table Resolution No. R-1840, a Resolution approving employee and retiree premium contribution rates to the City's health insurance plan. The motion carried by a unanimous vote of those present.

12. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1841, A RESOLUTION AUTHORIZING FUNDING FOR A CONTRACT WITH BLUECROSS BLUESHIELD OF TEXAS, FOR HEALTHCARE BENEFITS FOR CITY EMPLOYEES, QUALIFIED RETIREES, AND THEIR DEPENDENTS; AND, AUTHORIZING THE ROSENBERG EMPLOYEE BENEFITS TRUST TO NEGOTIATE AND EXECUTE A CONTRACT FOR SAME.**

Executive Summary: Staff has worked with Burke Sunday to obtain quotes for the City's health insurance benefits. BlueCross BlueShield of Texas submitted a Best and Final 6.87% decrease from the current rates.

Staff recommends approval of the funding for the proposed Contract with BlueCross BlueShield of Texas for the PPO Plan. The Employee Benefits Trust will meet on August 19, 2014, prior to the City Council meeting and their recommendation on said health insurance benefits will be presented to City Council at its meeting. Action by the City Council to approve funding for the Contract and proposed rates for FY2014-2015 at \$2,024,326.80 would provide one (1) year coverage with BlueCross BlueShield of Texas, beginning October 01, 2014, through September 30, 2015.

In FY2013-2014, the annual premium was \$2,173,710.72. The annualized reduction to current annual proposed premium rates will be \$149,385.

Staff recommends approval of Resolution No. R-1841, a Resolution authorizing funding for a Contract with BlueCross BlueShield of Texas, for healthcare benefits for City employees, qualified retirees, and their dependents; and, authorizing the Rosenberg Employee Benefits Trust to negotiate and execute a Contract for same.

Key discussion points:

- Lisa Olmeda read the Executive Summary regarding the item.

Questions/Comments:

- Councilor McConathy stated at one time there was a question about covering the employee 100% as opposed to 90%. Is the approval of this resolution for 90% coverage or 100% coverage?
- Lisa Olmeda stated this is for the employee still paying the 10%. For the dependents it is a difference percentage.

Action: Councilor McConathy made a motion, seconded by Councilor Bolf to approve Resolution No. R-1841, a Resolution authorizing funding for a contract with BlueCross BlueShield of Texas, for healthcare benefits for City employees, qualified retirees, and their dependents; and, authorizing the Rosenberg Employee Benefits Trust to negotiate and execute a contract for same. The motion carried by a unanimous vote of those present.

13. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1842, A RESOLUTION AUTHORIZING FUNDING FOR A CONTRACT WITH ASSURANT EMPLOYEE BENEFITS FOR DENTAL CARE BENEFITS FOR CITY EMPLOYEES, QUALIFIED RETIREES, AND THEIR DEPENDENTS; AND, AUTHORIZING THE ROSENBERG EMPLOYEE BENEFITS TRUST TO NEGOTIATE AND EXECUTE A CONTRACT FOR SAME.**

Executive Summary: Staff has worked with Burke Sunday to obtain quotes for the City's dental care benefits. Assurant Employee Benefits submitted a proposed 7.05% decrease for the DHMO and 16.05% decrease for the PPO Plan, with a total of 14.97% decrease from the renewal rates with Guardian. In FY2013-2014, the annual premium was \$116,041.44 with Guardian.

The rate was guaranteed for two (2) years for FY14-15 and FY15-16. The employees pay 100% of the premium. The annual renewal premium will be \$85,791.00 for the PPO Plan and \$12,877.20 for the DHMO

Plan, totaling \$98,668.20.

The Employee Benefits Trust (Trust) will meet on Tuesday, August 19, 2014. At that time, the Trust will consider approval of the Contract with Assurant Employee Benefits. It will then be necessary for City Council to consider funding said Contract. Action by the City Council approving the funding for the Contract and proposed rates at \$98,668.20 would provide one (1) year coverage with Assurant Employee Benefits beginning October 01, 2014, through September 30, 2015.

Staff recommends approval of Resolution No. R-1842, a Resolution authorizing funding for a Contract with Assurant Employee Benefits for dental care benefits for City employees, qualified retirees, and their dependents; and, authorizing the Rosenberg Employee Benefits Trust to negotiate and execute a Contract for same.

Key discussion points:

- Lisa Olmeda read the Executive Summary regarding the item.

Action: Councilor McConathy made a motion, seconded by Councilor Benton to approve Resolution No. R-1842, a Resolution authorizing funding for a Contract with Assurant Employee Benefits for dental care benefits for City employees, qualified retirees, and their dependents; and, authorizing the Rosenberg Employee Benefits Trust to negotiate and execute a contract for same. The motion carried by a unanimous vote of those present.

14. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1843, A RESOLUTION AUTHORIZING REPLACEMENT OF THE W. FAIRGROUNDS ROAD BRIDGE AT SEABOURNE CREEK THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) OFF-SYSTEM BRIDGE REPLACEMENT PROGRAM UTILIZING THE "PARTICIPATION WAIVED" PROJECT FORM OF AGREEMENT, APPROVING IMPROVEMENTS TO OTHER BRIDGES EQUAL TO THE 10% LOCAL FUNDING CONTRIBUTION IN THE ESTIMATED AMOUNT OF \$88,209.00; AND, AUTHORIZING THE CITY MANAGER AND/OR MAYOR TO EXECUTE ALL APPROPRIATE AGREEMENTS AND/OR DOCUMENTS REGARDING SAME.**

Executive Summary: Staff recently received correspondence from TxDOT regarding the Off-System Bridge Replacement Program. The City has one (1) bridge, located at Seabourne Creek and West Fairgrounds Road, that qualifies for replacement under this Program.

The City has two (2) options to facilitate the bridge's replacement. One option is to enter into a structured agreement with TxDOT that would consist of federal government funding at 80%, state funding at 10%, and City funding at 10%, or \$88,209.00. TxDOT also offers a "participation-waived" project option that allows the City to perform certain other projects that qualify as an equivalent match. Equivalent-match projects must be completed within three (3) years of letting of the first participation-waived project. According to TxDOT staff, the W. Fairgrounds Road bridge is scheduled for replacement in 2018, therefore the City would have up to three (3) years from that date in which to complete the "participation-waived" project(s) to improve other qualifying deficient structures or drainage facilities. Likewise, the "participation-waived" projects can be completed in advance of the 2018 replacement date. For example, if the existing bridge over Dry Creek is replaced as a part of the Bryan Road improvement project, this would qualify as the local equivalent match project.

Staff is recommending that the City participate in the Off-System Bridge Replacement Program utilizing the "participation-waived" project form of agreement with TxDOT that would require an equivalent dollar amount of \$88,209.00 to structurally improve other qualifying deficient structures of drainage facilities. Resolution No. R-1843 authorizes the replacement of the bridge, authorizes the "participation-waived" project form of agreement, and authorizes the Mayor and/or City Manager to execute all appropriate agreements and other documents to facilitate the project.

Key discussion points:

- John Maresh read the Executive Summary regarding the item.

Questions/Comments:

- Councilor McConathy stated "if" the existing bridge over Dry Creek is replaced as a result of the Bryan project. It is really not an "if" it's we are going to replace the existing bridge--correct?
- John Maresh stated yes the plan is to replace it.
- Councilor Benton asked if this is the bridge by the treatment plant and the Jehovah's Witness

Church that has wooden planks. The City's portion is \$88,209 and that's 10% so the project is an \$880,000 for that small bridge.

- John Maresh stated it will probably be more than that based on the cost of bridges. Typically bridges are concrete structures.
- John Maresh explained that after the agreement is done we will submit a list of different things we want to do to TxDOT and then we can start doing those projects.

Action: Councilor Bolf made a motion, seconded by Councilor Euton to approve Resolution No. R-1843, a Resolution authorizing replacement of the W. Fairgrounds Road Bridge at Seabourne Creek through the Texas Department of Transportation (TxDOT) Off-System Bridge Replacement Program utilizing the "participation waived" project form of agreement, approving improvements to other bridges equal to the 10% local funding contribution in the estimated amount of \$88,209.00; and, authorizing the City Manager and/or Mayor to execute all appropriate agreements and/or documents regarding same. The motion carried by a unanimous vote of those present.

15. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1826, A RESOLUTION AWARDED BID NO. 2014-09 FOR CONSTRUCTION OF THE BAMORE ROAD PHASE IV PAVING AND DRAINAGE IMPROVEMENTS PROJECT; AND, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, APPROPRIATE DOCUMENTS AND/OR AGREEMENTS REGARDING SAME.**

Executive Summary: During the August 05, 2014 City Council Meeting, action was taken to table this item for further discussion at the next meeting. Representatives from Gonzalez Construction Enterprise, Inc., are planning to be available at the City Council meeting to answer any questions that may arise.

Bids were received on Wednesday, July 16, 2014, for the Bamore Road Phase IV Paving and Drainage Improvements Project. A total of two (2) bids were opened and tabulated as indicated on the attached bid summary form. The Phase IV project primarily includes construction of the three (3) lane concrete curb and gutter street with underground storm sewer from south of Avenue K to FM 1640 (Avenue I). The portion of Bamore Road between FM 1640 (Avenue I) and Spur 529 will be reconstructed as an asphalt roadway with open ditches. Replacement of the water lines is also included.

Staff recommends Bid No. 2014-09 be awarded to Gonzalez Construction Enterprise, Inc., for the base bid in the amount of \$851,317.67. The attached correspondence from Larry Janak, Project Manager, IDC Engineering, recommends same. Should the bid be awarded as recommended, the proposal from Gonzalez Construction Enterprise, Inc., will be attached and serve as Exhibit "A" to Resolution No. R-1826. The contract time is 210 calendar days.

Staff recommends approval of Resolution No. R-1826 which will award Bid No. 2014-09 and provide authorization for the City Manager to negotiate and execute all required documents necessary to facilitate the Agreement.

Key discussion points:

- John Maresh read the Executive Summary regarding the item.

Questions/Comments:

- Councilor Euton asked Gonzales Construction if they are able to do this project with all of their other commitments they have and when do they anticipate completing the cleanup in the other phase.
- Pete Cavazos of Gonzales Construction stated the projects consist of another agreement off Bryan Road and an agreement off of Damascus Road. They have an agreement to keep their materials on the Damascus Road property.
- Councilor Euton stated there is material and tall grass where those materials are. Will that stay there? Will you take care of the weeds on that property?
- Pete Cavazos stated it will not stay there but they do have an agreement to keep materials there until the projects are complete. Yes.
- Councilor Pena stated his concern is the inability to move on projects. You were running late on the Airport Avenue job. My concern is your firm is taking on a project and complete it when it is suppose to be complete and meet the time limits. We have project managers on the projects that can report to us. We have a history of not holding our contractors' feet to the fire. The wishes of this Council is to have the projects completed by contractors who take the projects in the timeframe allotted for the job. There were two timeframes regarding Bamore Road. One was 210

days by your company and 150 days by another company. That is a lot of difference. What would constitute a 60 day differential between the completion of that job?

- Pete Cavazos distributed some information to Council and explained if they would have added in the overtime cost on the phases of Bamore Road Phase II, Phase III and Airport Road it would have been much more costly. There were revised extensions due to rain delays and added change orders. Total savings for the City for these projects was \$658,836.90. On Bamore Road Phase IV the total savings to the City will be \$1,016,394.23 based on base bid difference in the first and second place bid.
- Councilor Bolf stated she was told utilities were a problem on Bamore Road. There have been questions about the road and the start of school.
- Pete Cavazos explained some of the waterlines were connected to others and the City was not aware of that. A lane will be open for school and the plan is to complete the project on October 10, 2014.
- Councilor Benton asked if the change orders are by the City and do we have penalties for these contracts if they are not completed in time?
- John Maresh stated yes change orders are by the City. The proposal is included in the agenda packet and the number of days but the dollar amount of liquidated totals are not in the packet.
- Councilor Benton expressed concern with the road having an up and down pitch. Larry Janak of IDC designed the road.
- Larry Janak of IDC explained most of this part of southeast Texas is a soft tooth design for any drainage on the road. That is the design that TxDOT uses. If you go with a curb and gutter that is the standard design.
- Councilor McConathy referenced the question by Councilor Euton regarding the cleanup. Is the concrete part of the cleanup?
- Pete Cavazos explained they owned the property and it was a staging area. They are utilizing the excess dirt. All the reinforced concrete will be removed by Gonzalez Construction.
- Councilor Benton asked about property on Klare Street and Bamore Road and the reason for the drain in the front yard of that property.
- Larry Janak stated that will be removed and a metal grate will be put in. These are items that are being taken care of.
- Mayor Morales stated a progress report has probably been in the report to staff. These items are probably in the report Robert Gracia sent out. If there is something that is substantially off that he asked staff to make Council aware of that so everyone can answer the questions they are being asked.
- Robert Gracia stated staff will make sure Council gets that information.
- Councilor McConathy asked if there were or were not other bidders than this gentleman and the other company. Going out for a rebid would probably not accomplish much.
- John Maresh stated there were only two bids turned in for this project. Generally what happens in a rebid is the contractors that bid the first time will come in higher.
- Councilor Benton stated maybe we could pay a little more and get it done quicker. Is 365 days standard timeframe for that length of road?
- John Maresh stated IDC gave the length of 365 days. We contacted the contractors in the area trying to get them to bid the job but we can't make them bid.

Action: Councilor Euton made a motion, seconded by Councilor Pena to approve Resolution No. R-1826, a Resolution awarding Bid No. 2014-09 for construction of the Bamore Road Phase IV Paving and Drainage Improvements Project to Gonzalez Construction Enterprise, Inc., and, authorizing the City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same. The motion carried by a unanimous vote of those present.

16. **HOLD EXECUTIVE SESSION TO CONSULT WITH CITY ATTORNEY TO RECEIVE LEGAL ADVICE REGARDING A POTENTIAL ALTERNATIVE WATER SUPPLY PROJECT IN ASSOCIATION WITH BRAZOSPORT WATER AUTHORITY PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE; AND, TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF THE PRESIDING JUDGE OF THE MUNICIPAL COURT PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE.**

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

An Executive Session was held to consult with City Attorney to receive legal advice regarding a potential

alternative water supply project in association with Brazosport Water Authority pursuant to Section 551.071 of the Texas Government Code; and, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Presiding Judge of the Municipal Court pursuant to Section 551.074 of the Texas Government Code.

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

Mayor Morales adjourned the Executive Session and reconvened into Regular Session.

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

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

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

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

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

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

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

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

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

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

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

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

Action: Councilor Bolf made a motion, seconded by Councilor McConathy to table Resolution No. R-1818, a Resolution providing for an annual evaluation and authorized compensation for the position of Presiding Judge of the Rosenberg Municipal Court. The motion carried by a unanimous vote of those present.

21. **ANNOUNCEMENTS.**

There we no announcements.

22. **ADJOURNMENT.**

There being no further business Mayor Morales adjourned the meeting at 10:15 p.m.

Linda Cernosek, TRMC, City Secretary



CITY COUNCIL COMMUNICATION

September 16, 2014

ITEM #	ITEM TITLE
B	Ordinance No. 2014-38 – Trucks Prohibited on Certain Streets
ITEM/MOTION	

Consideration of and action on Ordinance No. 2014-38, an Ordinance amending the Code of Ordinances by adding that certain section of Junker Road, between US 90A and Spur 529, to Section 28-160(a) of Article IV of Chapter 28 thereof, as streets within the City upon which it is unlawful to operate a truck as defined in Section 28-159 of the Code of Ordinances; providing for the installation of “No Truck” signs indicating the boundaries of the no truck designations along Junker Road; providing a penalty in an amount of not less than \$1.00 nor more than \$200.00 for each violation of any provision hereof; providing for severability; and providing an effective date.

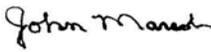
FINANCIAL SUMMARY	ELECTION DISTRICT
Annualized Dollars: <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> District 1 <input checked="" type="checkbox"/> District 2 <input type="checkbox"/> District 3 <input type="checkbox"/>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

SUPPORTING DOCUMENTS:

1. Ordinance No. 2014-38
2. Code of Ordinances Excerpt – Chapter 28, Article IV, Sec. 28-159
3. Location Map

MUD #: N/A

APPROVALS

Submitted by:  Assistant City Manager of Public Services	Reviewed by: <input type="checkbox"/> Exec. Dir. of Administrative Services <input type="checkbox"/> Asst. City Manager for Public Services <input checked="" type="checkbox"/> City Attorney DNRBHZ/rl <input type="checkbox"/> City Engineer <input checked="" type="checkbox"/> Police Chief 	Approved for Submittal to City Council:  Robert Gracia City Manager
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EXECUTIVE SUMMARY

This Ordinance is being presented to City Council for consideration to add Junker Road to the list of streets through which it is unlawful to operate a truck. Section 28-159 of the Code of Ordinances defines the parameters of a “truck” and a copy is included in the packet for reference. The proposed Ordinance was prompted by complaints from property owners along the affected road and staff observing trucks routinely using the road as a short-cut between Spur 529 and US Hwy 90A. Junker Road is not designed to accommodate heavy truck traffic on a regular basis. By allowing trucks to deviate from State maintained roadways that are designed and more suitable for heavy loads, the road is sustaining excessive amounts of damage that will require repair by the City. The Ordinance will provide the Police Department with the tool it needs to enforce the “No Truck” designation. A location map is included in the packet.

Staff recommends approval of Ordinance No. 2014-38 as presented.

ORDINANCE NO. 2014-38

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROSENBERG, TEXAS, BY ADDING THAT CERTAIN SECTION OF JUNKER ROAD, BETWEEN US 90A AND SPUR 529, TO SECTION 28-160(a) OF ARTICLE IV OF CHAPTER 28 THEREOF, AS STREETS WITHIN THE CITY UPON WHICH IT IS UNLAWFUL TO OPERATE A TRUCK AS DEFINED IN SECTION 28-159 OF THE CODE OF ORDINANCES; PROVIDING FOR THE INSTALLATION OF “NO TRUCK” SIGNS INDICATING THE BOUNDARIES OF THE NO TRUCK DESIGNATIONS ALONG JUNKER ROAD; PROVIDING A PENALTY IN AN AMOUNT OF NOT LESS THAN \$1.00 NOR MORE THAN \$200.00 FOR EACH VIOLATION OF ANY PROVISION HEREOF; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Rosenberg, Texas, is authorized by Section 542.202 of the Texas Transportation Code to regulate traffic by the placement of traffic control devices; and,

WHEREAS, the City Council of the City of Rosenberg, Texas, has determined and finds that the safety and welfare of the citizens of the City and other members of the traveling public requires the regulation of truck traffic on certain streets within the City; and,

WHEREAS, the City Council of the City of Rosenberg, Texas, hereby finds and determines that it is in the best interest of the City to adopt the amendments to the City’s Code of Ordinance as delineated within this ordinance; now, therefore,

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

Section 1. The Code of Ordinances of the City of Rosenberg is hereby amended by adding a certain section of Junker Road between US 90A and Spur 529 to Section 28-160(a) of Article IV of Chapter 28 thereof to read as follows:

“Sec. 28-160(a). Trucks Prohibited on Certain Streets - Generally.

It shall be unlawful for any person to operate a truck as defined in section 28-159, above, through the following streets:

* * *

Junker Road, between US 90A and Spur 529

* * *”

Section 2. The City Manager is hereby authorized and directed to cause the placement of official traffic control devices giving notice of the "Trucks prohibited on certain streets – Generally" as described in Section 1 above.

Section 3. Any person who shall fail to observe and comply with a duly posted traffic control device erected pursuant to this Ordinance, or who shall in any manner violate any provision of this Ordinance, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount of not less than \$1.00 nor more than \$200.00.

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

Section 5. This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

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

ATTEST:

APPROVED:

Linda Cernosek, **City Secretary**

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

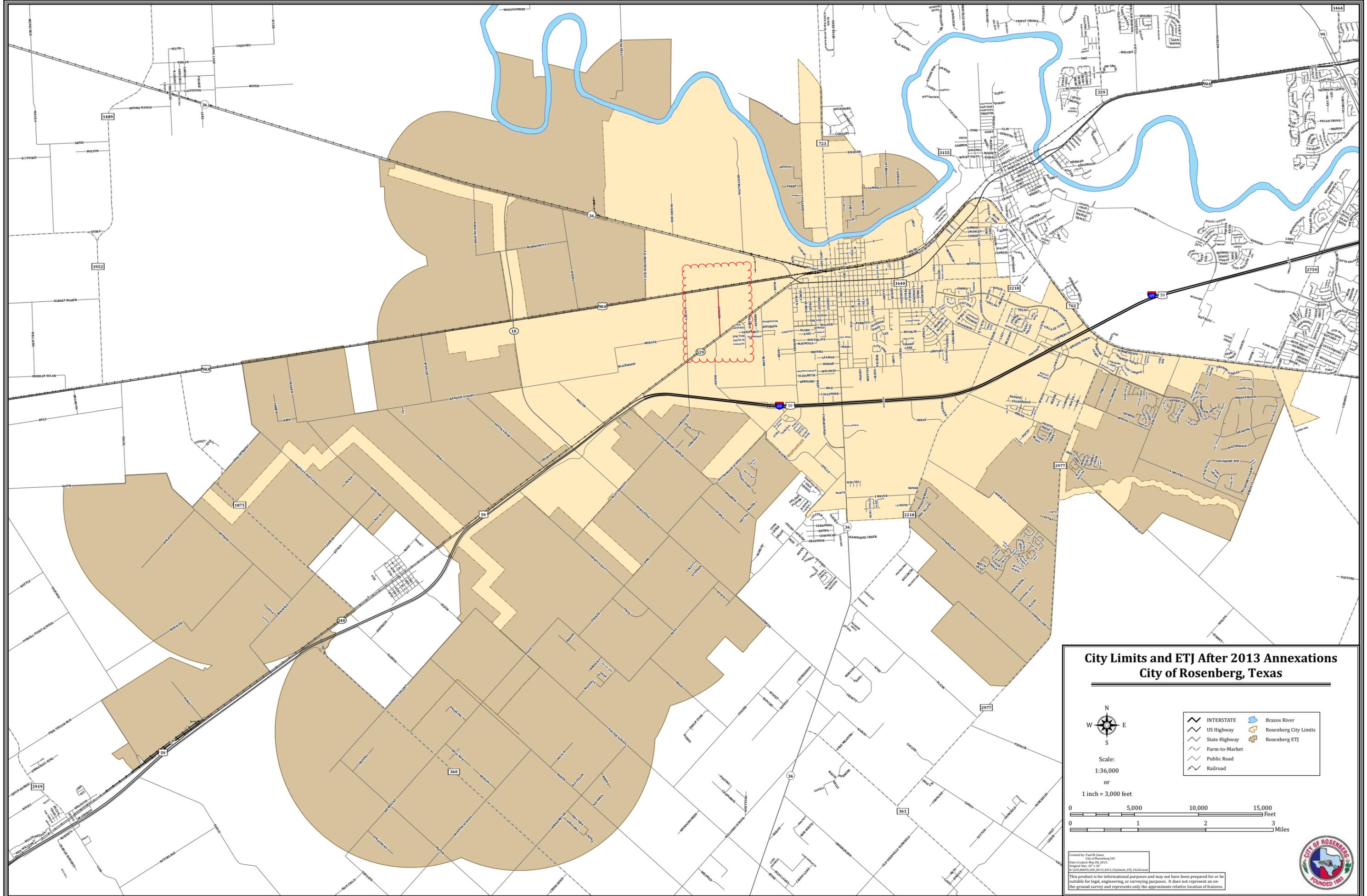
APPROVED AS TO FORM:

Scott Tschirhart, **CITY ATTORNEY**
Denton Navarro Rocha Bernal Hyde & Zech, P.C.

Sec. 28-159. Prohibiting trucks on designated streets.

- (a) It is unlawful for any person to operate a truck on any portion of a street where operation of a truck is prohibited under this section after notice has been given by the placement of appropriate traffic control devices.
- (b) For the purpose of this section "truck" means a motor vehicle which:
 - (1) Has three (3) or more axles;
 - (2) Is designed and maintained primarily for the transportation of material or property; and
 - (3) Is used for the loading and unloading of such material or property.
- (c) It is a defense to prosecution under this section that the truck on the prohibited street:
 - (1) Is going directly to or from a premises for the purpose of delivering or picking up merchandise or material and the truck could not access the premises without making use of the prohibited street;
 - (2) Is owned by a governmental entity or is performing work under a contract with a governmental entity which requires it to be on the prohibited street;
 - (3) Is owned by a public utility company or is performing work under a contract with a public utility company which requires it to be on the prohibited street;
 - (4) Is a school bus on a designated route;
 - (5) Is a truck on a designated detour; or
 - (6) Is an emergency vehicle.

(Ord. No. 2001-57, § 2, 4-2-02)



City Limits and ETJ After 2013 Annexations City of Rosenberg, Texas

	INTERSTATE		Brazos River
	US Highway		Rosenberg City Limits
	State Highway		Rosenberg ETJ
	Farm-to-Market		
	Public Road		
	Railroad		

Scale:
1:36,000
or
1 inch = 3,000 feet

0 5,000 10,000 15,000 Feet

0 1 2 3 Miles

Created by: Paul M. Jones
City of Rosenberg GIS
Data Created: May 18, 2011
Original Size: 24" x 36"
Scale: 1:36,000
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 features.





CITY COUNCIL COMMUNICATION

September 16, 2014

ITEM #	ITEM TITLE
C	Resolution No. R-1858 - Apache Foundation Award
ITEM/MOTION	

Consideration of and action on Resolution No. R-1858, a Resolution authorizing acceptance of a donation of seventy-five (75) trees from the Apache Foundation Tree Grant Program to be planted in Seabourne Creek Nature Park and Seabourne Creek Regional Sports Complex.

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

Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

- Yes No N/A

Source of Funds:

101-1953-540-3410

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

SUPPORTING DOCUMENTS:

MUD #: N/A

1. Resolution No. R-1858
2. Craven Correspondence – 08-13-14
3. Resolution No. R-1815 – 07-15-14
4. City Council Meeting Minute Excerpt – 07-15-14

APPROVALS

Submitted by:

Darren McCarthy
Parks and Recreation Director

Reviewed by:

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

Approved for Submittal to City Council:

Robert Gracia
City Manager

EXECUTIVE SUMMARY

On July 15, 2014, City Council recommended the Parks Department proceed with an application of an Apache Foundation Tree Grant for up to one-hundred (100) trees to be planted in Seabourne Creek Nature Park and Seabourne Creek Regional Sports Complex. On August 13, 2014, the Parks Department received notification that seventy-five (75) trees would be awarded.

Staff recommends approval of Resolution No. R-1858, a Resolution authorizing acceptance of a donation of seventy-five (75) trees from the Apache Foundation Tree Grant Program to be planted in Seabourne Creek Nature Park and Seabourne Creek Regional Sports Complex.

RESOLUTION NO. R-1858

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AUTHORIZING ACCEPTANCE OF A DONATION OF SEVENTY-FIVE (75) TREES FROM THE APACHE FOUNDATION TREE GRANT PROGRAM TO BE PLANTED IN SEABOURNE CREEK NATURE PARK AND SEABOURNE CREEK REGIONAL SPORTS COMPLEX.

* * * * *

WHEREAS, the City of Rosenberg, Texas (City), is fully eligible to receive assistance under the Apache Foundation Tree Grant Program; now, therefore,

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

Section 1. The City Council hereby authorizes the acceptance of a donation of seventy-five (75) trees from the Apache Foundation Tree Grant Program to be planted in Seabourne Creek Nature Park and Seabourne Creek Regional Sports Complex.

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

ATTEST:

APPROVED:

Linda Cernosek, **City Secretary**

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



August 13, 2014

Mr. Darren McCarthy
City of Rosenberg
3720 Airport Road
P.O. Box 32
Rosenberg, Texas 77471

Dear Mr. McCarthy,

It is my pleasure to inform you that Apache Corporation has approved a grant of trees for your organization. We had a record number of requests this year, and in some cases were not able to fill the requests 100%. Details of your award are:

Apache Foundation Award:

of Trees Requested: 100 5 gallon
of Trees Awarded: 75 5 gallon

We will be contracting with tree growers in your area to deliver the trees over the remaining months of the planting season (now - spring 2015) and will be in touch with you shortly to arrange delivery details. We will be working in priority of delivery dates.

We are asking a few things of our tree grant recipients:

- Confirm date of your event.
- After the trees are delivered, please send a letter on your organization's letterhead acknowledging receipt of the trees. Please email this letter to wendy.craven@apachecorp.com or send a hard copy to the address below.
- If there is an opportunity to acknowledge Apache (in a newsletter, volunteer day flyer, etc.) we would appreciate you using the Apache logo. Email me if you need our logo format and guidelines.
- Please coordinate press releases and public announcements regarding the grant award with Apache.
- Take pictures! We would love to see pictures of the actual planting and the trees after they are in the ground. You can email them to us at wendy.craven@apachecorp.com or send hard copies/CD to the address below. High res photos are best. Shortly before your planting, you will receive Apache yard signs to be used on site. Please incorporate them, best you can, with some of your photos.

Regards,

Wendy B. Craven
Apache Corporation
www.apachelovestrees.com

*Darren,
Would like to
join you for your
planting - please
keep us posted!
@w*

RESOLUTION NO. R-1815

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AUTHORIZING THE PARKS AND RECREATION DEPARTMENT TO SUBMIT AN APPLICATION FOR THE APACHE FOUNDATION TREE GRANT PROGRAM.

* * * * *

WHEREAS, the City of Rosenberg, Texas (City), is fully eligible to receive assistance under the Apache Foundation Tree Grant Program; now, therefore,

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

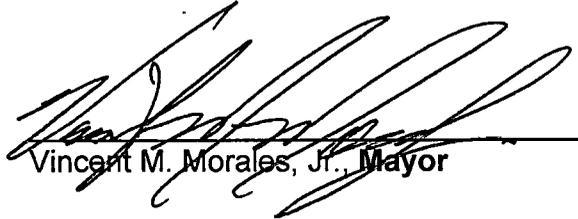
Section 1. The City Council hereby authorizes submission of a grant application to the Apache Foundation Tree Grant Program for one-hundred (100) trees to be planted at Seabourne Creek Regional Sports Complex and Seabourne Creek Nature Park.

PASSED, APPROVED, AND RESOLVED this 15th day of July 2014.

ATTEST:


Linda Cernosek, City Secretary

APPROVED:


Vincent M. Morales, Jr., Mayor



- Council thanked John Dikeman for bringing his project to Rosenberg.

Action: Councilor McConathy made a motion, seconded by Councilor Euton to approve a proposed Eagle Scout Project to install drought-resistant plantings for a sign beautification project in Seabourne Creek Regional Sports Complex. The motion carried by a unanimous vote of those present.

3. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1815, A RESOLUTION AUTHORIZING THE PARKS AND RECREATION DEPARTMENT TO SUBMIT AN APPLICATION TO THE APACHE FOUNDATION TREE GRANT PROGRAM.**

Executive Summary: The Apache Corporation Tree Grant Program (Grant Program) focuses on improving wildlife habitats, restoring storm damage, and enhancing cities and neighborhoods. The Grant Program for 2014-2015 hopes to donate thousands of trees to applicants in Texas.

According to the Grant Program, one (1) acre of forest can provide up to four (4) tons of oxygen and remove up to six (6) tons of carbon dioxide per year. Trees bring nature into urban environments, create shade, and provide habitat for wildlife.

If awarded, staff is recommending the trees be placed in Seabourne Creek Regional Sports Complex and Seabourne Creek Nature Park in December 2014.

Staff recommends applying for the following trees through the Grant Program:

- Fifty (50) Native Pecan
- Fifty (50) Live Oak

Staff recommends approval of Resolution No. R-1815, authorizing the submittal of an application to the Apache Foundation Tree Grant Program for one-hundred (100) trees for placement in Seabourne Creek Regional Sports Complex and Seabourne Creek Nature Park.

Key discussion points:

- Darren McCarthy read the Executive Summary regarding Resolution No. R-1815.
- A schematic was shown of the park location and where the trees will be planted.

Questions:

- Councilor Euton asked if there is irrigation at the baseball fields.
- Darren McCarthy stated yes. We are trying to extend the irrigation out farther from the fields and looking at irrigation for the trees. These are native Texas pecan trees and oak trees and they do very well.

Action: Councilor McConathy made a motion, seconded by Councilor Euton to approve Resolution No. R-1815, a Resolution authorizing the Parks and Recreation Department to submit an application to the Apache Foundation Tree Grant Program. The motion carried by a unanimous vote of those present.

4. **CONSIDER MOTION TO ADJOURN FOR EXECUTIVE SESSION.**

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

5. **HOLD EXECUTIVE SESSION TO DELIBERATE POTENTIAL PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY PURSUANT TO SECTION 551.072 OF THE TEXAS GOVERNMENT CODE; AND, TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF MUNICIPAL COURT JUDGE PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE.**

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

The section to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of Municipal Court Judge pursuant to Section 551.074 of the Texas Government Code was not discussed at this meeting.



CITY COUNCIL COMMUNICATION

September 16, 2014

ITEM #	ITEM TITLE
D	Final Plat of Bonbrook Plantation North Section Eleven
ITEM/MOTION	
Consideration of and action on a Final Plat of Bonbrook Plantation North Section Eleven, a subdivision of 8.924 acres of land situated in the Wiley Martin League, Abstract 56, Fort Bend County, Texas; 35 lots, 0 reserves, 3 blocks.	
FINANCIAL SUMMARY	
ELECTION DISTRICT	

Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

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

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

SUPPORTING DOCUMENTS:

1. Final Plat of Bonbrook Plantation North Section Eleven
2. Land Plan for Bonbrook Plantation – 09-25-07
3. Planning Commission Draft Meeting Minute Excerpt – 08-20-14
4. Planning Commission Meeting Minute Excerpt – 01-22-14

MUD #: 155 (Bonbrook Plantation)

APPROVALS		
Submitted by:	Reviewed by:	Approved for Submittal to City Council:
<i>Travis Tanner</i>	<input type="checkbox"/> Exec. Dir. of Administrative Services	<i>Robert Gracia</i>
Travis Tanner, AICP	<input type="checkbox"/> Asst. City Manager for Public Services	
Executive Director of	<input type="checkbox"/> City Attorney	
Community Development	<input type="checkbox"/> City Engineer	
	<input type="checkbox"/> (Other)	
		Robert Gracia City Manager

EXECUTIVE SUMMARY
<p>The proposed Final Plat of Bonbrook Plantation North Section Eleven is located off of Blossom Terrace Lane in the northeast part of the overall Bonbrook Plantation Development. It is in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 155. The Plat contains approximately 8.924 acres and thirty-five (35) single-family residential lots.</p> <p>The typical lot size for the subdivision is 65 feet in width. Each lot is a minimum of 65 feet in width at the front building line. In the lot summary table, some lots (3) are noted as being less than 65-foot lots due to being less than 50 feet at the right-of-way. The subdivision is in compliance with the approved Land Plan for Bonbrook Plantation. The Planning Commission approved the Preliminary Plat of this subdivision on January 22, 2014 and, on August 20, 2014, recommended approval to City Council of the Final Plat of the subdivision.</p> <p>The proposed Final Plat is not in conflict with any applicable regulations, with the Preliminary Plat, or with the approved Land Plan for Bonbrook Plantation. That said, staff recommends approval of the Final Plat of Bonbrook Plantation North Section Eleven.</p>

STATE OF TEXAS
COUNTY OF FORT BEND
CITY OF ROSENBERG

WE, BEAZER HOMES TEXAS, L.P., A DELAWARE LIMITED PARTNERSHIP, ACTING BY AND THROUGH BRUCE CRAIG, DIVISION PRESIDENT AND GREG COLEMAN, AUTHORIZED AGENT, OF BEAZER HOMES TEXAS HOLDINGS, INC., GENERAL PARTNER OF BEAZER HOMES TEXAS, L.P., A DELAWARE LIMITED PARTNERSHIP, OWNERS OF THE 8,924 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING MAP OF BONBROOK PLANTATION NORTH SECTION ELEVEN, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION AND DEVELOPMENT PLAT OF SAID PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID MAPS OR PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND OURSELVES, OUR HEIRS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

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

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

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

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

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

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

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

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

IN TESTIMONY WHEREOF, BEAZER HOMES TEXAS, L.P., A DELAWARE LIMITED PARTNERSHIP, HAS CAUSED THESE PRESENTS TO BE SIGNED BY BEAZER HOMES TEXAS HOLDINGS, INC., ITS GENERAL PARTNER, BY BRUCE CRAIG, DIVISION PRESIDENT, HEREUNTO AUTHORIZED, BY ITS AUTHORIZED AGENT, GREG COLEMAN, AND ITS COMMON SEAL HEREUNTO AFFIXED THIS DAY OF _____, 2014.

BEAZER HOMES TEXAS, L.P.,
A DELAWARE LIMITED PARTNERSHIP

BY: BEAZER HOMES TEXAS HOLDINGS, INC.,
GENERAL PARTNER

BY: _____
BRUCE CRAIG, DIVISION PRESIDENT

ATTEST: _____
GREG COLEMAN, AUTHORIZED AGENT

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED BRUCE CRAIG, DIVISION PRESIDENT OF BEAZER HOMES TEXAS HOLDINGS, INC., GENERAL PARTNER OF BEAZER HOMES TEXAS, L.P., A DELAWARE LIMITED PARTNERSHIP, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGE TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN SET OUT.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2014.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED GREG COLEMAN, AUTHORIZED AGENT OF BEAZER HOMES TEXAS HOLDINGS, INC., GENERAL PARTNER OF BEAZER HOMES TEXAS, L.P., A DELAWARE LIMITED PARTNERSHIP, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGE TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN SET OUT.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2014.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

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

KEITH W. MONROE, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 4797

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

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

THIS IS TO CERTIFY THAT THE PLANNING COMMISSION OF THE CITY OF ROSENBERG, TEXAS, HAS APPROVED THIS PLAT AND SUBDIVISION OF BONBROOK PLANTATION NORTH SECTION ELEVEN IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF ROSENBERG AS SHOWN HEREON AND AUTHORIZES THE RECORDING OF THIS PLAT THIS DAY OF _____, 2014.

PETE PAVLOVSKY, CHAIRMAN

WAYNE POLDRACK, SECRETARY

THIS IS TO CERTIFY THAT THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, HAS APPROVED THIS PLAT AND SUBDIVISION OF BONBROOK PLANTATION NORTH SECTION ELEVEN IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF ROSENBERG AS SHOWN HEREON AND AUTHORIZES THE RECORDING OF THIS PLAT THIS DAY OF _____, 2014.

VINCENT M. MORALES, JR., MAYOR

LINDA CERNOSEK, CITY SECRETARY

WE, CREDIT SUISSE AG, CAYMAN ISLANDS BRANCH, OWNER AND HOLDER OF A LIEN AGAINST THE PROPERTY DESCRIBED IN THE PLAT KNOWN AS BONBROOK PLANTATION NORTH SECTION ELEVEN, SAID LIEN BEING EVIDENCED BY INSTRUMENT OF RECORD IN THE CLERK'S FILE NUMBERS 2009129813 AND 2012148612 OF THE O.P.R.O.R.P. OF FORT BEND COUNTY, TEXAS, DO HEREBY IN ALL THINGS SUBORDINATE OUR INTEREST IN SAID PROPERTY TO THE PURPOSES AND EFFECTS OF SAID PLAT AND THE DEDICATIONS AND RESTRICTIONS SHOWN HEREIN TO SAID SUBDIVISION PLAT AND WE HEREBY CONFIRM THAT WE ARE THE PRESENT OWNER (OR OWNERS OF SAID LIEN AND HAVE NOT ASSIGNED THE SAME NOR ANY PART THEREOF.

BY: _____

STATE OF TEXAS
COUNTY OF FORT BEND COUNTY

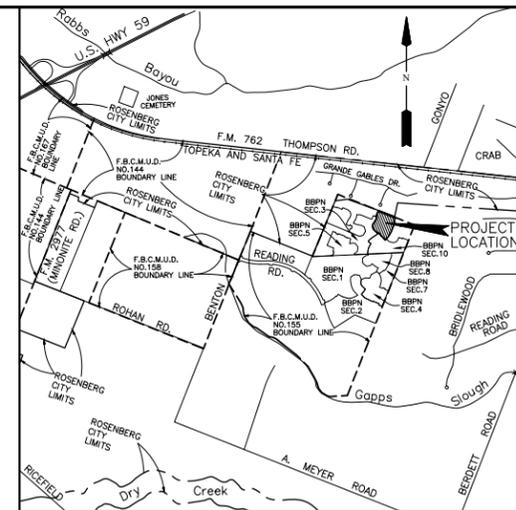
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____ KNOWN TO ME TO BE THE PERSON(S) WHOSE NAME(S) ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2014.

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

NOTES:

- B.L. INDICATES BUILDING LINE; U.E. INDICATES UTILITY EASEMENT; STM. S.E. INDICATES STORM SEWER EASEMENT; W.L.E. INDICATES WATER LINE EASEMENT; S.S.E. INDICATES SANITARY SEWER EASEMENT; A.E. INDICATES AERIAL EASEMENT; D.E. INDICATES DRAINAGE EASEMENT.
- BENCHMARK: A BRASS DISK STAMPED K-1219, SET IN A CONCRETE HEADWALL LOCATED IN FORT BEND COUNTY, 0.15 MILE SOUTH OF THE INTERSECTION OF STATE HIGHWAY 36 AND MEYER ROAD, SET IN THE TOP OF A CONCRETE HEADWALL AND 1.7 FEET SOUTH OF THE NORTH END OF THE EAST CONCRETE HEADWALL OF A CULVERT, 24 FEET EAST OF THE CENTERLINE OF STATE HIGHWAY 36, AND LEVEL WITH THE HIGHWAYS SURFACE.
ELEV.= 91.69 NAVD88 (1991 ADJ.)
- INDICATES TEMPORARY BENCHMARK: SET 5/8 INCH IRON ROD WITH CAP MARKED "LJA ENG" A PROJECT BENCHMARK WILL BE INSTALLED AND DOCUMENTED PER CITY OF ROSENBERG REQUIREMENTS PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY
ELEV.= NAVD88 (1991 ADJ.)
- ELEVATIONS USED FOR DELINEATING CONTOUR LINES ARE BASED UPON U.S.C. & G.S. DATUM, NAVD-88 (1991 ADJ.)
- THIS PLAT WAS PREPARED TO MEET CITY OF ROSENBERG AND FORT BEND COUNTY REQUIREMENTS.
- THIS PLAT WAS PREPARED FROM INFORMATION FURNISHED BY STEWART TITLE COMPANY, FILE NO. 1415743561, DATED JUNE 10, 2014. THE SURVEYOR HAS NOT ABSTRACTED THE ABOVE PROPERTY.
- THIS PLAT LIES WHOLLY WITHIN FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 155, FORT BEND SUBSIDENCE DISTRICT, LAMAR CONSOLIDATED I.S.D., FORT BEND COUNTY DRAINAGE DISTRICT AND THE ETJ OF THE CITY OF ROSENBERG, AND FORT BEND COUNTY.
- THIS SUBDIVISION LIES WITHIN UNSHADOWED ZONE X AS PER FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM), MAP NO. 48157C 0105L, REVISED APRIL 2, 2014, DEFINED AS AREAS OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN; LJA DOES NOT WARRANT NOR SUBSCRIBE TO THE ACCURACY OR SCALE OF SAID MAPS.
- APPROVAL OF THIS PLAT WILL EXPIRE ONE YEAR FROM CITY COUNCIL APPROVAL IF NOT RECORDED IN THE REAL PROPERTY RECORDS OF THE COUNTY OF FORT BEND.
- THE ARE NO PIPELINES NOR PIPELINE EASEMENTS WITHIN THE LIMITS OF THE SUBDIVISION.
- FIVE-EIGHTHS INCH (5/8") IRON RODS WITH PLASTIC CAP MARKED "LJA ENG" THREE FEET (3') IN LENGTH WILL BE SET ON ALL PERIMETER BOUNDARY CORNERS, UNLESS OTHERWISE NOTED.
- THE MINIMUM SLAB ELEVATION SHALL BE 85.58 FEET, TWELVE (12) INCHES ABOVE THE 100-YEAR FLOOD PLAIN ELEVATION AND MAXIMUM PONDING ELEVATION, EIGHTEEN (18) INCHES ABOVE NATURAL GROUND, OR TWELVE (12) INCHES ABOVE TOP OF CURB AT THE FRONT OF THE LOT, WHICHEVER IS HIGHER. THE TOP OF SLAB ELEVATION AT ANY POINT ON THE PERIMETER OF THE SLAB SHALL NOT BE LESS THAN EIGHTEEN INCHES ABOVE NATURAL GROUND.
- ALL LOTS SHALL HAVE A MINIMUM OF (5) FOOT SIDE BUILDING LINE.
- THE DRAINAGE SYSTEM FOR THIS SUBDIVISION SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE FORT BEND COUNTY DRAINAGE CRITERIA MANUAL WHICH ALLOWS STREET PONDING DURING INTENSE RAINFALL EVENTS.
- THIS PLAT LIES WITHIN FORT BEND COUNTY LIGHTING ORDINANCE ZONE NO. 2.
- ALL EASEMENTS ARE CENTERED ON LOT LINES UNLESS OTHERWISE INDICATED.
- THE COORDINATES SHOWN HEREON ARE TEXAS COORDINATES SYSTEM, SOUTH CENTRAL ZONE (GRID NAD 83) AND MAY BE BROUGHT TO SURFACE BY APPLYING THE FOLLOWING COMBINE SCALE FACTOR OF 0.99986482.
- ALL LOTS HAVE A SIDEWALK PARALLEL TO THE STREET IN FRONT OF THE HOME AND PARALLEL TO THE SIDE STREET ON CORNER LOTS. SAID SIDEWALKS SHALL INCLUDE HANDICAPPED RAMPS AS REQUIRED. IT IS FURTHER REQUIRED THAT THE SIDEWALKS AND RAMPS MUST CONFORM WITH ALL CITY OF ROSENBERG AND FORT BEND COUNTY CODES AND SPECIFICATIONS. THE INSTALLATION OF SIDEWALKS SHALL BE THE RESPONSIBILITY OF THE BUILDERS AND AS SET OUT IN THE GUIDELINES. LOT OWNER SHALL BE RESPONSIBLE FOR MAINTAINING THE SIDEWALKS ON THE LOT IN A SAFE AND NEAT MANNER.
- ALL DRAINAGE EASEMENTS TO BE KEPT CLEAR OF FENCES, BUILDINGS, VEGETATION AND OTHER OBSTRUCTIONS TO THE OPERATION AND MAINTENANCE OF THE DRAINAGE FACILITY.
- ALL PROPERTY TO DRAIN INTO THE DRAINAGE EASEMENT ONLY THROUGH AN APPROVED DRAINAGE STRUCTURE.
- A MINIMUM DISTANCE OF TEN (10) FEET SHALL BE MAINTAINED BETWEEN RESIDENTIAL DWELLINGS.
- SIDEWALKS SHALL BE BUILT OR CAUSED TO BE BUILT NOT LESS THAN 5- FEET IN WIDTH ON BOTH SIDES OF ALL DEDICATED RIGHTS-OF-WAY WITHIN SAID PLAT AND ON CONTIGUOUS RIGHT-OF-WAY OF ALL PERIMETER ROADS SURROUNDING SAID PLAT, IN ACCORDANCE WITH ADA REQUIREMENTS.



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

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

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

APPROVED BY THE COMMISSIONERS' COURT OF FORT BEND COUNTY, TEXAS, THIS _____ DAY OF _____, 2014.

RICHARD MORRISON
PRECINCT 1, COUNTY COMMISSIONER

GRADY PRESTAGE
PRECINCT 2, COUNTY COMMISSIONER

ROBERT E. HEBERT
COUNTY JUDGE

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

JAMES PATTERSON
PRECINCT 4, COUNTY COMMISSIONER

I, DIANNE WILSON, COUNTY CLERK IN AND FOR FORT BEND COUNTY, HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORDATION IN MY OFFICE ON 2014 AT _____ O'CLOCK _____ M. IN PLAT NUMBER _____ OF THE PLAT RECORDS OF FORT BEND COUNTY, TEXAS.

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

DIANNE WILSON, COUNTY CLERK
FORT BEND COUNTY, TEXAS

BY: _____
DEPUTY

BONBROOK PLANTATION NORTH SECTION ELEVEN

A SUBDIVISION OF 8,924 ACRES OF LAND SITUATED IN THE WILEY MARTIN LEAGUE, ABSTRACT 56, FORT BEND COUNTY, TEXAS.

35 LOTS 0 RESERVES 3 BLOCKS

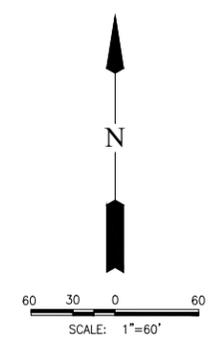
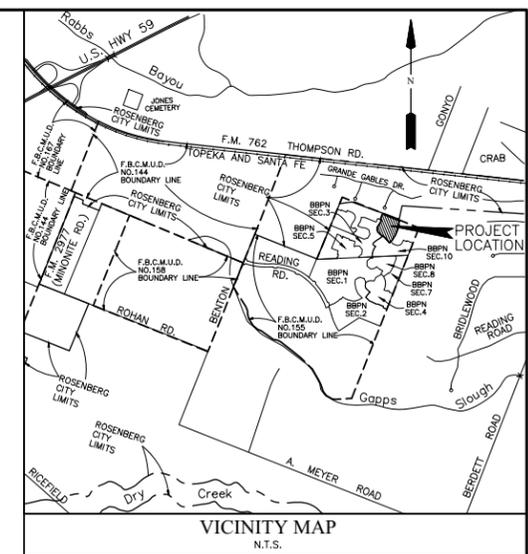
AUGUST 8, 2014 JOB NO. 1406-4111-310

OWNERS:
BEAZER HOMES TEXAS, L.P.
BY: BEAZER HOMES TEXAS HOLDINGS, INC.
BRUCE CRAIG, DIVISION PRESIDENT
10235 WEST LITTLE YORK, SUITE 200, HOUSTON, TEXAS 77040
PH. (281) 560-6661

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

KEITH W. MONROE
REGISTERED PROFESSIONAL LAND SURVEYOR,
TEXAS REGISTRATION NO. 4797

MICHEAL WANG
LICENSED PROFESSIONAL ENGINEER,
TEXAS REGISTRATION NO. 92053



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

LOT AREA SUMMARY

BLOCK 1		
LOT	LOT WIDTH AT B.L.	SQ. FT.
1	65'	8,124
2	65'	8,124
3	65'	8,124
4	65'	8,124
5	65'	8,124
6	65'	8,124
7	65'	8,124
8	65'	8,124
9	65'	8,124

BLOCK 2		
LOT	LOT WIDTH AT B.L.	SQ. FT.
1	77'	8,667
2	67'	7,670
3	67'	7,669
4	67'	8,038
5	67'	8,059
6	67'	8,112
7	67'	8,136
8	67'	7,843

BLOCK 3		
LOT	LOT WIDTH AT B.L.	SQ. FT.
1	72'	8,247
2	72'	7,920
3	72'	7,920
4	72'	7,906
5	65'	7,475
6	65'	7,475
7	75'	8,482
8	75'	8,432
9	65'	7,888
10	65'	8,039
11	65'	7,872
12	65'	12,983
13	65'	14,571
14	65'	10,896
15	67'	8,688
16	71'	8,762
17	69'	8,411
18	75'	8,849

TOTAL SQUARE FOOTAGE OF LOTS CONTAINED IN THIS PLAT 288,886 S.F./28 = 8,540 S.F.
AVERAGE LOT SIZE

50' LOTS = 3
65' LOTS = 23
70' LOTS = 5
75'+ LOTS = 4
TOTAL LOTS = 35

RESERVE	QUALIFYING ACREAGE	PERCENTAGE	ALLOCATED PRIVATE PARK ACREAGE
7"	6.77 AC.	25%	1.692 AC. * SEE NOTES
REQUIRED PUBLIC PARK DEDICATION: 35 LOTS DIVIDED BY 160/LOT X .50 = 0.109 AC.			
REQUIRED PUBLIC PARK FEE: 35 LOTS X \$350.00/LOT X .50 = \$6,125.00			

- NOTES:
- THE PRIVATE PARK ACREAGE OF 1.692 ACRES INDICATED IN THE ABOVE CHART LIES WITHIN BONBROOK PLANTATION NORTH SECTION ONE. THE REQUIRED PRIVATE PARK ACREAGE FOR SECTION ONE WAS 0.337, WHICH LEAVES A 1.355 SURPLUS TO SATISFY THE PARK REQUIREMENT FOR FUTURE SECTIONS.
 - THE PRIVATE PARK ACREAGE REQUIRED FOR SECTION TWO WAS 0.325. THE SURPLUS REMAINING AFTER SECTION TWO IS 1.03 ACRES.
 - THE PRIVATE PARK ACREAGE REQUIRED FOR SECTION THREE WAS SATISFIED WITH PARK AREA DESIGNATED ON THE SECTION THREE PLAT.
 - THE PRIVATE PARK ACREAGE REQUIRED FOR SECTION FOUR IS 0.138. THE SURPLUS REMAINING AFTER SECTION FOUR IS 0.892 ACRES.
 - THE PRIVATE PARK ACREAGE REQUIRED FOR SECTION FIVE WAS SATISFIED WITH PARK AREA DESIGNATED ON THE SECTION FIVE PLAT.
 - THE PRIVATE PARK ACREAGE REQUIRED FOR SECTION SIX IS 0.125. THE SURPLUS REMAINING AFTER SECTION SIX IS 0.767 ACRES.
 - THE PRIVATE PARK ACREAGE REQUIRED FOR SECTION SEVEN IS 0.106. THE SURPLUS REMAINING AFTER SECTION SEVEN IS 0.861 ACRES.
 - THE PRIVATE PARK ACREAGE REQUIRED FOR SECTION EIGHT IS 0.088. THE SURPLUS REMAINING AFTER SECTION EIGHT IS 0.573 ACRES.
 - THE PRIVATE PARK ACREAGE REQUIRED FOR SECTION NINE IS 0.206. THE SURPLUS REMAINING AFTER SECTION NINE IS 0.367 ACRES.
 - THE PRIVATE PARK ACREAGE REQUIRED FOR SECTION TEN IS 0.122. THE SURPLUS REMAINING AFTER SECTION TEN IS 0.245 ACRES.
 - THE PRIVATE PARK ACREAGE REQUIRED FOR SECTION ELEVEN IS 0.109. THE SURPLUS REMAINING AFTER SECTION ELEVEN IS 0.136 ACRES.
 - ALL FEES IN LIEU OF LAND SHALL BE PAID TO THE CITY OF ROSENBERG PRIOR TO THE FILING OF THE FINAL PLAT WITH THE FORT BEND COUNTY CLERK.



LINE	BEARING	DISTANCE
L1	S 21-47-23 W	124.99
L2	S 68-12-37 E	38.86
L3	S 31-30-22 W	77.75
L4	S 31-11-52 W	77.82
L5	S 43-11-25 W	93.64
L6	S 50-30-34 W	52.90
L7	N 43-03-29 W	123.60
L8	S 51-39-58 W	30.81
L9	N 20-48-26 W	75.48
L10	N 04-05-51 E	76.62
L11	N 21-47-23 E	75.00
L12	N 68-12-37 W	38.86
L13	S 21-47-23 W	126.41
L14	N 68-12-37 W	90.00
L15	S 21-47-23 W	71.41
L16	N 21-47-23 E	71.41
L17	N 68-12-37 W	133.86
L18	N 24-29-40 E	62.50
L19	N 37-19-13 E	62.10
L20	N 51-39-58 E	62.21

CURVE	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
C1	670.00	0-07-33	1.47	0.74	1.47	N 47-00-17 E
C2	700.00	25-16-41	308.83	156.97	306.33	N 34-25-43 E
C3	800.00	11-27-36	160.01	80.27	159.75	N 27-31-11 E
C4	25.00	90-00-00	39.27	25.00	35.36	S 66-47-23 W
C5	750.00	25-16-41	322.07	163.70	319.46	S 34-25-43 W
C6	670.00	25-16-41	295.59	150.24	293.20	N 34-25-43 E
C7	25.00	90-00-00	39.27	25.00	35.36	N 23-12-37 W
C8	25.00	90-00-00	39.27	25.00	35.36	S 66-47-23 W
C9	830.00	7-55-37	114.83	57.51	114.74	S 25-45-11 W
C10	25.00	41-05-47	17.93	9.37	17.55	S 09-10-07 W
C11	50.00	265-36-14	231.78	53.99	73.37	N 58-34-39 W
C12	25.00	44-45-35	19.53	10.29	19.04	N 51-50-41 E
C13	770.00	7-40-31	103.15	51.65	103.07	N 25-37-38 E
C14	25.00	90-00-00	39.27	25.00	35.36	N 23-12-37 W

BONBROOK PLANTATION NORTH SECTION ELEVEN
A SUBDIVISION OF 8.924 ACRES OF LAND SITUATED IN THE WILEY MARTIN LEAGUE, ABSTRACT 56, FORT BEND COUNTY, TEXAS.
35 LOTS 0 RESERVES 3 BLOCKS
AUGUST 8, 2014 JOB NO. 1406-4111-310

OWNERS:
BEAZER HOMES TEXAS, L.P.
BY: **BEAZER HOMES TEXAS HOLDINGS, INC.**
BRUCE CRAIG, DIVISION PRESIDENT
10235 WEST LITTLE YORK, SUITE 200, HOUSTON, TEXAS 77040
PH. (281) 560-6661

ENGINEER:
LJA Engineering, Inc.
2829 Briarpark Drive Houston, Texas 77042
Phone 713.953.5200
Fax 713.953.5026
FRN - F-1386
T.B.P.L.S. Firm No. 10110501

KEITH W. MONROE REGISTERED PROFESSIONAL LAND SURVEYOR, TEXAS REGISTRATION NO. 4797
MICHAEL WANG LICENSED PROFESSIONAL ENGINEER, TEXAS REGISTRATION NO. 92053

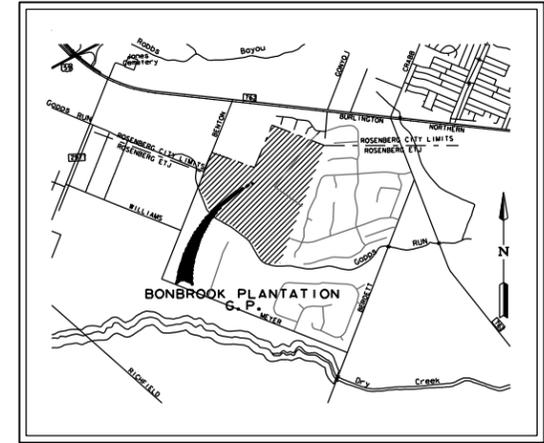
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Date: Fri, 08 Aug 2014 9:22am
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- NOTES:
- THIS DEVELOPMENT PLAN IS CONCEPTUAL. ALL PRELIMINARY PLATS OR FINAL PLATS TO BE SUBMITTED TO THE PLANNING AND ZONING COMMISSION FOR ITS APPROVAL SHALL COMPLY FULLY WITH ALL APPLICABLE CITY ORDINANCES.
 - EACH SECTION REPRESENTS A PHASE OF THE OVERALL DEVELOPMENT.
 - TOTAL NUMBER OF SINGLE FAMILY HOMES (SFH) IN ALL SECTIONS IS 592.
 - ALL COLLECTOR STREETS (AS LABELED) ARE 80 FT. R.O.W. WITH 39' WIDE, FACE TO FACE, 7 INCHES THICK, REINFORCED CONCRETE, PAVEMENT.
 - ALL MINOR STREETS (NOT LABELED) ARE 60 FT. R.O.W. WITH 27' WIDE, FACE TO FACE, 6 INCHES THICK, REINFORCED CONCRETE, PAVEMENT.
 - DETENTION WILL BE PROVIDED IN ACCORDANCE WITH CITY ORDINANCES AND COUNTY REGULATIONS.
 - JOGGING TRAILS AND PARKS ALONG DRAINAGE EASEMENTS WILL BE PROVIDED IF PRIOR APPROVAL BY FORT BEND COUNTY DRAINAGE DISTRICT IS OBTAINED BY THE DEVELOPER.

LEGEND

PHASE BOUNDARIES



VICINITY MAP
N.T.S.
DISCLAIMER AND LIMITED WARRANTY

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

LOT DISTRIBUTION:

TOTAL LOT:	1220	
NORTH PHASE ONE:	212	17%
NORTH PHASE TWO:	192	16%
NORTH PHASE THREE:	214	18%
SOUTH PHASE ONE:	268	22%
SOUTH PHASE TWO:	334	27%

OVERALL LOT ANALYSIS

(TYP. 50' x 120')	= 216 LOTS (18%)
(TYP. 55' x 120')	= 489 LOTS (40%)
(TYP. 65' x 115')	= 319 LOTS (26%)
(TYP. 65' x 120')	= 196 LOTS (16%)
TOTAL LOTS =	1,220

BONBROOK PLANTATION NORTH - 618 TOTAL LOTS
BONBROOK PLANTATION SOUTH - 602 TOTAL LOTS

EXHIBIT "C"

A DEVELOPMENT PLAN FOR

BONBROOK PLANTATION

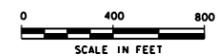
BEING 448.62 ACRES OF LAND OUT OF THE WILEY MARTIN LEAGUE, A-56
FORT BEND COUNTY, TEXAS

OWNER: JOHN TAYLOR and BEAZER HOMES U.S.A.
ENGINEER: LJA ENGINEERING & SURVEYING, INC., c/o GARY MENSIK, P.E.
PLANNER: KERRY R. GILBERT & ASSOCIATES, INC.
Land Planning Consultants

SEPTEMBER 21, 2004 KGA# I-102
REVISED DATE: SEPTEMBER 26, 2007

OWNER:	ENGINEER:	PLANNER:
JOHN TAYLOR, 1625 CORNICHE LEAGUE CITY, TX. 77573	LJA ENGINEERING & SURVEYING, INC. 2929 BRIARPARK DRIVE, SUITE 600 HOUSTON, TX. 77042-3703 MR. GARY MENSIK, P.E. (713) 953-5249	KERRY R. GILBERT & ASSOCIATES, INC. 15810 PARK TEN PLACE SUITE 160 HOUSTON, TX. 77084 (281) - 579-0340

LJA Engineering & Surveying, Inc.
2009 Briarpark Drive
Suite 600
Houston, Texas 77043-3703
Phone 713.953.5200
Fax 713.953.5028



BONBROOK TRACT
JOB NO: 1406-4000
AUGUST 2004

- Commissioner Parsons stated that he would vote to approve this assuming that it passes the ordinance at the time based on the required number of entrances for a subdivision of its size. He wants confirmation.
- Mr. Tanner replied that the subdivision meets the ordinances that applied to it at the time, including entrances.

Action Taken: Upon voting, the motion carried by a vote of four “ayes” and two abstentions. **Ayes: Chairperson Pavlovsky, Vice Chairperson Phipps, Commissioners Casias and Urbish. Abstentions: Commissioners Parsons and Poldrack.**

7. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF BONBROOK PLANTATION NORTH SECTION ELEVEN, A SUBDIVISION OF 8.924 ACRES OF LAND SITUATED IN THE WILEY MARTIN LEAGUE, ABSTRACT 56, FORT BEND COUNTY, TEXAS; 35 LOTS, 0 RESERVES, 3 BLOCKS.

Executive Summary: The proposed Final Plat of Bonbrook Plantation North Section Eleven is located off of Blossom Terrace Lane in the northeast part of the overall Bonbrook Plantation Development. It is in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 155. The Plat contains approximately 8.924 acres and thirty-five (35) single-family residential lots.

The typical lot size for the subdivision is 65 feet in width. Each lot is a minimum of 65 feet in width at the front building line. In the lot summary table, some lots (3) are noted as being less than 65-foot lots due to being less than 50 feet at the right-of-way. The subdivision is in compliance with the approved Land Plan for Bonbrook Plantation. The Planning Commission approved the Preliminary Plat of this subdivision on January 22, 2014.

The proposed Final Plat is not in conflict with any applicable regulations, with the Preliminary Plat, or with the approved Land Plan for Bonbrook Plantation. That being said, staff recommends that the Planning Commission recommend approval to City Council of the Final Plat of Bonbrook Plantation North Section Eleven.

Key Discussion:

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

Action Taken: Commissioner Casias moved, seconded by Commissioner Poldrack to approve the Final Plat of Bonbrook Plantation North Section Eleven, a subdivision of 8.924 acres of land situated in the Wiley Martin League, Abstract 56, Fort Bend County, Texas; 35 lots, 0 reserves, 3 blocks. The motion carried unanimously.

8. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF BONBROOK PLANTATION NORTH SECTION TWELVE, A SUBDIVISION OF 8.522 ACRES OF LAND SITUATED IN THE WILEY MARTIN LEAGUE, ABSTRACT 56, FORT BEND COUNTY, TEXAS; 34 LOTS, 0 RESERVES, 2 BLOCKS.

Executive Summary: The proposed Final Plat of Bonbrook Plantation North Section Twelve is located off of Blossom Terrace Lane in the northeast part of the overall Bonbrook Plantation Development. It is in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 155. The plat contains approximately 8.522 acres and thirty-four (34) single-family residential lots.

The typical lot size for the subdivision is 65 feet in width. Each lot is a minimum of 65 feet in width at the front building line. In the lot summary table, some lots (5) are noted as being less than 65-foot lots due to being less than 50 feet at the right-of-way. The subdivision is in compliance with the approved Land Plan for Bonbrook Plantation. The Planning Commission approved the Preliminary Plat of this subdivision on January 22, 2014.

The proposed Final Plat is not in conflict with any applicable regulations, with the approved Preliminary Plat, or with the approved Land Plan for Bonbrook Plantation. That being said, staff recommends that the Planning Commission recommend approval to City Council of the Final Plat of Bonbrook Plantation North Section Twelve.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Chairperson Pavlovsky stated that these are pretty good sized lots.

Action Taken: Commissioner Casias moved, seconded by Commissioner Urbish to approve the Final Plat of Bonbrook Plantation North Section Twelve, a subdivision of 8.522 acres of land situated in the Wiley Martin League, abstract 56, Fort Bend County, Texas; 34 lots, 0 reserves, 2 blocks. The motion carried unanimously.

9. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF BONBROOK PLANTATION NORTH SECTION THIRTEEN, A SUBDIVISION OF 19.476 ACRES OF LAND SITUATED IN THE WILEY MARTIN LEAGUE,

The typical lot size for the subdivision is 65 feet in width. Each lot is a minimum of 65 feet in width at the front building line. In the lot summary table, some lots (5) are noted as being less than 65-foot lots due to being less than 50 feet at the right-of-way. The subdivision is in compliance with the approved Land Plan for Bonbrook Plantation. Per previous requests, the applicant also provided the number of lots in Bonbrook Plantation North (617) and the percentage of lots 60 feet or greater in width (53%) and less than 60 feet in width (47%).

The proposed Preliminary Plat is not in conflict with any applicable regulations or with the approved Land Plan for Bonbrook Plantation. That being said, staff recommends approval of the Preliminary Plat of Bonbrook Plantation North Section Ten.

Key Discussion:

- Mr. Tanner reviewed the Executive Summary.
- Chairperson Pavlovsky inquired how much of the development would be left to plat after tonight.
- Mr. Tanner replied that he believes there is a small section yet to be platted on the north side but that should be the last to be platted.

Action Taken: Commissioner Parsons moved, seconded by Commissioner Poldrack, to approve the Preliminary Plat of Bonbrook Plantation North Section Ten, being 12.3 acres of land containing 39 lots (65' x 115' typ.) and one reserve in the three blocks out of the Wiley Martin League, A-56, City of Rosenberg, Fort Bend County, Texas. The motion carried unanimously by those present.

3. CONSIDERATION OF AND ACTION ON THE PRELIMINARY PLAT OF BONBROOK PLANTATION NORTH SECTION ELEVEN, BEING 8.9 ACRES OF LAND CONTAINING 35 LOTS (65' X 115' TYP.) IN THREE BLOCKS OUT OF THE WILEY MARTIN LEAGUE, A-56, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS.

Executive Summary: The proposed Preliminary Plat of Bonbrook Plantation North Section Eleven is located off of Blossom Terrace Lane in the northeast part of the overall Bonbrook Plantation Development. It is in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 155. The Plat contains approximately 8.9 acres and thirty-five (35) single-family residential lots.

The typical lot size for the subdivision is 65 feet in width. Each lot is a minimum of 65 feet in width at the front building line. In the lot summary table, some lots (3) are noted as being less than 65-foot lots due to being less than 50 feet at the right-of-way. The subdivision is in compliance with the approved Land Plan for Bonbrook Plantation. As discussed in the previous Agenda item, the applicant provided the number of lots in Bonbrook Plantation North (617) and the percentage of lots 60 feet or greater in width (53%) and less than 60 feet in width (47%).

The proposed Preliminary Plat is not in conflict with any applicable regulations or with the approved Land Plan for Bonbrook Plantation. That being said, staff recommends approval of the Preliminary Plat of Bonbrook Plantation North Section Eleven.

Key Discussion:

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

Action Taken: Commissioner Parsons moved, seconded by Commissioner Poldrack, to approve the Preliminary Plat of Bonbrook Plantation North Section Eleven, being 8.9 acres of land containing 35 lots (65' x 115' typ.) in three blocks out of the Wiley Martin League, A-56, City of Rosenberg, Fort Bend County, Texas. The motion carried unanimously by those present.

4. CONSIDERATION OF AND ACTION ON THE PRELIMINARY PLAT OF BONBROOK PLANTATION NORTH SECTION TWELVE, BEING 8.5 ACRES OF LAND CONTAINING 34 LOTS (65' X 115' TYP.) IN TWO BLOCKS OUT OF THE WILEY MARTIN LEAGUE, A-56, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS.

Executive Summary: The proposed Preliminary Plat of Bonbrook Plantation North Section Twelve is located off



CITY COUNCIL COMMUNICATION

September 16, 2014

ITEM #	ITEM TITLE
E	Final Plat of Bonbrook Plantation North Section Twelve
ITEM/MOTION	
Consideration of and action on a Final Plat of Bonbrook Plantation North Section Twelve, a subdivision of 8.522 acres of land situated in the Wiley Martin League, Abstract 56, Fort Bend County, Texas; 34 lots, 0 reserves, 2 blocks.	
FINANCIAL SUMMARY	
ELECTION DISTRICT	

Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

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

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

SUPPORTING DOCUMENTS:

1. Final Plat of Bonbrook Plantation North Section Twelve
2. Land Plan for Bonbrook Plantation – 09-25-07 – Please refer to previous Agenda item
3. Planning Commission Meeting Draft Minute Excerpt – 08-20-14
4. Planning Commission Meeting Minute Excerpt – 01-22-14

MUD #: 155 (Bonbrook Plantation)

APPROVALS		
Submitted by:	Reviewed by:	Approved for Submittal to City Council:
<i>Travis Tanner</i> Travis Tanner, AICP Executive Director of Community Development	<ul style="list-style-type: none"> <input type="checkbox"/> Exec. Dir. of Administrative Services <input type="checkbox"/> Asst. City Manager for Public Services <input type="checkbox"/> City Attorney <input type="checkbox"/> City Engineer <input type="checkbox"/> (Other) 	<i>Robert Gracia</i> Robert Gracia City Manager

EXECUTIVE SUMMARY
<p>The proposed Final Plat of Bonbrook Plantation North Section Twelve is located off of Blossom Terrace Lane in the northeast part of the overall Bonbrook Plantation Development. It is in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 155. The plat contains approximately 8.522 acres and thirty-four (34) single-family residential lots.</p> <p>The typical lot size for the subdivision is 65 feet in width. Each lot is a minimum of 65 feet in width at the front building line. In the lot summary table, some lots (5) are noted as being less than 65-foot lots due to being less than 50 feet at the right-of-way. The subdivision is in compliance with the approved Land Plan for Bonbrook Plantation. The Planning Commission approved the Preliminary Plat of this subdivision on January 22, 2014 and, on August 20, 2014, recommended approval to City Council of the Final Plat of the subdivision.</p> <p>The proposed Final Plat is not in conflict with any applicable regulations, with the approved Preliminary Plat, or with the approved Land Plan for Bonbrook Plantation. That said, staff recommends approval of the Final Plat of Bonbrook Plantation North Section Twelve.</p>

STATE OF TEXAS
COUNTY OF FORT BEND
CITY OF ROSENBERG

WE, BEAZER HOMES TEXAS, L.P., A DELAWARE LIMITED PARTNERSHIP, ACTING BY AND THROUGH BRUCE CRAIG, DIVISION PRESIDENT AND GREG COLEMAN, AUTHORIZED AGENT, OF BEAZER HOMES TEXAS HOLDINGS, INC., GENERAL PARTNER OF BEAZER HOMES TEXAS, L.P., A DELAWARE LIMITED PARTNERSHIP, OWNERS OF THE 8.522 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING MAP OF BONBROOK PLANTATION NORTH SECTION TWELVE, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION AND DEVELOPMENT PLAN OF SAID PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID MAPS OR PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC, ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND OURSELVES, OUR HEIRS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

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

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

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

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

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

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

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

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

IN TESTIMONY WHEREOF, BEAZER HOMES TEXAS, L.P., A DELAWARE LIMITED PARTNERSHIP, HAS CAUSED THESE PRESENTS TO BE SIGNED BY BEAZER HOMES TEXAS HOLDINGS, INC., ITS GENERAL PARTNER, BY BRUCE CRAIG, DIVISION PRESIDENT, HEREUNTO AUTHORIZED, BY ITS AUTHORIZED AGENT, GREG COLEMAN, AND ITS COMMON SEAL HEREUNTO AFFIXED THIS DAY OF _____, 2014.

BEAZER HOMES TEXAS, L.P.,
A DELAWARE LIMITED PARTNERSHIP

BY: BEAZER HOMES TEXAS HOLDINGS, INC.
GENERAL PARTNER

BY: BRUCE CRAIG, DIVISION PRESIDENT

ATTEST: GREG COLEMAN, AUTHORIZED AGENT

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED BRUCE CRAIG, DIVISION PRESIDENT OF BEAZER HOMES TEXAS HOLDINGS, INC., GENERAL PARTNER OF BEAZER HOMES TEXAS, L.P., A DELAWARE LIMITED PARTNERSHIP, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGE TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN SET OUT.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2014.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED GREG COLEMAN, AUTHORIZED AGENT OF BEAZER HOMES TEXAS HOLDINGS, INC., GENERAL PARTNER OF BEAZER HOMES TEXAS, L.P., A DELAWARE LIMITED PARTNERSHIP, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGE TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN SET OUT.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2014.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

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

KEITH W. MONROE, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 4797

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

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

THIS IS TO CERTIFY THAT THE PLANNING COMMISSION OF THE CITY OF ROSENBERG, TEXAS, HAS APPROVED THIS PLAT AND SUBDIVISION OF BONBROOK PLANTATION NORTH SECTION TWELVE IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF ROSENBERG AS SHOWN HEREON AND AUTHORIZES THE RECORDING OF THIS PLAT THIS DAY OF _____, 2014.

PETE PAVLOVSKY, CHAIRMAN

WAYNE POLDRACK, SECRETARY

THIS IS TO CERTIFY THAT THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, HAS APPROVED THIS PLAT AND SUBDIVISION OF BONBROOK PLANTATION NORTH SECTION TWELVE IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF ROSENBERG AS SHOWN HEREON AND AUTHORIZES THE RECORDING OF THIS PLAT THIS DAY OF _____, 2014.

VINCENT M. MORALES, JR., MAYOR

LINDA CERNOSEK, CITY SECRETARY

WE, CREDIT SUISSE AG, CAYMAN ISLANDS BRANCH, OWNER AND HOLDER OF A LIEN AGAINST THE PROPERTY DESCRIBED IN THE PLAT KNOWN AS BONBROOK PLANTATION NORTH SECTION ELEVEN, SAID LIEN BEING EVIDENCED BY INSTRUMENT OF RECORD IN THE CLERK'S FILE NUMBERS 2009129813 AND 2012148612 OF THE O.P.R.O.R.P. OF FORT BEND COUNTY, TEXAS, DO HEREBY IN ALL THINGS SUBORDINATE OUR INTEREST IN SAID PROPERTY TO THE PURPOSES AND EFFECTS OF SAID PLAT AND THE DEDICATIONS AND RESTRICTIONS SHOWN HEREIN TO SAID SUBDIVISION PLAT AND WE HEREBY CONFIRM THAT WE ARE THE PRESENT OWNER (OR OWNERS OF SAID LIEN AND HAVE NOT ASSIGNED THE SAME NOR ANY PART THEREOF.

BY: _____

STATE OF TEXAS

COUNTY OF FORT BEND COUNTY

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2014.

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

NOTES:

- B.L. INDICATES BUILDING LINE; U.E. INDICATES UTILITY EASEMENT; STM. S.E. INDICATES STORM SEWER EASEMENT; W.L.E. INDICATES WATER LINE EASEMENT; S.S.E. INDICATES SANITARY SEWER EASEMENT; A.E. INDICATES AERIAL EASEMENT; D.E. INDICATES DRAINAGE EASEMENT.
- BENCHMARK: A BRASS DISK STAMPED K-1219, SET IN A CONCRETE HEADWALL LOCATED IN FORT BEND COUNTY, 0.15 MILE SOUTH OF THE INTERSECTION OF STATE HIGHWAY 36 AND MEYER ROAD, SET IN THE TOP OF A CONCRETE HEADWALL AND 1.7 FEET SOUTH OF THE NORTH END OF THE EAST CONCRETE HEADWALL OF A CULVERT, 24 FEET EAST OF THE CENTERLINE OF STATE HIGHWAY 36, AND LEVEL WITH THE HIGHWAYS SURFACE.
ELEV.= 91.69 NAVD88 (1991 ADJ.)
- INDICATES TEMPORARY BENCHMARK:
SET 5/8 INCH IRON ROD WITH CAP MARKED "LJA ENG"
A PROJECT BENCHMARK WILL BE INSTALLED AND DOCUMENTED PER CITY OF ROSENBERG REQUIREMENTS PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY
ELEV.= NAVD88 (1991 ADJ.)
- ELEVATIONS USED FOR DELINEATING CONTOUR LINES ARE BASED UPON U.S.C. & G.S. DATUM, NAVD-88 (1991 ADJ.)
- THIS PLAT WAS PREPARED TO MEET CITY OF ROSENBERG AND FORT BEND COUNTY REQUIREMENTS.
- THIS PLAT WAS PREPARED FROM INFORMATION FURNISHED BY STEWART TITLE COMPANY, FILE NO. 1415743562, DATED MAY 22, 2014. THE SURVEYOR HAS NOT ABSTRACTED THE ABOVE PROPERTY.
- THIS PLAT LIES WHOLLY WITHIN FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 155, FORT BEND SUBSIDENCE DISTRICT, LAMAR CONSOLIDATED I.S.D., FORT BEND COUNTY DRAINAGE DISTRICT AND THE ETJ OF THE CITY OF ROSENBERG, AND FORT BEND COUNTY.
- THIS SUBDIVISION LIES WITHIN UNSHADOWED ZONE X AS PER FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM), MAP NO. 48157C 0105L, REVISED APRIL 2, 2014, DEFINED AS AREAS OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN; LJA DOES NOT WARRANT NOR SUBSCRIBE TO THE ACCURACY OR SCALE OF SAID MAPS.
- APPROVAL OF THIS PLAT WILL EXPIRE ONE YEAR FROM CITY COUNCIL APPROVAL IF NOT RECORDED IN THE REAL PROPERTY RECORDS OF THE COUNTY OF FORT BEND.
- THE ARE NO PIPELINES NOR PIPELINE EASEMENTS WITHIN THE LIMITS OF THE SUBDIVISION.
- FIVE-EIGHTHS INCH (5/8") IRON RODS WITH PLASTIC CAP MARKED "LJA ENG" THREE FEET (3') IN LENGTH WILL BE SET ON ALL PERIMETER BOUNDARY CORNERS, UNLESS OTHERWISE NOTED.
- THE MINIMUM SLAB ELEVATION SHALL BE 85.90 FEET, TWELVE (12) INCHES ABOVE THE 100-YEAR FLOOD PLAIN ELEVATION AND MAXIMUM PONDING ELEVATION, EIGHTEEN (18) INCHES ABOVE NATURAL GROUND, OR TWELVE (12) INCHES ABOVE TOP OF CURB AT THE FRONT OF THE LOT, WHICHEVER IS HIGHER. THE TOP OF SLAB ELEVATION AT ANY POINT ON THE PERIMETER OF THE SLAB SHALL NOT BE LESS THAN EIGHTEEN INCHES ABOVE NATURAL GROUND.
- ALL LOTS SHALL HAVE A MINIMUM OF (5) FOOT SIDE BUILDING LINE.
- THE DRAINAGE SYSTEM FOR THIS SUBDIVISION SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE FORT BEND COUNTY DRAINAGE CRITERIA MANUAL WHICH ALLOWS STREET PONDING DURING INTENSE RAINFALL EVENTS.
- THIS PLAT LIES WITHIN FORT BEND COUNTY LIGHTING ORDINANCE ZONE NO. 2.
- ALL EASEMENTS ARE CENTERED ON LOT LINES UNLESS OTHERWISE INDICATED.
- THE COORDINATES SHOWN HEREON ARE TEXAS COORDINATES SYSTEM, SOUTH CENTRAL ZONE (GRID NAD 83) AND MAY BE BROUGHT TO SURFACE BY APPLYING THE FOLLOWING COMBINE SCALE FACTOR OF 0.99986482.
- ALL LOTS HAVE A SIDEWALK PARALLEL TO THE STREET IN FRONT OF THE HOME AND PARALLEL TO THE SIDE STREET ON CORNER LOTS. SAID SIDEWALKS SHALL INCLUDE HANDICAPPED RAMPS AS REQUIRED. IT IS FURTHER REQUIRED THAT THE SIDEWALKS AND RAMPS MUST CONFORM WITH ALL CITY OF ROSENBERG AND FORT BEND COUNTY CODES AND SPECIFICATIONS. THE INSTALLATION OF SIDEWALKS SHALL BE THE RESPONSIBILITY OF THE BUILDERS AND AS SET OUT IN THE GUIDELINES. LOT OWNER SHALL BE RESPONSIBLE FOR MAINTAINING THE SIDEWALKS ON THE LOT IN A SAFE AND NEAT MANNER.
- ALL DRAINAGE EASEMENTS TO BE KEPT CLEAR OF FENCES, BUILDINGS, VEGETATION AND OTHER OBSTRUCTIONS TO THE OPERATION AND MAINTENANCE OF THE DRAINAGE FACILITY.
- ALL PROPERTY TO DRAIN INTO THE DRAINAGE EASEMENT ONLY THROUGH AN APPROVED DRAINAGE STRUCTURE.
- A MINIMUM DISTANCE OF TEN (10) FEET SHALL BE MAINTAINED BETWEEN RESIDENTIAL DWELLINGS.
- SIDEWALKS SHALL BE BUILT OR CAUSED TO BE BUILT NOT LESS THAN 5- FEET IN WIDTH ON BOTH SIDES OF ALL DEDICATED RIGHTS-OF-WAY WITHIN SAID PLAT AND ON CONTIGUOUS RIGHT-OF-WAY OF ALL PERIMETER ROADS SURROUNDING SAID PLAT, IN ACCORDANCE WITH ADA REQUIREMENTS.

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

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

APPROVED BY THE COMMISSIONERS' COURT OF FORT BEND COUNTY, TEXAS, THIS _____ DAY OF _____, 2014.

RICHARD MORRISON
PRECINCT 1, COUNTY COMMISSIONER

GRADY PRESTAGE
PRECINCT 2, COUNTY COMMISSIONER

ROBERT E. HEBERT
COUNTY JUDGE

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

JAMES PATTERSON
PRECINCT 4, COUNTY COMMISSIONER

I, DIANNE WILSON, COUNTY CLERK IN AND FOR FORT BEND COUNTY, HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORDATION IN MY OFFICE ON 2014 AT _____ O'CLOCK _____ M. IN PLAT NUMBER _____ OF THE PLAT RECORDS OF FORT BEND COUNTY, TEXAS.

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

DIANNE WILSON, COUNTY CLERK
FORT BEND COUNTY, TEXAS

BY: _____
DEPUTY

BONBROOK PLANTATION NORTH SECTION TWELVE

A SUBDIVISION OF 8.522 ACRES OF LAND SITUATED IN THE WILEY MARTIN LEAGUE, ABSTRACT 56, FORT BEND COUNTY, TEXAS.

34 LOTS 0 RESERVES 2 BLOCKS

JULY 29, 2014 JOB NO. 1406-4112-310

OWNERS:
BEAZER HOMES TEXAS, L.P.
BY: BEAZER HOMES TEXAS HOLDINGS, INC.
BRUCE CRAIG, DIVISION PRESIDENT
10235 WEST LITTLE YORK, SUITE 200, HOUSTON, TEXAS 77040
PH. (281) 560-6661

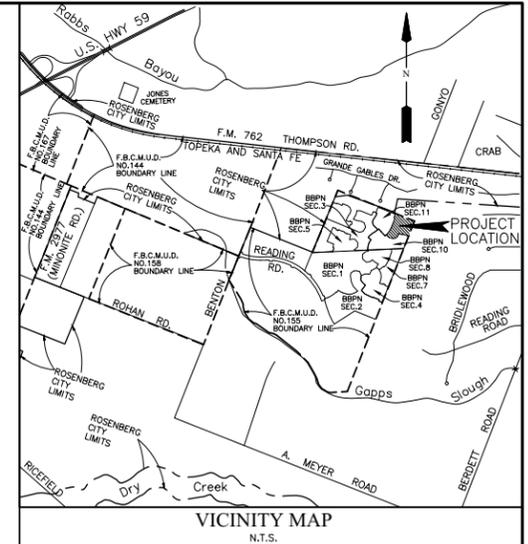
ENGINEER:

LJA Engineering, Inc.

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

KEITH W. MONROE
REGISTERED PROFESSIONAL LAND SURVEYOR,
TEXAS REGISTRATION NO. 4797

MICHAEL WANG
LICENSED PROFESSIONAL ENGINEER,
TEXAS REGISTRATION NO. 92053



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

DIR. _____
COORD. _____
MULAR CHECK: _____

Date \ Time : Tue, 29 Jul 2014 11:08am
Path \ Name : I:\Projects\Planning\1406\Plan\T\Bemrncst_12_FF.dwg

- Commissioner Parsons stated that he would vote to approve this assuming that it passes the ordinance at the time based on the required number of entrances for a subdivision of its size. He wants confirmation.
- Mr. Tanner replied that the subdivision meets the ordinances that applied to it at the time, including entrances.

Action Taken: Upon voting, the motion carried by a vote of four “ayes” and two abstentions. **Ayes: Chairperson Pavlovsky, Vice Chairperson Phipps, Commissioners Casias and Urbish. Abstentions: Commissioners Parsons and Poldrack.**

7. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF BONBROOK PLANTATION NORTH SECTION ELEVEN, A SUBDIVISION OF 8.924 ACRES OF LAND SITUATED IN THE WILEY MARTIN LEAGUE, ABSTRACT 56, FORT BEND COUNTY, TEXAS; 35 LOTS, 0 RESERVES, 3 BLOCKS.

Executive Summary: The proposed Final Plat of Bonbrook Plantation North Section Eleven is located off of Blossom Terrace Lane in the northeast part of the overall Bonbrook Plantation Development. It is in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 155. The Plat contains approximately 8.924 acres and thirty-five (35) single-family residential lots.

The typical lot size for the subdivision is 65 feet in width. Each lot is a minimum of 65 feet in width at the front building line. In the lot summary table, some lots (3) are noted as being less than 65-foot lots due to being less than 50 feet at the right-of-way. The subdivision is in compliance with the approved Land Plan for Bonbrook Plantation. The Planning Commission approved the Preliminary Plat of this subdivision on January 22, 2014.

The proposed Final Plat is not in conflict with any applicable regulations, with the Preliminary Plat, or with the approved Land Plan for Bonbrook Plantation. That being said, staff recommends that the Planning Commission recommend approval to City Council of the Final Plat of Bonbrook Plantation North Section Eleven.

Key Discussion:

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

Action Taken: Commissioner Casias moved, seconded by Commissioner Poldrack to approve the Final Plat of Bonbrook Plantation North Section Eleven, a subdivision of 8.924 acres of land situated in the Wiley Martin League, Abstract 56, Fort Bend County, Texas; 35 lots, 0 reserves, 3 blocks. The motion carried unanimously.

8. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF BONBROOK PLANTATION NORTH SECTION TWELVE, A SUBDIVISION OF 8.522 ACRES OF LAND SITUATED IN THE WILEY MARTIN LEAGUE, ABSTRACT 56, FORT BEND COUNTY, TEXAS; 34 LOTS, 0 RESERVES, 2 BLOCKS.

Executive Summary: The proposed Final Plat of Bonbrook Plantation North Section Twelve is located off of Blossom Terrace Lane in the northeast part of the overall Bonbrook Plantation Development. It is in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 155. The plat contains approximately 8.522 acres and thirty-four (34) single-family residential lots.

The typical lot size for the subdivision is 65 feet in width. Each lot is a minimum of 65 feet in width at the front building line. In the lot summary table, some lots (5) are noted as being less than 65-foot lots due to being less than 50 feet at the right-of-way. The subdivision is in compliance with the approved Land Plan for Bonbrook Plantation. The Planning Commission approved the Preliminary Plat of this subdivision on January 22, 2014.

The proposed Final Plat is not in conflict with any applicable regulations, with the approved Preliminary Plat, or with the approved Land Plan for Bonbrook Plantation. That being said, staff recommends that the Planning Commission recommend approval to City Council of the Final Plat of Bonbrook Plantation North Section Twelve.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Chairperson Pavlovsky stated that these are pretty good sized lots.

Action Taken: Commissioner Casias moved, seconded by Commissioner Urbish to approve the Final Plat of Bonbrook Plantation North Section Twelve, a subdivision of 8.522 acres of land situated in the Wiley Martin League, abstract 56, Fort Bend County, Texas; 34 lots, 0 reserves, 2 blocks. The motion carried unanimously.

9. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF BONBROOK PLANTATION NORTH SECTION THIRTEEN, A SUBDIVISION OF 19.476 ACRES OF LAND SITUATED IN THE WILEY MARTIN LEAGUE,

The typical lot size for the subdivision is 65 feet in width. Each lot is a minimum of 65 feet in width at the front building line. In the lot summary table, some lots (5) are noted as being less than 65-foot lots due to being less than 50 feet at the right-of-way. The subdivision is in compliance with the approved Land Plan for Bonbrook Plantation. Per previous requests, the applicant also provided the number of lots in Bonbrook Plantation North (617) and the percentage of lots 60 feet or greater in width (53%) and less than 60 feet in width (47%).

The proposed Preliminary Plat is not in conflict with any applicable regulations or with the approved Land Plan for Bonbrook Plantation. That being said, staff recommends approval of the Preliminary Plat of Bonbrook Plantation North Section Ten.

Key Discussion:

- Mr. Tanner reviewed the Executive Summary.
- Chairperson Pavlovsky inquired how much of the development would be left to plat after tonight.
- Mr. Tanner replied that he believes there is a small section yet to be platted on the north side but that should be the last to be platted.

Action Taken: Commissioner Parsons moved, seconded by Commissioner Poldrack, to approve the Preliminary Plat of Bonbrook Plantation North Section Ten, being 12.3 acres of land containing 39 lots (65' x 115' typ.) and one reserve in the three blocks out of the Wiley Martin League, A-56, City of Rosenberg, Fort Bend County, Texas. The motion carried unanimously by those present.

3. CONSIDERATION OF AND ACTION ON THE PRELIMINARY PLAT OF BONBROOK PLANTATION NORTH SECTION ELEVEN, BEING 8.9 ACRES OF LAND CONTAINING 35 LOTS (65' X 115' TYP.) IN THREE BLOCKS OUT OF THE WILEY MARTIN LEAGUE, A-56, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS.

Executive Summary: The proposed Preliminary Plat of Bonbrook Plantation North Section Eleven is located off of Blossom Terrace Lane in the northeast part of the overall Bonbrook Plantation Development. It is in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 155. The Plat contains approximately 8.9 acres and thirty-five (35) single-family residential lots.

The typical lot size for the subdivision is 65 feet in width. Each lot is a minimum of 65 feet in width at the front building line. In the lot summary table, some lots (3) are noted as being less than 65-foot lots due to being less than 50 feet at the right-of-way. The subdivision is in compliance with the approved Land Plan for Bonbrook Plantation. As discussed in the previous Agenda item, the applicant provided the number of lots in Bonbrook Plantation North (617) and the percentage of lots 60 feet or greater in width (53%) and less than 60 feet in width (47%).

The proposed Preliminary Plat is not in conflict with any applicable regulations or with the approved Land Plan for Bonbrook Plantation. That being said, staff recommends approval of the Preliminary Plat of Bonbrook Plantation North Section Eleven.

Key Discussion:

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

Action Taken: Commissioner Parsons moved, seconded by Commissioner Poldrack, to approve the Preliminary Plat of Bonbrook Plantation North Section Eleven, being 8.9 acres of land containing 35 lots (65' x 115' typ.) in three blocks out of the Wiley Martin League, A-56, City of Rosenberg, Fort Bend County, Texas. The motion carried unanimously by those present.

4. CONSIDERATION OF AND ACTION ON THE PRELIMINARY PLAT OF BONBROOK PLANTATION NORTH SECTION TWELVE, BEING 8.5 ACRES OF LAND CONTAINING 34 LOTS (65' X 115' TYP.) IN TWO BLOCKS OUT OF THE WILEY MARTIN LEAGUE, A-56, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS.

Executive Summary: The proposed Preliminary Plat of Bonbrook Plantation North Section Twelve is located off

of Blossom Terrace Lane in the northeast part of the overall Bonbrook Plantation Development. It is in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 155. The plat contains approximately 8.5 acres and thirty-four (34) single-family residential lots.

The typical lot size for the subdivision is 65 feet in width. Each lot is a minimum of 65 feet in width at the front building line. In the lot summary table, some lots (5) are noted as being less than 65-foot lots due to being less than 50 feet at the right-of-way. The subdivision is in compliance with the approved Land Plan for Bonbrook Plantation. As discussed in previous Agenda items, the applicant provided the number of lots in Bonbrook Plantation North (617) and the percentage of lots 60 feet or greater in width (53%) and less than 60 feet in width (47%).

The proposed Preliminary Plat is not in conflict with any applicable regulations or with the approved Land Plan for Bonbrook Plantation. That being said, staff recommends approval of the Preliminary Plat of Bonbrook Plantation North Section Twelve.

Key Discussion:

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

Action Taken: Commissioner Urbish moved, seconded by Commissioner Casias, to approve the Preliminary Plat of Bonbrook Plantation North Section Twelve, being 8.5 acres of land containing 34 lots (65' x 115' typ.) in two blocks out of the Wiley Martin League, A-56, City of Rosenberg, Fort Bend County, Texas. The motion carried unanimously by those present.

5. CONSIDERATION OF AND ACTION ON THE PRELIMINARY PLAT OF BONBROOK PLANTATION SOUTH SECTION FIVE, A SUBDIVISION OF 49.784 ACRES OF LAND SITUATED IN THE WILEY MARTIN LEAGUE, ABSTRACT 56, FORT BEND COUNTY, TEXAS; 115 LOTS, 7 RESERVES (18.984 ACRES), 2 BLOCKS.

Executive Summary: The proposed Preliminary Plat of Bonbrook Plantation South Section Five is located off of Reading Road in the southeast part of the overall Bonbrook Plantation Development. It is in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 155. The Plat contains approximately 49.784 acres and 115 single-family residential lots. There are also seven (7) reserves consisting of nineteen (19) acres, including a 14-acre reserve for detention.

The subdivision contains a number of lot sizes, ranging from 50-foot to 65-foot and greater lots. Mainly, it includes 65-foot and 55-foot lots per the approved Land Plan. Each lot is a minimum of 55 feet in width at the front building line; however, in the lot summary table, some cul-de-sac and "knuckle" lots (18) are noted as being only 50-foot lots due to being only approximately 40 feet wide as measured at the right-of-way line. The subdivision is in compliance with the approved Land Plan for Bonbrook Plantation. Bonbrook Plantation South Section Five is the final section in Bonbrook Plantation South.

The proposed Preliminary Plat is not in conflict with any applicable regulations or with the approved Land Plan for Bonbrook Plantation. That being said, staff recommends approval of the Preliminary Plat of Bonbrook Plantation South Section Five.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Parsons inquired, as a matter of interest, how many lots are 50-foot lots and how many are 65-foot lots.
- Mr. Tanner referred to the lot summary table.
- Commissioner Parsons inquired how many 50-foot lots are in the total development.
- Mr. Tanner replied that he would need to look that up and bring it to the next meeting.

Action Taken: Commissioner Parsons moved, seconded by Commissioner Casias, to approve the Preliminary Plat of Bonbrook Plantation South Section Five, a subdivision of 49.784 acres of land situated in the Wiley Martin League, Abstract 56, Fort Bend County, Texas; 115 lots, 7 reserves (18.984 acres), 2 blocks. The motion carried unanimously by those present.



CITY COUNCIL COMMUNICATION

September 16, 2014

ITEM #	ITEM TITLE
F	Final Plat of Bonbrook Plantation North Section Thirteen
ITEM/MOTION	
Consideration of and action on a Final Plat of Bonbrook Plantation North Section Thirteen, a subdivision of 19.476 acres of land situated in the Wiley Martin League, Abstract 56, Fort Bend County, Texas; 88 lots, 3 reserves (1.031 acres), 3 blocks.	
FINANCIAL SUMMARY	ELECTION DISTRICT

Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

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

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

SUPPORTING DOCUMENTS:

1. Final Plat of Bonbrook Plantation North Section Thirteen
2. Land Plan for Bonbrook Plantation – 09-25-07 – Please refer to Agenda Item D
3. Planning Commission Draft Meeting Minute Excerpt – 08-20-14
4. Planning Commission Meeting Minute Excerpt – 06-18-14

MUD #: 155 (Bonbrook Plantation)

APPROVALS**Submitted by:**

Travis Tanner
 Travis Tanner, AICP
 Executive Director of
 Community Development

Reviewed by:

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

Approved for Submittal to City Council:

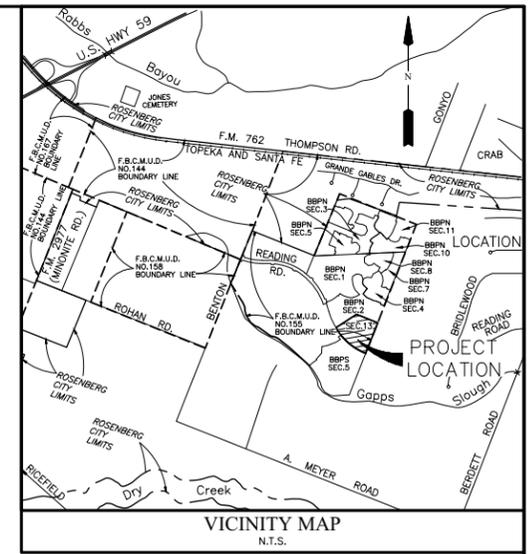
Robert Gracia
 Robert Gracia
 City Manager

EXECUTIVE SUMMARY

The Final Plat of Bonbrook Plantation North Section Thirteen is located off of Reading Road, adjacent to Bridlewood Estates, in the east central part of Bonbrook Plantation. The proposed Plat contains 19.476 acres, 88 residential lots, and three (3) reserves consisting of 1.031 acres.

The proposed lots are a minimum of fifty feet (50') in width and 6,000 square feet in size. This is in accordance with the approved Land Plan for Bonbrook Plantation, which calls for fifty-foot (50') lots in this location of the development. The Land Plan is attached for reference. The Preliminary Plat of this subdivision was approved by the Planning Commission on June 18, 2014 and, on August 20, 2014, the Commission recommended approval to City Council of the Final Plat of the subdivision.

The proposed Final Plat is not in conflict with any applicable regulations or with the approved Preliminary Plat. Staff recommends approval of the Final Plat of Bonbrook Plantation North Section Thirteen.



STATE OF TEXAS
 COUNTY OF FORT BEND
 CITY OF ROSENBERG

WE, BONBROOK PLANTATION, L.P., A TEXAS LIMITED PARTNERSHIP, ACTING BY AND THROUGH JOHN N. TAYLOR, EXECUTIVE MANAGER OF TAYLOR & WEIDNER, L.L.C., MANAGING GENERAL PARTNER OF BONBROOK PLANTATION, L.P., A TEXAS LIMITED PARTNERSHIP, OWNERS OF THE 19.476 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING MAP OF BONBROOK PLANTATION NORTH SECTION THIRTEEN, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION AND DEVELOPMENT PLAT OF SAID PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID MAPS OR PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND OURSELVES, OUR HEIRS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

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

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

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

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

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

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

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

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

IN TESTIMONY WHEREOF, BONBROOK PLANTATION, L.P., A TEXAS LIMITED PARTNERSHIP, HAS CAUSED THESE PRESENTS TO BE SIGNED BY TAYLOR & WEIDNER, L.L.C., ITS, MANAGING GENERAL PARTNER, BY JOHN N. TAYLOR, ITS EXECUTIVE MANAGER, THEREUNTO AUTHORIZED, THIS _____ DAY OF _____, 2014.

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

 BY: _____
 JOHN N. TAYLOR, EXECUTIVE MANAGER

STATE OF TEXAS
 COUNTY OF FORT BEND

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2014.

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

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

 KEITH W. MONROE, R.P.L.S.
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS REGISTRATION NO. 4797

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

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

THIS IS TO CERTIFY THAT THE PLANNING COMMISSION OF THE CITY ROSENBERG, TEXAS HAS APPROVED THIS PLAT AND SUBDIVISION OF BONBROOK PLANTATION NORTH SECTION THIRTEEN IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF ROSENBERG AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2014.

 PETE PAVLOVSKY, CHAIRMAN

 WAYNE POLDRACK, SECRETARY

THIS IS TO CERTIFY THAT THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS HAS APPROVED THIS PLAT AND SUBDIVISION OF BONBROOK PLANTATION NORTH SECTION THIRTEEN IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF ROSENBERG AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2014.

 VINCENT M. MORALES, JR., MAYOR

 LINDA CERNOSEK, CITY SECRETARY

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

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

APPROVED BY THE COMMISSIONERS' COURT OF FORT BEND COUNTY, TEXAS, THIS _____ DAY OF _____, 2014.

 RICHARD MORRISON, PRECINCT 1, COUNTY COMMISSIONER

 GRADY PRESTAGE, PRECINCT 2, COUNTY COMMISSIONER

 ROBERT E. HEBERT, COUNTY JUDGE

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

 JAMES PATTERSON, PRECINCT 4, COUNTY COMMISSIONER

I, DIANNE WILSON, COUNTY CLERK IN AND FOR FORT BEND COUNTY, HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORDATION IN MY OFFICE ON _____, 2014 AT _____ O'CLOCK _____ M. IN PLAT NUMBER _____ OF THE PLAT RECORDS OF FORT BEND COUNTY, TEXAS.

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

 DIANNE WILSON, COUNTY CLERK
 FORT BEND COUNTY, TEXAS

BY: _____
 DEPUTY

BONBROOK PLANTATION NORTH SECTION THIRTEEN

A SUBDIVISION OF 19.476 ACRES OF LAND SITUATED IN THE WILEY MARTIN LEAGUE, ABSTRACT 56, FORT BEND COUNTY, TEXAS.

88 LOTS 3 RESERVES (1.031 ACRES) 3 BLOCKS

AUGUST 8, 2014 JOB NO. 1799-1106-310

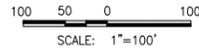
OWNERS:
BONBROOK PLANTATION, L.P.
 A TEXAS LIMITED PARTNERSHIP
 BY: TAYLOR & WEIDNER, L.L.C., MANAGING GENERAL PARTNER
 JOHN N. TAYLOR, EXECUTIVE MANAGER
 2909 CEDAR RIDGE TRAIL, FRIENDSWOOD, TEXAS 77546 PH. (832) 338-8866

ENGINEER:
LJA Engineering, Inc.
 2029 Briarpark Drive Phone 713.953.5200
 Suite 600 Fax 713.953.5026
 Houston, Texas 77042 FRN - F-1386
 T.B.P.L.S. Firm No. 10110501

 KEITH W. MONROE, REGISTERED PROFESSIONAL LAND SURVEYOR, TEXAS REGISTRATION NO. 4797

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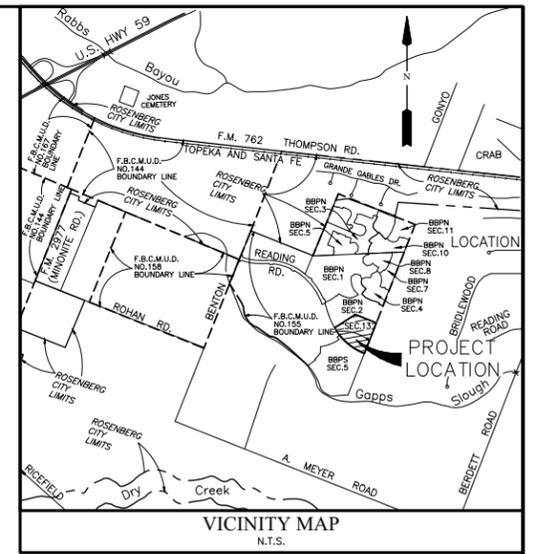
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RESERVE TABLE			
RESERVE	ACREAGE	SQ.FT.	TYPE
A	0.470	20,491	RESTRICTED TO LANDSCAPE/OPEN SPACE
B	0.236	10,273	RESTRICTED TO LANDSCAPE/OPEN SPACE
C	0.325	14,144	RESTRICTED TO LANDSCAPE/OPEN SPACE
TOTAL	1.031	44,908	

NOTES:

- B.L. INDICATES BUILDING LINE; U.E. INDICATES UTILITY EASEMENT; STM.S.E. INDICATES STORM SEWER EASEMENT; W.L.E. INDICATES WATER LINE EASEMENT; S.S.E. INDICATES SANITARY SEWER EASEMENT; D.E. INDICATES DRAINAGE EASEMENT; P.L. INDICATES PROPERTY LINE.
- BENCHMARK: A BRASS DISK STAMPED K-1219, SET IN A CONCRETE HEADWALL LOCATED IN FORT BEND COUNTY, 0.15 MILE SOUTH OF THE INTERSECTION OF STATE HIGHWAY 36 AND MEYER ROAD. SET IN THE TOP OF A CONCRETE HEADWALL AND 1.7 FEET SOUTH OF THE NORTH END OF THE EAST CONCRETE HEADWALL OF A CULVERT, 24 FEET EAST NAVD-88 (1991 ADJ.) ELEV. = 91.68 FEET.
- T.B.M. PROJECT BENCHMARK SET 5/8" IRON ROD WITH CAP MARKED "LJA ENO" A PROJECT BENCHMARK WILL BE INSTALLED AND DOCUMENTED PER CITY OF ROSENBERG REQUIREMENTS PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
- ELEVATIONS USED FOR DELINEATING CONTOUR LINES ARE BASED UPON U.S.C. & G.S. DATUM, NAVD-88 (1991 ADJ.)
- THIS PLAT WAS PREPARED TO MEET CITY OF ROSENBERG AND FORT BEND COUNTY REQUIREMENTS.
- THIS PLAT WAS PREPARED FROM INFORMATION FURNISHED BY STEWART TITLE COMPANY, FILE NO. 1415743559, DATED MAY 22, 2014. THE SURVEYOR HAS NOT ABSTRACTED THE ABOVE PROPERTY.
- THIS PLAT LIES WHOLLY WITHIN THE FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 155, FORT BEND SUBSIDENCE DISTRICT, FORT BEND COUNTY DRAINAGE DISTRICT, LAMAR CONSOLIDATED I.S.D., THE ETJ OF THE CITY OF ROSENBERG, AND FORT BEND COUNTY.
- IN ACCORDANCE WITH FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) NUMBER 48157C0265L, REVISED APRIL 2, 2014, THIS PLAT LIES OUTSIDE OF THE 0.2% ANNUAL CHANGE FLOODPLAIN AND LIES WHOLLY WITHIN UNSHADED ZONE X.
- APPROVAL OF THIS PLAT WILL EXPIRE ONE YEAR FROM CITY COUNCIL APPROVAL IF NOT RECORDED IN THE REAL PROPERTY RECORDS OF THE COUNTY OF FORT BEND.
- THE ARE NO PIPELINES NOR PIPELINE EASEMENTS WITHIN THE LIMITS OF THE SUBDIVISION.
- FIVE-EIGHTHS INCH (5/8") IRON RODS WITH PLASTIC CAP MARKED "LJA ENO" AND THREE (3) FEET IN LENGTH ARE SET ON ALL PERIMETER BOUNDARY CORNERS, UNLESS OTHERWISE NOTED. BLOCK CORNERS OR STREET RIGHT-OF-WAYS HAVE NOT BEEN MONUMENTED.
- THE MINIMUM SLAB ELEVATION SHALL BE 83.67 FEET, TWELVE INCHES (12") ABOVE THE 100-YEAR FLOOD PLAIN ELEVATION AND MAXIMUM PONDING ELEVATION, EIGHTEEN INCHES (18") ABOVE NATURAL GROUND, OR TWELVE INCHES (12") ABOVE THE TOP OF CURB AT THE FRONT OF THE LOT, WHICHEVER IS HIGHER. THE TOP OF SLAB ELEVATION AT ANY POINT ON THE PERIMETER OF THE SLAB SHALL NOT BE LESS THAN EIGHTEEN INCHES ABOVE NATURAL GROUND.
- ALL LOTS SHALL HAVE A MINIMUM FIVE-FOOT (5') SIDE YARD BUILDING LINE.
- A MINIMUM DISTANCE OF 10' SHALL BE MAINTAINED BETWEEN RESIDENTIAL DWELLINGS.
- THE DRAINAGE SYSTEM FOR THIS SUBDIVISION SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE FORT BEND COUNTY DRAINAGE CRITERIA MANUAL, WHICH ALLOWS STREET PONDING DURING INTENSE RAINFALL EVENTS.
- ALL DRAINAGE EASEMENTS SHALL BE KEPT CLEAR OF FENCES, BUILDINGS, VEGETATION AND OTHER OBSTRUCTIONS FOR THE PURPOSE OF THE OPERATION AND MAINTENANCE OF THE DRAINAGE FACILITY BY THE APPROPRIATE ENTITY. ALL PROPERTY SHALL DRAIN INTO DRAINAGE EASEMENTS ONLY THROUGH AN APPROVED DRAINAGE STRUCTURES.
- THIS PLAT LIES WITHIN FORT BEND COUNTY LIGHTING ORDINANCE ZONE NO. 2.
- ALL EASEMENTS ARE CENTERED ON LOT LINES UNLESS OTHERWISE INDICATED.
- THE COORDINATES SHOWN HEREON ARE TEXAS SOUTH CENTRAL ZONE NO. 4204 STATE PLANE COORDINATES (GRID NAD 83) AND MAY BE BROUGHT TO SURFACE BY APPLYING THE FOLLOWING COMBINED SCALE FACTOR OF 0.99986482.
- ALL LOTS MUST HAVE A SIDEWALK PARALLEL TO THE STREET IN FRONT OF THE HOME AND PARALLEL TO THE SIDE STREET ON CORNER LOTS. SAID SIDEWALKS SHALL INCLUDE HANDICAP RAMPS AS REQUIRED. IT IS FURTHER REQUIRED THAT THE SIDEWALKS AND RAMPS MUST CONFORM WITH ALL FORT BEND COUNTY CODES AND SPECIFICATIONS. THE INSTALLATION OF SIDEWALKS SHALL BE THE RESPONSIBILITY OF THE BUILDERS AND AS SET OUT IN THE GUIDELINES. THE LOT OWNER SHALL BE RESPONSIBLE FOR MAINTAINING THE SIDEWALKS ON THE LOT IN A SAFE AND NEAT MANNER.
- ALL LOTS ARE A MINIMUM OF 50.00 FEET WIDE AT THE BUILDING LINE.
- SIDEWALKS SHALL BE BUILT OR CAUSED TO BE BUILT NOT LESS THAN 5-FEET IN WIDTH ON BOTH SIDES OF ALL DEDICATED RIGHTS-OF-WAY WITHIN SAID PLAT AND ON CONTIGUOUS RIGHT-OF-WAY OF ALL PERIMETER ROADS SURROUNDING SAID PLAT, IN ACCORDANCE WITH ADA REQUIREMENTS.



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

RESERVE	QUALIFYING ACREAGE	PERCENTAGE	ALLOCATED PRIVATE PARK ACREAGE
A	0.470	10%	0.047 AC.
B	0.236	10%	0.024 AC.
C	0.325	10%	0.033 AC.
TOTAL	1.031		0.104 AC.

REQUIRED PUBLIC PARK DEDICATION: 88 LOTS DIVIDED BY 160/LOT X .50 = 0.275 AC.
REQUIRED PUBLIC PARK FEE: 88 LOTS X \$350.00/LOT X .50 = \$15,400.00

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

LOT AREA SUMMARY

BLOCK 1			BLOCK 2			BLOCK 3		
LOT	LOT WIDTH AT B.L.	SQ. FT.	LOT	LOT WIDTH AT B.L.	SQ. FT.	LOT	LOT WIDTH AT B.L.	SQ. FT.
1	50'	6,271	1	50'	6,252	1	58'	8,043
2	50'	6,384	2	50'	6,374	2	50'	6,000
3	50'	6,371	3	50'	6,424	3	50'	6,000
4	50'	6,399	4	50'	6,572	4	50'	6,000
5	50'	6,371	5	60'	15,623	5	50'	6,000
6	50'	6,390	6	51'	8,039	6	50'	6,000
7	50'	6,371	7	50'	6,238	7	50'	6,000
8	50'	6,390	8	50'	6,250	8	50'	6,000
9	50'	6,371	9	50'	6,250	9	50'	6,000
10	50'	6,434	10	50'	6,250	10	50'	6,000
11	52'	6,555	11	52'	6,250	11	45'	7,066
12	60'	10,244	12	60'	6,250	12	54'	6,480
13	52'	9,115	13	52'	6,250	13	51'	6,120
14	50'	6,829	14	50'	6,250	14	51'	6,198
15	50'	6,095	15	50'	6,250	15	70'	7,344
16	50'	6,091	16	50'	6,250	16	72'	7,551
17	50'	6,088	17	50'	6,250	17	72'	7,551
18	50'	6,084	18	50'	6,058	18	58'	6,594
19	50'	6,080	19	56'	11,034	19	51'	6,128
20	50'	6,205	20	56'	10,848	20	51'	6,147
21	50'	6,832	21	50'	7,122	21	51'	6,201
22	50'	7,536	22	50'	6,156	22	51'	6,255
23	50'	8,962	23	50'	6,958	23	58'	8,334
24	50'	9,552	24	45'	6,981	24	45'	8,105
25	50'	7,858	25	50'	6,381	25	50'	6,381
26	50'	6,892	26	50'	6,219	26	50'	6,219
27	50'	6,307	27	50'	6,192	27	50'	6,192
28	45'	7,005	28	45'	6,572	28	45'	6,572
			29	54'	8,195	29	54'	8,195
			30	53'	7,942	30	53'	7,942
			31	56'	6,295	31	56'	6,295
			32	60'	8,054	32	60'	8,054
			33	58'	7,556	33	58'	7,556
			34	49'	6,922	34	49'	6,922
			35	45'	7,278	35	45'	7,278
			36	57'	6,663	36	57'	6,663
			37	62'	8,115	37	62'	8,115

TOTAL SQUARE FOOTAGE OF LOTS CONTAINED IN THIS PLAT: 814,315 S.F. / 88 = 6,981 S.F. AVERAGE LOT SIZE

50' LOTS = 115
TOTAL LOTS = 115

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
C1	1950.00	35-43-14	1215.71	628.34	1195.12	N 50-49-45 W
C2	1775.00	21-48-18	675.51	341.89	671.44	S 50-48-49 E
C3	1000.00	15-08-08	264.17	132.86	263.40	S 52-59-00 W
C4	55.00	58-07-31	55.80	30.57	53.43	S 89-36-49 W
C5	55.00	97-04-34	93.19	62.25	82.43	S 08-37-37 W
C6	300.00	54-25-19	284.95	154.25	274.36	S 84-22-33 W
C7	55.00	90-00-00	86.39	55.00	77.78	N 23-24-48 W
C8	55.00	96-41-50	92.82	61.84	82.19	N 69-56-07 E
C9	25.00	91-38-13	39.98	25.72	35.86	N 79-18-19 E
C10	25.00	88-16-41	38.52	24.26	34.82	N 10-39-08 W
C11	1805.00	15-06-48	476.12	239.45	474.74	N 47-14-04 W
C12	25.00	36-09-22	15.78	8.16	15.52	N 57-45-21 W
C13	50.00	162-55-30	142.18	333.07	98.89	N 05-37-44 E
C14	25.00	29-55-35	13.06	6.68	12.91	N 72-07-41 E
C15	330.00	54-25-19	313.45	169.68	301.80	N 84-22-33 E
C16	25.00	90-00-14	39.27	25.00	35.36	N 66-35-05 E
C17	25.00	89-59-46	39.27	25.00	35.35	S 23-24-55 E
C18	25.00	26-42-17	11.65	5.93	11.55	S 81-45-57 E
C19	50.00	143-24-35	125.15	151.23	94.95	S 23-24-48 E
C20	25.00	26-42-17	11.65	5.93	11.55	S 34-56-21 W
C21	25.00	26-42-17	11.65	5.93	11.55	S 08-14-03 W
C22	50.00	149-04-57	130.10	180.80	96.38	S 69-25-23 W
C23	25.00	26-10-27	11.42	5.81	11.32	N 49-07-21 W
C24	1805.00	3-58-26	125.19	62.62	125.17	N 60-13-22 W
C25	25.00	88-16-39	38.52	24.26	34.82	S 77-37-32 W
C26	25.00	91-38-15	39.98	25.72	35.86	S 12-19-55 E
C27	25.00	96-41-50	42.19	28.11	37.36	S 69-56-07 W
C28	1745.00	11-14-14	342.24	171.67	341.70	N 56-05-51 W
C29	25.00	99-32-15	43.43	29.55	38.17	N 00-42-36 W
C30	970.00	11-29-32	194.56	97.61	194.23	N 54-48-18 E
C31	25.00	58-07-31	25.36	13.89	24.29	N 89-36-49 E
C32	25.00	42-50-00	18.69	9.81	18.26	S 39-54-25 E
C33	50.00	265-40-01	231.84	53.93	73.33	N 28-40-35 E
C34	25.00	42-50-00	18.69	9.81	18.26	N 82-44-25 W
C35	85.00	58-07-31	86.23	47.24	82.58	S 89-36-49 W
C36	1030.00	12-17-53	221.08	110.97	220.66	S 54-24-07 W
C37	25.00	84-57-47	37.07	22.89	33.77	N 89-15-56 W
C38	1745.00	6-52-22	209.32	104.79	209.19	N 43-20-51 W
C39	25.00	97-04-34	42.36	28.30	37.47	N 08-37-37 E
C40	270.00	54-25-19	256.46	138.83	246.92	N 84-22-33 E
C41	25.00	90-00-00	39.27	25.00	35.36	S 23-24-48 E
C42	25.00	65-00-13	28.36	15.93	26.87	S 00-59-06 W
C43	25.00	65-00-13	28.36	15.93	26.87	N 65-59-19 E

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 33-29-13 E	175.00
L2	S 20-27-31 E	9.21
L3	N 83-39-15 W	16.23
L4	N 61-19-25 W	54.01
L5	S 21-34-59 W	148.79
L6	N 66-35-12 E	5.81
L7	N 33-29-13 E	95.04
L8	S 68-24-48 E	56.93
L9	N 21-34-59 E	93.89
L10	S 21-34-59 W	93.68
L11	N 68-24-48 E	95.97
L12	S 33-29-13 W	95.04
L13	S 61-19-25 E	3.02
L14	N 61-19-25 W	3.02
L15	S 08-08-01 E	129.32
L16	S 36-33-31 E	100.68
L17	S 42-54-02 E	52.82
L18	S 41-47-55 E	79.10
L19	S 44-55-45 E	105.47
L20	S 48-03-36 E	105.47
L21	S 51-11-27 E	96.68
L22	S 53-32-20 E	72.90
L23	N 80-40-42 E	20.92
L24	N 34-53-45 E	108.66
L25	S 32-04-40 W	107.94
L26	S 13-18-49 E	21.07
L27	S 58-42-18 E	37.73
L28	S 60-09-18 E	151.50
L29	N 52-07-55 E	104.90
L30	S 68-24-48 E	99.61
L31	S 21-35-12 W	123.75
L32	N 17-15-36 E	20.49
L33	N 68-24-48 W	20.00
L34	S 30-37-40 W	20.00
L35	S 51-28-02 W	57.38

BONBROOK PLANTATION NORTH SECTION THIRTEEN
 A SUBDIVISION OF 19.476 ACRES OF LAND SITUATED IN THE WILEY MARTIN LEAGUE, ABSTRACT 56, FORT BEND COUNTY, TEXAS.
 88 LOTS 3 RESERVES (1.031 ACRES) 3 BLOCKS
 AUGUST 8, 2014 JOB NO. 1799-1106-310

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

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

KEITH W. MORFEE REGISTERED PROFESSIONAL LAND SURVEYOR, TEXAS REGISTRATION NO. 4797
 MICHAEL WANG LICENSED PROFESSIONAL ENGINEER, TEXAS REGISTRATION NO. 92053

DATE: 08/08/2014 9:47 AM
 FILE: F:\Projects\1799\1799\BONBROOK_North_13.FPJ
 DIR: C:\Users\kmo\AppData\Local\Temp\1799\1799\BONBROOK_North_13.FPJ
 MTUAR CHECK: COORD

- Commissioner Parsons stated that he would vote to approve this assuming that it passes the ordinance at the time based on the required number of entrances for a subdivision of its size. He wants confirmation.
- Mr. Tanner replied that the subdivision meets the ordinances that applied to it at the time, including entrances.

Action Taken: Upon voting, the motion carried by a vote of four “ayes” and two abstentions. **Ayes: Chairperson Pavlovsky, Vice Chairperson Phipps, Commissioners Casias and Urbish. Abstentions: Commissioners Parsons and Poldrack.**

7. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF BONBROOK PLANTATION NORTH SECTION ELEVEN, A SUBDIVISION OF 8.924 ACRES OF LAND SITUATED IN THE WILEY MARTIN LEAGUE, ABSTRACT 56, FORT BEND COUNTY, TEXAS; 35 LOTS, 0 RESERVES, 3 BLOCKS.

Executive Summary: The proposed Final Plat of Bonbrook Plantation North Section Eleven is located off of Blossom Terrace Lane in the northeast part of the overall Bonbrook Plantation Development. It is in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 155. The Plat contains approximately 8.924 acres and thirty-five (35) single-family residential lots.

The typical lot size for the subdivision is 65 feet in width. Each lot is a minimum of 65 feet in width at the front building line. In the lot summary table, some lots (3) are noted as being less than 65-foot lots due to being less than 50 feet at the right-of-way. The subdivision is in compliance with the approved Land Plan for Bonbrook Plantation. The Planning Commission approved the Preliminary Plat of this subdivision on January 22, 2014.

The proposed Final Plat is not in conflict with any applicable regulations, with the Preliminary Plat, or with the approved Land Plan for Bonbrook Plantation. That being said, staff recommends that the Planning Commission recommend approval to City Council of the Final Plat of Bonbrook Plantation North Section Eleven.

Key Discussion:

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

Action Taken: Commissioner Casias moved, seconded by Commissioner Poldrack to approve the Final Plat of Bonbrook Plantation North Section Eleven, a subdivision of 8.924 acres of land situated in the Wiley Martin League, Abstract 56, Fort Bend County, Texas; 35 lots, 0 reserves, 3 blocks. The motion carried unanimously.

8. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF BONBROOK PLANTATION NORTH SECTION TWELVE, A SUBDIVISION OF 8.522 ACRES OF LAND SITUATED IN THE WILEY MARTIN LEAGUE, ABSTRACT 56, FORT BEND COUNTY, TEXAS; 34 LOTS, 0 RESERVES, 2 BLOCKS.

Executive Summary: The proposed Final Plat of Bonbrook Plantation North Section Twelve is located off of Blossom Terrace Lane in the northeast part of the overall Bonbrook Plantation Development. It is in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 155. The plat contains approximately 8.522 acres and thirty-four (34) single-family residential lots.

The typical lot size for the subdivision is 65 feet in width. Each lot is a minimum of 65 feet in width at the front building line. In the lot summary table, some lots (5) are noted as being less than 65-foot lots due to being less than 50 feet at the right-of-way. The subdivision is in compliance with the approved Land Plan for Bonbrook Plantation. The Planning Commission approved the Preliminary Plat of this subdivision on January 22, 2014.

The proposed Final Plat is not in conflict with any applicable regulations, with the approved Preliminary Plat, or with the approved Land Plan for Bonbrook Plantation. That being said, staff recommends that the Planning Commission recommend approval to City Council of the Final Plat of Bonbrook Plantation North Section Twelve.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Chairperson Pavlovsky stated that these are pretty good sized lots.

Action Taken: Commissioner Casias moved, seconded by Commissioner Urbish to approve the Final Plat of Bonbrook Plantation North Section Twelve, a subdivision of 8.522 acres of land situated in the Wiley Martin League, abstract 56, Fort Bend County, Texas; 34 lots, 0 reserves, 2 blocks. The motion carried unanimously.

9. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF BONBROOK PLANTATION NORTH SECTION THIRTEEN, A SUBDIVISION OF 19.476 ACRES OF LAND SITUATED IN THE WILEY MARTIN LEAGUE,

ABSTRACT 56, FORT BEND COUNTY, TEXAS; 88 LOTS, 3 RESERVES (1.031 ACRES), 3 BLOCKS.

Executive Summary: The Final Plat of Bonbrook Plantation North Section Thirteen is located off of Reading Road, adjacent to Bridlewood Estates, in the east central part of Bonbrook Plantation. The proposed Plat contains 19.476 acres, 88 residential lots, and three (3) reserves consisting of 1.031 acres.

The proposed lots are a minimum of fifty feet (50') in width and 6,000 square feet in size. This is in accordance with the approved Land Plan for Bonbrook Plantation, which calls for fifty-foot (50') lots in this location of the development. The Land Plan is attached for reference. The Preliminary Plat of this subdivision was approved by the Planning Commission on June 18, 2014.

The proposed Final Plat is not in conflict with any applicable regulations or with the approved Preliminary Plat. Staff recommends that the Planning Commission recommend approval to City Council of the Final Plat of Bonbrook Plantation North Section Thirteen.

Key Discussion:

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

Action Taken: Commissioner Casias moved, seconded by Vice Chairperson Phipps to approve the Final Plat of Bonbrook Plantation North Section Thirteen, a subdivision of 19.476 acres of land situated in the Wiley Martin League, Abstract 56, Fort Bend County, Texas; 88 lots, 3 reserves (1.031 acres), 3 blocks. The motion carried unanimously.

10. HEAR AND DISCUSS A PRESENTATION REGARDING A POTENTIAL MULTI-FAMILY PLANNED UNIT DEVELOPMENT, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.

Executive Summary: Mr. Thomas Juarez of J.B. Granada Construction has requested an opportunity to present a potential multi-family Planned Unit Development (PUD) on Airport Avenue. Specifically, the project would be located near the southwest corner of Airport Avenue and FM 2218 and would contain 203 units. Mr. Juarez approached City staff regarding multi-family residential development of this location and was notified of the City's parking requirements of four (4) spaces per one-bedroom unit, five (5) spaces per two-bedroom unit, and six (6) spaces per three-bedroom unit. The parking requirements would be prohibitive of this development as proposed. Therefore it was communicated to Mr. Juarez that the project could only be done through a PUD, recommended by the Planning Commission and approved by City Council. Before spending additional time on the project, it was recommended by staff that the concept be presented to the Planning Commission to receive direction. It is important to note that the proposal is for owner-occupied condominiums as opposed to renter-occupied apartments; however, it would be difficult if not impossible for the City to regulate whether they are owner-occupied in the future. If approved by the Planning Commission and City Council, the PUD would be subject to the West Fort Bend Management District standards.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Chairperson Pavlovsky inquired where this would be located along Airport.
- Mr., Tanner replied that it is across from B.F. Terry High School.
- Chairperson Pavlovsky inquired if it fronts FM 2218.
- Tom Juarez of 1621 North Falling Leaf Drive in Katy, Texas, stepped forward to address the Commission and stated that project would not have frontage on FM 2218 and he would like to keep it this way for security reasons. This project is a condo project for sale. This is not a typical plan because every unit has a garage where they can walk through the building to the garage. Every building has garages in the building itself. The floor plans, for instance, Unit E1, shows the foyer going into the garage. This is an entrance to the building itself. The doors are to the right and far left are an entrance to all of the units. My presentation shows that this is not a typical apartment building. Each unit has 1.5 or 2.5 baths, so it is not a normal renting unit. The two bedroom units have 2.5 bath and the three bedroom units have 2.5 bath. I want to establish an agreement with the City that these units are under restriction and cannot be rented to individuals. Each unit will pay its own taxes like a regular residential home.
- Ms. McConathy inquired how that would be restricted.
- Mr. Juarez replied with deed restrictions.
- Commissioner Parsons inquired that if he owned one, he could not rent it out.
- Mr. Juarez replied that he could not restrict on that aspect.
- Mr. Tschirhart stated that if someone owns it and chooses to rent it out, they can.
- Commissioner Parsons stated that the intention here is for people to own this residence for 30 years.

SUBDIVISION OF 8.670 ACRES OF LAND LOCATED IN THE JAMES LOWERY 1/3 LEAGUE, A-275, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS, ALSO BEING A PARTIAL REPLAT OF RESERVE "A-2", BLOCK 1, BAYOU CROSSING SECTION TWO PARTIAL REPLAT NO. ONE, RECORDED AT PLAT NO. 20130258, F.B.C.P.R., AND A PARTIAL REPLAT OF LOTS 3 & 4, J.M. DONLEY SUBDIVISION RECORDED AT VOL. 1, PG. 20, F.B.C.P.R.

Executive Summary: As discussed in the previous Agenda item, the Preliminary Plat of Bayou Crossing Section Three is located off of Grand Cane Lane in the northeast part of Bayou Crossing, located in the northeast corner of Louise Street and Airport Avenue. The Plat consists of 8.67 acres and thirty-seven (37) residential lots. The proposed Plat is not in conflict with the approved Land Plan dated September 2004. In fact, the Land Plan, which is attached for reference, provides for fifty- and sixty-foot lots in this location. However, the proposed Plat provides for all sixty-foot lots in accordance with current regulations.

Because the Plat constitutes a partial replat of Reserve "A-2" of Block 1 of Bayou Crossing Section Two Partial Replat No. One, a public hearing was held per State law and the "Subdivision" Ordinance. There being no issues, staff recommends approval of the Preliminary Plat of Bayou Crossing Section Three.

Key Discussion:

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

Action Taken: Commissioner Urbish moved, seconded by Commissioner Poldrack, to approve the Preliminary Plat of Bayou Crossing Section Three, a subdivision of 8.670 acres of land located in the James Lowery 1/3 League, A-275, City of Rosenberg, Fort Bend County, Texas, also being a partial replat of Reserve "A-2", Block 1, Bayou Crossing Section Two Partial Replat No. One, recorded at Plat No. 20130258, F.B.C.P.R., and a partial replat of Lots 3 & 4, J. M. Donley Subdivision recorded at Vol. 1, Pg. 20, F.B.C.P.R. The motion carried unanimously by those present.

4. CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF BONBROOK PLANTATION NORTH SECTION THIRTEEN, A SUBDIVISION OF 19.476 ACRES OF LAND SITUATED IN THE WILEY MARTIN LEAGUE, ABSTRACT 56, FORT BEND COUNTY, TEXAS; 88 LOTS, 3 RESERVES (1.031 ACRES), 3 BLOCKS.

Executive Summary: The Preliminary Plat of Bonbrook Plantation North Section Thirteen is located off of Reading Road, adjacent to Bridlewood Estates, in the east central part of Bonbrook Plantation. The proposed Plat contains 19.476 acres, 88 residential lots, and three (3) reserves consisting of 1.031 acres.

The proposed lots are a minimum of fifty feet (50') in width and 6,000 square feet in size. This is in accordance with the approved Land Plan for Bonbrook Plantation, which calls for fifty-foot (50') lots in this location of the development. The Land Plan is attached for reference.

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

Key Discussion:

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

Action Taken: Commissioner Poldrack moved, seconded by Commission Phipps, to approve the Preliminary Plat of Bonbrook Plantation North Section Thirteen, a subdivision of 19.476 acres of land situated in the Wiley Martin League, Abstract 56, Fort Bend County, Texas; 88 lots, 3 reserves (1.031 acres), 3 blocks. The motion carried unanimously by those present.

5. CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF SUMMER LAKES SECTION SEVEN, BEING A SUBDIVISION OF 23.94 ACRES OUT OF THE W.M. LUSK SURVEY, A-276, IN THE CITY OF ROSENBERG, IN FORT BEND COUNTY, TEXAS (FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 144); 53 LOTS, 5 BLOCKS, 10 RESERVES (7.4627 ACRES).

Executive Summary: The Preliminary Plat of Summer Lakes Section Seven is located off of Reading Road and Round Lake Drive in the eastern portion of the Summer Lakes development. The Plat consists of 23.94 acres, 53 residential lots, and ten (10) reserves containing 7.4627 acres.

The proposed Plat contains 21 sixty-foot (60') lots and 32 seventy-foot (70') lots. The Plat complies with the Development Agreement and approved Land Plan for Fort Bend County MUD No. 144. The Land Plan, which is attached for reference,

ITEM 2

Hold Executive Session to consult with City Attorney on pending or contemplated litigation regarding Cause No. 140DCV-211746; City of Rosenberg, Texas and City of Richmond, Texas v. Fort Bend Subsidence District; in the District Court of Fort Bend County, Texas, 268th Judicial District, pursuant to Section 551.071 of the Texas Government Code; and, to discuss or deliberate economic development negotiations regarding business prospects seeking to locate, stay or expand in the Rosenberg area pursuant to Section 551.087 of the Texas Government Code.

ITEM 3

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



CITY COUNCIL COMMUNICATION

September 16, 2014

ITEM #	ITEM TITLE
4	City of Rosenberg and City of Richmond v. Fort Bend Subsidence District

ITEM/MOTION

Review and discuss Cause No. 140DCV-211746; City of Rosenberg, Texas, and City of Richmond, Texas v. Fort Bend Subsidence District; in the District Court of Fort Bend County, Texas, 268th Judicial District, and take action as necessary.

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. None

MUD #: N/A

APPROVALS

Submitted by:

John Maresh
Assistant City Manager of
Public Services

Reviewed by:

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

Approved for Submittal to City Council:

Robert Gracia
City Manager

EXECUTIVE SUMMARY

This Agenda item will allow for City Council to take action as necessary regarding discussions held during the previous Executive Session.



CITY COUNCIL COMMUNICATION

September 16, 2014

ITEM #	ITEM TITLE
5	Presentation Regarding a Proposed Eagle Scout Project for Sunset Park – Bleacher Restoration

ITEM/MOTION

Hear and discuss a presentation regarding a proposed Eagle Scout Project to restore bleachers in Sunset Park, and take action as necessary.

FINANCIAL SUMMARY	ELECTION DISTRICT
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Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

- Yes No N/A

Source of Funds: N/A

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

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

1. Presentation – Sunset Park Proposal to Restore Bleacher Set
2. Parks and Recreation Board Meeting Minute Excerpt – 07-24-14

APPROVALS

Submitted by:Darren McCarthy
Parks and Recreation Director**Reviewed by:**

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

Approved for Submittal to City Council:Robert Gracia
City Manager

EXECUTIVE SUMMARY

On July 24, 2014, Joshua Garcia, Troop 1000 presented a proposed Eagle Scout Project (Project) to be placed in Sunset Park to the Parks and Recreation Board (Board). After reviewing his presentation regarding the proposal to restore bleachers, the Board unanimously recommended the Project plan for approval as presented.

Staff recommends approval of the proposed Eagle Scout Project at Sunset Park based upon Joshua Garcia's presentation and the recommendation of the Parks and Recreation Board.

Sunset Park

Proposal to Restore Bleacher set

Eagle Project by Joshua Garcia – Troop 1000





Proposal

Restore bleacher set back to Sunset Park baseball field. Project to be done at Parks and Recreation office (Supervised by Mr. McCarthy & Mr. Adams).



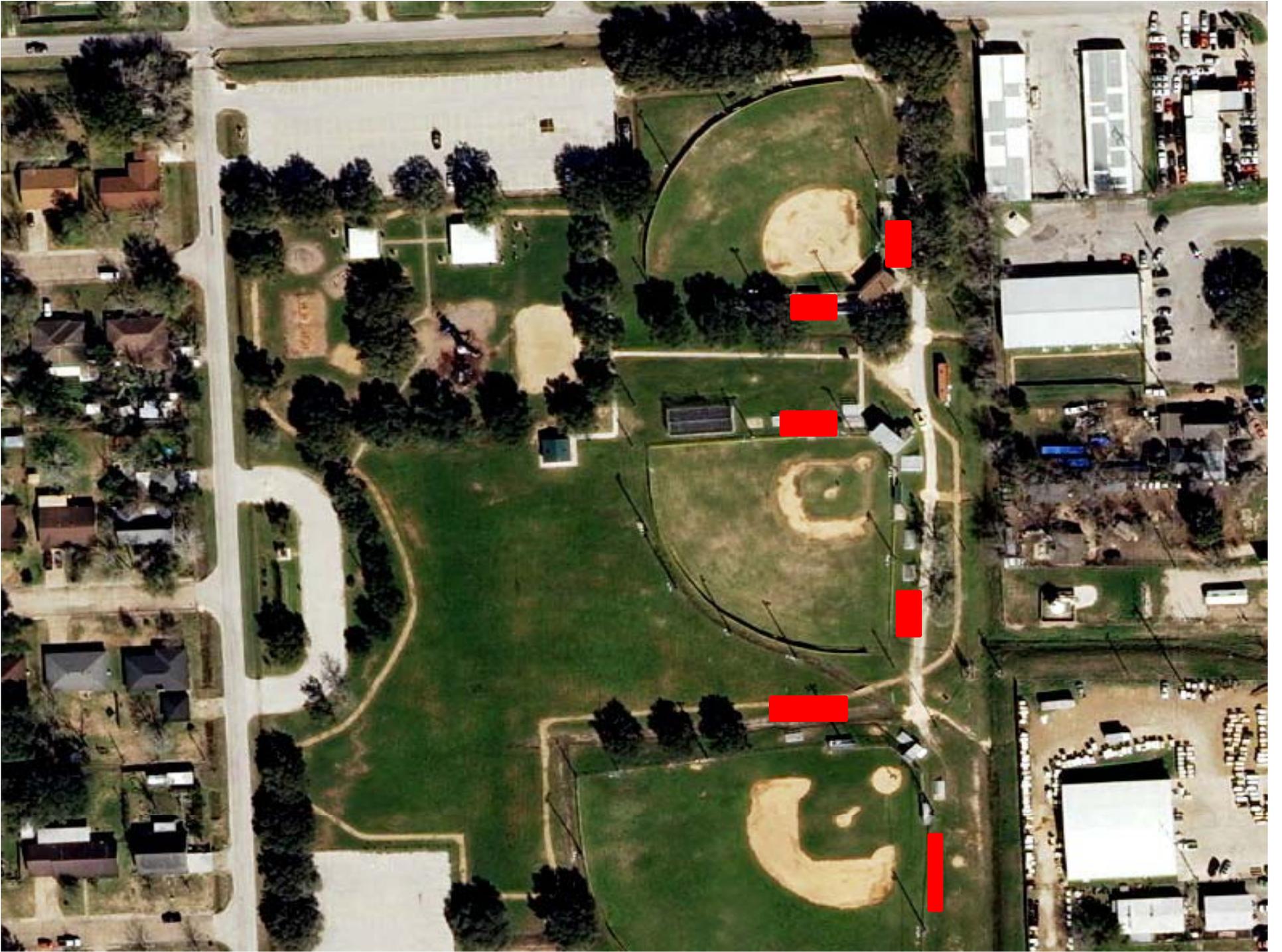
Purpose

Restoring the bleachers will make the park more appealing for visitors while provide more sitting options during ball games in turn promote more adult participation.

Overview

● Project Overview

- Remove all existing hardware & boards.
 - Remove all rust from metal structure by wire brush & grinding.
 - Apply 2 coats of primer paint.
 - Apply a minimum of 2 more coats of metal paint.
 - Replace all boards & bolts with treated lumber.
- ## ● Final project scope will require final approval by the scout master.



6. CONSIDERATION OF AND ACTION ON PROPOSED EAGLE SCOUT PROJECT BY ZACHARY LAWRENCE, OF TROOP 1656, TO BUILD OWL NESTING BOXES IN SEABOURNE CREEK NATURE PARK.

Key Discussion: Darren McCarthy, Parks and Recreation Director, introduced Eagle Scout candidate Zachary Lawrence of Troop 1656. Zachary explained to the Board that as a life-long scout he is working to obtain his Eagle rank and would like to complete a project in Seabourne Creek Nature Park to that end. Zachary's project would be to build and install six (6) owl-nesting boxes – two (2) for barred owls, two (2) for screech owls and two (2) experimental owl shacks. By attracting owls to the nature park, not only would they bring beautiful owl species into the park, but also they would help to control the rodent and insect population, thereby benefitting all who visit the park. Zachary noted that he would be working under the supervision of Rick Adams and the Texas Master Naturalists and presented a map of agreed upon locations for the boxes, as well as detailed plans for each type of nesting box to the Board. He estimates the total cost of the project to be \$242.72, which would be funded through donations and selling owl buttons. Zachary will also offer to sell owl-nesting boxes to friends and family at a two-for-one rate with one box being placed on individual property and the other going into the nature park. George Zepeda asked if Zachary was concerned about the aggression of the owls during his project. Zachary answered that he hoped to not have much contact with the owls during project installation.

ACTION: William Allen made a motion, seconded by Stanley Kucherka, to approve the proposed Eagle Scout Project in Seabourne Creek Nature Park. The motion passed by a unanimous vote of those present.

7. CONSIDERATION OF AND ACTION ON PROPOSED EAGLE SCOUT PROJECT BY JOSHUA GARCIA, OF TROOP 1000, TO REFURBISH BLEACHERS FOR USE IN SUNSET PARK.

Key Discussion: Darren McCarthy, Parks and Recreation Director, introduced Eagle Scout candidate Joshua Garcia of Troop 1000. Joshua explained that to obtain his Eagle rank he would like to complete a project in Sunset Park. The project would be to restore one bleacher set to the baseball field. By restoring the bleachers, the park would be more appealing to visitors and provide more seating options, which may then increase more adult participation at the park. Joshua estimates the total cost of the project to be between \$400 and \$500, which would be funded through donations. He noted that the project would require final approval from his scoutmaster, and he would work under the guidance of Rick Adams, of the Texas Master Naturalists. William Allen asked how long the restoration would take. Josh answered that he anticipates working on the bleachers through the fall and winter to have the project completed in time for spring baseball. Darren added that this is a duplicate project for the department and Eagle Scout candidates because of the size and scope of the work to be done on each set of bleachers.

ACTION: William Allen made a motion, seconded by Melissa Dixon, to approve the proposed Eagle Scout Project in Sunset Park. The motion passed by a unanimous vote of those present.

8. HEAR AND DISCUSS CHAPTER 21, ARTICLE II, SEC. 21-30 OF THE CITY CODE OF ORDINANCES REGARDING THE PARKS AND RECREATION BOARD.

Key Discussion: Darren McCarthy, Parks and Recreation Director, reviewed the sections of the City's Code of Ordinances regarding service on the Parks and Recreation Board with the new and re-appointed members and asked if anyone had any questions regarding the responsibilities set forth. He added that the term for the Board was for one year, from July 2014 to June of 2105.

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

9. HEAR AND DISCUSS PARKS AND RECREATION DIRECTOR'S REPORT FOR THE MONTH OF JUNE 2014.

Key Discussion: Darren McCarthy, Parks and Recreation Director, gave the following updates on the parks:



CITY COUNCIL COMMUNICATION

September 16, 2014

ITEM #	ITEM TITLE
6	Presentation Regarding a Proposed Eagle Scout Project for City Parks – Picnic Table Restoration

ITEM/MOTION

Hear and discuss a presentation regarding a proposed Eagle Scout Project to restore picnic tables in City Parks, and take action as necessary.

FINANCIAL SUMMARY	ELECTION DISTRICT
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Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

- Yes No N/A

Source of Funds: N/A

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

SUPPORTING DOCUMENTS:

MUD #: N/A

1. Presentation – Picnic Table Restoration for City Parks
2. Parks and Recreation Board Meeting Draft Minute Excerpt – 08-28-14

APPROVALS

Submitted by:


 Darren McCarthy
 Parks and Recreation Director

Reviewed by:

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

Approved for Submittal to City Council:


 Robert Gracia
 City Manager

EXECUTIVE SUMMARY

On August 28, 2014, Kamil Ali from Troop 797 presented a proposed Eagle Scout Project (Project) to the Parks and Recreation Board (Board) for restoration of picnic tables in multiple City parks. After reviewing his presentation to restore eight (8) picnic tables, the Board unanimously recommended the Project plan for approval as presented. The picnic tables are currently located at the Parks and Recreation facility and would be reinstalled at various parks once completed.

Staff recommends approval of the proposed Eagle Scout Project based upon Kamil Ali's presentation and the recommendation of the Parks and Recreation Board.



Picnic Table Restoration

Project to be completed by Kamil Ali (Troop
797)



Proposal

- For my Eagle Scout project, I will be restoring eight of the city park's picnic tables which are in the Parks Department Maintenance yard and came from several of the Rosenberg Parks. I will restore them by replacing the wood with pressure-treated yellow pine, treated for exterior use. I will then seal the wood with a water-resistant finish.



Purpose

- By restoring the picnic table through adding forest green paint to the metal frame, replacing the pressure-treated yellow pine wood and adding a water-resistant finish to the picnic tables, I hope to restore the tables and make them look newer and refined.



Estimated Expenses

- To obtain the supplies, I managed to get a generous donation from AmeriTrend Shutters to fund \$300 of the project and will group that with a discount from Home Depot. The rest I will obtain by fundraising amongst my family members.
- The total expense is estimated to be: \$600.

Overview

- We will be installing pressure-treated yellow pine wood, treated for exterior use by replacing the old ones. The measurements have been recorded and we will cut the wood to match it. The time frame for which I believe the project will be completed in will be around 7 days.
- The paint of the metal frames will be cleaned of all rust and old paint and will be replaced with forest green paint.
- Once finished the Parks Department will chose the locations for where the benches will be distributed.



DRAFT

CITY OF ROSENBERG PARKS AND RECREATION BOARD MEETING MINUTES

*** DRAFT ***

On this the 28th day of August 2014, the Parks and Recreation Board of the City of Rosenberg, Fort Bend County, Texas, met in a Regular Session at Rosenberg Civic Center located at 3825 Hwy. 36 South, Rosenberg, Texas.

MEMBERS PRESENT

Teresa Bailey	Parks and Recreation Board Chairman
George Zepeda	Parks and Recreation Board Vice-Chairman
Stanley Kucherka	Parks and Recreation Board Secretary
Melissa Dixon	Parks and Recreation Board Member
Rudy Guerrero	Parks and Recreation Board Member
Eric Juarez	Parks and Recreation Board Member
Ray Kueck	Parks and Recreation Board Member
Eric Ramirez	Parks and Recreation Board Member
Julia Worley	Parks and Recreation Board Member
Amanda Bolf	Council Liaison

MEMBERS ABSENT

William Allen	Parks and Recreation Board Member
Bertha Nell Kelm	Parks and Recreation Board Member

STAFF PRESENT

Jeff Trinker	Executive Director of Support Services
Darren McCarthy	Parks and Recreation Director
Lydia Acosta	Recreation Programs Coordinator
Katrina Poppleton	Parks and Recreation Clerk

GUESTS PRESENT

Kamil Ali	BSA Troop 767
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AGENDA

2. CONSIDERATION OF AND ACTION ON PROPOSED EAGLE SCOUT PROJECT BY KAMIL ALI OF TROOP 797 TO REFURBISH PICNIC TABLES THROUGHOUT THE ROSENBERG PARK SYSTEM.

Key Discussion: Darren McCarthy, Parks and Recreation Director, introduced Eagle Scout candidate Kamil Ali of Troop 797. Kamil proposed to the Board in order to obtain his Eagle rank, he would like to restore life back to the parks by refurbishing eight picnic tables. He mentioned that not only would this be more appealing to the public eye by having a newer and refined look, but also will enable the tables to be more sturdy and last longer. In doing so, Kamil plans to replace the old wood with pressure-treated, yellow pine and seal the wood with a water resistant finish. He also plans to remove all rust and old paint from the metal frames and coat with forest green paint to match the other newly refurbished picnic tables within the park system. He estimates the total cost of the project to be \$600, which would be funded through a generous \$300 donation from AmeriTrend Shutters, discounted pricing from Home Depot, and fundraising among his family members. Kamil anticipates to have the project complete over the course of seven days. He noted once completed, the Parks Department will then distribute the tables where they see fit. Darren let the board know that the tables Kamil will be working on have been pulled out of the parks and that the metal frames are safe and reusable. Darren also mentioned this project will benefit the parks greatly and ensure picnic table availability for future events, such as 4th of July, because tables have to be pulled constantly from other parks to accommodate recreational events. George Zepeda expressed gratitude to Kamil for his efforts and all Eagle Scouts on behalf of the city and the Parks Board.

ACTION: Melissa Dixon made a motion, seconded by Ray Kueck, to approve the proposed Eagle Scout Project throughout the Rosenberg Park System. The motion passed by a unanimous vote of those present.



CITY COUNCIL COMMUNICATION

September 16, 2014

ITEM #	ITEM TITLE
7	Resolution No. R-1856 – Avenue I and Avenue H Street Waterline Replacement Professional Services Agreement
ITEM/MOTION	

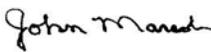
Consideration of and action on Resolution No. R-1856, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Professional Services Agreement for the engineering services for the Avenue I and Avenue H Water Line Replacements, by and between the City and Jones and Carter, Inc., in the amount of \$224,000.00.

FINANCIAL SUMMARY	ELECTION DISTRICT
Annualized Dollars: <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> District 1 <input checked="" type="checkbox"/> District 2 <input checked="" type="checkbox"/> District 3 <input type="checkbox"/> District 4 <input type="checkbox"/> City-wide <input type="checkbox"/> N/A
Budgeted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Source of Funds: 422-0000-550-7036	

SUPPORTING DOCUMENTS:

1. Resolution No. R-1856
2. Alford Correspondence – 08-06-14
3. Project Location Map
4. Resolution No. R-1801 – 06-17-14
5. City Council Meeting Minute Draft Excerpt – 08-26-14
6. City Council Meeting Minute Excerpt – 06-17-14

MUD #: N/A

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

EXECUTIVE SUMMARY

On Tuesday, August 26, 2014, City Council directed staff to move forward with the necessary water line replacement/relocations in advance of a forthcoming Texas Department of Transportation (TxDOT) road project that will affect FM 1640 (Avenue I) and US Hwy 90A (Avenue H) from Spur 529 to Millie Street. TxDOT provided notice of said project in a letter to the City Manager dated August 06, 2014. The water line replacement project is included in the FY15 Capital Improvement Plan (CIP) approved by City Council with Resolution No. R-1801 on June 17, 2014. Staff would also like to note the water line replacement along Avenue H will extend east of Millie Street to approximately Lawrence Street, and the water line along 7th Street will be replaced south of Avenue I to approximately Avenue M due to the poor physical condition of these lines. This water line replacement project will also improve the water distribution system capabilities that will be required in order to meet the second phase of the Fort Bend Subsidence District 60% groundwater reduction mandate scheduled for 2025. Upon completion of the engineering design and bidding process, the construction bid award for the waterline construction would be placed on a future Agenda for City Council consideration and approval. The preliminary construction cost estimate is approximately \$2.8 million. Staff will also be working with Fort Bend County staff to prepare an Interlocal Agreement for the use of 2007 Fort Bend County Mobility Project Funds in the approximate amount of \$1 million to partially fund the like-for-like utility replacement/relocations located within the TxDOT project limits along Avenue I and Avenue H. The Interlocal Agreement would also be placed on a future Agenda for City Council consideration and approval.

Staff recommends approval of Resolution No. R-1856, authorizing the City Manager to execute a Professional Services Agreement with Jones and Carter, Inc., for the engineering services for the Avenue I and Avenue H Water Line Replacements, in the amount of \$224,000.00.

RESOLUTION NO. R-1856

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY OF ROSENBERG, TEXAS, A PROFESSIONAL SERVICES AGREEMENT FOR THE ENGINEERING SERVICES FOR THE AVENUE I AND AVENUE H WATER LINE REPLACEMENTS, BY AND BETWEEN THE CITY OF ROSENBERG, TEXAS, AND JONES AND CARTER, INC., IN THE AMOUNT OF \$224,000.00.

* * * * *

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

Section 1. The City Council of the City of Rosenberg hereby authorizes the City Manager to execute a Professional Services Agreement (Agreement) for the engineering services for the Avenue I and Avenue H Water Line Replacements, by and between the City of Rosenberg, Texas, and Jones and Carter, Inc., in the amount of \$224,000.00.

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

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

ATTEST:

APPROVED:

Linda Cernosek, **CITY SECRETARY**

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



6415 Reading Road
Rosenberg, Texas 77471-5655

TEL 281 342 2033
FAX 281 232 9909

ROSENBERG	AUSTIN
SAN ANTONIO	DALLAS
THE WOODLANDS	HOUSTON
BRYAN/COLLEGE STATION	BRENNHAM
	GREENSPOINT

September 9, 2014

Texas Board of Professional Engineers Registration No. F-439

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

Reference: Professional Services Agreement
Water Line Replacements – Avenue I and Avenue H
City of Rosenberg, Fort Bend County, Texas

Dear Mr. Gracia:

Enclosed herewith is a Jones & Carter, Inc., (the ENGINEER) Professional Services Agreement for Professional Services related to the Water Line Replacements in the City of Rosenberg, Fort Bend County, Texas. The City of Rosenberg (the CLIENT) proposes to relocate existing water lines associated with a Texas Department of Transportation (TxDOT) project for Avenue I (F.M. Highway 1640) and Avenue H (U.S. Highway 90A). The area is generally located between Bamore Road on the west and Millie Street on the east. The City of Rosenberg has old, deteriorated water lines that lie within these two highways, as well as cross these two highways. The CLIENT proposes to undertake the construction necessary to replace and relocate these existing water lines (the PROJECT).

Specifically, the PROJECT involves the replacement and relocation of the water lines listed in Exhibit A attached hereto. The Project does include the upsizing of the existing 6-inch water line within Avenue H (U.S. Highway 90A) to a 12-inch water line. In addition, the water line along 7th Street will not be totally eligible for reimbursement calculations from Fort Bend County.

The Professional Services for the PROJECT will include the following Basic Services:

1. Preliminary Design Services –The ENGINEER will obtain topographic survey data along the water line locations. Working with the CLIENT, options for the method of replacement and relocation of the existing water lines will be explored and reviewed before final decisions are made regarding pipe sizes, locations, and construction methods.
2. Final Design Services – Upon final decisions by the CLIENT regarding the pipe sizes, locations, and construction methods, the ENGINEER will prepare construction plans, TxDOT permits, specifications, and bid documents for the construction of the PROJECT. A Cost Estimate of the construction costs will be prepared and submitted to the CLIENT.
3. Construction Phase Services – After completion of the Final Design Services and when authorized by the City, we will assist the City in securing and analyzing bids, recommend award of construction contracts, and consult with the City during construction; transmit instructions of the City to the Contractor; periodically visit construction site to observe progress and quality of work;

Mr. Robert Gracia
Page 2
September 9, 2014

interpret drawings and specifications; review shop drawings, material and equipment tests, and Contractor's pay estimates; observe the completed construction for conformity to contract documents; and issue to the City a Certificate of Substantial Completion at which time our services shall be deemed complete. We will also provide part-time resident project representation.

As a part of this Project, the CLIENT will provide the following:

1. Access to the properties as necessary to complete the project. This will include, but not be limited to, the placement of flyers at residential and commercial sites and police assistance if required.
2. Assistance in the location of existing water lines, valves, sanitary sewer lines, storm sewer lines, manholes, cleanouts, and service connections.
3. Acquisition of additional easements, including temporary construction easements, if necessary.

All work performed by ENGINEER which is either described in this paragraph or not included in the Basic Services defined above shall constitute Additional Services. These shall include:

1. Acquisition of additional easements;
2. Travel and subsistence to points other than ENGINEER'S or CLIENT'S offices and project site;
3. Revisions to substantially completed construction documents or approved preliminary documents occasioned by changes in scope of work;
4. Soil borings; soil, mill, shop, and laboratory tests;
5. Special reports or studies, property maps, plats, preparation of environmental statements, applications for permits or grants, appearances before regulatory agencies, and required filing fees;
6. Services as an expert witness including preparation of engineering data and reports on behalf of the CLIENT or in connection with litigation or other controversies, or in consultation with CLIENT or attorneys;
7. Renderings, exhibits, or scale models;
8. Additional or extended services during construction made necessary by work damaged by fire or other cause during construction; defective or neglected work of contractor; prolongation of construction contract time by more than 20%, acceleration of work schedule involving services

Mr. Robert Gracia
Page 3
September 9, 2014

beyond normal working hours; or default under construction contract due to delinquency or insolvency;

9. Services after issuance of Certificate of Substantial Completion;
10. Other services not otherwise included in the Agreement or not customarily furnished in accordance with generally accepted engineering practice.

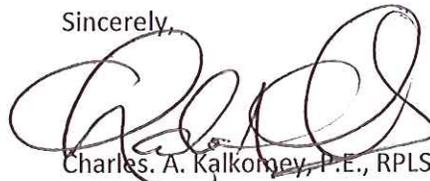
Based on the Professional Services as contained herein, the engineering fees are as follows:

1.	Preliminary Design Services	\$55,000
2.	Final Design Services	\$94,000
3.	Construction Phase Services	<u>\$75,000</u>
	Total Lump Sum Fee	\$224,000

This letter proposal is a part of the attached Professional Services Agreement. The two documents shall be considered together as the full Professional Services Agreement. Compensation for all items included as Basic Services will be in accordance with Section II.B. of the attached Professional Services Agreement. Compensation for all items included as Additional Services will be in accordance with Section II.A. of the attached Professional Services Agreement.

Thank you for allowing us the opportunity to be a part of this project. Please call should you have any questions.

Sincerely,



Charles A. Kalkomey, P.E., RPLS
Vice President
Rosenberg Office Manager

CAK:mon

E:\Engineering\Proposals\City of Rosenberg\Gracia Ave H and Ave I Water Line_pro_let rev.doc

Enclosures

Exhibit A

City of Rosenberg Water Line Rehabilitation Project - FM Highway 1640 and US Highway 90A Project Locations

Water Line Location	From	To	Comments
Base Bid			
US Highway 90A (Avenue H)	James Street	Lawrence Street	Upsize to 12" line
FM Highway 1640 (Avenue I)	Austin Street	Millie Street	12" line
Alley between Carlisle Street and Houston Street	FM Highway 1640	US Highway 90A	12" line
Louise Street	FM Highway 1640	US Highway 90A	Upsize to 12" line
7th Street	US Highway 90A	Avenue M	6" line
FM Highway 1640 (Avenue I) Crossings - 25 (approx)			Various Sizes

PROFESSIONAL SERVICES AGREEMENT

between
CITY OF ROSENBERG
and
JONES & CARTER, INC.

The CITY OF ROSENBERG, as CLIENT, engages JONES & CARTER, INC., as ENGINEER, to perform professional services (the "work") that the CLIENT may request in connection with the Water Line Replacements – Avenue I and Avenue H. All work shall be in accordance with the conditions of this Agreement.

- I. SERVICES: ENGINEER agrees to perform the professional services as requested by the CLIENT in accordance with the conditions of this Agreement.
- II. COMPENSATION: Compensation will be based on one or both of the methods defined as follows:
 - A. HOURLY SERVICES: Unless stated otherwise in the letter proposal, compensation will be on the basis of ENGINEER'S current hourly rates, plus Reimbursable Expenses, both defined as follows:
 1. Hourly Rates: Charges for hourly services will be made in accordance with the attached SCHEDULE OF HOURLY RATES. Hourly rates are subject to annual revision in January of each year that this Agreement is in force. CLIENT will be provided a schedule of rates for any services rendered which are not included in the basic SCHEDULE OF HOURLY RATES.
 2. Reimbursable Expenses: Expenses shall include transportation and subsistence to points other than ENGINEER'S or CLIENT'S offices and project site, cost of ENGINEER'S field office if required, reproduction, computer services, subcontracts, surveying expenses, and similar items. Reimbursable expenses are subject to annual revision in January of each year that this Agreement is in force. Such expenses shall be reimbursed in accordance with the attached SCHEDULE OF REIMBURSABLE EXPENSES.
 - B. LUMP SUM: CLIENT and ENGINEER may agree in a letter proposal or proposals that certain services will be compensated on a lump sum basis.
- III. PAYMENTS: ENGINEER will invoice CLIENT monthly for amounts currently due under each proposal letter. CLIENT agrees to promptly pay ENGINEER at its office in Fort Bend County, Texas, the full amount of each such invoice upon receipt. A charge of 0.75% per month will be added to the unpaid balance of invoices not paid within 30 days after date of invoice.

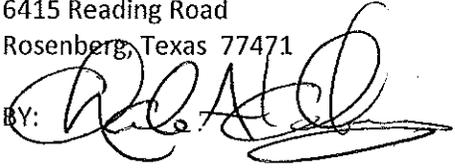
- IV. **OWNERSHIP OF DOCUMENTS:** All documents, including original drawings, estimates, specifications, field notes, and data are and shall remain the property of the ENGINEER. CLIENT may, at its expense, obtain a set of reproducible record copies of drawings and other documents, but agrees that CLIENT will use such copies solely in connection with the project(s) covered by this Agreement and for no other purpose.
- V. **COST ESTIMATES:** Cost Estimates prepared by the ENGINEER represent its best judgment as a design professional familiar with the construction industry. It is recognized, however, that the ENGINEER has no control over the cost of labor, materials, or equipment; over the Contractor's methods of determining bid prices; or over competitive bidding or market conditions. Accordingly, the ENGINEER cannot and does not guarantee that bids will not vary from any cost estimate prepared by ENGINEER.
- VI. **INSURANCE:** ENGINEER agrees to maintain Workers' Compensation Insurance to cover all of its own personnel engaged in performing services for CLIENT under this Agreement.
- VII. **LIABILITY LIMITATION:** The ENGINEER agrees to carry out and perform the services herein agreed to in a professional and competent manner. The CLIENT agrees that the ENGINEER shall not be liable for error, omission, or breach of warranty (either expressed or implied) in its preparation of designs and drawings, preparation of surveys, designation and selection of materials and equipment for the project, or the performance of any other services in connection with any assignment for which specific authorization is given by the CLIENT pursuant to Section I of this Agreement, except to the extent that ENGINEER fails to exercise the usual degree of care and judgment of an ordinarily prudent engineer in the same or similar circumstances and conditions.
- VIII. **TERMINATION**
- A. **CONDITIONS OF TERMINATION:** This Agreement may be terminated without cause at any time prior to completion of ENGINEER'S services either by CLIENT or by ENGINEER, upon seven (7) days written notice to the other at the address of record. Termination shall release each party from all obligations of this Agreement, except as specified in paragraph VIII.B below.
- B. **COMPENSATION PAYABLE ON TERMINATION:** On termination, by either CLIENT or ENGINEER, CLIENT shall pay ENGINEER the full amount specified in paragraph II with respect to amounts due on work completed through the date of termination.

- IX. SUCCESSORS AND ASSIGNS: CLIENT and ENGINEER each binds itself, and its partners, successors, executors, administrators, and assigns to the other party of this Agreement and to partners, successors, executors, administrators, and assigns of such other party in respect to all covenants of this Agreement. Neither CLIENT nor ENGINEER shall assign, sublet, or transfer its interest in this Agreement without written consent of the other. Nothing herein shall be construed as giving any rights or benefits hereunder to anyone other than CLIENT and ENGINEER.
- X. SPECIAL PROVISIONS: This instrument contains the entire Agreement between CLIENT and ENGINEER, except as additionally stated below:
- A. All letter proposals describing scope of services and method of compensation that are mutually agreed upon shall become part of this Agreement.
- B. The amount of any excise, VAT, gross receipts, or sales tax that may be imposed shall be added to the compensation as determined above.
- XI. INVALIDATION AND MODIFICATIONS: If this Agreement is not executed by CLIENT within 30 days of date tendered, it shall become invalid unless ENGINEER extends the time in writing. This Agreement can be modified only by mutual written consent of both parties.
- XII. This Agreement shall be governed by the laws of the State of Texas. Executed and effective this _____ day of _____, 2014.

CITY OF ROSENBERG
 2110 4th Street
 Rosenberg, Texas 77471

JONES & CARTER, INC.
 6415 Reading Road
 Rosenberg, Texas 77471

BY:

BY: 

DATE: _____

DATE: 9/9/18

ATTEST: _____

ATTEST: _____

Version 6-30-09

Hourly-Lump Sum

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SCHEDULE OF REIMBURSABLE EXPENSES
Effective January 2014
Subject to Annual Revision in January 2015

1. Reproduction performed in office

<u>Size</u>	<u>Black & White</u>	<u>Color</u>
8½ x 11 (single-sided)	\$0.05/page	\$.50/page
8½ x 11 (double-sided)	\$0.15/page	\$ 1.00/page
8½ x 14	\$0.15/page	\$.75/page
11 x 17	\$0.20/page	\$ 1.00/page
 <u>Large Document Prints/Plots</u>		
Translucent Bond	\$0.30/sq ft	\$ 4.00/sq ft
Color Bond	\$0.35/sq ft	\$ 5.00/sq ft
Photographic Bond	\$4.00/sq ft	\$ 8.00/sq ft
Vellum	\$1.00/sq ft	N/A
Mylar (4 mil)	\$2.00/sq ft	N/A
 <u>Aerial Backgrounds</u>		
All sizes	\$5.00/sheet (plus above sq. ft. cost)	

2. Facsimiles sent: \$1.00/each

3. Transportation (mileage): \$0.55/mile

4. Audio/Video Conferencing

- a. Audio Conferencing \$0.15/minute/person
- b. Video Conferencing \$0.50/minute/person
- c. Audio/Video Conferencing \$0.65/minute/person

5. Subcontracts and all other outside expenses and fees: Actual cost plus 10% service charge

6. Surveying Expenses

- a. Crew Rates: Includes time charged portal to portal and the first 120 miles of transportation and standard survey equipment
- b. Special Rental Equipment: Actual cost plus 10%
- c. Stakes: Cost plus 10% service charge where an excessive number of wooden stakes or any special stakes are required
- d. Iron Rods and Pipes: Cost plus 10%
- e. All-Terrain Vehicle (ATV): \$150/day
- f. Overnight Stays: \$190/night
- g. Overtime Rates: Jobs requiring work on weekends or holidays billed at 1.5 times the standard rate
- h. Sales Tax: To be paid on boundary-related services.
- i. Deliveries, abstracting services, outside reproduction costs, and other reimbursable expenses charged at cost plus 10%

Final 2014
Standard



Texas Department of Transportation

P.O. BOX 1386 • HOUSTON, TEXAS 77251-1386 • (713) 802-5000

August 6, 2014



Robert Gracia
City Manager
City of Rosenberg
PO Box 32
Rosenberg, Texas 77471-0032

RE: US 90A - One-Way Pair from Spur 529 to Millie Street (CSJ: 0027-06-056)

Dear Mr. Gracia:

We understand the City of Rosenberg has utilities underneath the subject roadway that need to be modified prior to construction of the subject project. The purpose of this letter is to advise you that the subject project is currently scheduled for a December 2014 letting. The schedule may slide slightly pending ROW acquisition. However, it will be let within the 2015 fiscal year. Please arrange to have this non reimbursable utility work completed prior to startup of the proposed construction.

If additional information is required, please contact William R. Brudnick, Director of Transportation, Planning and Development, at (713) 802-5617.

Sincerely,

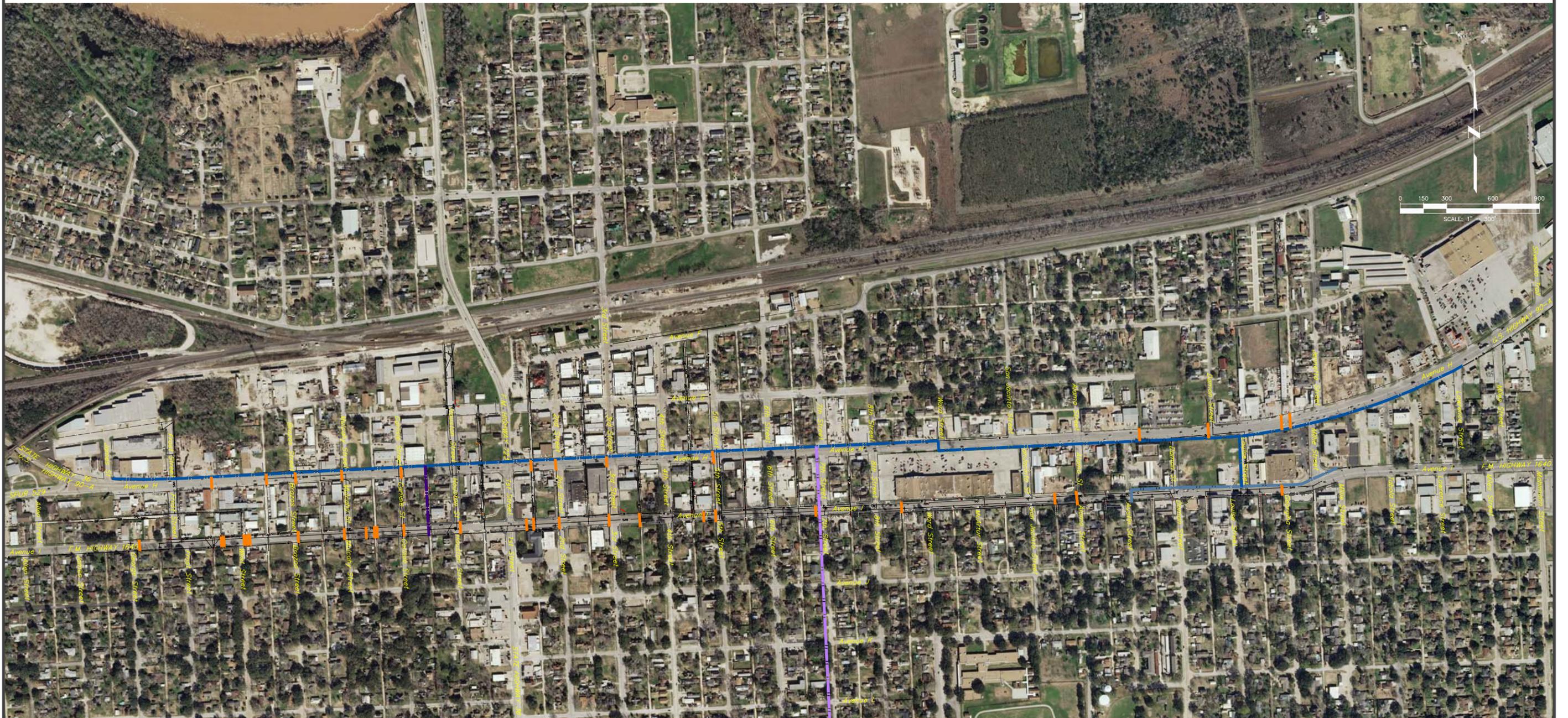
Michael W. Alford, P.E.
District Engineer
Houston District

cc: The Honorable Victor M. Morales, Jr., Mayor of City of Rosenberg
William R. Brudnick, P.E., Director of Transportation, Planning and Development, Houston District

THE TEXAS PLAN

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PROJECT EXHIBIT
CITY OF ROSENBERG, TEXAS
WATER LINE REPLACEMENTS

September 2014

PROJECT LEGEND

-  Proposed 12" Water Line Replacement
-  Proposed 12" Water Line Replacing Existing 6" Water Line
-  Proposed New 12" Water Line
-  Proposed 6" Water Line Replacement
-  Proposed Water Line/Service Lead Replacement

RESOLUTION NO. R-1801

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

* * * * *

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

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

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

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

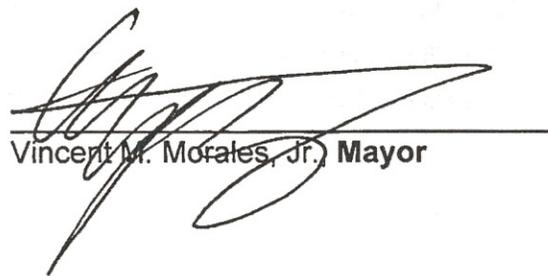
Section 1. City Council hereby approves the FY2015 Capital Improvements Plan for the City of Rosenberg which is attached hereto as Exhibit "A" and made a part hereof for all purposes.

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

ATTEST:


Linda Cernosek, City Secretary

APPROVED:


Vincent M. Morales, Jr., Mayor



FY2015 CAPITAL IMPROVEMENT PROJECTS

GENERAL/STREETS AND DRAINAGE PROJECTS

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

WATER AND WASTEWATER PROJECTS

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

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

On this the 26th day of August, 2014, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Special Workshop Session, in the Rosenberg City Hall Council Chamber, located at 2110 4th Street, Rosenberg, Texas.

5. **REVIEW AND DISCUSS AVENUE I, AVENUE H, AND DOWNTOWN ROSENBERG UTILITY RELOCATION, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: On August 08, 2014, the City Manager received correspondence from the Texas Department of Transportation (TxDOT) providing notice of a road project that will include US 90A (Avenue H) and FM 1640 (Avenue I) from Spur 529 to Millie Street. The project is scheduled for a December 2014 letting. Per the correspondence, the City will need to take the appropriate action to relocate or replace underground utility lines that may be impacted by the project.

The City recently completed a sanitary sewer line replacement project along Avenue H, Avenue I and the Downtown area of the City within the limits of the TxDOT project. The City does have numerous water lines located underneath the pavement, particularly along Avenue H. The lines have exceeded their life expectancy and numerous leaks have been repaired. In addition, several fire hydrants along Avenue H near the Downtown area have been damaged and not replaced due to their close proximity to the traffic lanes and the lack of main line valves that prevent the water from being turned off in order to make the needed repairs. It would be most cost effective and in the best interest of the City to replace the deficient water lines in this general area prior to the TxDOT project. This would improve the reliability of the water distribution system, increase system capacity and improve fire protection.

This item has been placed on the Agenda to offer City Council the opportunity to discuss the need to replace the water lines and direct staff as necessary.

Key discussion points:

- John Maresh, Assistant City Manager of Public Services read the Executive Summary regarding the item.

Questions/Comments:

Q: This needs to be done before the letting of the contract. Will there be Mobility Funds available to do this project?

A: There will be \$1.5M from Mobility Funds.

Q: Will upsizing those lines help our rating?

A: Yes, with the subsidence issue mandate and to help push the water through.

Q: During discussion of the one-way pairs project replacing the water lines was not a part of the project was it?

A: We had discussion regarding replacement of the sewer lines first. That was a great concern at that time. We just received the information from TxDOT and we need to act on this.

Q: The expense of the project will be more than we have for this. Will we have to do a bond on this?

A: With the mobility funds and some other funds available we should be able to cover it.

- The general consensus of Council was to move forward and bring the item back to Council at the next regular meeting.
- No action was taken on the item.

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

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

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

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

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

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

Key discussion points:

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

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

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

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

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

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

Key discussion points:

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

Questions:

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

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

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

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

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

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

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

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

Key discussion points:

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

Questions:

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



CITY COUNCIL COMMUNICATION

September 16, 2014

ITEM #	ITEM TITLE
8	Resolution No. R-1816 - Authorizing Sale of Old City Hall

ITEM/MOTION

Consideration of and action on Resolution No. R- 1816, a Resolution authorizing the public sale of certain real property located at 2033 Avenue H, Rosenberg, Texas (old City Hall), more particularly described as being the east 60 feet (E. 60') off of the east end of Lots Eighteen (18), Nineteen (19) and Twenty (20), in Block Forty-Three (43) of the Town of Rosenberg, Fort Bend County, Texas, according to the map or plat thereof recorded in Volume P, Page 146 of the Deed Records of Fort Bend County, Texas, and further authorizing that the City Manager shall direct the preparation and execution of all necessary documentation regarding same; and containing other 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. Resolution No. R-1816
2. Public Notice of Sale of Real Property

MUD #: N/A

APPROVALS

Submitted by:

Randall Malik
Economic Development
Director

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

This Agenda item provides City Council an opportunity to review and discuss the proposed public notice and general bid instructions/procedures for the sale of the Old City Hall Building.

In consideration of the proposed sale of City-owned property, and in accordance with requirements of the Texas Local Government Code, the City shall:

- (1) Prepare and publish a Notice of Sale (to be published at least twice in a paper of general circulation) to allow all interested parties the opportunity to bid on the properties. The public notice must include a description of the land, including its locations, and the procedure by which sealed bids to purchase the land or offers to exchange the land may be submitted. The notice must be published on two separate dates and the sale or exchange may not be made until after the 14th day after the date of the second publication.
- (2) Hold a public bid opening as advertised. The proposed bid opening is scheduled for Friday, November 07, 2014, at 2:00 p.m., in the Council Chamber.
- (3) Offer the bids for formal acceptance and approval by City Council at least 14 days after the date of the second publication of the Notice of Sale.

Staff recommends approval of Resolution No. R- 1816 as presented.

RESOLUTION NO. R-1816

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AUTHORIZING THE PUBLIC SALE OF CERTAIN REAL PROPERTY, LOCATED AT 2033 AVENUE H, ROSENBERG, TEXAS (OLD CITY HALL), MORE PARTICULARLY DESCRIBED AS BEING THE EAST 60 FEET (E. 60') OFF OF THE EAST END OF LOTS EIGHTEEN (18), NINETEEN (19) AND TWENTY (20), IN BLOCK FORTY-THREE (43) OF THE TOWN OF ROSENBERG, FORT BEND COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME P, PAGE 146 OF THE DEED RECORDS OF FORT BEND COUNTY, TEXAS, AND FURTHER AUTHORIZING THAT THE CITY MANAGER SHALL DIRECT THE PREPARATION AND EXECUTION OF ALL NECESSARY DOCUMENTATION REGARDING SAME; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, the City of Rosenberg owns certain properties which, from time to time, it may offer for public sale; and,

WHEREAS, the City Council of the City of Rosenberg hereby deems it desirable and in the best interest of the City of Rosenberg to sell property owned by the City generally located at 2033 Avenue H, Rosenberg, Texas, and more particularly described in Section 1 hereof; and,

WHEREAS, the City Council of the City of Rosenberg hereby finds and determines that there is no public necessity for the continued ownership of said property; now therefore,

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

Section 1. That the City Council of the City of Rosenberg hereby authorizes the offering for public sale of certain real property generally located at 2033 Avenue H, Rosenberg, Texas, more particularly described below:

Being the East 60 Feet (E. 60') off of the East end of Lots Eighteen (18), Nineteen (19) and Twenty (20), in Block Forty-Three (43) of the Town of Rosenberg, Fort Bend County, Texas, according to the map or plat thereof recorded in Volume P, Page 146 of the Deed Records of Fort Bend County, Texas.

Section 2. That the City Council of the City of Rosenberg directs the sale of said property according to the public notice and general bid instructions/procedures established in Exhibit "A" attached hereto for all purposes.

Section 3. That said sale shall be subject to the final consideration, confirmation, and approval of City Council.

Section 4. That this resolution shall take effect immediately upon its adoption.

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

ATTEST:

APPROVED:

Linda Cernosek, TRMC, **City Secretary**

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



PUBLIC NOTICE OF SALE OF REAL PROPERTY

The City of Rosenberg, (hereinafter "City" or "Seller"), provides this PUBLIC NOTICE OF SALE OF REAL PROPERTY and INVITATION TO BID on real property owned by the City of Rosenberg. This property is being offered for sale and redevelopment by the City of Rosenberg as a means to enhance economic development in the area.

I. The Location And Legal Description Of The Property Is As Follows:

Legal Description: Being the East 60 Feet (E. 60') off of the East end of Lots Eighteen (18), Nineteen (19) and Twenty (20), in Block Forty-Three (43) of the TOWN OF ROSENBERG, Fort Bend County, Texas, according to the map or plat thereof recorded in Volume P, Page 146 of the Deed Records of Fort Bend County, Texas.

Property Address: 2033 Avenue H, Rosenberg, Texas, 77471

Land Area: Approximately 5,400 Square Feet

II. General Bid Instructions/Procedures

All bidders must submit an original of their sealed bid to purchase the herein described real property addressed to the City of Rosenberg, Fort Bend County, Texas to be received at the City of Rosenberg Office, 2110 4th Street, Rosenberg, Texas, 77471, prior to the response due date/time of 2:00 p.m., on **Friday, November 07, 2014**. Any bids received after the specified time and date shall not be accepted. No exceptions. Bid forms may be mailed to all interested persons and are also available at the City of Rosenberg Economic Development Department at 2110 4th Street, Rosenberg, Texas 77471, or via email randallm@ci.rosenberg.tx.us.

Bids will be publicly opened in the Council Chamber located at 2110 4th Street, Rosenberg, Texas 77471 (City Hall) on Friday, November 07, 2014, at 2:00 p.m.

2.1. Each sealed bid shall include "CITY-2014-11", the legal name of the prospective purchaser, and a statement whether the prospective purchaser is a

sole proprietor, a partnership, or a corporation. If a corporation, the corporation shall also give the date of incorporation and have a corporate seal affixed.

- 2.2. Each sealed bid shall be signed by the person or persons legally authorized to bind the prospective purchaser to a contract.
- 2.3. The prospective purchaser, in their sealed bid, shall signify that they have read and understands all conditions concerning the site, as outlined in this invitation for bid and that their bid is made in accordance with the invitation to bid.
- 2.4. Questions regarding bid requirements should be addressed to Economic Development Director Randall Malik, at 832-595-3330 or email at randallm@ci.rosenberg.tx.us
- 2.5. The City of Rosenberg reserves the right to select any bid and sell the subject property based upon its determination of the highest bid price and best use of the property. The City of Rosenberg reserves the right to refuse and reject any and all bids.
- 2.6. The proposed use and strategy for the property will be a principal factor in judging what the City of Rosenberg deems to be the most acceptable bid.

III. Contents of the sealed bid

- 3.1 Submitted sealed bids shall provide specific details on the proposed use of this site. Additional data, exhibits, statements, drawings, plans, etc., are recommended to ensure a total understanding and proper evaluation of each bid by the City. Included in the bid should be information such as jobs created, capital investment, and building improvements.
- 3.2 The bid shall include proof of the bidder's financial ability to undertake said bid and shall include a timeline for completion of project.

IV. Negotiation and execution of contract

- 4.1 After acceptance of the highest and best bid, successful bidder will be required to enter into an earnest money contract for the purchase of the property. Negotiation is intended to result in an earnest money contract for the sale and subsequent reuse of the site deemed to be most beneficial to the public and in the best interest of the City of Rosenberg.
- 4.2 The contract for the sale (earnest money contract) will be executed only upon final approval by the City of Rosenberg.

- 4.3 Said earnest money contract shall provide for a timely closing date, but no closing shall take place until after the 14th day after the second publication date of this notice. At closing, in addition to any additional terms as may be made apart the said earnest money contract, the City of Rosenberg will deliver a Special Warranty Deed. Said deed shall provide that the property will be sold “as is, where is” with all faults. The City of Rosenberg has not made and specifically disclaims any warranties or representations of any kind or character, express or implied (exclusive of the Warranty of Title) with respect to the property, including but not limited to (1) the value, condition, merchantability, suitability, or fitness of the property for any particular purpose, (2) the manner or quality of construction or of the materials incorporated into the property, (3) the manner, quality or state of repair or lack of repair of any improvements. This provision shall be made a part and included in said special warranty deed.
- 4.4 The successful bidder/buyer shall pay all costs of sale (“closing costs”) including but not limited to tax statements or certificates; preparation of a special warranty deed; all escrow fees charged by Escrow Agent; an owner’s policy of title insurance (title policy), the survey of the property; all loan origination, discount, buy-down and commitment fees (loan fees); loan application fees, credit reports, preparation of loan documents; interest on the note from the date of disbursement to one month prior to dates of first monthly payments; recording fees, copies of easements and restrictions; mortgage title policy with endorsements required by lender; loan related inspection fees; costs to obtain, deliver, and record all documents; expenses and attorney’s fees.
- 4.5 No costs of sale (“closing costs”) will be paid by the City of Rosenberg.

V. Reservation of rights

- 5.1 THE CITY OF ROSENBERG RESERVES THE RIGHT TO ACCEPT OR REJECT ANY OR ALL BIDS AS PROVIDED BY THE TEXAS LOCAL GOVERNMENT CODE.

VI. Publication

- 6.1 Two (2) publications in the Fort Bend Herald/newspaper of general circulation.
- Publish Date No. 1 - September 25, 2014
 - Publish Date No. 2 - October 02, 2014

Please direct any questions regarding this bid or bid documents to Economic Development Director Randall Malik at 832-595-3330.

DATED this, the _____ day of _____ 2014.

Robert Gracia, City Manager

ATTEST:

Linda Cernosek, City Secretary



CITY COUNCIL COMMUNICATION

September 16, 2014

ITEM #	ITEM TITLE
9	Resolution No. R-1849 – Intent to Issue Certificates of Obligation

ITEM/MOTION

Consideration of and action on Resolution No. R-1849, a Resolution authorizing publication of Notice of Intention to Issue Certificates of Obligation, in an aggregate principal amount not to exceed \$3,200,000, for the acquisition, construction and improvement of certain public works, and authorizing certain other matters relating thereto.

FINANCIAL SUMMARY	ELECTION DISTRICT
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Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

- Yes No N/A

Source of Funds: N/A

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

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

- Resolution No. R-1849
- Certificates of Obligation, Series 2014A – Financing Schedule

APPROVALS

Submitted by:

Joyce Vasut
Executive Director of
Administrative Services

Reviewed by:

- Exec. Dir. of Administrative Services
- Asst. City Manager for Public Services
- City Attorney
- City Engineer
- City Bond Counsel *MD/jv*

Approved for Submittal to City Council:

Robert Gracia
City Manager

EXECUTIVE SUMMARY

Marcus Deitz, Fulbright & Jaworski LLP, has prepared Resolution No. R-1856 authorizing publication of Notice of Intention to issue Certificates of Obligation, in an aggregate principal amount not to exceed \$3,200,000 for the Airport Avenue, Bryan Road and utility adjustments to Avenue H and Avenue I.

Approval of Resolution No. R-1856 is required for Mr. Deitz, City's Bond Counsel, and Joe Morrow, City's Financial Advisor, to proceed with obtaining quotes for the financing. The quotes and terms will be presented to City Council at a later date for approval. The proposed schedule is to obtain quotes on October 21, 2014.

Staff recommends approval of Resolution No. R-1856, authorizing publication of Notice of Intention to issue Certificates of Obligation, in an aggregate principal amount not to exceed \$3,200,000 for the acquisition, construction and improvement of certain public works, and authorizing certain other matters relating thereto.

RESOLUTION NO. R-1849

RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3,200,000 FOR THE ACQUISITION, CONSTRUCTION AND IMPROVEMENT OF CERTAIN PUBLIC WORKS, AND AUTHORIZING CERTAIN OTHER MATTERS RELATING THERETO

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

WHEREAS, the City Council (the “City Council”) of the City of Rosenberg, Texas (the “City”), is authorized to issue certificates of obligation to pay contractual obligations to be incurred for the construction of public works, for the purchase of materials, supplies, equipment, machinery, buildings, land and rights-of-way for authorized needs and purposes, and for the payment of contractual obligations for professional services pursuant to Subchapter C of Chapter 271, Texas Local Government Code, as amended;

WHEREAS, the City Council has determined that it is in the best interests of the City and otherwise desirable to issue the City of Rosenberg, Texas Combination Tax and Revenue Certificates of Obligation, Series 2014A, in one or more series, in an aggregate principal amount not to exceed \$3,200,000 (the “Certificates”) for the design, engineering, acquisition and construction of certain public works and the purchase of certain equipment for authorized needs and purposes;

WHEREAS, in connection with the Certificates, the City Council intends to publish notice of intent to issue the Certificates (the “Notice”) in a newspaper of general circulation in the City; and

WHEREAS, the City Council has been presented with and has examined the proposed form of Notice and finds that the form and substance thereof is satisfactory, and that the recitals and findings contained therein are true, correct and complete.

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

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

Section 2. Authorization of Notice. The City Secretary is hereby authorized and directed to execute and deliver the Notice set forth in Exhibit A hereto and to publish such Notice on behalf of the City once a week for two (2) consecutive weeks in a newspaper which is of general circulation in the City, the date of the first publication of the Notice to be at least

thirty-one (31) days before the date tentatively set in the Notice for the passage of the ordinance authorizing the issuance of the Certificates.

Section 3. Authorization of Other Matters Relating Thereto. The Mayor, City Secretary and other officers and agents of the City are hereby authorized and directed to do any and all things necessary or desirable to carry out the provisions of this Resolution.

Section 4. Effective Date. This Resolution shall take effect immediately upon passage.

Section 5. Public Meeting. It is officially found, determined and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place and subject matter of the public business to be considered at such meeting, including this Resolution, was given all as required by the Texas Government Code, Chapter 551, as amended.

[signature page follows]

PASSED AND APPROVED this 16th day of September, 2014.

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

ATTEST:

Linda Cernosek, City Secretary
City of Rosenberg, Texas

(SEAL)

EXHIBIT A
NOTICE OF INTENTION TO ISSUE CERTIFICATES

NOTICE IS HEREBY GIVEN that the City Council of the City of Rosenberg, Texas (the “City”) will meet at its regular meeting place at City Hall, Rosenberg, Texas at 7:00 p.m. on the 21st day of October, 2014, which is the time and place tentatively set for the passage of an ordinance and such other action as may be deemed necessary to authorize the issuance of the City’s certificates of obligation in one or more series, payable from ad valorem taxation and a surplus pledge of certain revenues of the water and sewer system of the City, in the maximum aggregate principal amount of \$3,200,000, bearing interest at any rate or rates, not to exceed the maximum interest rate now or hereafter authorized by law, as shall be determined within the discretion of the City Council at the time of issuance and maturing over a period of years not to exceed forty (40) years from the date thereof, for the purpose of evidencing the indebtedness of the City to pay all or any part of the contractual obligations to be incurred for the construction of public works and the purchase of materials, supplies, equipment, machinery, buildings, land and rights-of-way for authorized needs and purposes and for the payment of contractual obligations for professional services, to wit: (i) street, drainage and utility improvements, including improvements to Airport Road, Bryan Road, Avenue H and Avenue I, and (ii) professional services rendered in connection with the above listed projects.

WITNESS MY HAND AND THE OFFICIAL SEAL OF THE CITY, this 16th day of September, 2014.

City Secretary
City of Rosenberg, Texas

City of Rosenberg, Texas
Proposed Certificates of Obligation, Series 2014A

FINANCING SCHEDULE

*** As of September 4, 2014 ***

Sep-14							Oct-14							Nov-14						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
	1	2	3	4	5	6				1	2	3	4							1
7	8	9	10	11	12	13	5	6	7	8	9	10	11	2	3	4	5	6	7	8
14	15	16	17	18	19	20	12	13	14	15	16	17	18	9	10	11	12	13	14	15
21	22	23	24	25	26	27	19	20	21	22	23	24	25	16	17	18	19	20	21	22
28	29	30					26	27	28	29	30	31		23	24	25	26	27	28	29
														30						

Holiday
 Council Meeting

Completion Date	Event	Responsibility
Tues - Sept 16	City Council Meeting: Authorize Publication of Notice of Intent of Sale for Certificates	City, BC
Wed - Sept 17	Circulate Draft of Preliminary Official Statement (POS) and Notice of Sale (NOS)	FA
Fri - Sept 19	Publish First Notice of Intent	City, BC
Sat - Sept 20	Last day to publish Notice of Intent	City, BC
Mon - Sept 22	Comments due on 1st Draft of POS/NOS	FWG
Wed - Sept 24	Circulate 2nd Draft of POS/NOS	FA
Wed - Sept 24	Mail Credit Packages to rating agencies	FA
Fri - Sept 26	Publish Second Notice of Intent	City, BC
Week of Sept 29	Rating Calls	City, FA
Thur - Oct 2	Comments due on 2nd Draft of POS/NOS	FWG
Mon - Oct 6	Circulate 3rd Draft of POS/NOS	FA
Thur - Oct 9	Receive Ratings	FA
Mon - Oct 13	Final comments due on POS/NOS	FWG
Tues - Oct 14	Print sale documents	FA
Tue - Oct 21	City Council Meeting: Award Certificates to Purchasers, Adopt Ordinance	City, FA, IP
Wed - Oct 22	Circulate draft of OS	FA
Thur - Oct 24	Submit transcript of proceedings to Attorney General	BC
Tue - Oct 28	Comments due on OS	FWG
Wed - Oct 29	Print and mail OS	FA
Tues - Nov 11	Circulate Closing Memo	FA
Tues - Nov 18	Closing	FWG, IP

* This Financing Schedule is subject to change.

Symbol Key		
FWG	Finance Working Group	Includes the City, BC & FA
BC	Bond Counsel	Fulbright & Jaworski, LLP
FA	Financial Advisor	First Southwest Company
IP	Initial Purchaser.....	TBD



CITY COUNCIL COMMUNICATION

September 16, 2014

ITEM #	ITEM TITLE
10	Resolution No. R-1850 – Purchase Property/Resale Deed

ITEM/MOTION

Consideration of and action on Resolution No. R-1850, a Resolution authorizing the Mayor to purchase real property described as Lot One (1), Block Eighteen (18), Rosenberg, located in Fort Bend County, Texas, and being more particularly described in Clerk's File Number 9007021 of the Real Property Records of Fort Bend County, Texas; and, containing other provisions relating to the subject.

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

Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

- Yes No N/A

Source of Funds: N/A

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

SUPPORTING DOCUMENTS:

1. Resolution No. R-1850
2. Resale Deed
3. Bid Analysis
4. Map
5. Photo
6. Resolution No. R-1837- 08-19-14
7. City Council Meeting Draft Minute Excerpt – 08-19-14

MUD #: N/A

APPROVALS

Submitted by:

Joyce Vasut
Executive Director of
Administrative Services

Reviewed by:

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

Approved for Submittal to City Council:

Robert Gracia
City Manager

EXECUTIVE SUMMARY

Mike Darlow, with Perdue, Brandon, Fielder, Collins and Mott LLP (PBFCM), provided a list of property held in trust by the City or Fort Bend County on lots in the City that did not sell at the initial tax sale. At the August 19, 2014 City Council meeting, City Council approved the resale of several properties that were acquired through tax foreclosure proceedings.

An additional property was included in the original list but was not presented for resale since City staff agreed that this property would be beneficial for the City to own. Therefore, Resolution No. R-1850 authorizes the City to purchase the property, described as, LOT ONE (1), BLOCK EIGHTEEN (18), ROSENBERG, LOCATED IN FORT BEND COUNTY, TEXAS, for \$1,860.00. Although this item has not been budgeted, staff will include this item in the year-end budget adjustment if approved by City Council.

The property is located at the intersection of Avenue B and 6th Street and is just about totally encumbered by the large drainage gully. The property would most likely not ever be developed due to the limited

amount of usable space and floodplain issues. If the City were to improve the drainage in the area or upgrade water or sanitary sewer utilities, the property would most likely have to be acquired by the City. Public Works currently mows the drainage gully (entire property) so there would not be any additional maintenance costs associated with the acquisition.

Staff recommends approval of Resolution No. R-1850, a Resolution authorizing the purchase of the resale property that was acquired through tax foreclosure proceedings.

RESOLUTION NO. R-1850

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AUTHORIZING THE MAYOR TO PURCHASE REAL PROPERTY DESCRIBED AS LOT ONE (1), BLOCK EIGHTEEN (18), ROSENBERG, LOCATED IN FORT BEND COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED IN CLERK’S FILE NUMBER 9007021 OF THE REAL PROPERTY RECORDS OF FORT BEND COUNTY, TEXAS, AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

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

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

WHEREAS, the City Council deems the subject property is needed for future use by the City of Rosenberg; and,

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

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

Section 1. That the City Council authorizes the Mayor to purchase said property, for and on behalf of the City of Rosenberg, generally described as follows:

Lot One (1), Block Eighteen (18), Rosenberg, located in Fort Bend County, Texas, and being more particularly described in Clerk’s File Number 9007021 of the Real Property Records of Fort Bend County, Texas, (Account Number 7835-00-018-0010-901).

Section 2. The Mayor is hereby authorized to offer \$1,860.00 for said property purchase.

Section 3. That this Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED, AND RESOLVED on the _____ day of _____ 2014.

ATTEST:

APPROVED:

Linda Cernosek, TRMC, **City Secretary**

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

THE STATE OF TEXAS
COUNTY OF FORT BEND

§
§
§

RESALE DEED

NOTICE OF CONFIDENTIALITY RIGHT:

IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

KNOW ALL MEN BY THESE PRESENTS that the CITY OF ROSENBERG for itself and as Trustee for the use and benefit of the FORT BEND COUNTY, LAMAR-CONSOLIDATED INDEPENDENT SCHOOL DISTRICT, LATERAL ROAD & FLOOD CONTROL, FORT BEND COUNTY DRAINAGE, AND FORT BEND COUNTY GENERAL FUND, acting by and through its duly elected official ("GRANTOR") as authorized by Section 34.05, Texas Property Tax Code, for and in consideration of the sum of ONE THOUSAND EIGHT HUNDRED SIXTY DOLLARS (\$1,860.00), in hand paid by CITY OF ROSENBERG. ("GRANTEE") the receipt of which is hereby acknowledged and confessed, has granted and conveyed and by these presents do grant and convey unto said grantee all right, title and interest of the CITY OF ROSENBERG for itself and as Trustee for the use and benefit of the FORT BEND COUNTY, LAMAR-CONSOLIDATED INDEPENDENT SCHOOL DISTRICT, LATERAL ROAD & FLOOD CONTROL, FORT BEND COUNTY DRAINAGE, AND FORT BEND COUNTY GENERAL FUND, in the property herein conveyed, acquired by tax foreclosure sale heretofore held, in Cause No. 04-DCV-139364, styled CITY OF ROSENBERG VS. WASHINGTON, ORA L., ET AL said property being described as:

LOT ONE (1), BLOCK EIGHTEEN (18), ROSENBERG, LOCATED IN FORT BEND COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED IN CLERK'S FILE NUMBER 9007021 OF THE REAL PROPERTY RECORDS OF FORT BEND COUNTY, TEXAS. (ACCOUNT NUMBER 7835-00-018-0010-901).

GRANTOR excludes and excepts from this conveyance any warranties, express or implied, on the property, including, without limitation, any warranties arising by common law or Section 5.023 of the Property Code.

GRANTOR conveys the property:

- (a). "as is", "with all faults" and without any warranty as to condition or environmental hazard,
- (b). subject to all restrictions, easements, rights-of-way leases, oil, gas and mineral leases, royalties, mineral conveyances, and mineral reservations of record, if any, in the office of the County Clerk of said County,
- (c). subject to any right of redemption; and

- (d). subject to rights of parties in possession

GRANTOR disclaims any warranty, guaranty or representation, oral or written, on:

- (a). the nature and condition of the property or other items conveyed hereunder, without limitation, the water, soil and geology,
- (b). the suitability of the property conveyed hereunder for any and all activities and uses which GRANTEE may elect to conduct thereon,
- (c). the existence of any environmental hazards or conditions thereon, (including but not limited to the presence of asbestos or other hazardous materials),
- (d). compliance with applicable environmental laws, rules or regulations; and
- (e). the compliance of the property with any laws, ordinances, or regulations of any governmental entity or body.

By acceptance of this deed, GRANTEE acknowledges and agrees:

- (a). that GRANTOR acquired the property through foreclosure of a tax lien as Trustee and as such has little, if any, knowledge of the physical or economic characteristics of the property,
- (b). GRANTEE has inspected the property and is relying solely on **its** own investigation of the same and not on any information provided or to be provided by on behalf of GRANTOR,
- (c). that any information provided with respect to the property was obtained from a variety of sources, and
- (d). GRANTOR (1) has not made any independent investigation or verification of such information; and (2) does not make any representations as to the accuracy or completeness of such information.
- (e). that if there are any improvements on the property, GRANTOR shall not be responsible for or liable to GRANTEE for any construction defects, errors omissions, or any other conditions affecting the property.

GRANTEE or anyone claiming by, through or under GRANTEE, hereby fully releases GRANTOR, its employees, officers, directors, representatives, attorneys and agents from any and all claims that it may now have or hereafter acquire against GRANTOR, its respective employees, officers, directors, representatives, attorneys and agents for any cost, loss, liability, damage, expense, demand, action or cause of action arising from or related to the conveyance of the premises herein as well as any construction defects, errors, omissions, or other conditions

affecting the property and other items conveyed hereunder. GRANTEE further acknowledges and agrees that this release shall be given full force and effect according to each of its express terms and provisions, including, but not limited to, those relating to unknown and suspected claims, damages and causes of action. This covenant releasing GRANTOR shall be a covenant running with the property and shall be binding upon GRANTEE, **Its** successors, beneficiaries and assigns. GRANTOR hereby assigns without recourse or representation of any nature to GRANTEE, effective upon the execution and delivery hereof, any and all claims that GRANTOR may have for any such errors, omissions or defects in the property and other items conveyed hereunder. As a material covenant and condition of this conveyance, GRANTEE agrees that in the event of any such construction defects, errors, omissions or on account of any other conditions affecting the property, GRANTEE shall look solely to GRANTOR'S predecessors or to such contractors and consultants as may have contracted for work in connection with the property and other items conveyed hereunder for any redress or relief. Upon the assignment by GRANTOR of its claims, GRANTEE releases GRANTOR of all right, express or implied, GRANTEE may have against GRANTOR arising out of or resulting from any errors, omissions or defects in the property and other items conveyed hereunder. GRANTEE further understands that some of GRANTOR'S predecessors in interest may be or become insolvent, bankrupt, judgment-proof or otherwise incapable of responding in damages and GRANTEE may have no remedy against such predecessors, contractors or consultants.

GRANTEE hereby further agrees on behalf of **Its** successors, beneficiaries and assigns to indemnify, protect, defend, save and hold harmless GRANTOR and GRANTOR'S elected and appointed officials, employees, officers, directors, representatives, attorney and agents from and against any and all debts, duties, obligation, liabilities, suits, claims, demands, cause of action, damages, losses, costs and expenses (including, without limitation, attorneys' fees and expenses and court costs) in any way relating to, connected with or arising out of the property and other items conveyed hereunder or the ownership, leasing, use, operation, maintenance and management thereof from and after the date hereof, including, without limitation, the cost of any removal of hazardous substances or contaminants from the property and other items conveyed hereunder.

TO HAVE AND TO HOLD said premises, together with all and singular the rights, privileges and appurtenances thereto in any manner belonging unto the said CITY OF ROSENBERG., **Its** successors, beneficiaries, heirs and assigns forever, so that neither the CITY OF ROSENBERG for itself and as Trustee for the use and benefit of the FORT BEND COUNTY, LAMAR-CONSOLIDATED INDEPENDENT SCHOOL DISTRICT, LATERAL ROAD & FLOOD CONTROL, FORT BEND COUNTY DRAINAGE, AND FORT BEND COUNTY GENERAL FUND, nor any person claiming under it shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof.

Taxes for post judgment years and for the current year are assumed by, and are to be paid by GRANTEE.

Executed this _____ day of _____, 2014.

IN TESTIMONY WHEREOF, the taxing authorities herein have caused these presents to be executed their _____ day of _____, _____.

CITY OF ROSENBERG FOR ITSELF AND AS TRUSTEE FOR THE USE AND BENEFIT OF FORT BEND COUNTY, FORT BEND COUNTY, LAMAR-CONSOLIDATED INDEPENDENT SCHOOL DISTRICT, LATERAL ROAD & FLOOD CONTROL, FORT BEND COUNTY DRAINAGE, AND FORT BEND COUNTY GENERAL FUND

VINCENT M. MORALES, JR.
MAYOR, CITY OF ROSENBERG

THE STATE OF TEXAS
COUNTY OF FORT BEND

§
§
§

ACKNOWLEDGMENT

BEFORE ME, the undersigned authority, on this day personally appeared, VINCENT M. MORALES, JR., Mayor, CITY OF ROSENBERG, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2014.

SEAL

NOTARY PUBLIC, in and for the
STATE OF TEXAS
My Commission Expires: _____

Grantee:
CITY OF ROSENBERG
2110 Fourth Street
Rosenberg, TX 77471

After Recording Return to:
Perdue, Brandon, Fielder, Collins & Mott, L.L.P.
1235 North Loop West, Suite 600
Houston, Texas 77008
Kevin Davidson

Bid Analysis

Cause No. 04-DCV-139364

Account No. 7835000180010901

Description LOT ONE (1), BLOCK EIGHTEEN (18), ROSENBERG, LOCATED IN FORT BEND COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED IN CLERK'S FILE NUMBER 9007021 OF THE REAL PROPERTY RECORDS OF FORT BEND COUNTY, TEXAS.

Bid Amount \$1,860.00

Name of Bidder City of Rosenberg

Judgment/ Opening Bid Information

<u>Tax Entity</u>	<u>Tax Years</u>	<u>Amount Due</u>
City of Rosenberg	1994-2005	\$ 329.67 (20%)
Fort Bend County/ Lamar-CISD	1994-2005	\$1,283.96 (80%)

Total (7835000180010901) \$1,613.36

TOTAL AMOUNT DUE AT TIME OF Tax Sale: \$1,613.36

Property Value (at time of Judgment)

Account No. 7835000180010901 \$1,860.00

Costs

Court Costs	<u>\$231.00</u>
Abstract Fees (PBF)	<u>\$325.00</u>
Publication Fee (Fort Bend Herald)	<u>\$459.00</u>
Constable Fee & Commission (Constable Constable Rob Cook)	<u>\$300.00</u>
Recording Fee (Struckoff Deed- PBFM)	<u>\$23.00</u>
Recording Fee (Resale Deed)	<u>\$25.00</u>

Total costs: \$1,363.00

Proposed Distribution

Bid Amount \$1860.00 - Costs \$1,363.00 - Post Jdmt \$166.96 (August, 2014 for 2006-2007 Tax Years)

(ACCOUNT NO. 7835000180010901) Net to Distribute \$330.04

City of Rosenberg	\$66.01
Fort Bend County/ Lamar-CISD	\$264.03

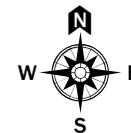
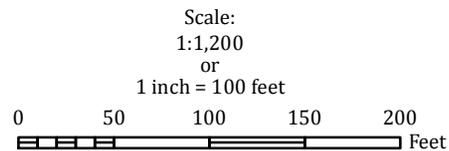
**Please zero out all remaining balances for 1994-2005 tax years



**City of Rosenberg vs Washington, Ora L., Et al
Cause # 04-DCV-139364**

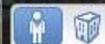
Created by: City of Rosenberg GIS - Paul M. Jones
 Date Created: September 08, 2014
 Original Size: 8.5" x 11"
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This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of geographic features.





2824 Avenue B



Exit Street View



© 2014 INEGI

© 2014 Google
© 2014 Google

Google earth

29°33'54.87" N 95°48'12.30" W elev 83 ft eye alt 91 ft

[Report a problem](#)

RESOLUTION NO. R-1837

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AUTHORIZING THE RESALE OF PROPERTY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO FOR ALL PURPOSES, HAVING BEEN ACQUIRED THROUGH TAX FORECLOSURE PROCEEDINGS.

* * * * *
WHEREAS, on the 19th day of August, 2014, at the regularly scheduled meeting of the City of Rosenberg's City Council, a motion was duly made and seconded for the City of Rosenberg to resell property described on Exhibit "A" attached hereto, which was acquired through tax foreclosure proceedings; and,

WHEREAS, the City of Rosenberg requests that the Constable of Fort Bend County conduct such sale in accordance with Section 34.05 (a), (c) and (d), Property Tax Code, and that such sale be held at the earliest available date in accordance with the laws of the State of Texas; and further that the City of Rosenberg notify the Constable that it would not object to a sale price of such property in the sum of: See Exhibit "A"; and,

WHEREAS, discussion amongst the City Council was then conducted, and upon completion of the same, the Mayor called a vote on the motion, and the same was passed by majority; now, therefore,

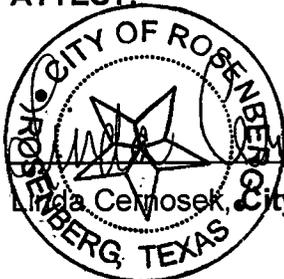
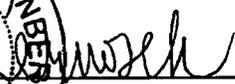
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROSENBERG:

Section 1. The City of Rosenberg offers for resale, in accordance with Section 34.05 (a), (c) and (d), Property Tax Code, the property described on Exhibit "A", attached hereto and made a part hereof for all purposes.

Section 2. The Fort Bend County Constable is hereby requested to conduct such sale in accordance with such statutes at the earliest possible date and further, that a minimum acceptable sale price for such property is as set forth on Exhibit "A", attached hereto for all purposes.

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

ATTEST:



Linda Celmosek, City Secretary

APPROVED:

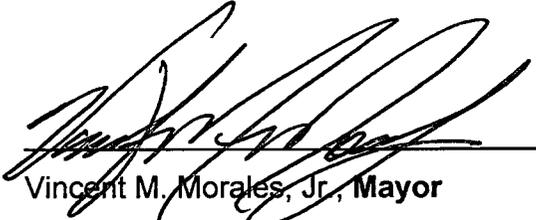

Vincent M. Morales, Jr., Mayor

Exhibit "A"

	PREVIOUS OWNER CASE NUMBER LEGAL DESCRIPTION	MINIMUM BID AT ORIGINAL TAX SALE	APPRAISED VALUE AT TIME OF JUDGMENT	ACCOUNT NUMBER	DATE OF INITIAL TAX FORECLOSURE SALE	OPENING BID FOR RESALE
1.	<p>City of Rosenberg vs. Hubbard, Ella B. Norris, Et al Cause # 02-DCV-126963</p> <p>LOT TWO (2), BLOCK TEN (10), KAFFENBERGER ADDITION TO THE TOWN OF ROSENBERG, LOCATED IN FORT BEND COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED IN VOLUME 845, PAGE 521 OF THE DEED RECORDS OF FORT BEND COUNTY, TEXAS. (ACCOUNT NUMBER 4415-00-010-0020-901)</p> <p>Subject to 2007-2008 taxes.</p>	\$12,185.47	\$15,560.00	4415000100020901	3/31/2008	\$3,000.00
2.	<p>Fort Bend County, Et Al vs. Juan Padilla, Et Al Cause # 07-DCV-160308</p> <p>LOT 5 IN BLOCK 1 OF GOARS ADDITION, AN ADDITION TO THE CITY OF ROSENBERG, IN FORT BEND COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 2, PAGE 27 OF THE PLAT RECORDS OF FORT BEND COUNTY, TEXAS.</p> <p>Subject to 2012 taxes</p>	\$7,730.00	\$7,730.00	3620000010050901	1/18/2013	\$3,000.00
3.	<p>City of Rosenberg vs. Jose Rodriguez, Et Al Cause # 10-DCV-181348</p> <p>ALL OF LOT NO. EIGHTEEN (18) AND THE SOUTH ONE-HALF (1/2) OF LOT NO. SEVENTEEN (17) IN BLOCK NO. TWENTY (20) OF THE TOWN OF ROSENBERG, FORT BEND COUNTY, TEXAS, ACCORDING TO THE PLAT OF SAID TOWN SHOWN OF RECORD IN VOLUME P, PAGE 146 OF THE DEED RECORDS OF FORT BEND COUNTY, TEXAS, TO WHICH REFERENCE IS HERE MADE IN AID OF FURTHER DESCRIPTION, AND BEING SAME PROPERTY DESCRIBED IN RELEASE OF DEED OF TRUST, DATED JULY 10, 1963 FROM D. W. SCHUECH TO FRED R. BROOKS, RECORDED IN VOLUME 131, PAGE 166 OF DEED OF TRUST RECORDS OF FORT BEND COUNTY, TEXAS, TOGETHER WITH ALL IMPROVEMENTS SITUATED THEREON.</p>	\$7,650.00	\$7,650.00	7835000200176901	1/18/2013	\$3,000.00

Exhibit "A"

	Subject to 2012 taxes					
4.	<p>Fort Bend County vs. Jimmy Plata, AKA Jimmie Plata AKA Jim Plata, Et Al Cause # 09-DCV-174979</p> <p>LOT 10 IN BLOCK 15 OF THE CITY OF ROSENBERG, TEXAS, A SUBDIVISION IN FORT BEND COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME P, PAGE 146 OF THE DEED RECORDS OF FORT BEND COUNTY, TEXAS</p>	\$19,511.81	<p><u>Value of Tract 1</u> \$31,120.00 <u>Value of Tract 2</u> \$35,960.00 <u>Total value of Tract 1 & 2</u> \$67,080.00</p>	<p>7835000150100901 7835000150101901</p>	8/16/2013	\$10,000.00
5.	<p>City Of Rosenberg vs. Wickes, Mandy, Et Al Cause # 10-DCV-179605</p> <p>LOT THIRTY EIGHT (38), BLOCK ONE (1), RIVERSIDE TERRACE, SECTION 1, AN ADDITION TO THE CITY OF ROSENBERG, LOCATED IN FORT BEND COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED IN VOLUME 405, PAGE 329 OF THE DEED RECORDS OF FORT BEND COUNTY, TEXAS.</p>	\$9,992.39	\$10,030.00	7610010010380901	8/16/2013	\$5,000.00
6.	<p>Fort Bend County vs. Roberta Harris Cause # 10-DCV-182226</p> <p>LOT 4 IN BLOCK 16 OF ROSENBERG, A SUBDIVISION IN FORT BEND COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME P, PAGE 146 OF THE DEED RECORDS OF FORT BEND COUNTY, TEXAS.</p>	\$5,057.77	\$8,500.00	7835000160040901	8/16/2013	\$2,500.00

now reducing three of the auto allowances from \$4,800 to \$2,400. All numbers will be available in the memorandum coming to Council.

8. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1837, A RESOLUTION AUTHORIZING THE RESALE OF PROPERTY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO FOR ALL PURPOSES, HAVING BEEN ACQUIRED THROUGH TAX FORECLOSURE PROCEEDINGS.**

Executive Summary: Mike Darlow with Perdue, Brandon, Fielder, Collins and Mott LLP (PBFCM), provided a list of property held in trust by the City or Fort Bend County on lots in the City that did not sell at the initial tax sale. Mr. Darlow suggested that the City Council authorize the tax attorneys to conduct a second tax sale to try to sell the lots. City staff has reviewed the list and approved those properties in Exhibit 'A' for resale. Yolanda Humphrey from PBFCM will be available at the meeting to answer any questions that council may have.

Staff recommends approval of Resolution No. R-1837, a Resolution authorizing the resale of property described in Exhibit "A" that was acquired through tax foreclosure proceedings. Upon approval of the Resolution, staff will include the required approval date in the Resolution.

Key discussion points:

- Joyce Vasut read the Executive Summary regarding the item.
- Yolanda Humphrey of Perdue, Brandon, Fielder, Collins and Mott, LLP was present for any questions from Council. She gave an overview of the item.

Questions/Comments:

- Councilor Benton stated these properties will go back at a lower amount.
- Yolanda Humphrey stated they will look at the value of the property, judgment, etc., and the bid amount may be less than the cost of these properties.

Action: Councilor McConathy made a motion, seconded by Councilor Benton to approve Resolution No. R-1837, a Resolution authorizing the resale of property described in Exhibit "A", properties having been acquired through tax foreclosure proceedings. The motion carried by a unanimous vote of those present.

9. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1838, A RESOLUTION AUTHORIZING AMENDMENTS TO THE EMPLOYEE BENEFITS TRUST DECLARATION OF TRUST, A TRUST CREATED FOR THE PURPOSE OF PROVIDING CITY OFFICERS, EMPLOYEES, AND QUALIFIED RETIREES AND THEIR DEPENDENTS, WITH LIFE, DENTAL, DISABILITY, SICKNESS, ACCIDENT, AND OTHER HEALTH BENEFITS, EITHER DIRECTLY OR THROUGH THE PURCHASE OF INSURANCE, AND TO PERFORM OPERATIONS IN FURTHERANCE THEREOF.**

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

On Tuesday, August 19, 2014, the Employee Benefits Trust Committee will meet to discuss the necessary changes to the Declaration of Trust, Section I to reflect the change in Trustees, and also to Schedule "A" to reflect the new plan year of 2014. Therefore, the Declaration of Trust document would need to be amended to reflect these changes.

A redlined copy of the recommended changes to same was included in the agenda packet for City Council consideration. Mr. Sunday will be available at the City Council meeting to answer any questions.

Staff recommends approval of Resolution No. R-1838, authorizing the amendment to the Employee Benefits Trust Declaration of Trust, attached as Exhibit "A" to said Resolution.

Key discussion points:

- Lisa Olmeda, Human Resources Director read the Executive Summary regarding the item.

Action: Councilor Bolf made a motion, seconded by Councilor Benton to approve Resolution No. R-1838, a Resolution authorizing amendments to the Employee Benefits Trust Declaration of Trust, a Trust created for the purpose of providing City Officers, employees, and qualified retirees and their dependents, with life, dental, disability, sickness, accident, and other health benefits, either directly or through the



CITY COUNCIL COMMUNICATION

September 16, 2014

ITEM #	ITEM TITLE
11	Resolution No. R-1848 - Budget Amendment 14-16

ITEM/MOTION

Consideration of and action on Resolution No. R-1848, a Resolution authorizing the City Manager to execute, for and on behalf of the City, Budget Amendment 14-16 in the amount of \$55,000 for write-off of certain accounts receivable.

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

Annualized Dollars:	Budgeted:	<input type="checkbox"/> District 1
<input checked="" 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:	<input type="checkbox"/> District 3
<input type="checkbox"/> N/A	See Attached	<input type="checkbox"/> District 4
		<input type="checkbox"/> City-wide
		<input checked="" type="checkbox"/> N/A

SUPPORTING DOCUMENTS: MUD #: N/A

- Resolution No. R-1848

APPROVALS

Submitted by:	Reviewed by:	Approved for Submittal to City Council:
 Joyce Vasut Executive Director of Administrative Services	<input type="checkbox"/> Exec. Dir. of Administrative Services <input type="checkbox"/> Asst. City Manager of Public Services <input type="checkbox"/> City Attorney <input type="checkbox"/> City Engineer <input type="checkbox"/> (Other)	 Robert Gracia City Manager

EXECUTIVE SUMMARY

Accounts receivable should be reviewed on a regular basis to determine the status and/or collectability of outstanding balances. City staff has determined that there are several areas in which outstanding accounts receivable balances should be removed from the City's General Ledger. Last year the outstanding receivables were reviewed and several were written-off. This year the write-offs still include many invoices that are greater than ten years old. After this year going forward, we will provide write-offs on a current schedule and the dollar amount should not be as large. Since these invoices were recorded as revenues when they were invoiced, they must now be written off as an expense to the City. We have also changed our policies to no longer record mowing, demolitions, and false alarms as revenue until the invoices are paid. This will also avoid large write-off expenses in the future. The recommended write-offs totaling \$55,000.00 include:

- Demolitions and mowing of weedy lots – The City's accounts reflect that \$12,471.30 of receivables for demolitions and mowing are no longer collectable by law. When someone purchases a property in a tax suit/sale, the new owner purchases the property free and clear of all liens. If the purchase price does not provide enough funds to pay off the liens, the receivable must still be removed and the lien must be released.
- The City has false alarms receivable that date back to 2000. These amounts are conveyed to a collection agency and they work the accounts according to policy. Staff recommends writing off false alarm receivables that were invoiced prior to 2010. The false alarm write-offs are recommended in the amount of \$13,875.00.
- There are many miscellaneous invoices that are outstanding. Most are for damages to City property in which the responsible party's insurance coverage did not pay so the person was invoiced. These items are beyond the retention period for insurance claims and the records have been destroyed. These miscellaneous receivables total \$28,653.67 and should have been written off years ago.

Staff recommends approval of Resolution No. R-1848 as presented.

RESOLUTION NO. R-1848

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY OF ROSENBERG, TEXAS, BUDGET AMENDMENT 14-16 IN THE AMOUNT OF \$55,000.00 FOR WRITE-OFF OF CERTAIN ACCOUNTS RECEIVABLE.

* * * * *

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

Section 1. The City Council hereby authorizes Budget Amendment 14-16 (Amendment), in the amount of \$55,000.00 for write-off of certain accounts receivable.

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

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

ATTEST:

APPROVED:

Linda Cernosek, **City Secretary**

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

**CITY OF ROSENBERG, TEXAS
REQUEST FOR BUDGET AMENDMENT**

NUMBER: 14-16

Fund 101 Departments: N/A Fiscal Year: 2013-14

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

Type of expenditure: () Recurring (X) Nonrecurring

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

The budget amendment requested will require the following revisions:

FUND BALANCE/RETAINED EARNINGS ACCOUNT(S):		ORIGINAL	REQUESTED	AMENDED
<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>BUDGET (1)</u>	<u>TRANSFER</u>	<u>BUDGET</u>
		\$ -	\$ -	\$ -
	TOTAL	\$ -	\$ -	\$ -

REVENUE ACCOUNT(S):		ORIGINAL	REQUESTED	AMENDED
<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>BUDGET (1)</u>	<u>TRANSFER</u>	<u>BUDGET</u>
<u>101-0000-402-0000</u>	<u>Sales Tax</u>	\$ 7,563,274.00	\$ 55,000.00	\$ 7,618,274.00
		-	-	-
		-	-	-
		-	-	-
	TOTAL	\$ 7,563,274.00	\$ 55,000.00	\$ 7,618,274.00

EXPENSE ACCOUNT(S):		ORIGINAL	REQUESTED	AMENDED
<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>BUDGET (1)</u>	<u>TRANSFER</u>	<u>BUDGET</u>
<u>101-1800-510-8530</u>	<u>Other Expenses - Bad Debt</u>	\$ -	\$ 55,000.00	\$ 55,000.00
		-	-	-
		-	-	-
		-	-	-
		-	-	-
	TOTAL	\$ -	\$ 55,000.00	\$ 55,000.00

(1) INCLUDES PREVIOUSLY APPROVED AMENDMENTS

Reason for Amendment: Please explain the reason(s) the amendment is requested.

This budget adjustment is necessary to write-off accounts receivable for false alarms, mowing lots, and miscellaneous accounts receivable.

Joyce Vasut

Director of Finance 09-08-2014 Date City Manager _____ Date

Mayor/City Council _____ Date

ACCOUNTING USE ONLY: DATE POSTED: _____ POSTED BY: _____

ITEM 12

Announcements.

ITEM 13

Adjournment.