

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, November 04, 2014

TIME: 6:30 p.m.

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

PURPOSE: Regular City Council Meeting, agenda as follows:

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

Call to order: City Hall Council Chamber

Invocation and Pledge of Allegiance. (Reverend Daniel Haas, St. John's United Church of God, Rosenberg)

Presentation of Proclamation Proclaiming November 2014 as "National Alzheimer's Month" in the City of Rosenberg. (Vincent M. Morales, Jr., Mayor)

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

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 Joint City Council and Rosenberg Development Corporation Meeting Minutes for September 11, 2014, Special Meeting Minutes for September 30, 2014, and Workshop Meeting Minutes for September 30, 2014. (Linda Cernosek, City Secretary)
 - B. Consideration of and action on a Short Form Final Plat of KB Subdivision, a subdivision of 2.609 acres of land (Fort Bend County Clerk's File No. 2013096789) being a call 2.601 acre tract (Volume 2386, Page 2102; Official Records of Fort Bend County, Texas) out of the original Helen Ray Hillyer call 30 acre tract of land (Volume 438, Page 488; Deed Records of Fort Bend County, Texas) being in the Henry Scott Survey, Abstract No. 83, City of Rosenberg, Fort Bend County, Texas; 0 lots, 2 reserves, 1 block. (Travis Tanner, Executive Director of Community Development)
 - C. Consideration of and action on a Final Plat of Walnut Creek Section Ten, a subdivision of 9.689 acres containing 42 lots, 2 blocks, 2 restricted reserves, out of the Eugene Wheat Survey, A-396, Fort Bend County, Texas. (Travis Tanner, Executive Director of Community Development)

REGULAR AGENDA

2. Review and discuss a report regarding the status of collections for delinquent taxes, fines, and mowing and demolition liens, and take action as necessary. (Joyce Vasut, Executive Director of Administrative Services)
3. Consideration of and action on Resolution No. R-1862, a Resolution authorizing the City Manager to execute, for and on behalf of the City, Budget Amendment 14-18 in the amount of \$678,360.00 for FY2014 year-end budget adjustments. (Joyce Vasut, Executive Director of Administrative Services)
4. Consideration of and action on Resolution No. R-1873, a Resolution authorizing the Mayor to execute a resale deed for real property described as Tract 1: Geo Number: 7835000380130901: Lot Thirteen (13), Block Thirty-Eight (38), in the Town of Rosenberg, Fort Bend County, Texas, according to the Plat of said town shown of record in Volume P, Page 146 of the Deed Records of Fort Bend County, Texas; and, Tract 2: Geo Number: 7835000380140901: Lots Fourteen (14) and Fifteen (15) in Block Thirty-Eight (38) of the City of Rosenberg, Fort Bend County, Texas, according to the Plat of said City of Rosenberg, appearing of record in Volume P, Page 146 of the Deed Records of Fort Bend County, Texas; and, containing other provisions relating to the subject. (Joyce Vasut, Executive Director of Administrative Services)
5. Consideration of and action on Resolution No. R-1871, a Resolution authorizing the Mayor to execute, for and on behalf of the City, an Interlocal Agreement between Fort Bend County and City of Rosenberg for Fire Protection in Unincorporated Fort Bend County. (Wade Goates, Fire Chief)
6. Consideration of and action on Ordinance No. 2014-44, an Ordinance authorizing and directing the City Manager or the City Manager's designee to sign and execute all necessary documents to institute eminent domain proceedings for the acquisition of 0.58 out of a 3.966 acre tract of real property owned and claimed by Harwin Exchange Center, Inc., Mohammed Aslam Sohani, President, in the Reserve 'C' of the Park at Rosenberg, Fort Bend County, Texas 77471; and, directing the City Attorney to initiate condemnation proceedings. (John Maresh, Assistant City Manager of Public Services)
7. Hold public hearing regarding proposed Ordinance No. 2014-43, an Ordinance creating City of Rosenberg Reinvestment Zone No. 18, same being a 6.4962 acre tract of land being all of Reserve "A", Deltex Center Replat No. 1 (Plat No. 20130094L F.B.C.P.R.) in the Henry Scott League, Abstract No. 83, City of Rosenberg, Fort Bend County, Texas; making certain findings; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; and providing for severability. (Randall Malik, Economic Development Director)
8. Consideration of and action on Ordinance No. 2014-43, an Ordinance creating City of Rosenberg Reinvestment Zone No. 18, same being a 6.4962 acre tract of land being all of Reserve "A", Deltex Center Replat No. 1 (Plat No. 20130094L F.B.C.P.R.) in the Henry Scott League, Abstract No. 83, City of Rosenberg, Fort Bend County, Texas; making certain findings; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; and providing for severability. (Randall Malik, Economic Development Director)
9. Consideration of and action on Resolution No. R-1872, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Tax Abatement Agreement, by and between the City and Marquez Enterprises, L.L.C. (Randall Malik, Economic Development Director)
10. Announcements.
11. Adjournment.

[EXECUTION PAGE TO FOLLOW]

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

by _____.

Attest:
Linda Cernosek, TRMC, City Secretary

Approved for Posting:
Robert Gracia, City Manager

Approved:
Vincent M. Morales, Jr., Mayor

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

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

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

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

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

**Presentation of Proclamation Proclaiming
November 2014 as National Alzheimer's
Month in the City of Rosenberg**

**PROCLAIMING NOVEMBER 2014
AS NATIONAL ALZHEIMER'S MONTH
IN THE CITY OF ROSENBERG**

WHEREAS, every seventy seconds, another American family is affected by Alzheimer's; and

WHEREAS, Alzheimer's is a complex neurological disease that is the most common form of dementia; and

WHEREAS, more than five million people in the United States have Alzheimer's and more than ten million are caring for a loved one with the disease; and

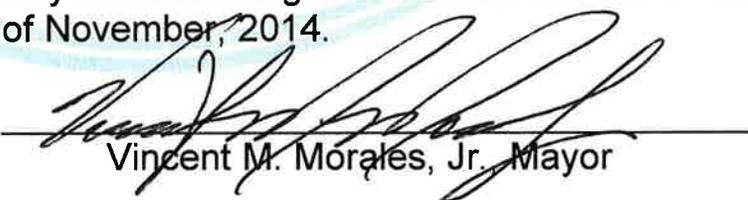
WHEREAS, Alzheimer's has no current cure, but treatments for symptoms are available and research continues; and

WHEREAS, today, there is a worldwide effort under way to find better ways to treat the disease, delay its onset and prevent it from developing; and

WHEREAS, The City of Rosenberg will commemorate awareness by shining purple lights at the Rosenberg City Hall Gazebo the week of November 17th, 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 Alzheimer's.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official Seal of the City of Rosenberg to be affixed this the 4th day of November, 2014.



Vincent M. Morales, Jr. Mayor



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

City of Rosenberg

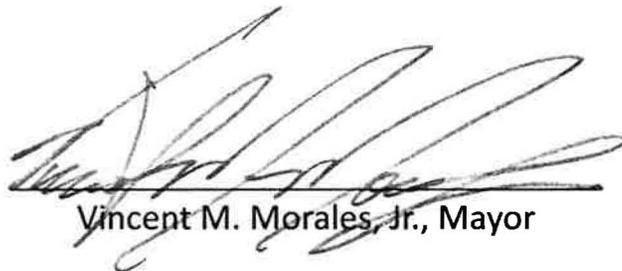
IMAGE COMMITTEE

Certificate of Recognition

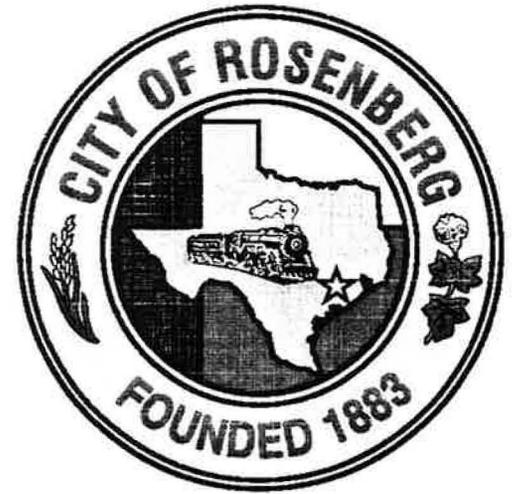
Be it hereby known to all, that

Janie Campos
3500 Avenue N

has, on this 4th day of November 2014, been recognized for her acts of labor and excellence in beautifying this property and for her caring efforts at making this location in our community more appealing, and deserves the recognition and appreciation of the people of our City for her undertaking.



Vincent M. Morales, Jr., Mayor



City of Rosenberg

IMAGE COMMITTEE

Certificate of Recognition

Be it hereby known to all, that

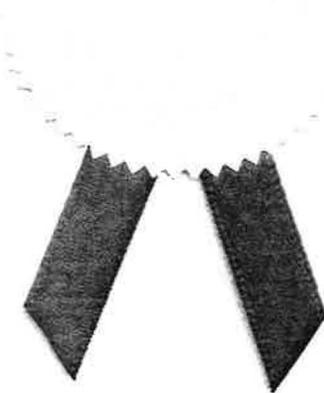
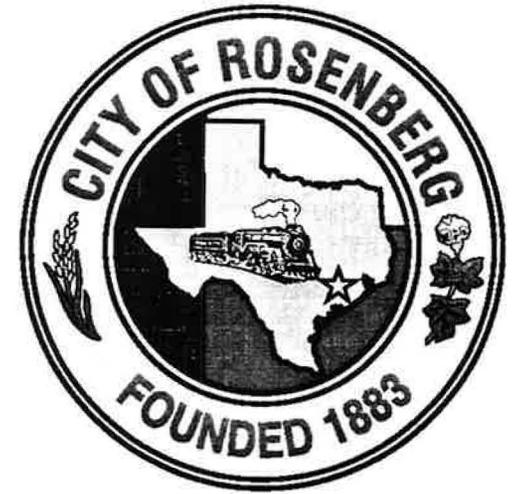
Ernesto and Martha Contreras

1747 5th Street

have, on this 4th day of November 2014, been recognized for their acts of labor and excellence in beautifying this property and for their caring efforts at making this location in our community more appealing, and deserve the recognition and appreciation of the people of our City for their undertaking.



Vincent M. Morales, Jr., Mayor



General Comments from the Audience:

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Comments from the Audience for Consent and Regular Agenda Items:

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

ITEM 1

Review of Consent Agenda.

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

ITEM A

Minutes:

- 1. Joint City Council and Rosenberg Development Corporation Meeting Minutes – September 11, 2014**
- 2. Special City Council Meeting Minutes – September 30, 2014**
- 3. City Council Workshop Meeting Minutes – September 30, 2014**

JOINT CITY COUNCIL AND ROSENBERG DEVELOPMENT CORPORATION MEETING MINUTES ***DRAFT***

On this the 11th day of September 2014, the City Council and the Rosenberg Development Corporation (RDC) of the City of Rosenberg, Fort Bend County, Texas, met in a Joint Session, at the Rosenberg Civic Center, located at 3825 SH 36S, Rosenberg, Texas.

PRESENT

Teresa Bailey	Secretary, Rosenberg Development Corporation
Amanda J. Barta	Director, Rosenberg Development Corporation
Ted Garcia	Treasurer, Rosenberg Development Corporation
Dwayne Grigar	Councilor, District 3
Bill Knesek	President, Rosenberg Development Corporation
Jimmie J. Pena	Director, Rosenberg Development Corporation
Cynthia McConathy	Director, Rosenberg Development Corporation
Vincent M. Morales, Jr.	Mayor
Allen Scopel	Vice President, Rosenberg Development Corporation

STAFF PRESENT

Robert Gracia	City Manager
Luis Garza	Accounting Supervisor
Jeremy Heath	Assistant Economic Development Director
Randall D. Malik	Economic Development Director
Maritza Salazar	Budget Analyst
Cynthia Sullivan	Secretary II
Kaye Supak	Executive Assistant
Travis Tanner	Executive Director of Community Development
Scott Tschirhart	City Attorney (Video Conference)

GUESTS

Jeanne H. McDonald, P.C.	Attorney
Paul Reed	Paragon Outlet Partners, LLC

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.

RDC President Bill Knesek called the meeting to order at 4:00 p.m.

GENERAL COMMENTS FROM THE AUDIENCE.

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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 Rosenberg Development Corporation and may be enacted by one (1) motion. There will be no separate discussion of Consent Agenda items unless a Rosenberg Development Corporation Board 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 THE JOINT CITY COUNCIL AND ROSENBERG DEVELOPMENT CORPORATION MEETING MINUTES FOR AUGUST 14, 2014.**

- B. CONSIDERATION OF AND ACTION ON THE MONTHLY ROSENBERG DEVELOPMENT CORPORATION FINANCIAL REPORTS FOR THE PERIOD ENDING AUGUST 31, 2014.**
Executive Summary: The August 2014 RDC Financial Reports are attached for your review and consideration. Staff recommends approval.
- C. CONSIDERATION OF AND ACTION ON A REPORT FROM THE COMMUNICATIONS DEPARTMENT REGARDING THE PREVIOUS MONTH'S COMMUNICATIONS ACTIVITIES.**
Executive Summary: This item has been included to provide an overview of Communication activities in the previous month, as they relate to economic development.

Action: RDC Director Cynthia McConathy moved and RDC Director Ted Garcia seconded a motion to approve the Consent Agenda items A, B, and C. The motion carried unanimously.

- 2. HOLD JOINT EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE TO RECEIVE LEGAL ADVICE FROM THE CITY ATTORNEY CONCERNING CONTEMPLATED LITIGATION, NAMELY DISPUTE WITH IMPERIAL PERFORMING ARTS, INC.; AND, PURSUANT TO SECTION 551.087 OF THE TEXAS GOVERNMENT CODE FOR DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS.**

Action: RDC Director Ted Garcia moved and RDC Director Allen Scopel seconded the motion to adjourn for Joint Executive Session at 4:05 p.m. The motion carried unanimously.

A Joint Executive Session was held pursuant to Section 551.071 of the Texas Government Code to receive legal advice from the City Attorney concerning contemplated litigation, namely dispute with Imperial Performing Arts, Inc.; and, pursuant to Section 551.087 of the Texas Government Code for deliberations regarding Economic Development negotiations.

- 3. ADJOURN JOINT EXECUTIVE SESSION, RECONVENE INTO REGULAR SESSION, AND THE ROSENBERG DEVELOPMENT CORPORATION BOARD MAY TAKE ACTION AS NECESSARY AS A RESULT OF EXECUTIVE SESSION.**

RDC President Bill Knesek adjourned the Joint Executive Session and reconvened into Joint Session at 5:35 p.m.

RECESS SESSION, RECONVENE SESSION.

RDC President Bill Knesek recessed the Session at 5:35 p.m., and reconvened the Session at 5:45 p.m.

Note: Randall Malik introduced Jeremy Heath, recently hired to serve as Assistant Economic Development Director.

Action: RDC Director Cynthia McConathy moved and RDC Director Ted Garcia seconded a motion to approve a contribution of one million dollars (\$1,000,000.00) to the proposed Texas State Technical College Project to assist with technical training and workforce needs for the benefit of Fort Bend County residents with ten annual equal payments to be allocated to the project over ten years. The motion carried unanimously.

Action: RDC Director Teresa Bailey moved and RDC Director Cynthia McConathy seconded a motion to execute a Memorandum of Understanding with Paragon Outlet Partners, LLC, regarding a proposed outlet mall development to be located on approximately 63 acres of land generally located at US 59/I-69 and Spacek Road. The motion carried unanimously.

- 4. RECEIVE A REPORT ON THE CITY OF ROSENBERG WATER PLAN, AND THE ROSENBERG DEVELOPMENT CORPORATION MAY TAKE ACTION AS NECESSARY.**

Executive Summary: This item has been requested by RDC Board President Bill Knesek to discuss the City of Rosenberg's Water Plan.

Key discussion points:

RDC President Bill Knesek opened the discussion asking the Mayor and/or City Council members to update the RDC Board on issue related to the Rosenberg Water Plan. Comments included the following:

- Certain cities have indicated that they have chosen alternative plans.
- City's need to complete an agreement with Brazosport Water Authority to fulfill the 30% reduction mandate to meet the 2016 deadline.
- Water and water planning is important to Rosenberg's economic viability.
- Appreciation expressed to staff and attorney for their efforts on the City's behalf.
- City Council is and has participated in all water-related efforts and is due to be briefed at the next Council meeting.
- Staff was recognized for creative and innovative approach related to the Rosenberg Water Plan since the water plan applies to current residents and the future of Rosenberg's Economic Development.

No action was necessary or taken.

5. **REVIEW AND DISCUSS PROCEDURES FOR JOINT CITY COUNCIL AND ROSENBERG DEVELOPMENT CORPORATION MEETINGS AND PARTICIPATION/ATTENDANCE IN EXECUTIVE SESSIONS, AND THE ROSENBERG DEVELOPMENT CORPORATION MAY TAKE ACTION AS NECESSARY.**

Executive Summary: This item has been requested by RDC Director Jimmie Pena to discuss the procedures for future RDC Meetings and attendance in Executive Sessions which could include members of the City Council.

Key discussion points:

RDC Director Jimmie Pena noted concern regarding City Council's potential participation in Executive Sessions held during joint meetings of the City Council and RDC. City Attorney Tschirhart indicated that though the agenda is jointly posted, that the action items relate only to the Rosenberg Development Corporation. He added that though the meetings are posted as a joint meeting of City Council and the Rosenberg Development Corporation, the potential that there could be a quorum of City Council in attendance makes the meeting subject to the Open Meetings Act, thus requiring the posting of a City Council Meeting. He continued that the structure of the joint posting for this meeting would allow City Council to participate in the meeting, but not vote on action items.

After general discussion, Mayor Vincent Morales indicated that he will not attend future RDC meetings unless his presence is necessary to address a specific agenda item, and/or as requested by the RDC Board.

No action was necessary or taken.

6. **REVIEW AND DISCUSS CITY SIDEWALK PLAN, AND THE ROSENBERG DEVELOPMENT CORPORATION MAY TAKE ACTION AS NECESSARY.**

Executive Summary: This item has been added by RDC President Kneseck to provide the Board an opportunity to discuss sidewalk projects in the City of Rosenberg, and take action if necessary.

By general consensus of the RDC Board, this item was tabled to the next RDC Board meeting.

7. **REVIEW AND DISCUSS WAYFINDING SIGNS, AND THE ROSENBERG DEVELOPMENT CORPORATION MAY TAKE ACTION AS NECESSARY.**

Executive Summary: This item has been included on the Agenda to follow-up on the Board of Director's previous discussion regarding Wayfinding Signage. Included in the supporting documents are examples of wayfinding signage. Additionally, task four of the Livable Centers Study is included in the supporting documents. Task 4.4 of the Livable Centers Study consists of developing designs for wayfinding signage. A PowerPoint consisting of possible location for the Wayfinding Signage will be provided at the meeting.

By general consensus of the RDC Board, this item was tabled to the next RDC Board meeting.

8. **REVIEW AND DISCUSS AMENDING THE WALSH ROAD INDUSTRIAL PARK DEVELOPMENT AGREEMENT, AND THE ROSENBERG DEVELOPMENT CORPORATION MAY TAKE ACTION AS NECESSARY.**

Executive Summary: The Developer of the Walsh Road Industrial Park has requested an extension of six months to extend utilities to the Industrial Park. The current development agreement requires infrastructure to be completed for the project by December 31, 2014.

Key discussion points:

Randall Malik opened the discussion explaining the developer, Larry Indermuehle, submitted a request for an extension of six months in order to extend utilities to the Walsh Road Industrial Park.

Action: RDC Director Cynthia McConathy moved and RDC Director Allen Scopel seconded a motion to extend the Walsh Road Industrial Park Development Agreement to June 30, 2015, as requested. The motion carried unanimously.

9. **REVIEW AND DISCUSS APPOINTING ONE MEMBER OF THE ROSENBERG DEVELOPMENT CORPORATION BOARD OF DIRECTORS TO SERVE ON THE CITY OF ROSENBERG COMPREHENSIVE PLAN ADVISORY COMMITTEE, AND THE ROSENBERG DEVELOPMENT CORPORATION MAY TAKE ACTION AS NECESSARY.**

Executive Summary: This item has been included to provide the RDC Board of Directors the opportunity to appoint one member of the RDC Board to serve on the City of Rosenberg Comprehensive Plan Advisory Committee.

Key discussion points:

Travis Tanner, Executive Director of Community Development, presented a brief background on efforts to produce an updated Comprehensive Plan for the City of Rosenberg. The Planning Commission will serve as the primary participants on an advisory committee. City of Rosenberg staff is requesting that a member of the RDC Board serve as a committee member at four (4) planned meetings. RDC Board Member Jimmie Pena volunteered to serve on this committee.

Action: RDC Director Cynthia McConathy moved and RDC Director Amanda Barta seconded a motion to nominate RDC Director Jimmie Pena to serve as the RDC's representative to the Comprehensive Plan Advisory Committee. The motion carried unanimously.

10. **CONSIDERATION OF AND ACTION ON A REPORT FROM THE ECONOMIC DEVELOPMENT DIRECTOR REGARDING THE PREVIOUS MONTH'S ECONOMIC DEVELOPMENT ACTIVITIES AND CONTACTS.**
Executive Summary: This item has been included to provide the Economic Development Director the opportunity to update the Board on the previous month's activities, contacts, and projects.

Key discussion points:

- Randall Malik announced the Business Assistance Grant Program has awarded all the funding for the Fiscal year 2013-2014.
- A representative of Fort Bend Transit is scheduled to present an update to the RDC Board at the next regular meeting.
- The Livable Centers Study has chosen Morris Architects, and will begin their process soon.
- West Fort Bend Management District will meet next week to appoint two members to serve on the new committee with RDC Directors Scopel and Pena.
- Sales tax revenue is about 30% ahead of this time last year.
- Tax Abatement Guidelines are reviewed and reapproved every two years; the guidelines are due to expire in November 2014; and, will be presented to City Council in the near future.
- The general consensus was that the Windshield Survey Report has been informative.

No action was necessary or taken.

11. **CONSIDERATION OF AND ACTION ON REQUESTS FOR FUTURE AGENDA ITEMS.**
Executive Summary: This item provides the Rosenberg Development Corporation Board the opportunity to request future agenda items.

Key discussion points:

- Imperial Performing Arts.
- Sidewalk plan.
- Fort Bend Transit System schedule.
- Wayfinding Signs.
- Alternatives for additional Downtown parking.
- Dangerous Building enforcement.

12. **ANNOUNCEMENTS.**

The Comprehensive Plan Workshop has been set for Thursday, October 09, 2014, at 7:00 p.m., at the Rosenberg Civic Center.

13. **ADJOURNMENT.**

Action: RDC Director Cynthia McConathy moved and RDC Director Allen Scopel seconded a motion to adjourn the RDC Board Meeting. The motion carried unanimously and the meeting was adjourned at 6:41 p.m.

Kaye Supak, Acting City Secretary

**CITY OF ROSENBERG
SPECIAL CITY COUNCIL MEETING MINUTES**

*****DRAFT*****

On this the 30th day of September, 2014, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Special Session, in the Rosenberg City Hall Council Chamber, located at 2110 4th Street, Rosenberg, Texas.

PRESENT

Vincent M. Morales, Jr.	Mayor
William Benton	Councilor at Large, Position 1
Cynthia McConathy	Councilor at Large, Position 2
Jimmie J. Pena	Councilor, District 1
Susan Euton	Councilor, District 2
Dwayne Grigar	Councilor, District 3
Amanda Barta	Councilor, District 4

STAFF PRESENT

Robert Gracia	City Manager
Scott M. Tschirhart	City Attorney
Linda Cernosek	City Secretary
John Maresh	Assistant City Manager of Public Services
Jeff Trinker	Executive Director of Support Services
Joyce Vasut	Executive Director of Administrative Services
Travis Tanner	Executive Director of Community Development
Angela Fritz	Executive Director of Information Services
James Lewis	Director of Technology
Charles Kalkomey	City Engineer
Dallis Warren	Police Chief
Wade Goates	Fire Chief
Darren McCarthy	Parks and Recreation Director
Randall Malik	Economic Development Director
Lisa Olmeda	Human Resources Director
Melissa Pena	Project Director
Kaye Supak	Executive Assistant
John Johnson	Police Officer
Dustin Schroud	Police Officer

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CALL TO ORDER.

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

GENERAL COMMENTS FROM THE AUDIENCE.

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

COMMENTS FROM THE AUDIENCE FOR CONSENT AND REGULAR AGENDA ITEMS.

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CONSENT AGENDA

1. REVIEW OF CONSENT AGENDA.

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A. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2014-39, AN ORDINANCE GRANTING CONSENT TO THE FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 152 FOR THE SALE AND ISSUANCE OF UNLIMITED TAX BONDS, SERIES 2014, IN AN AMOUNT NOT TO EXCEED \$1,865,000.**

Executive Summary: Ordinance No. 2014-39 granting the City's consent to Fort Bend County Municipal Utility District No. 152 to sell and issue bonds in an amount not to exceed \$1,865,000 was included in the agenda packet for consideration. The development is generally identified as Walnut Creek and is located at FM 2977 and Ricefield Road.

On August 12, 2004, Lennar Homes of Texas Land and Construction, Ltd., and F. Kirby Cobb Trust submitted a petition to the City to create a Municipal Utility District that included approximately 327 acres located within the corporate limits and extraterritorial jurisdiction of the City of Rosenberg, to be known as Fort Bend County Municipal Utility District No. 152 (MUD No. 152). Accordingly, the Petition for Consent and associated Ordinance No. 2004-27 were approved by City Council at that time.

The first bond sale was approved by City Council on September 21, 2010, in the amount of \$2,380,000 through Ordinance No. 2010-21. This will be the second Unlimited Tax Bond sale for MUD No. 152. The second bond sale application was submitted by MUD No. 152 to the Texas Commission on Environmental Quality (TCEQ) in October 2013 requesting a proposed sale in the amount of \$2,100,000; however, the amount has been amended to \$1,865,000.

Much of the submission documentation provided by MUD No. 152 for this proposed sale such as the Bond Order authorizing the Issuance of Bonds by MUD No. 152, the Preliminary Official Statement/Notice of Sale, Resolution Authorizing the Issuance of Bonds by MUD No. 152, Cash Flow Analysis, Debt Fund Schedule, Summary of Costs, TCEQ application/submission, along with minute excerpts and related Ordinances/Resolutions are available for review in the City Secretary's Office.

Staff has reviewed the documentation and found it to be in compliance with applicable City Ordinances. Staff is recommending approval of Ordinance No. 2014- 39 thus authorizing the bond issue to proceed.

B. **CONSIDERATION OF AND ACTION TO APPROVE SPEED HUMPS/CUSHIONS TO BE INSTALLED ON SALLY ANNE DRIVE USING AN ALTERNATE CONSTRUCTION MATERIAL IN LIEU OF ASPHALT.**

Executive Summary: This item has been included to allow City Council the opportunity to authorize the previously approved asphalt speed humps on Sally Anne Drive to be installed as speed cushions utilizing an alternate construction material in lieu of asphalt. The traffic calming devices constructed of the alternate material could be more easily installed and removed without damaging the existing asphalt pavement. If the traffic calming measures are determined to be effective along Sally Anne Drive, the alternate material devices could be easily removed and replaced with permanent asphalt speed cushions. The speed cushion devices made from the alternative material could then be reinstalled at another location.

Staff does recommend approval of the request as presented.

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

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

AGENDA

2A. CONSIDERATION OF AND ACTION TO APPROVE SPEED HUMPS/CUSHIONS TO BE INSTALLED ON SALLY ANNE DRIVE USING AN ALTERNATE CONSTRUCTION MATERIAL IN LIEU OF ASPHALT.

Executive Summary: This item has been included to allow City Council the opportunity to authorize the previously approved asphalt speed humps on Sally Anne Drive to be installed as speed cushions utilizing an alternate construction material in lieu of asphalt. The traffic calming devices constructed of the alternate material could be more easily installed and removed without damaging the existing asphalt pavement. If the traffic calming measures are determined to be effective along Sally Anne Drive, the alternate material devices could be easily removed and replaced with permanent asphalt speed cushions. The speed cushion devices made from the alternative material could then be reinstalled at another location.

Staff does recommend approval of the request as presented.

Key discussion points:

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

Questions/Comments:

Q: How much will the cushions cost? How many humps will be installed?

A: Approximately \$7,500 for three sets on Sally Anne Drive.

Q: If we like the humps can they be replaced with permanent asphalt?

A: Yes.

Q: According to the studies this type of humps will BE just as effective?

A: How long do you propose to use these on Sally Anne?

A: That has not been determined at this time.

Q: Would a traffic study have to be done each time we removed/moved these speed humps?

A: At this time the answer is no, but in the long term we are looking at the comprehensive plan and what that plan says.

Q: Mayor Morales asked Fire Chief Goates if this particular device has a public safety issue and will this device be better than the hard asphalt?

A: Yes. He met with John Maresh and some of the issues were worked out before we came up with the plan.

Q: Are these your preference?

A: Yes. The straight line asphalt would be harder on the fire equipment.

Q: Councilor Pena stated he talked to John Maresh about this. Once asphalt is laid down you create a cavity when you start digging it out and destroy the road. The idea of using this is more accommodating to the area because it is removable and replaceable. He praised staff for looking at this instead of the asphalt.

Q: Does our Public Works have the ability to install speed humps?

A: Probably not. We don't have the equipment to get proper angles and to compact it correctly.

Action: Councilor McConathy made a motion, seconded by Councilor Benton to approve speed humps/cushions to be installed on Sally Anne Drive using an alternate construction material in lieu of asphalt. The motion carried by a unanimous vote.

2. CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1859, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AMENDMENT NO. 4 TO THE TOWN CENTER, ROSENBERG, TEXAS DEVELOPMENT AGREEMENT, BY AND BETWEEN THE CITY AND PARTNER A-S 70 HWY 59-FM 762, L.P., A TEXAS LIMITED PARTNERSHIP.

Executive Summary: NewQuest Properties, the developer of Brazos Town Center, has requested a fourth amendment to their Development Agreement and Conceptual Plan. The proposed Amendment No. 4 and Revised Exhibit "B," Conceptual Plan, involves two (2) tracts. An aerial/vicinity map was attached for reference:

1. The 21-acre tract located on the north side of Town Center Boulevard, approximately 500' east of FM 2218 and currently designated for commercial development on the approved Land Plan; and,
2. The 20-acre tract located on the east side of Town Center Boulevard, approximately 700' north of Commercial Drive and currently designated for townhome development on the approved Land Plan.

The developer proposes to develop the 21-acre tract as fifty-five-foot (55') single-family residential lots. The "Subdivision" Ordinance currently requires sixty-foot (60') lots. To compensate for the reduction in lot size, pursuant to the Planned Unit Development (PUD) provisions of the "Subdivision" Ordinance, the developer proposes the following standards be added to the Development Agreement:

- Residences on said single-family lots shall be a minimum of 2,000 square feet in size;
- Residences shall have three-sided masonry exterior;

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

Additionally, the developer proposes to develop the 20-acre tract as twenty-four-foot (24') to twenty-eight-foot (28') townhome lots. The approved Conceptual Plan calls for the thirty-foot (30') townhome lots, and the "Subdivision" Ordinance currently requires minimum twenty-five-foot (25') lots for townhomes. To compensate for the reduction in lot size, again, pursuant to the Planned Unit Development (PUD) provisions of the "Subdivision" Ordinance, the developer proposes the following standards be added to the Development Agreement:

- Residences on said townhome lots shall be a minimum of 1,700 square feet in size;
- Residences shall have three-sided masonry exterior with a landscape buffer between buildings;
- The tract shall have a maximum of 139 units or seven (7) units per acre;
- The tract shall have a minimum of 5.5 acres in landscape/open space reserves or .04 acres per unit;
- Minimum fifty-foot (50') street right-of-way width;
- Minimum twenty-seven-foot (27') pavement width measured from inside of curb to inside of curb;
- Minimum average lot size of 2,900 square feet;
- Minimum twenty-foot (20') front building lines on all lots; and,
- A two-car garage shall be required on each lot.

At the regular meeting on September 17, 2014, the Planning Commission unanimously recommended approval to City Council of Amendment No. 4 to the Town Center, Rosenberg, Texas Development Agreement. Amendment No. 4 to the Town Center Development Agreement is attached to Resolution No. R-1859.

Key discussion points:

- Travis Tanner, Executive Director of Community Development, read the Executive Summary.
- Councilor Euton stated even though there is a change, it looks like this would be an asset to us and is a nice plan.
- Councilor Pena stated the apartments are very high end. The question has been asked who would rent them, but the developer had looked at this and no one would put money in an investment like this without knowing it is a good investment.
- Councilor Grigar stated the middle units are a better product than you would normally get. The end units will have a lot more green space and openness.
- Councilor Barta stated she doesn't mind the townhomes or subdivision but is concerned with giving variances.
- Councilor Benton stated he thinks they will be the highest quality in Rosenberg.
- Councilor McConathy stated she appreciates the upgrade being put into these apartments.

Action: Councilor Benton made a motion, seconded by Councilor Grigar to approve Resolution No. R-1859, a Resolution authorizing the City Manager to execute, for and on behalf of the City, Amendment No. 4 to the Town Center, Rosenberg, Texas Development Agreement, by and between the City and Partner A-S 70 Hwy 59-FM 762, L.P., a Texas Limited Partnership. The motion carried by a unanimous vote.

3. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1860, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AMENDMENT NO. 5 TO THE TOWN CENTER, ROSENBERG, TEXAS DEVELOPMENT AGREEMENT, BY AND BETWEEN THE CITY AND PARTNER A-S 70 HWY 59-FM 762, L.P., A TEXAS LIMITED PARTNERSHIP.**

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

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

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

- Said multifamily development shall be at least seventy (70) percent masonry exterior;
- Said multifamily development shall be comprised of no more than two hundred thirty-four (234) units, at

least seventy-five (75) percent of which have direct attached garages, and at least sixty (60) percent of which are one-bedroom;

- Maximum density of twenty-two (22) units per acre;
- Maximum overall height of three (3) stories, and maximum height of two (2) stories for buildings fronting on Town Center Boulevard and Vista Drive rights-of-way;
- Minimum parking ratios of 1.5 spaces per one-bedroom unit, two (2) spaces per two-bedroom unit, and 2.5 spaces per three-bedroom unit; and,
- Site to consist of a minimum of fifteen (15) percent landscaping, open space, and amenities (including amenity center, gym, and pool).

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

The following speakers addressed Council, as follows:

- **Dan Ives, 2500 Pecan Drive, Rosenberg –**
- First of all, I thank you for finally developing a comprehensive plan for our city...A roadmap for decision making...when completed, please don't put it on the shelf and forget about it.
- A primary responsibility of City Council is to take into consideration the welfare of the future of Rosenberg, not just in the short term, but in the long term as well.
- In such respect, our current multi-family ordinances were put into place a very long time ago...for the long term of Rosenberg.
- The impact of apartments on city services of fire and police is monumental. The impact on our schools hits our school tax pocketbook...Even more so, when multi-family ordinances will allow low-income housing to be built. Our five elementary schools in Rosenberg already have 80% to 90% of their children on free and reduced priced meals. It is not fair to dilute the education of the children we already have who are from low income families.
- I'm greatly concerned that the figure of 28% apartment ratio to single family dwellings is already too great of a percentage for the well-being of the future of Rosenberg. Over one-fourth is too much!! To take this issue a step further, total rental housing in Rosenberg has reached 48%. Not Good!!
- Apartment units deteriorate immensely within a twenty (20) year period. A classic example is Bayou Bend Apartments in my neighborhood...thirty years ago it was a Rosenberg jewel. Take a look at it today. Parking problems, plus. Because of the great number of police calls for city apartments, we have had to create a special police task force to monitor the apartments.
- If folks want to build more apartments in our community, that's fine, but build them with the quality standards of our current multi-family ordinances...NO VARIANCES!! Don't open the door to low income housing projects.
- I ask you to think before you vote on this one. Do you want to be another Sharpstown?
- **Wayne Poldrack, 2514 Pecan Drive, Rosenberg –**
- He wanted to focus on the proposed project verses our ordinances. Our ordinance says a maximum of 200 units. This says 234 – 17% extra. Density – our ordinance says 14 – proposal is 22 units per acre. Stories – our ordinance says 2 – this is three stories. Parking for 1 bedroom – our ordinance says 4 (which may be a little aggressive) but they are proposing 1.5 parking spaces. Two bedrooms – our ordinance says 5 parking spaces – they are proposing 2 parking spaces. 3 bedrooms – our ordinance is 6 parking spaces – they are proposing 2.5 parking spaces. Open space they are proposing 15% and our ordinance says 30%.
- Only one size of the apartments exceeds our standards. Basically everything in this project is over our ordinance standards.
- If we grant variances do we open the door to other projects we may not want? We have had some come to Planning Commission and we have turned them down. Is it fair to other developers to not give them variances?
- We just started our long range plan and since we have such high rental and apartment occupancy in Rosenberg shouldn't we wait until the comprehensive plan is finished until we make a decision on this or any other multi-family project? There is not a shortage of apartments in Rosenberg. It will not hurt to wait a few months to approve another project.
- I hope Council will consider and say no and shelve this project until after the comprehensive plan. At a minimum, I would hope you would consider making the developer come closer to compliance with our ordinance.

Key discussion points:

- Mayor Morales read the Agenda Item.

- Travis Tanner gave an overview of the location and what the developer is proposing. It is located at the intersection of Town Center Boulevard and Vista Drive. Their current land plan calls for this to be office development and they are proposing to open it up for multi-family development.
- He reviewed the standards the developer is proposing. Maximum of 234 units or 22 units per acre. Minimum of 70% masonry exterior on the buildings. 75% of the units will have attached garages. 60% - 1 bedroom units. The maximum overall height is three stories but the buildings fronting on Vista and Town Center Boulevard will be two story buildings. The parking ratio is 1.5 spaces per one bedroom unit, 2 per two bedroom and 2.5 for three bedroom unit. They will have a minimum of 15% landscaping, open space and amenities including their amenity center gym and pool in the development.
- A conceptual plan was shown.
- At the meeting a few weeks ago the Planning Commission recommended by a vote of 4 to 2 that City Council approve this development agreement and land plan amendment.

Questions/Comments:

- Councilor Euton stated she agreed with the comments made from the audience that we are giving up a lot of concessions. Very few of our current standards are being met. She's not sure this is the best for Rosenberg at this time. With the high rental percentage we have, she would prefer to wait on the comprehensive plan to see if they agree with our current standards or if we should relax them. She does not believe we should move forward with this at this time.
- Councilor Pena stated he would invite the developer to speak on some of the ordinances we have and how they would be met.
- Steve Alvis, Ella Lee, Houston, Texas, developer of Brazos Town Center stated he was in the workshop when the current ordinance was established. The ordinance is such that any multi-family project built is going to come before you so you have the ability to dictate architecture, parks, deed restrictions, etc. The member in the audience mentioned one of your current projects that has deteriorated. Why has it deteriorated? Well, it is not in a master planned community. He brought the recorded deed restrictions in perpetuity of this master planned community which is recorded and covers the entire 550 acres. This is the exact same document word for word as the Woodlands. In your current multi-family when it's time for a paint job or do the landscape a little nicer and maintain it to a certain quality, you as the City do not have the tools to say paint it or I'll paint it for you and charge you for it. This gives me that tool and allows that project to stay Class A in perpetuity. For twenty-seven years he has been developing these town centers and it is critical to both the Town Center itself to have a maximum density. There is \$43 million of public infrastructure that was put in the ground in Brazos Town Center and was meant for very high density. Did we try to get office space in that location, yes. But no office wanted to be next to the two multi-family apartment complexes. It could have been single family, but no single family development wants to be on a ten acre tract next to the two multi-family projects. If you recall, I didn't build one apartment complex. That was built before we were there.
- He has found this is a \$35 million dollar project and a normal family project is on 19 acres and \$35 million. That is a lot of money per square foot. To get a yield this will be very high rent. What Rosenberg does need is the upward mobile young professional right out of school with a degree and that is why it is 60% one bedroom units. The other thing in our deed restrictions is multiple families can't reside in the same unit. You don't have that in the city. We have that in our deed restrictions. It can be only one family with two people per room. We can't have five people staying in a one-bedroom unit, which is some of the problems you have experienced in Rosenberg. It is mandated by deed restrictions and professionally run by a master association run by a management company. If there is ever a violation, we have the teeth in that document to immediately cure it. You as a city do not have that ability today.
- He encouraged Council to rethink it. Achieving critical mass in Brazos Town Center is the goose that lays the golden egg here for all of us in the city. It can't be supported by the 50,000 people in your city. It has 250,000 people that support that project to achieve those sales that does give you the income to be able to do other things in your city. It was always planned from day one in this project. If I could build a 20 story hi-rise in there and the market would bear that today I'd be asking you to approve that.
- We were very patient in that project for 8 or 9 years now to achieve the highest value – look at the single family, it was top of your market. Everything we have done in there I hope you are pleased with. I would ask if there's anything you are not pleased with. My choice with the property if I don't do this is what--does anybody have a suggestion?
- Councilor Pena stated they commented on the parking situation. As a developer is the 1.5 parking spaces amicable?

- Steve Alvis stated absolutely. The reason your ordinance is written, is no different than Pasadena's ordinance. You can decide as a Council do I want that or don't I. This is a project you should want. It is encumbered by the Master Association. It has a set of deed restrictions that far surpass anything you as a city can place on it. You have seen the two I have already built in there. I've heard not one complaint, in fact, I've heard nothing but from Council Members that are pleased with it.
- I'd encourage you to approve this project. It has a 10,000 square foot amenity center; it sits across from the large park we built and the large dog park. Maybe it doesn't have exactly the same number of green space but green space overall in the 550 acres far exceeds any ratio you have in the city. This is an extremely high-end project. This \$35 million project is the same project we are building next to the ball park in Sugar Land. It is the most high-end project you will have in your city. It needs to be built, you need this type housing in your city. It is not a burden on your school district. In fact, it is probably a plus of \$35 million tax value paying into the school district. There will be very few children in this project with that many one bedroom units. This is the kind of project you should approve.
- Councilor Grigar asked Travis Tanner if we have a garage requirement in our multi-family ordinance. This project has 75% with direct attached garages which is a plus, and is something a young professional looks for. When a subdivision comes in, is it mandatory that they implement deed restrictions? What about master planned communities?
- This does not apply to the existing multi-family that was there prior to this developer? We see a big difference in what was built than compared to what is out there today as far as Brazos Ranch.
- Travis Tanner said no, 30% of the parking has to be covered and that is all it speaks to. He thinks for single family it is but not for multi-family development. If there is a single family residential component we require that.
- Councilor Grigar referenced the 15% landscaping. Our ordinance has 30% for multi-family, is that correct? With the layout you have could that be increased to 20%.
- Travis Tanner said he'd have to check but thinks that is correct.
- Steve Alvis stated we have a huge dog park, the lake and park are all contiguous with it. Those are amenities to this. Brazos Town Center as a whole has far exceeded well beyond any landscape requirement of the city.
- Councilor Barta stated she has some of the same concerns that Councilor Euton and some of the citizens do. She does not like the three stories and never anything twenty stories. This is Rosenberg and not downtown Houston. It will be high-end for young professionals that will work in Sugar Land or Houston. She has concern about going against the ordinances. She would rather see it comply more with our ordinances. She would hold off on it.
- Steve Alvis stated it would never get build under your current ordinance because it would not be economically feasible. We could build Section 8 under your ordinance but we couldn't build Class A under your current ordinance.
- Councilor Barta said these ordinances were made under previous Councils for a reason.
- Steve Alvis said it was so that each and every project had to come before you for approval. No apartments will be built under your ordinance. It is not economically feasible. If you look at the perfect master plan community its commercial, multi-family, townhome/patio homes, single family. That is how this was designed. It has achieved several awards. It is now the 30th largest shopping center in the nation. What you are telling me is Steve, don't build single-family, and don't build multi-family. Go build mini-storage. That doesn't do anything for the long term stability. Retailers come and go. K-Mart is your example of that. He has to look at the center as a whole as a master plan and do what I know is right for the long term stability of the center. You are asking me to not do what is right. They are platted multi-family today. When we came in for amendment #3, we changed that because we thought we could get an office project. We could not obtain an office project. They would not go because of the multi-family next door to it. This is an orphan piece. How do you make lemonade out of lemons? You want that person making \$55,000 to \$70,000 annually to afford this kind of rent so we have some night life and some city center town life in that project. That is what will help make that project sustain time.
- Rosenberg desperately needs, if you want to attract some high-end industry, you have to have the labor pool locally. This is an important component to attracting high-end engineering firms.
- Councilor Benton asked about getting a commercial building there. What was the understanding with past Councils? Were any height limitations discussed then?
- Steve Alvis stated none.
- Councilor Benton stated his preference is to not have apartments. Some people like them. There is a niche for apartments. He has the same concerns that the speakers had regarding multi-story apartments. What would the rent be for a one bedroom? He shares Dr. Ives concern about our school district and the percentage of rentals in Rosenberg. He's not sure what else could be put

here other than apartments.

- Steve Alvis stated this is a \$1.50 type product. Most of Rosenberg is under a \$1.00 or \$1.35. The monthly rent will be approximately \$1,100 per month. What Town Center is lacking is a little bit of night vibrancy. He just had the chairman of Cinemark here two weeks ago trying to get him to commit to both expand and update the theater and take it to extreme digital. Part of his issues is that the demographics aren't there today. This makes a big difference in deciding to make that investment. Every tenant brought in was a higher end tenant. This is a true public/private partnership. You ask what was your Council at the time we made this public/private partnership, what was their thinking. His commitment to my partner, you as a city, was to bring the highest end residential, single-family and retail that the market could demand and to be as patient as I could be. I could have sold all of that land 5 to 10 years ago. I would have made a lot more money. Land has to double in value every 5 years to breakeven. This wasn't about making money for the balance of Town Center. This was about doing the right thing and this is the right thing for this. It is not the right thing to put in mini-storage. If this is denied he would still not do that because it is not the right thing to do. He would come back and fight another day.
- Councilor Benton stated the original use for this property was commercial.
- Steve Alvis stated the original use is it's currently and continuous to be platted to allow for multi-family. In the second or third amendment we were trying to get an office deal so we put office in the master plan. We are on site plan 425. He does not know what site plan we are on in the master plan. It evolves and changes with market conditions and opportunities. What little bit of land out there we could sell tomorrow and put uses that you and I would not like but are allowed. You all chose a partner to invest with--this is my money in this project. This isn't an institutional partner. There is nobody that has more invested financially in this city than me. The last thing I will do is put something in there that would be detrimental to the value of that property.
- Councilor Benton stated the apartment ordinances and standards have probably evolved. We don't have zoning and people thought we have too many apartments. He thinks these would be a much higher quality than what we have. Could the developer get a little closer to the standards?
- Steve Alvis stated it is not financially feasible to do that. That's the reason your ordinance is written the way that it is. Your ordinance is common to a lot of cities and it is written that way so you get a bite at every apple. All of the ratios cannot fit a Class A. You have to have a certain number of units to make a Class A financially feasible to have on-staff management.
- Councilor McConathy referenced the site plan and stated in the project summary units B4, C1 and C2 in parenthesis it says second and third floor. That means that those units will be three story, is that correct?
- Steve Alvis stated yes.
- Councilor McConathy stated there was conflicting information because Travis Tanner referenced that along Vista Drive and Town Center Boulevard they would only be two stories. But, according to your site plan the units just referenced will be three story units facing Town Center Boulevard as well as Vista Drive. The three story will not be just interior to the project.
- Steve Alvis stated this is true on the one building but those are really architectural features. That entire building is not three story.
- Councilor McConathy stated when reference was made to the master association and the deed restrictions. Is there an expiration date on those deed restrictions?
- Steve Alvis stated no.
- Councilor McConathy stated she has the same concerns a lot of Council Members have already stated as well as some of our speakers and our commissioner having sat on the Planning Commission. The City has been very generous in their variances toward this project. She does not disagree with the points made about the quality of the project. It is a quality project. When you balance out the benefits pointed out in this project versus the variances the City would be giving and by variance in the Planning Commission there's requirements and funding or financing hardship is not one of them that qualifies for a variance. She wanted to point that out. You asked earlier what you could do to make this project work. Looking ahead at the growth coming and businesses coming that are bringing jobs here apartment complexes will be in our future and this is a good one. However, to make this work make it two story. You can still produce a quality project with all the amenities pointed out and it still be a feasible thing in your master plan.
- Steve Alvis stated it is a very tight sight as it is. It is ten acres and normally a feasible site is seventeen (17) acres. Both of the others are seventeen to nineteen acres to get to a critical mass to get a Class A project to work. It simply will not work. I can build to your ordinances but it will be Section 8 housing. In order to build to your ordinance that's the only way to be cost feasible. This project is good for the City. This is 10 acres and a \$35 million project. Your goose that lays the golden egg today for sales tax is that center. We need to do everything we can to keep that center

viable long term. This is an important component of it.

- Mayor Morales commented that what interests him is that it is in a master plan community area with 60% one-bedroom and with the companies on the horizon will bring single young professionals to this community. Regarding our standards, he thinks the present standards should be upheld. But, when somebody wants to invest the kind of money that has been invested in this center and it is deed restricted, we don't have a deed restricted, zoned city right now. With the 60% one bedroom and with garages makes it a high-end property.

Action: Councilor Pena made a motion, seconded by Councilor Euton to approve Resolution No.R-1860, a Resolution authorizing the City Manager to execute, for and on behalf of the City, Amendment No. 5 to the Town Center, Rosenberg, Texas Development Agreement, by and between the City and Partner A-S 70 Hwy 59-FM 762, L.P., a Texas Limited Partnership. **The motion failed by a vote of 3 to 4 as follows: Yeses: Mayor Morales, Councilor Pena and Grigar. Noes: Councilors McConathy, Euton and Barta. Abstention: Councilor Benton [Note: an abstention counts as a no vote].**

Further Comment:

- Councilor Benton asked Steve Alvis if he could go back to the developer. Steve Alvis stated Council has no idea how hard it was to get that many one bedrooms. The developer will not do it. They will put something else there. He is very disappointed.

4. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1861, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, BUDGET AMENDMENT 14-17 IN THE AMOUNT OF \$100,000.00, FOR LEGAL SERVICES.**

Executive Summary: The City budgeted \$100,000.00 for City Attorney Services in FY2014. Through June 2014, the City has spent approximately \$97,000.00. The City received the first invoice from Denton Navarro Rocha Bernal Hyde & Zech, P.C., for City Attorney services for the period of June 23, 2014, through July 31, 2014, in the amount of \$44,184.18. This invoice has since been adjusted by \$1,118.00 for a new balance of \$43,066.18. The second invoice for the month of August 2014 is \$29,377.09. Copies of these invoices have been provided for your review under separate cover.

Based on these two (2) invoices and an estimated amount for the September 2014 invoice, staff is requesting an increase of \$100,000 to the FY2014 Budget for City Attorney Services. Budget Amendment 14-17, attached as Exhibit "A" to Resolution No. R-1861, will move \$40,000.00 from the Outside Professional Services - Legal line item and \$60,000.00 will be funded with excess sales tax revenues.

Staff recommends approval of Resolution No. R-1861 as presented.

Key discussion points:

- Joyce Vasut read the Executive Summary regarding the item.

Questions/Comments:

- Councilor Benton stated he is concerned overall with the legal expenses.
- Councilor Grigar stated he has the same concern. It has gone up compared to what it used to be. Every time we increase the budget it is with excess sales tax. Are we keeping track of all of this?
- Joyce Vasut stated in FY14 sales tax was about \$1 million over budget. We have only adjusted \$60,000 here and less than \$100,000 previously this fiscal year.

Action: Councilor McConathy made a motion, seconded by Councilor Barta to approve Resolution No. R-1861, a Resolution authorizing the City Manager to execute, for and on behalf of the City, Budget Amendment 14-17 in the amount of \$100,000.00, for legal services. The motion carried by a unanimous vote.

5. **ADJOURNMENT.**

There being no further business Mayor Morales adjourned the meeting at 7:10 p.m.

Linda Cernosek, TRMC, City Secretary

CITY OF ROSENBERG

CITY COUNCIL WORKSHOP MEETING MINUTES

DRAFT

On this the 30th day of September, 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.

PRESENT

Vincent M. Morales, Jr.	Mayor
William Benton	Councilor at Large, Position 1
Cynthia McConathy	Councilor at Large, Position 2
Jimmie J. Pena	Councilor, District 1
Susan Euton	Councilor, District 2
Dwayne Grigar	Councilor, District 3
Amanda Barta	Councilor, District 4

STAFF PRESENT

Robert Gracia	City Manager
Scott M. Tschirhart	City Attorney
Linda Cernosek	City Secretary
John Maresh	Assistant City Manager of Public Services
Jeff Trinker	Executive Director of Support Services
Joyce Vasut	Executive Director of Administrative Services
Travis Tanner	Executive Director of Community Development
Tonya Palmer	Building Official
Karl Zwahr	Utilities Superintendent
James Lewis	Director of Technology
Dallis Warren	Police Chief
Wade Goates	Fire Chief
Darren McCarthy	Parks and Recreation Director
Randall Malik	Economic Development Director
Jeremy Heath	Assistant Economic Development Director
Lisa Olmeda	Human Resources Director
Kaye Supak	Executive Assistant

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

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

CALL TO ORDER.

Mayor Morales called the meeting to order at 7:10 p.m.

AGENDA

- HEAR AND DISCUSS A PRESENTATION BY KENDIG KEAST COLLABORATIVE REGARDING THE COMPREHENSIVE PLAN UPDATE PROJECT, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**
Executive Summary: The Professional Services Agreement for the Comprehensive Plan, approved under Resolution No. R-1787 on August 05, 2014, includes an "Issues and Needs Workshop" for the consultant to provide an orientation to the comprehensive planning process to City Council and to obtain early input and set direction and priorities for the planning effort. This item has been placed on the Agenda per the Agreement to obtain input from City Council. A memorandum from Kendig Keast Collaborative regarding the workshop and overall process was included in the agenda packet.

Key discussion points:

- Travis Tanner, Executive Director of Community Development gave an overview of the item .

- Aaron Tuley provided an outline of the process for the Comprehensive Plan with a PowerPoint outlining:
- What is a Comprehensive Plan?
- Plan Objectives
 - Long-Term Outlook
 - Key factors shaping your community
 - Strategic actions = Desired outcomes
 - Guidance to manage land development
 - Grant funding support
 - Prioritize public investments
- Plan Elements
 - Implementation Action Plan
- Growth (Population)
- Growth (Land Area)
- Density
- Patterns of Growth
 - Scattered Development
 - Cluster Development
 - Corridor Development
 - Contiguous Development
 - Infill and Redevelopment
- Population Projection
- Questions
 - Preferred growth pattern?
 - What type of growth is undesirable?
 - How will you prioritize transportation system investments?
 - How will you manage community character?
 - How will you protect private investment?
 - How will you protect property values?
 - Are there neighborhoods that of revitalization?
 - Are there any natural resources you wish to preserve?
- Process & Timeline
 - Early Input – September – December, 2014
 - Plan Drafting – September, 2014 – May, 2015
 - Review/Hearings/Adoption – June – August, 2015
- Public Input
 - Community Website
 - Community Workshop

Questions/Comments:

- There are lots of apartments but no high end apartments.
- Increase in commercial development for the City and improve on parks system and green space.
- Exercise caution with annexations.
- Do not limit growth to new growth. Emphasis needed on redevelopment
- What would impact be in subdivisions if we had wider streets, impact fees on streets?'
- Should developers be required to build and maintain infrastructure without having to borrow money?
- Water conservation needs to be considered in terms of more drought tolerant landscape.
- Consider building standards to incorporate rain harvesting.
- Will there be questions and answers provided?
- The website will post answers to the surveys.
- Mayor Morales commented we have a business park that is getting a lot of interest right now. That will increase commercially. We have an MOU with an outlet mall that will bring a lot. It will create traffic but it will bring in a lot of outside tax dollars. But, it will add to the commercial base that will help us going forward. We are working with TxDOT to make sure we have mobility around the existing Town Center and the new mall.
- Where will we go with the jobs we are adding with housing and master planned community? We will need that. We have the Main Street Program coming for the historical downtown area and the Livable Centers being done. That will be taken into consideration especially along Avenue H and Avenue I corridor that will help improve, restore and redevelop that corridor. We have the ability to have the old with the new and have the best of both worlds in Rosenberg.

- Without zoning we need to look at where we will go with housing development and commercial development. OccuSoft would not have water today if we did not annex that area. We don't want to overdo that either. The land around the Aldi Distribution is becoming commercially interesting. We developed a deeded business park that will be outstanding and is getting a great response. It will be very good for the City and it will bring some very good jobs. We need to look at balancing that commercial with the residential and where will all of that be. It will be a challenge without zoning.
- Councilor Benton commented about transportation and mobility. If you have a business you want traffic. We need to keep that in mind. The rate of speed in residential areas is a concern.
- Aaron Tuley stated some of the other items we hope to answer through the planning process are what type of growth that's occurred have you found to be undesirable or not see? How will we prioritize transportation system investments? We always hear about traffic but from some groups they have talked to they heard about accessibility and because of the movement of the commercial development to US59 there are a lot of people in the older part of Rosenberg that don't have access to a vehicle and have less access to those commercial amenities. There was talk about transit and pedestrian facilities.
- How will you manage community character? How will you protect private investment and protect property value? These are questions posed to Rosenberg as an organization. Does Rosenberg have a role in that? The reason the questions are asked is even with the business groups they have met with, they have heard we have to have predictability. We are investing in the City and we want to have predictability. What is the City going to give that so they know their investment and property values will be protected once they decide to put their money into Rosenberg.
- Are there any neighborhoods in need of revitalization? Where will those be? We need to pinpoint those throughout the process.
- Are there any natural resources you wish to preserve? We talk about land as agricultural or undeveloped and it is assumed it should all be developed. But, if that should occur is there something that needs to be set aside? Are there critical resources that need to be protected in perpetuity?
- Mayor Morales stated we have Seabourne Nature Park and going forward, which we have in place, make sure we implement common areas and additional parks in future development so we have open areas for people to enjoy.
- We need to maintain the history. We are the one of the only towns in Fort Bend County that has a true historical downtown. Someone looking at the old City Hall is interested because of the history there and the history of that building. We need to balance that because that attracts people to the area.
- Councilor Benton asked if the workshops will ask people what their preference is about public transportation. Be specific as possible in the questions. Many people don't want public transportation.
- Mayor Morales referenced transit and stated that is being looked at from where we are today long term based on population growth.
- Councilor Euton stated revitalization of the Highway 90A corridor would be of great importance. What can we do to improve the apartment communities and areas that have deteriorated? Do we want more apartments? Are high-end apartments a plus and do they stay high-end?
- Aaron Tuley stated that between now and the end of the year they are conducting their first round of community input. He does not have recommendations at this point. They are obtaining Council input now to get an idea of where Rosenberg stands. We have had three small group sessions with economic development stake holders, neighborhood associations, with members of the development community. By the end of the year they will have the first chapter of the Comprehensive Plan prepared and provide that for the City's consideration to make sure the background and context is correct. The main meat of the plan will be prepared between the end of the year and May 2015 while they will prepare the transportation chapter, land use and character and ultimately the implementation program. They will be working with a Comprehensive Plan Advisory Committee. That Advisory Committee is the Planning Commission and preparing a comprehensive plan is part of Planning Commission's role.
- They hope to bring a final document to Council by the summer of 2015 to consider for adoption.
- The project is heavier on community input earlier in the process. Members of the community may come to any meetings. A community workshop tailored toward the public will be held October 9th at 7:00 p.m. in the Rosenberg Civic Center.
- Travis Tanner explained a press release will go out and there will be a website dedicated to the project that will link the Mind Mixer Site.
- Aaron Tuley stated there will be an interactive community website where survey questions will be answered. This is a way people can candidly express their opinions. They will be able to use it like a blog and post general comments. That site goes live on October 6th and will be announced at the Community Workshop on October 9th.
- He hopes to be able to sign Council up on the site as individuals participating in that website. It is

important when someone goes in to use a community website of that nature that they know the Mayor or members of Council are signed into that site and can check it for comments.

- No action was taken on the item.

RECESS SESSION, RECONVENE SESSION.

Mayor Morales recessed the session at 8:00 p.m. and reconvened the Session at 8:10 p.m.

2. REVIEW AND DISCUSS CITY'S *INSIDER* NEWSLETTER, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.

Executive Summary: This item has been included to allow for City Council discussion regarding the future publication and content of the Rosenberg *Insider* newsletter.

Key discussion points:

- Councilor Benton stated he has had people ask about the Newsletter. He asked staff to consider reinstating the Newsletter.
- Robert Gracia, City Manager asked Angela Fritz, Executive Director of Information Services to provide Council with an overview of what and why we are doing regarding the Newsletter.
- Angela Fritz stated some general information was shared with Council why we had gone away from the monthly newsletter. We are not proposing doing away with the newsletter. We are proposing to change the way in which we distribute it and the ways we communicate overall. Shifting the newsletter from a monthly to a quarterly distribution is what we are investigating now. That would let us focus some of our resources and time on other communications in other processes to try to reach a more diverse populous in the City.
- The main portion we are looking at is a plan for reinstating it on a quarterly basis to get it physically in the hands of more people in the City. It is in the City's utility bill now which only goes to about 8,200 people. We worked with Customer Service almost a year ago to add different communications medians and engage more of our community. Even within those we serve utilities to there is at least 4,000 people that are in apartments, mobile homes, or somewhere they have a master meter and are not receiving a utility bill. We are looking at a way similar to what LCISD does with their quarterly report that goes out and it would be a separate mailer. That has a better read rate. It would be going to the entire geographic area not just our utility customers.
- Our audiences are diversifying, growing and changing, and our utility audience and water customers do not necessarily equal our audience overall as a community anymore. It lets us diversify our offerings and utilize that space in the monthly newsletter to do targeted pieces toward those services, such as, water conservation, solid waste, street sweeping, leaves, and storm water pollution prevention. That is the broad context behind what we are trying to do. To do that we need some space to do that research to plan and come back with the quarterly numbers. That is what we are working on.
- Councilor Benton stated he appreciates wanting to reach more people. He liked the aspect of the monthly newsletter. How many water bill customers do we have?
- Angela Fritz stated approximately 8,200 water bills are sent out each month.
- Councilor McConathy stated it is still in the research stage about the content of that quarterly newsletter, is that correct?
- Angela Fritz stated yes. The basic idea is that we deal with the day to day issues in a timelier manner. Unfortunately, the monthly newsletter although it went out monthly it is impossible for it to be timely due to the production, printing and insertion in the utility bills. The general idea is to shift the content to some of our broader strategic goals to be able to talk about things in more depth like comprehensive planning and economic development. To deal with the day to day project updates, such as, town hall notifications, Eagle Scout projects at the parks as they happen through our press releases, the website and other tools we will be implementing in the coming year will be used.
- Councilor McConathy suggested since the newsletter will be a tangible document one of the things to include would be common numbers that our citizens and business owners would need, such as, the Community Coordinator which is the central point of collecting a lot of inquiries, questions, complaints, compliments and the like. Not everybody has access to the Internet and if they did it is very cumbersome to find the information you need quickly.
- Councilor Barta stated she has had some inquiries about it. Some citizens like it monthly and others don't mind receiving the newsletter quarterly. Are you looking at sending out 30,000 newsletters? Is it not feasible to continue the monthly until that is figured out?
- Angela Fritz stated we see it as a quarterly update. Those are the measurable strategic goals and things we set out as an organization, departments and things like that. It would be sent to Rosenberg properties. The goal is to blanket the geographic area that is covered by the City if we can financially.

It is not feasible to continue the monthly newsletter.

- Councilor Grigar stated after hearing the plan he thinks quarterly distribution is fine. He likes the idea it will go out to all properties and not just utility customers. There are people in our newly annexed areas that do not get a water bill. Reaching out to those people is very beneficial in keeping them in the loop of what is happening in Rosenberg.
- Angela Fritz stated the other issue is that a lot of our residents have Richmond addresses. From a mailing standpoint you can't just select a zip code. She has been meeting with companies to get a strategy. The big question now is the dollar amount. That is why we are being conservative to find out what works. We would like to be able to do it with what we were doing before but there are a lot of variables.
- Councilor Pena stated Angela Fritz does a good job and he knows whatever decision she comes up with will be something that has been studied. He talked to a lot of people that trash the newsletter. The majority do not read it. The cost for a quarterly newsletter makes more sense and it is going to the property owner.
- Councilor Euton stated all her questions have been covered.
- Councilor Benton asked what the cost is of the current water bill newsletter.
- Angela Fritz stated currently it costs approximately \$1,100 to print and the insertion fee is about one cent per insertion. That is approximately \$1,200 per month and \$14,000 to \$15,000 per year.
- Mayor Morales stated the general consensus of Council is for staff to bring the plan back.
- No action was taken on the item.

3. **REVIEW AND DISCUSS A PROPOSAL TO ADD 1.5 ACRES OF CITY-OWNED PROPERTY TO COMMUNITY PARK, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: At the May 22, 2014 Parks and Recreation Board (Board) Meeting, staff reviewed and discussed a proposal to add 1.5 acres of adjacent City-owned property to Community Park. After a brief discussion, the Board unanimously recommended the addition of 1.5 acres of adjacent City-owned property to Community Park.

Staff has placed this item on the Agenda to receive City Council's input on proceeding with the process of adding 1.5 acres of City-owned property to Community Park.

Key discussion points:

- Darren McCarthy, Parks and Recreation Director read the Executive Summary regarding the item.
- A map was provided showing the 1.5 acres. The lot used for storage west of the park and the lot between 5th and 4th Streets addition would make Community Park a full six acres. The lot to the left of the park was used for material storage at one time. The other area has been open land. By adding the acreage it would be nice to put some trails into this park that would wind around those six acres. More trees would be planted to beautify the park. Staff is asking for permission to proceed with a title search to make 100% certain that the City does own those two pieces of property before we try to adopt them into the park.

Questions/Comments:

- Councilor Euton stated this would be a great addition to our park system and she gives her full cooperation to do the title search.
- Councilor Pena asked if this is the low side of that area. He thinks it is a good idea.
- Darren McCarthy stated the part to the left to the west is the low side. The part that is between 5th and 4th Streets is on the higher side across from Jackson Elementary.
- Councilor Grigar stated it is an excellent idea. On the extension of 3rd Street north of Avenue A and 4th Street and 5th Street south of Avenue A, are those designated as streets the City owns or could that be put in parcels instead of right of ways? Would we be obligated to extend those streets one day?
- Travis Tanner stated staff would have to investigate it to see if there are any issues with abandoning the right of way. We need to make sure there are no utilities in there. Often allies will have utilities but it doesn't mean that can't be overcome. We will have to look at it on a case by case basis.
- Councilor Grigar stated it would make it cleaner as a contiguous piece of property.
- Darren McCarthy stated as part of the title search we could call 811 to locate the utilities to make sure there is nothing in the way before it comes back to Council for adoption.
- Councilor Barta stated the area is used a lot and whatever we can do to enhance it would be great.
- Councilor Benton stated you are not suggesting purchasing anymore property, right? We assume this is all City property and maintained. He was looking at the potential marketability of the 5th Street lot. If there was interest somebody would have made the City an offer.
- Darren McCarthy stated no. We are not 100% certain and that is why staff is recommending the title

search. It has been maintained as City owned property.

- Councilor McConathy asked if the parcel on the west side of the park is being considered for public access to the river as part of the Brazos River Plan.
- Darren McCarthy stated not necessarily. That would be a good parking spot to load and unload kayaks and canoes. The river access runs the road. The road curves around the playground and goes toward the river and the launch site. This parcel would not be access to that. It is accessed through the right of way closer to the river.
- Mayor Morales stated the general consensus of Council is to move forward.
- No action was taken on the item.

4. **REVIEW AND DISCUSS FORT BEND GREEN'S BRAZOS RIVER RECREATION MASTER PLAN, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: Fort Bend Green was created to provide a means to facilitate the planning and development of green space utilizing the entire spectrum of federal, state, and local government. A brief introduction to Fort Bend Green was included in the agenda packet. The goal of the Fort Bend Green's Brazos River Recreation Master Plan (Plan) is to create a collaborative plan that recommends priority projects for recreation and conservation within the Brazos River Corridor in Fort Bend County. Ultimately, there will be canoe and kayak launch sites as well as linear parks that will connect all of the communities in Fort Bend County along the Brazos River. A copy of the Plan was provided to City Council at the meeting.

One of the proposed projects identified in the Plan for the City of Rosenberg (City) is to work with Texas Department of Transportation (TxDOT) to create a launch site onto the Brazos River. The property identified in the plan is on the northeast corner of the FM 723 bridge on land recently annexed by the City.

The proposed future site is currently being used as an unofficial launching and fishing site due to the ease of access to the Brazos River. There is also potential for construction of a specified parking area since there is ease of accessibility to the area.

Should City Council wish to participate with the proposed project within the Richmond/Rosenberg Segment of the Plan, the City will have to work with many partners to add the amenities to the proposed future launch site. These partners may include TxDOT, Fort Bend Green, Fort Bend County, and local Boy Scout troops. The City's Parks and Recreation Board will also be reviewing this Plan as it progresses.

Key discussion points:

- Darren McCarthy distributed the Brazos River Recreation Plan. This is a process he has been involved in since 2010 at the request of Fort Bend Green which was headed up as an idea by Judge Hebert. This is to connect all of the different communities in Fort Bend County using the Brazos River.
- Darren McCarthy read the Executive Summary regarding the item and referenced Page 53 of the Brazos River Recreation Plan and pointed out the area. There has been a lot of interest in this site because a lot of people are already using it for river access because it is very accessible. He has met with the National Park Service and Texas Parks and Wildlife Department and it would be an ideal site for them and for Rosenberg to be included as part of a Texas River Paddling Trail. That would be one of the connection sites between the Fulshear segment and the Sugar Land segment. If you go to the Fort Bend Green website you can download a version of this plan.

Questions/Comments:

- Councilor Benton asked what the cost is to the City.
- Darren McCarthy stated we don't know that yet. We would work with the Parks Board if the City wants to pursue that site. One of the things that identify that site in Rosenberg is ease of accessibility. In our segment plan we had two members of the Richmond Fire Department that do a lot of the water rescues on the Brazos when necessary. They looked at the site and identified it as a great spot for emergency access to the Brazos. If Council wishes to proceed with the project staff will come back to Council with cost figures.
- Councilor Barta stated she didn't know the Brazos River would be used for paddleboats.
- Darren McCarthy stated the Brazos River is not a swimmable river and depending upon the level of the river it is excellent for canoeing and kayaking.
- Councilor Grigar stated he would like to see it pursued. In reading the information it looks like it is in TxDOT's right of way and then goes outside of it and is on private property. Some property would have to be acquired to keep the same trail. It is already being used and is a viable piece that people already access for fishing and viable to pursue.
- Darren McCarthy stated he does not know if it is touching private property. That would have to be

researched further.

- Councilor Euton asked if there is a plan for a boat ramp or will it be a launch pad? A lot of her customers have small boats they take up and down the bank and they would love to get into the river more conveniently. These are small boats with motors.
- Darren McCarthy stated they will work with Texas Parks and Wildlife to see what they would recommend. He does not think it would be a motorized boat path because of the fluctuating levels of the Brazos River.
- Mayor Morales asked if there is a possibility of getting some grants when the cost is determined.
- Darren McCarthy stated that is what they would like to look into to limit those costs and work with as many partners as possible to make it happen.
- Nowhere in this plan does it say that anyone's house or home will be displaced specifically in the Rosenberg/Richmond segment. We are looking at canoe and kayak launches at this point and trying to get some connectivity to the other segments that we are connected to along the river.
- Mayor Morales stated the general consensus of Council is for staff to move forward on the continuing study.
- No action was taken on the item.

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

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

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

6. **ADJOURN EXECUTIVE SESSION, AND RECONVENE INTO WORKSHOP SESSION.**

Mayor Morales adjourned the Executive Session and reconvened into Workshop Session at 9:11 p.m. No action was taken as a result of Executive Session.

7. **ADJOURNMENT.**

There being no further business Mayor Morales adjourned the meeting at 9:15 p.m.

Linda Cernosek, TRMC, City Secretary



CITY COUNCIL COMMUNICATION

November 04, 2014

ITEM #	ITEM TITLE
B	Short Form Final Plat of KB Subdivision

ITEM/MOTION

Consideration of and action on a Short Form Final Plat of KB Subdivision, a subdivision of 2.609 acres of land (Fort Bend County Clerk's File No. 2013096789) being a call 2.601 acre tract (Volume 2386, Page 2102; Official Records of Fort Bend County, Texas) out of the original Helen Ray Hillyer call 30 acre tract of land (Volume 438, Page 488; Deed Records of Fort Bend County, Texas) being in the Henry Scott Survey, Abstract No. 83, City of Rosenberg, Fort Bend County, Texas; 0 lots, 2 reserves, 1 block.

FINANCIAL SUMMARY	ELECTION DISTRICT
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Annualized Dollars:

- One-time
 Recurring
 N/A

Budgeted:

- Yes No N/A

Source of Funds: N/A

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

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

- Short Form Final Plat of KB Subdivision
- Planning Commission Meeting Draft Minute Excerpt – 10-15-14

APPROVALS

Submitted by:

Travis Tanner
 Travis Tanner, AICP
 Executive Director of
 Community Development

Reviewed by:

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

Approved for Submittal to City Council:

Robert Gracia
 Robert Gracia
 City Manager

EXECUTIVE SUMMARY

The Short Form Final Plat of KB Subdivision is located on the east side of State Highway 36, south of its intersection with Walger Avenue. It consists of 2.609 acres and two (2) nonresidential reserves.

The tract being subdivided consists of recently developed Millennium Motors and the adjacent small office building. It is proposed to be subdivided into two (2) reserves (2.402 and 0.207 acres respectively) under separate ownership. There are no regulations that would preclude this proposed subdivision and it has been submitted as a Short Form Final Plat due to the small number of reserves involved and access and utilities already being in place. Staff reviewed a survey with the proposed property lines overlaid to ensure that the existing buildings would comply with the minimum setbacks, etc.

The Planning Commission recommended approval to City Council of this Plat on October 15, 2014. Staff recommends approval of the Short Form Final Plat of KB Subdivision.

CENTER, BEING 20.1 ACRES OF LAND CONTAINING 139 LOTS (24'28' X 115' TYP.) AND FIVE RESERVES IN THREE BLOCKS OUT OF THE JANE H. LONG LEAGUE SURVEY, A-55 & SIMON JONES SURVEY, A-271, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS.

Executive Summary: The Preliminary Plat of The Townhomes at Brazos Town is located off of Town Center Boulevard, north of its intersection with Commercial Drive. It is located within the City Limits and in Fort Bend County MUD No. 167. The Plat consists of approximately 20.1 acres, with 139 townhome lots and five (5) reserves.

The typical lot size for the subdivision is twenty-four (24) to twenty-eight (28) feet in width. This is per the approved Land Plan, as amended on September 30, 2014 (see attached). Per the amended Development Agreement, the subdivision must comply with the following requirements:

- Residences shall be a minimum of 1,700 square feet in size;
- Residences shall have three-sided masonry exterior with a landscape buffer between buildings;
- The tract shall have a maximum of 139 units or seven (7) units per acre;
- The tract shall have a minimum of 5.5 acres in landscape/open space reserves or .04 acres per unit;
- Minimum fifty-foot (50') street right-of-way width;
- Minimum twenty-seven-foot (27') pavement width measured from inside of curb to inside of curb;
- Minimum average lot size of 2,900 square feet;
- Minimum twenty-foot (20') front building lines on all lots; and,
- A two-car garage shall be required on each lot.

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

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Chairperson Pavlovsky stated that 139 lots is quite a few townhomes but this area previously had 150 lots for apartments.

Action Taken: Commissioner Casias moved, seconded by Commissioner Parsons, to approve the Preliminary Plat of The Townhomes at Brazos Town Center, being 20.1 acres of land containing 139 lots (24'28' x 115' typ.) and five reserves in three blocks out of the Jane H. Long League Survey, A-55 & Simon Jones Survey, A-271, City of Rosenberg, Fort Bend County, Texas. The motion carried unanimously.

7. CONSIDERATION OF AND ACTION ON A SHORT FORM FINAL PLAT OF KB SUBDIVISION, A SUBDIVISION OF 2.609 ACRES OF LAND (FORT BEND COUNTY CLERK'S FILE NO. 2013096789) BEING A CALL 2.601 ACRE TRACT (VOLUME 2386, PAGE 2102; OFFICIAL RECORDS OF FORT BEND COUNTY, TEXAS) OUT OF THE ORIGINAL HELEN RAY HILLYER CALL 30 ACRE TRACT OF LAND (VOLUME 438, PAGE 488 DEED RECORDS OF FORT BEND COUNTY, TEXAS) BEING IN THE HENRY SCOTT SURVEY, ABSTRACT NO. 83, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS.

Executive Summary: The Short Form Final Plat of KB Subdivision is located on the east side of State Highway 36, south of its intersection with Walger Avenue. It consists of 2.609 acres and two (2) nonresidential reserves.

The tract being subdivided consists of recently developed Millennium Motors and the adjacent small office building. It is proposed to be subdivided into two (2) reserves (2.402 and 0.207 acres respectively) under separate ownership. There are no regulations that would preclude this proposed subdivision and it has been submitted as a Short Form Final Plat due to the small number of reserves involved and access and utilities already being in place. Staff reviewed a survey with the proposed property lines overlaid to ensure that the existing buildings would comply with the minimum setbacks, etc.

Staff recommends that the Planning Commission recommend approval to City Council of the Short Form Final Plat of KB Subdivision.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Casias inquired if there may be any parking issues with this subdivision.
- Mr. Tanner replied that these are existing buildings on the site. If there were redevelopment or improvements, then they may be required to confirm with the current standards. For now, these existing businesses are legally nonconforming. The goal of this plat is to provide for separate ownership.

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

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

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

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

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

Key Discussion:

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

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



CITY COUNCIL COMMUNICATION

November 04, 2014

ITEM #	ITEM TITLE
C	Final Plat of Walnut Creek Section Ten
ITEM/MOTION	
Consideration of and action on a Final Plat of Walnut Creek Section Ten, a subdivision of 9.689 acres containing 42 lots, 2 blocks, 2 restricted reserves, out of the Eugene Wheat Survey, A-396, Fort Bend County, Texas.	
FINANCIAL SUMMARY	ELECTION DISTRICT

Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

- Yes No N/A

Source of Funds: N/A

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

SUPPORTING DOCUMENTS:

MUD #: 152 (Walnut Creek)

1. Final Plat of Walnut Creek Section Ten
2. Land Plan for Walnut Creek
3. Planning Commission Meeting Minute Excerpt – 03-26-14
4. Planning Commission Meeting Minute Excerpt – 09-25-13
5. Planning Commission Meeting Minute Excerpt – 03-27-13

APPROVALS

Submitted by:

Travis Tanner
 Travis Tanner, AICP
 Executive Director of
 Community Development

Reviewed by:

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

Approved for Submittal to City Council:

Robert Gracia
 Robert Gracia
 City Manager

EXECUTIVE SUMMARY

The Final Plat of Walnut Creek Section Ten is located off of Ricefield Road and Candle Oaks Lane, directly adjacent to Walnut Creek Sections Six and Eight. It is located in the City's Extraterritorial Jurisdiction (ETJ) and in Fort Bend County Municipal Utility District No. 152 (MUD No. 152). The Plat consists of 9.689 acres, forty-two (42) single-family residential lots, and two (2) reserves consisting of 0.32 acres.

The approved Land Plan for Walnut Creek identifies fifty-five-foot (55') lot widths for this particular area of the development. All of the proposed lots in the Plat are a minimum of 55' as measured at the front building line. Twelve (12) of the lots in the proposed subdivision are sixty feet (60') or greater in width, and five (5) lots are identified as fifty-foot (50') lots due to their width at the right-of-way.

According to the approved Land Plan, at build-out, Walnut Creek will contain a minimum of 50 percent sixty-foot lots per the Ordinance in effect at the time the development began. All subdivisions platted so far have been in accordance with the approved Land Plan.

The proposed Final Plat of Walnut Creek Section Ten is in compliance with the approved Land Plan for MUD No. 152, with applicable provisions of the "Subdivision" Ordinance, and with the Preliminary Plat, which was initially approved by the Planning Commission on March 27, 2013, and for which a six-month extension was granted on September 25, 2013. On March 26, 2014, the Planning Commission recommended approval to City Council of the Final Plat of Walnut Creek Section Ten. Staff recommends approval of the Final Plat of Walnut Creek Section Ten.

STATE OF TEXAS
COUNTY OF FORT BEND

We, LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD., a Texas Limited Partnership dba Friendswood Development Company, acting by and through John W. Hammond, Vice President of LENNAR TEXAS HOLDING COMPANY, a Texas Corporation, its General Partner, owner hereinafter referred to as Owners of the 9.689 acre tract described in the above and foregoing map of WALNUT CREEK SECTION TEN, do hereby make and establish said subdivision and development plat of said property according to all lines, dedications, restrictions and notations on said maps or plat and hereby dedicate to the use of the public forever, all streets (except those streets designated as private streets), alleys, parks, water courses, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, We have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional eleven feet, six inches (11'6") for ten feet (10'0") perimeter ground easements or seven feet, six inches (7'6") for fourteen feet (14'0") perimeter ground easements, or five feet, six inches (5'6") for sixteen feet (16'0") perimeter ground easements from a plane sixteen feet (16'0") above ground level upward, located adjacent to and adjoining said public utility easements that are designated with aerial easements (U.E. & A.E.) as indicated and depicted hereon, whereby the aerial easement totals twenty one feet, six inches (21'6") in width.

FURTHER, We have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet (10'0") for ten feet (10'0") back to back ground easements or eight feet (8'0") for fourteen feet (14'0") back to back ground easements or seven feet (7'0") for sixteen feet (16'0") back-to-back ground easements, from a plane sixteen feet (16'0") above ground level upward, located adjacent to both sides and adjoining said public utility easements that are designated with aerial easements (U.E. & A.E.) as indicated and depicted hereon, whereby the aerial easement totals thirty feet (30'0") in width.

FURTHER, We do hereby declare that all parcels of land designated as lots on this plat are intended for the construction of single family residential dwelling units thereon and shall be restricted for same under the terms and conditions of such restrictions filed separately.

FURTHER, We do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to prevent the drainage of any septic tanks into any public or private street, road or alley or any drainage ditch, either directly or indirectly.

FURTHER, We do hereby dedicate to the public a strip of land twenty (20) feet wide on each side of the center line of any and all baysous, creeks, gullies, ravines, draws, and drainage ditches located in said subdivision, as easements for drainage purposes. Fort Bend County or any other governmental agency shall have the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

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

FURTHER, Owners do hereby certify that we are the owners of all property immediately adjacent to the boundaries of the above and foregoing plat of WALNUT CREEK SECTION TEN where building setback lines or public utility easements are to be established outside the boundaries of the above and foregoing plat and do hereby make and establish all building setback lines and dedicate to the use of the public forever all public utility easements shown in said adjacent acreage.

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

IN TESTIMONY WHEREOF, LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD., a Texas Limited Partnership dba Friendswood Development Company has caused these presents to be signed by John W. Hammond, Vice President of LENNAR TEXAS HOLDING COMPANY, a Texas Corporation, its General Partner,

Thereunto authorized, this _____ day of _____, 2013.

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

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

By: _____
John W. Hammond, Vice President

STATE OF TEXAS
COUNTY OF FORT BEND

BEFORE ME, the undersigned authority, on this day personally appeared John W. Hammond, Vice President of LENNAR TEXAS HOLDING COMPANY, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein and herein set out, and as the act and deed of said Limited Partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2013.

Notary Public in and for the
Fort Bend County, Texas

My Commission Expires _____

I, Douglas W. Turner, am registered under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; 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 three quarter (3/4) inch and a length of not less than three (3) feet; and that the plat boundary corners have been tied to the nearest survey corner (and to the City of Houston survey marker system; to be added if the plat boundary is within a general area where such system has been developed) and NAD83 state plane projections.

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

This is to certify that the City Planning Commission of the City of Rosenberg, Texas, has approved this plat and subdivision of WALNUT CREEK SECTION TEN 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 _____, 2013.

By: _____
Pete Pavlovsky, Chairman

By: _____
Wayne Poldrack, Secretary

This is to certify that the City Council of the City of Rosenberg, Texas, has approved this plat and subdivision of WALNUT CREEK SECTION TEN 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 _____, 2013.

Vincent M. Morales, Jr, Mayor

Linda Cernosek, Secretary

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

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

APPROVED by the Commissioners' Court of Fort Bend County, Texas, this _____ day of _____, 2013.

Richard Morrison
Precinct 1, County Commissioner

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

Robert E. Hebert
County Judge

Grady Prestage
Precinct 2, County Commissioner

James Patterson
Precinct 4, County Commissioner

I, Dianne Wilson, County Clerk in and for Fort Bend County, hereby certify that the foregoing instrument with its certificate of authentication was filed for recordation in my office on _____, 2013, at _____ o'clock _____ M. Filed in plat number(s) _____ of the plat records of Fort Bend County, Texas.

Witness my hand and seal of office, at Richmond, Texas, the day and date last above written.

Dianne Wilson, County Clerk
Fort Bend County, Texas

By: _____
Deputy

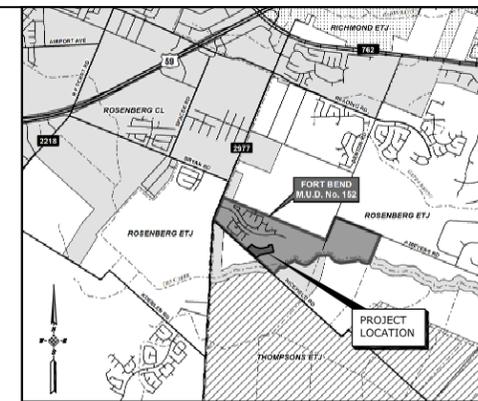
I, BRIAN D. GEROULD, A Professional Engineer licensed in the State of Texas do hereby certify that this plat meets the requirements of Fort Bend County to the best of my knowledge.

BRIAN D. GEROULD
Licensed Professional Engineer, No. 108604

THIS DOCUMENT IS
RELEASED FOR THE
PURPOSE OF REVIEW
UNDER THE AUTHORITY OF
BRIAN D. GEROULD, P.E.
108604 ON 09/26/13. IT
IS NOT TO BE USED FOR
RECORDATION PURPOSES.

NOTES

- B.L. indicates a building line
A.E. indicates an aerial easement
U.E. indicates a utility easement
STM. S.E. indicates a storm sewer easement
W.L.E. indicates a water line easement
S.S.E. indicates a sanitary sewer easement
VOL., PG. indicates Volume, Page
F.B.C.P.R. indicates Fort Bend County Public Records
F.B.C.M.R. indicates Fort Bend County Map Records
F.B.C.D.R. indicates Fort Bend County Deed Records
O.P.R.F.B.C. indicates Official Public Records of Fort Bend County
ESMT. indicates an Easement
H.L. & P. indicates Houston Lighting and Power
F.H.E. indicates a fire hydrant easement
D.E. indicates a drainage easement
SQ. FT. indicates square feet
AC. indicates acres
R.O.W. indicates right-of-way
• indicates a found 3/4" iron rod
○ indicates a set 3/4" iron rod
↵ indicates a street name change
- The coordinates shown hereon are Texas State Plane Zone No. 4204 Grid Coordinates (NAD83) and may be brought to surface by applying the following combined scale 1.000128.
- All non-perimeter easements on property lines are centered unless otherwise noted.
- All bearings are based on the Texas Coordinate System of 1983, South Central Zone
- Unless otherwise indicated, the building lines (B.L.) whether one or more, shown on this subdivision plat are established to evidence compliance with the applicable provisions of the City of Rosenberg, Texas, in effect at the time of this plat.
- The platted area is not located within the 100-year flood plain per Fema Flood Insurance Rate Map Panel 48157C0220J effective January 3, 1997. The nearest base Flood elevation is 79.41, NAVD 88.
- All property to drain into the drainage easement only through an approved drainage structure.
- The minimum slab elevation shall be 86.00' above mean sea level. The top of the slab elevation on the perimeter of the slab shall not be less than 18" above natural ground.
- The drainage system for this subdivision is designed in accordance with the "Fort Bend County Drainage Criteria Manual" which allows street ponding with intense rainfall events.
- All drainage easements are to be kept clear of fences, buildings, vegetation and other obstructions to the operation and maintenance by the drainage facility.
- Sidewalks shall be built or caused to be built through restrictive covenants within all road rights-of-way dedicated to the public.
- This plat lies within Fort Bend County lighting ordinance zone No. LZ2
- Lots are restricted to single family residential use.
- All restricted reserves are to be owned and maintained by the Home Owners Association. Restricted Reserves A and B are hereby dedicated for use as private open space
- BENCHMARK: An NGS disk, 13.0 Miles NE from Guy, 7.65 miles northeast along Farm Road 1994 from the junction of State Highway 36 at Guy, thence 5.35 miles northeast and northwest along Farm Road 762, at the junction of Smithers Lake Road Southeast, 49-1/2 feet southeast of the center line of the road, 42 feet southwest of the center line of Smithers Lake Road, 11-1/2 feet East-Southeast of a T junction telephone pole with a metal box and guy wire, 10 feet East-Southeast of a fence corner post, 3.0 feet Southwest of a fence, 8.9 feet Southeast of a fence, 8.9 feet Southeast of a witness post, about level with the road, and set in the top of a concrete post projecting 0.2 foot above the ground. NAVD 88 (2001 ADJ.) ELEVATION = 75.10
- PROJECT BENCHMARK: A Brass Disc will be set in concrete 233.35' northwest of the southeast corner of the Walnut Creek Sec. Ten tract in the center of the knuckle at the intersection of Trinity Trail Lane and Plum Rose Lane.
- Each lot shall have a minimum five (5) foot interior side lot set back line.
- A minimum distance of 10' shall be maintained between residential dwellings.
- Elevations used for delineating contour lines are based upon U.S.C. & G.S. Datum, NAVD 88 (2001 ADJ.).
- This plat was prepared to meet City of Rosenberg and Fort Bend County requirements.
- This plat was prepared from information furnished by Stewart Title Company, File No. 1315741080, Effective Date August 21, 2013. The surveyor has not abstracted the above property.
- This plat lies wholly within Fort Bend County Municipal Utility District No. 152, Fort Bend Subsidence District, Fort Bend County Drainage District, Lamar Consolidated I.S.D., the ETJ of the City of Rosenberg, and Fort Bend County.
- Approval of this plat will expire one year from City Council approval if not recorded in the real property records of the County of Fort Bend.
- Three quarter inch (3/4") iron rods three feet (3') in length are set on all perimeter boundary corners, all angle points, all points of curvature and tangency, and all block corners, unless otherwise noted.
- There are no pipelines nor pipeline easements within the limits of the subdivision.
- Lot 26, Block 1 is denied access to Candle Oaks Lane. Lot 16, Block 2 is denied access to Plum Rose Lane.
- The tract shown hereon is subject to the blanket easement for electric distribution facilities and communication facilities as recorded under File No. 2011067575 in the Official Public Records of Fort Bend County, Texas.



VICINITY MAP

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

WALNUT CREEK SECTION TEN
A SUBDIVISION OF
9.689 ACRES
CONTAINING
42 LOTS, 2 BLOCKS, 2 RESTRICTED RESERVES
OUT OF THE
EUGENE WHEAT SURVEY, A-396
FORT BEND COUNTY, TEXAS

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

LANDPLANNER: **KERRY R. GILBERT & ASSOCIATES, INC.**
28501 CINCO RANCHO BOULEVARD, SUITE A-250 - KATY, TEXAS 77494 - (281) 579-0340

ENGINEER/SURVEYOR:



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

X:\0300\03711480\Walnut Creek Sec. 10\Design\DWG\WC 10 C-Plat.dwg [Sh.] Plotted Oct 07, 2013 at 9:15am by: threeshaw (Last Saved by: threeshaw)



LINE	BEARING	LENGTH
L1	S47°52'49"E	58.00'
L2	S48°01'53"E	55.69'
L3	N12°23'54"W	6.48'
L4	S71°51'06"W	51.38'
L5	S61°51'06"W	51.75'
L6	N42°07'11"E	5.00'
L7	S47°52'49"E	101.51'
L8	N77°36'06"W	282.00'
L9	S12°23'54"E	96.48'
L10	S12°35'29"W	61.81'
L11	S12°35'29"W	60.00'
L12	S57°23'54"E	1.57'
L13	S57°23'54"E	50.00'

CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD DISTANCE
C1	3°56'16"	1035.00'	71.13'	35.58'	N10°25'46"W	71.12'
C2	90°00'00"	25.00'	39.27'	25.00'	N2°52'49"W	35.36'
C3	72°06'44"	25.00'	31.46'	18.20'	N78°10'33"E	29.43'
C4	29°31'42"	650.00'	334.99'	171.30'	S62°38'40"E	331.29'
C5	24°59'23"	650.00'	283.50'	144.04'	S89°54'13"E	281.26'
C6	45°00'00"	55.00'	43.20'	22.78'	N55°06'06"E	42.10'
C7	45°00'00"	55.00'	43.20'	22.78'	S10°06'06"W	42.10'
C8	3°56'16"	1005.00'	69.07'	34.55'	S10°25'46"E	69.05'
C9	3°56'16"	975.00'	67.01'	33.52'	S10°25'46"E	66.99'
C10	21°02'22"	25.00'	9.18'	4.64'	S22°55'05"E	9.13'
C11	66°02'22"	50.00'	57.63'	32.49'	S02°55'05"E	54.49'
C12	66°02'22"	50.00'	57.63'	32.49'	S65°37'17"W	54.49'
C13	21°02'22"	25.00'	9.18'	4.64'	S88°07'17"W	9.13'
C14	12°01'22"	680.00'	142.69'	71.61'	S83°36'47"W	142.43'
C15	49°30'55"	150.00'	129.63'	69.18'	S64°52'00"W	125.63'
C16	62°28'56"	60.00'	65.43'	36.40'	S71°21'01"W	62.24'
C17	62°28'56"	60.00'	65.43'	36.40'	N46°10'03"W	62.24'
C18	49°30'55"	150.00'	129.63'	69.18'	N39°41'03"W	125.63'
C19	16°33'42"	680.00'	196.56'	98.97'	N56°09'39"W	195.87'
C20	17°53'16"	25.00'	7.81'	3.93'	N56°49'27"W	7.77'
C21	54°31'06"	620.00'	589.94'	319.45'	S75°08'21"E	567.94'
C22	90°00'00"	25.00'	39.27'	25.00'	N32°36'06"E	35.36'

LOT NO.	SQ. FT.	AC.
B1-1	6993	0.1605
B1-2	6688	0.1535
B1-3	6600	0.1515
B1-4	7783	0.1787
B1-5	15653	0.3593
B1-6	8563	0.1966
B1-7	6600	0.1515
B1-8	6600	0.1515
B1-9	6600	0.1515
B1-10	6600	0.1515
B1-11	6600	0.1515
B1-12	6665	0.1530
B1-13	6953	0.1596
B1-14	7476	0.1716
B1-15	7765	0.1783
B1-16	7440	0.1708
B1-17	12658	0.2906
B1-18	8645	0.1985
B1-19	7753	0.1780
B1-20	8546	0.1962
B1-21	8147	0.1870
B1-22	7433	0.1706
B1-23	7292	0.1674
B1-24	6978	0.1602
B1-25	6607	0.1517
B1-26	6526	0.1498
B2-1	6670	0.1531
B2-2	6568	0.1508
B2-3	7152	0.1642
B2-4	7439	0.1708
B2-5	7615	0.1748
B2-6	7687	0.1765
B2-7	7706	0.1769
B2-8	7674	0.1762
B2-9	7569	0.1738
B2-10	7390	0.1696
B2-11	6996	0.1606
B2-12	6421	0.1474
B2-13	6325	0.1452
B2-14	6325	0.1452
B2-15	6325	0.1452
B2-16	7916	0.1817

LOT WIDTH TABLE	
WIDTH 50'-54'	5 LOTS (12%)
WIDTH 55'-59'	25 LOTS (59%)
WIDTH 60'+	12 LOTS (29%)
TOTAL LOTS: 42	

- (A) RESTRICTED RESERVE A
3,600 SQ. FT.
0.0826 AC.
RESTRICTED TO LANDSCAPE, OPEN SPACE AND DRAINAGE
- (B) RESTRICTED RESERVE B
10,286 SQ. FT.
0.2361 AC.
RESTRICTED TO LANDSCAPE AND OPEN SPACE

WALNUT CREEK SECTION TEN
 A SUBDIVISION OF
9.689 ACRES
 CONTAINING
42 LOTS, 2 BLOCKS, 2 RESTRICTED RESERVES
 OUT OF THE
 EUGENE WHEAT SURVEY, A-396
 FORT BEND COUNTY, TEXAS

OWNER: LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD.
A TEXAS LIMITED PARTNERSHIP
 & FREEDOMHOOD DEVELOPMENT COMPANY
 550 GREENS PARKWAY, SUITE 200 - HOUSTON, TEXAS 77067 - PHONE: 281-975-1000
LANDPLANNER: KERRY R. GILBERT & ASSOCIATES, INC.
28501 CINCO RANCH BOULEVARD, SUITE A-250 - KATY, TEXAS 77494 - (281) 879-0340

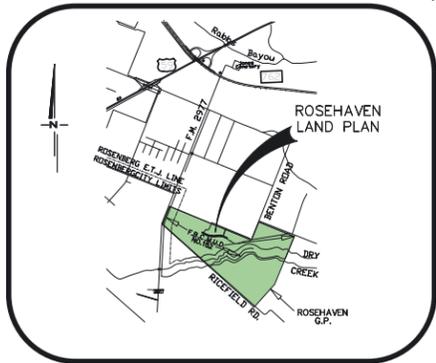
ENGINEER/SURVEYOR: **IDS** Engineering Group
13333 NW. Freeway, Suite 300
 Houston, TX. 77040
 713.462.3178
 TPE F-00278 TPLS 1010700

X:\0350\037114801\Walnut Creek Sec. 10\Design\DWG\WC 10 C-Plan.dwg [Sh. 2] Plotted Oct. 09, 2013 at 1:48pm by Theodoros (Last Saved by: Theodoros)

LOT ANALYSIS

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

1,509 TOTAL LOTS



Vicinity Map NTS

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

PAVING WIDTH
36'
27'
39'

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

ROSEHAVEN PARKLAND ANALYSIS (Revised 2008)

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

Total Private Park Provided = 16.58 Ac.

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

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

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

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

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

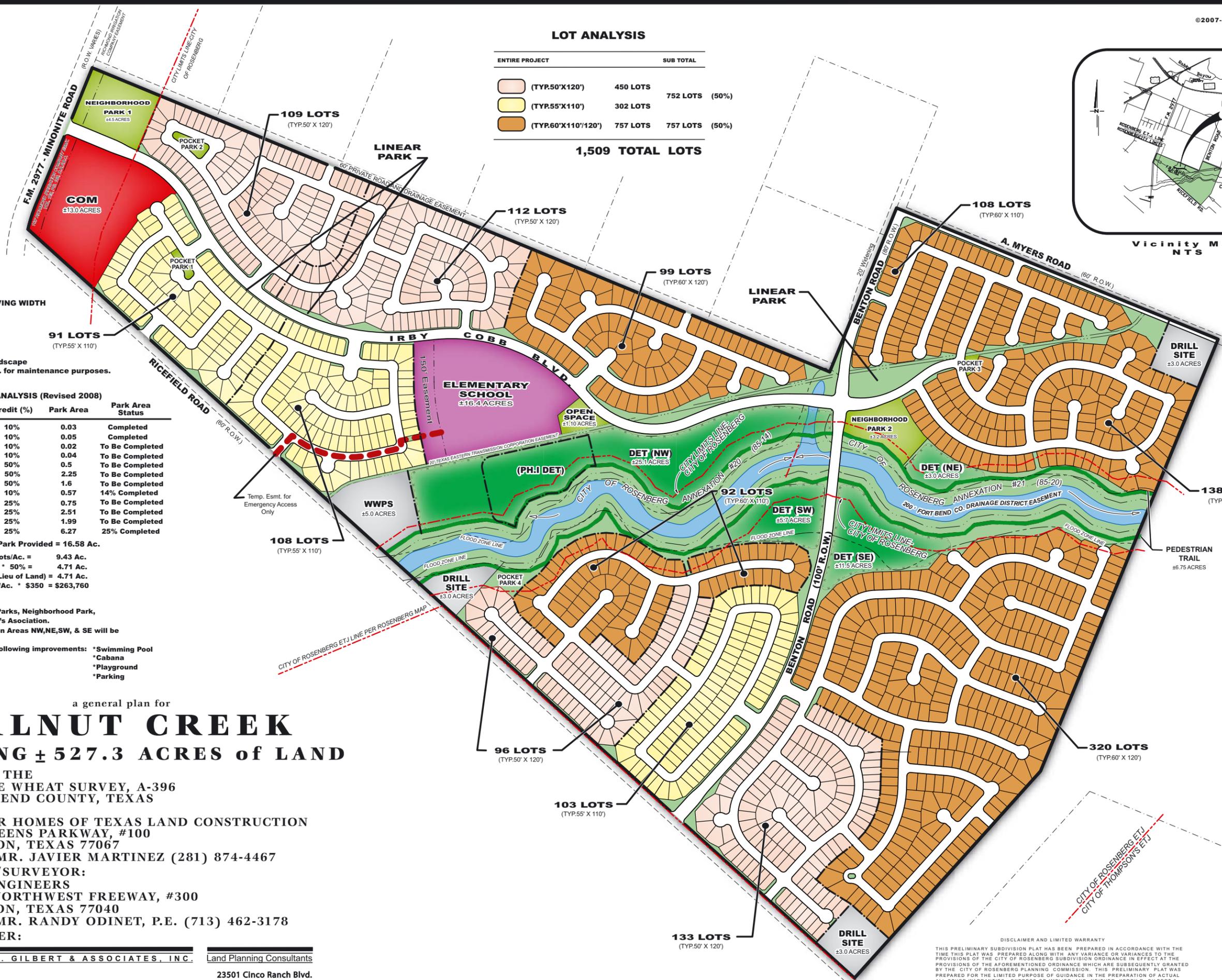
ENGINEER/SURVEYOR:
PATE ENGINEERS
13333 NORTHWEST FREEWAY, #300
HOUSTON, TEXAS 77040
ATTN: MR. RANDY ODINET, P.E. (713) 462-3178

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



JANUARY 09, 2008
KGA #05504

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



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

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Parsons inquired how many sections of Bonbrook Plantation are left to be platted.
- Mr. Tanner replied that all preliminary plats for the Bonbrook North have been submitted and there should be 2-3 more final plats.

Action Taken: Commissioner Parsons moved, seconded by Commissioner Urbish, to approve the Final Plat of Bonbrook Plantation North Section Ten, a subdivision of 12.205 acres of land situated in the Wiley Martin League, Abstract 56, Fort Bend County, Texas; 39 lots, 1 reserve (0.917 acre), 3 blocks. The motion carried unanimously.

3. CONSIDERATION OF AND ACTION ON A FINAL 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 Final Plat of Bonbrook Plantation South Section Five is a proposed subdivision located off of Reading Road in the southeast part of Bonbrook Plantation. It is in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 155. The plat contains the portion of Reading Road that connects Bonbrook Plantation to Bridlewood Estates. The latter is in accordance with the approved Land Plan for Bonbrook Plantation.

The plat consists of 115 lots and seven (7) reserves including a detention reserve ("A") containing over 14 acres. The plat consists of the following lots sizes:

- 18 x 50' lots
- 62 x 55' lots
- 35 x 65'+ lots

The proposed plat and lot layout reflects the approved Land Plan. This is the final subdivision in Bonbrook Plantation South and one of the final subdivisions in Bonbrook Plantation overall.

The Preliminary Plat of this subdivision was approved by the Planning Commission on January 22, 2014. The Final Plat is consistent with the approved Preliminary Plat and not in conflict with any applicable regulations. Staff recommends that the Planning Commission recommend approval to City Council of the Final Plat of Bonbrook Plantation South Section Five.

Key Discussion:

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

Action Taken: Commissioner Parsons moved, seconded by Commissioner Casias, to approve the Final Plat of 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.

4. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF WALNUT CREEK SECTION TEN, A SUBDIVISION OF 9.689 ACRES CONTAINING 42 LOTS, 2 BLOCKS, 2 RESTRICTED RESERVES, OUT OF THE EUGENE WHEAT SURVEY, A-396, FORT BEND COUNTY, TEXAS.

Executive Summary: The Final Plat of Walnut Creek Section Ten is located off of Ricefield Road and Candle Oaks Lane, directly adjacent to Walnut Creek Sections Six and Eight. It is located in the City's Extraterritorial Jurisdiction (ETJ) and in Fort Bend County Municipal Utility District No. 152 (MUD No. 152). The plat consists of 9.689 acres, forty-two (42) single-family residential lots, and two (2) reserves consisting of 0.32 acres.

The approved Land Plan for Walnut Creek identifies fifty-five-foot (55') lot widths for this particular area of the development. All of the proposed lots in the Plat are a minimum of 55' as measured at the front building line. Twelve (12) of the lots in the proposed subdivision are sixty feet (60') or greater in width, and five (5) lots are identified as fifty-foot (50') lots due to their width at the right-of-way.

According to the approved Land Plan, at build-out, Walnut Creek will contain a minimum of 50 percent sixty-

foot lots per the ordinance in effect at the time the development began. All subdivisions platted so far have been in accordance with the approved Land Plan.

The proposed Final Plat of Walnut Creek Section Ten is in compliance with the approved Land Plan for MUD No. 152, with applicable provisions of the "Subdivision" Ordinance, and with the Preliminary Plat, which was initially approved by the Planning Commission on March 27, 2013, and for which a six-month extension was granted on September 25, 2013. Staff recommends that the Planning Commission recommend approval to City Council of the Final Plat of Walnut Creek Section Ten.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Parsons inquired how many plats remain in Walnut Creek.
- Mr. Tanner replied that he was not certain but could bring that information to the next meeting.

Action Taken: Commissioner Parsons moved, seconded by Vice Chairperson Phipps, to approve the Final Plat of Walnut Creek Section Ten, a subdivision of 9.689 acres containing 42 lots, 2 blocks, 2 restricted reserves, out of the Eugene Wheat Survey, A-396, Fort Bend County, Texas. The motion carried unanimously.

5. CONSIDERATION OF AND ACTION ON A REVISED PLANNING COMMISSION MEETING SCHEDULE AND SUBMITTAL DEADLINES CALENDAR TO BE IMPLEMENTED BY JULY 2014.

Executive Summary: On January 21, 2014, the Planning Commission (Commission) brought forward a Resolution to City Council regarding the continuation of Wednesday meetings. At that time, City Council opted to maintain the recent policy change on meetings and directed the Commission to create a new meeting calendar establishing new meeting dates and plat submittal deadlines. The current calendar, as approved in October 2013, could be utilized through June 2014.

Following discussion from the November 20th, December 18th and February 26th Planning Commission meetings, staff has prepared the attached revised meeting calendar and submittal deadlines, proposed to begin as early as April 2014 but no later than July 2014. In order to accommodate staff availability, the first proposed calendar would keep the regular Commission meetings on the fourth Wednesday of each month, but would advance the meeting start time from 6:00 p.m. to 4:00 p.m. A second option would be to meet on the third Wednesday of each month at 4:00 p.m. After further discussions following the February Planning Commission meeting, in addition to City staff, the third Wednesday would accommodate the schedules of both the City Engineer and City Attorney. Staff recommends the Commission review and discuss the proposed revised calendar options for adoption or propose an alternate meeting date/time.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Chairperson Pavlovsky stated that he is glad to see the afternoon time.

Action Taken: Commissioner Casias moved, seconded by Commissioner Urbish, to approve and adopt a revised Planning Commission meeting schedule for the third Wednesday of each month with meetings to begin at 4:00 p.m.

Additional Discussion:

- Commissioner Poldrack inquired when the new schedule would begin.
- Mr. Tanner replied that since the submittal deadlines are tied to the meeting date, the first meeting on the new schedule should be in May to allow time for any applicants to adjust their submittals.
- Commissioner Poldrack stated that it was his understanding that this new schedule would not take effect until June or July.

Action Taken: Commissioner Casias amended the previous motion, seconded by Commissioner Urbish, by adding a commencement date of May 21, 2014, for the revised Planning Commission meeting schedule for the third Wednesday of each month at 4:00 p.m. Upon voting, the motion carried unanimously.

Ordinance at the time the development was initiated and, so far, all subdivisions in the development have been in accordance with the approved Land Plan.

The proposed Final Plat is consistent with the Land Plan, with the "Subdivision" Ordinance of the City of Rosenberg, and with the Preliminary Plat as approved by the Planning Commission on July 24, 2013. Staff recommends that the Planning Commission recommend approval to City Council of the Final Plat of River Run at the Brazos Section Five.

Key Discussion:

- Mr. Tanner presented the item and reviewed the executive summary.

Action Taken: Commissioner Parsons moved, seconded by Commissioner Casias, to approve the Final Plat of River Run at the Brazos Section Five, being a subdivision of 8.3492 acres out of the Wm. Lusk Survey, A-276, in Fort Bend County, Texas (Fort Bend County Municipal Utility District No. 159); 39 lots, 2 blocks. The motion carried unanimously.

4. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF STRIPES ON SOUTHGATE, A SUBDIVISION OF 6.835 ACRES OF 297,731 SQUARE FEET OF LAND BEING A PARTIAL REPLAT OF LOTS 1 AND 2 AND THE EAST 100 FEET OF LOT 3, KOVAR SUBDIVISION, RECORDED UNDER VOL. 196, PG. 36, PLAT RECORDS OF FORT BEND COUNTY, IN THE HENRY SCOTT LEAGUE, ABSTRACT NO. 81, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS; 1 BLOCK 2 RESERVES.

Executive Summary: The Final Plat of Stripes on Southgate is a proposed replat of Lots 1, 2, and 3 of the Kovar Subdivision. The property was originally platted in 1941. The Plat is located in the City, at the intersection of Southgate and State Highway 36. It consists of two (2) proposed reserves and 6.8 acres. The purpose of the Plat is to develop a convenience store with fueling stations on Reserve "A" at the hard corner.

While a convenience store with fueling stations can be developed on this tract, it must comply with all applicable regulations including, but not limited to, parking, parking setbacks, landscaping, building setbacks, etc. It is important to note, however, that this Agenda item is for the approval of the subdivision and not any subsequent development. The Plat and creation of two (2) reserves will also require the extension of a water line from State Highway 36 to Reserve "B".

The proposed Plat complies with all applicable regulations of the City of Rosenberg. A Preliminary Plat of this subdivision was approved by the Planning Commission on July 24, 2013, following a public hearing, as required by state law. Staff recommends that the Planning Commission recommend approval to City Council of the Final Plat of Stripes on Southgate.

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 Stripes on Southgate, a subdivision of 6.835 acres or 297,731 square feet of land being a partial replat of Lots 1 and 2 and the east 100 feet of Lot 3, Kovar Subdivision, recoded under Vol. 196, Pg. 36, Plat Records of Fort Bend County, in the Henry Scott League, Abstract No. 81, City of Rosenberg, Fort Bend County, Texas; 1 block, 2 reserves. The motion carried by a vote of five "ayes" and one abstention.

Ayes: Chairperson Pavlovsky, Vice Chairperson Phipps, Commissioners Casias, Poldrack and Urbish.
Abstention: Commissioner Parsons.

5. CONSIDERATION OF AND ACTION ON A REQUEST BY KERRY R. GILBERT AND ASSOCIATES, INC., TO EXTEND THE PRELIMINARY PLAT APPROVAL OF WALNUT CREEK SECTION TEN.

Executive Summary: The Preliminary Plat of Walnut Creek Section Ten is located off of Ricefield Road at Candle Oaks Lane, in the northwest portion of the Walnut Creek Development. It is south of and adjacent to Walnut Creek Section Eight. It is located in the City's Extraterritorial Jurisdiction (ETJ) and in Fort Bend County Municipal Utility District No. 152 (MUD No. 152). The plat consists of 9.7 acres, forty-two (42) single-family residential lots, and 0.39 acres in landscape and drainage reserves. This Preliminary Plat was approved by the Planning Commission on March 27, 2013. That approval will expire on September 27, 2013.

The City is in receipt of a request from Kerry R. Gilbert & Associates, Inc., to extend the Preliminary Plat approval for Walnut Creek Section Ten for an additional six (6) months to allow additional time for their engineer to prepare the final plat and construction drawings for this section. Should the Planning Commission approve of this request, the Preliminary Plat approval for Walnut Creek Section Ten would then expire on March 22, 2014.

Staff has no objections and recommends extending the Preliminary Plat approval for Walnut Creek Section Ten by one hundred eighty (180) days.

Key Discussion:

- Mr. Tanner presented the item and reviewed the executive summary.
- Commissioner Parsons inquired what their reason is for the request.
- Mr. Tanner replied that they need more time. Our timeline for expiration on preliminary plats is a bit shorter than most cities – ours is six months but in many areas it is one year. They have requested the extension to allow for their engineers to finish the infrastructure. There have been no changes to the plat.
- Commissioner Parsons inquired if they are aware that they only have a one-time extension for six months.
- Mr. Tanner replied that they are aware that this is a one-time extension. Their request letter documents their understanding. Should they go beyond the extended expiration date, then they would need to start again with the preliminary plat process.

Action Taken: Commissioner Casias moved, seconded by Commissioner Urbish, to approve the request by Kerry R. Gilbert & Associates, Inc., to extend the Preliminary Plat approval for Walnut Creek Section Ten, for six months (180 days) to now expire on March 22, 2014. The motion carried by a vote of five "ayes" and one abstention. **Ayes: Chairperson Pavlovsky, Vice Chairperson Phipps, Commissioners Casias, Poldrack, and Urbish. Abstention: Commissioner Parsons.**

6. CONSIDERATION OF AND ACTION ON A REQUEST BY MR. JOE GURECKY FOR THE CITY TO ABANDON A .01-ACRE TRACT OF RIGHT-OF-WAY ON THE SOUTH SIDE OF AVENUE F IMMEDIATELY WEST OF ITS INTERSECTION WITH SECOND STREET.

Executive Summary: Approximately one (1) year ago, Mr. Joe Gurecky approached the City regarding property he owns at 812 2nd Street in the Downtown area. The property is specifically located at the southwest corner of Avenue F and 2nd Street. Mr. Gurecky is currently renovating the property and proposed the following:

1. That the City abandon a .01-acre portion of right-of-way abutting the north side of the property ("Tract 1" in the attached survey)
2. That the City accept a nearly equal portion of the property that has a public sanitary sewer line in it on the west side of the property ("Tract 2")

The City investigated the request at the time and found no issues. The abandonment of the .01 acres of right-of-way would serve the purpose of making Mr. Gurecky's north property line parallel to the south property line, and the acquisition of the tract by the City would facilitate access and maintenance of the sewer line. What is being proposed to take place is perhaps best explained in the attached vicinity map.

While City staff does not foresee any issues in particular with the project, per Section 24-1 of the Code of Ordinances (see attached), it requires the review of the Planning Commission and approval by City Council to abandon City right-of-way. Additionally, because there are CenterPoint facilities in the right-of-way (overhead utilities), the request must undergo a review by CenterPoint and the dedication of an easement if necessary. This process has been initiated at the direction of staff. Finally, because there is a slight difference in the size of the properties (96.23 square feet in favor of the property Mr. Gurecky would be receiving), the property is being appraised and Mr. Gurecky has agreed to compensate the City for any difference in value of the properties.

Staff recommends that the Planning Commission recommend approval of the requested right-of-way abandonment. The item will go to City Council when CenterPoint has given their approval and the appraisal of the property has been completed. There are no City utilities in this section of Avenue F and it is an approximately 90-foot wide right-of-way. No portion of the street or sidewalk would be affected by

and Koeblen Road. The City's hands are somewhat tied as it is more a County issue than City issue.

- Commissioner Parsons inquired on the status of the emergency access road for the elementary school.
- Mr. Kalkomey replied that the next Agenda item for Section 10 will make that access road a full road.
- Commissioner Parsons inquired if there is any plan for when that will be completed.
- Mr. Kalkomey replied that he believes they should follow the platting with construction plans shortly thereafter.
- Vice Chairperson Sulak inquired if the 60-foot ROW means it is 30 feet to the centerline or is that existing ROW.
- Mr. Kalkomey replied that is existing ROW.

Action Taken: Commissioner Casias moved, seconded by Vice Chairperson Sulak, to approve the Preliminary Plat of Walnut Creek Section Eight, being 9.8 acres of land containing 44 lots (55' x 115' typ.) and one reserve in two blocks out of the Eugene Wheat Survey, A-396, Fort Bend County, Texas. The motion carried unanimously.

4. CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF WALNUT CREEK SECTION TEN, BEING 9.7 ACRES OF LAND CONTAINING 42 LOTS (55' X 115' TYP.) AND TWO RESERVES IN TWO BLOCKS OUT OF THE EUGENE WHEAT SURVEY, A-396, FORT BEND COUNTY, TEXAS.

Executive Summary: The Preliminary Plat of Walnut Creek Section Ten is located off of Ricefield Road at Candle Oaks Lane, in the northwest portion of the Walnut Creek Development. It is south of and adjacent to Walnut Creek Section Eight, the prior agenda item. It is located in the City's Extraterritorial Jurisdiction (ETJ) and in Fort Bend County Municipal Utility District No. 152 (MUD No. 152). The plat consists of 9.7 acres, forty-two (42) single-family residential lots, and 0.39 acres in landscape and drainage reserves.

The approved Land Plan for Walnut Creek identifies fifty-five-foot (55') lot widths for this particular area of the development. All of the proposed lots in the plat are a minimum of 55'. Five (5) of the lots in the proposed subdivision are corner or cul-de-sac lots and are larger (generally 60'+).

At this time, in Walnut Creek there have been 187 (60%) fifty-foot lots, 73 (24%) fifty-five-foot lots, and 51 (16%) sixty-foot lots for a total of 311 recorded lots in the development. According to the approved Land Plan, at build-out, the development will contain 450 (30%) fifty-foot lots, 302 (20%) fifty-five-foot lots, and 757 (50%) sixty-foot lots for a total of 1,509 lots. All lots so far have been in accordance with the approved Land Plan. Lot sizes will generally be larger further east in the development where there is not currently access.

The proposed Preliminary Plat of Walnut Creek Section Ten is in compliance with the approved Land Plan for MUD No. 152 (Walnut Creek) and with applicable provisions of the "Subdivision" Ordinance. Staff recommends approval of the Preliminary Plat of Walnut Creek Section Ten.

Key Discussion:

- Mr. Tanner presented the item.
- Commissioner Parsons inquired if the access road to the school is on this plat.
- Mr. Kalkomey replied that Candle Oaks Lane turns into Trinity Trail Lane that then becomes Plum Rose Lane. Access will come from Ricefield Road and Candle Oaks and go between lots 3 and 4 of block 1. Note that there are 12 lots that are 60-foot wide or greater so they have added some wider lots to this section.
- Commissioner Parsons stated that is his estimation, most of the lots currently being platted are of the smaller variety. For Rosenberg as a whole, he believes there are more smaller lots being platted than larger and he does not believe that is in the best interest of Rosenberg.
- Mr. Kalkomey replied that in the past six to seven months, we have seen more of the larger lots, but prior to that he agrees with Commissioner Parsons.
- Commissioner Parsons replied that he is looking at Rosenberg ten years from now and wants to encourage this Commission to look at increasing the lot size even larger so future developments we leave are larger homes for the betterment of the long range plan for the City.
- Chairperson Pavlovsky inquired what the current minimum lot size requirement is.
- Mr. Tanner replied 60 feet. Many of these developments were begun prior to that requirement. This

agenda tonight has a subdivision of 50-foot lots, two subdivisions of 55-foot lots, and one subdivision of 65-foot lots. There is a variety. The smaller lots were begun before that requirement came into play.

Action Taken: Commissioner Casias moved, seconded by Commissioner Phipps, to approve the Preliminary Plat of Walnut Creek Section Ten, being 9.7 acres of land containing 42 lots (55' x 115' typ.) and two reserves in two blocks out of the Eugene Wheat Survey, A-396, Fort Bend County, Texas. The motion carried unanimously.

5. **CONSIDERATION OF AND ACTION ON A FINAL PLAT OF BONBROOK PLANTATION NORTH SECTION SEVEN, A SUBDIVISION OF 9.109 ACRES OF LAND SITUATED IN THE WILEY MARTIN LEAGUE, ABSTRACT 56, FORT BEND COUNTY, TEXAS; 34 LOTS, 1 RESERVE, 2 BLOCKS.**

Executive Summary: The proposed Final Plat of Bonbrook Plantation North Section Seven is located off of Bonbrook Bend Lane, in the northeastern portion of the Bonbrook Plantation development. It is in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County Municipal Utility District No. 155 (MUD No. 155).

The proposed subdivision contains thirty-four (34) single-family residential lots and one (1) landscape reserve consisting of 0.12 acres. The approved Land Plan for Bonbrook Plantation, last updated in 2007, is attached for your reference and indicates minimum 65'x115' lots for this part of the development. Accordingly, the minimum lot size for the proposed subdivision is 65'x115'. All proposed lots meet or exceed the minimum requirements of the Land Plan.

At this time, in Bonbrook Plantation there have been 111 (14.6%) fifty-foot lots, 258 (33.9%) fifty-five-foot lots, and 392 (51.5%) sixty-five-foot lots, and a total of 761 recorded lots in the development. According to the approved Land Plan, at build-out, the development will contain 216 (18%) fifty-foot lots, 489 (40%) fifty-five-foot lots, and 515 (42%) sixty-five-foot lots, and a total of 1,220 lots. All lots so far have been in accordance with or above and beyond the expectations of the Land Plan. The existing percentage of the larger lots is greater than what was expected at build-out.

The proposed Final Plat is not in conflict with the Development Agreement for MUD No. 155 or with the Subdivision Ordinance (Ch. 25, Code of Ordinances). Further, it is consistent with the Preliminary Plat, which was approved by the Planning Commission on January 23, 2013. Staff recommends that the Planning Commission recommend approval of the Final Plat of Bonbrook Plantation North Section Seven to City Council.

Key Discussion:

- Mr. Tanner presented the item.

Action Taken: Commissioner Parsons moved, seconded by Vice Chairperson Sulak, to recommend approval to City Council of the Final Plat of Bonbrook Plantation North Section Seven, a subdivision of 9.109 acres of land situated in the Wiley Martin League, Abstract 56, Fort Bend County, Texas; 34 lots, 1 reserve, 2 blocks. The motion carried unanimously.

6. **CONDUCT A PUBLIC HEARING FOR THE SHORT FORM FINAL PLAT OF TOWN CENTER RESERVE F-2, 0 LOTS, 1 BLOCK, 1 RESERVE, BEING 0.91 ACRE IN THE JAMES LOWERY 1/3 LEAGUE, ABSTRACT 275, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS, BEING PARTIAL REPLAT OF RESIDENTIAL RESERVE "F" OF TOWN CENTER SECTION ONE.**

Executive Summary: This is a public hearing on the *Short Form Final Plat of Town Center Reserve F-2*, located at the southwest corner of Reading Road and Town Center Boulevard and being a partial replat of Residential Reserve "F" of Town Center Section One. The proposed plat is located in Fort Bend County Municipal Utility District No. 94 (MUD No. 94) and consists of only one (1), 0.91-acre reserve (commercial). All of the adjoining property that was originally part of Reserve "F" of Town Center Section One has been platted and developed as the Villages of Town Center residential development and related recreation facility to the immediate south and west. This is a remaining tract that has not been platted. The proposed plat is attached.



CITY COUNCIL COMMUNICATION

November 04, 2014

ITEM #	ITEM TITLE
2	Report Regarding Status of Collections for Delinquent Taxes, Fines, and Mowing and Demolition Liens

ITEM/MOTION

Review and discuss a report regarding the status of collections for delinquent taxes, fines, and mowing and demolition liens, and take action as necessary.

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

Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

- Yes No N/A

Source of Funds: N/A

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

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

- Collection Report to the City of Rosenberg - October 2014

APPROVALS

Submitted by:

Joyce Vasut
Executive Director of
Administrative Services

Reviewed by:

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

Approved for Submittal to City Council:

Robert Gracia
City Manager

EXECUTIVE SUMMARY

Mr. Mike Darlow from Perdue, Brandon, Fielder, Collins & Mott, LLP, has provided information on the status of collection efforts for the City of Rosenberg. Mr. Darlow will be available at the City Council meeting to discuss collection efforts and answer any questions.

This report is presented for City Council's information and to allow for any questions about the process. No action is required on this report.



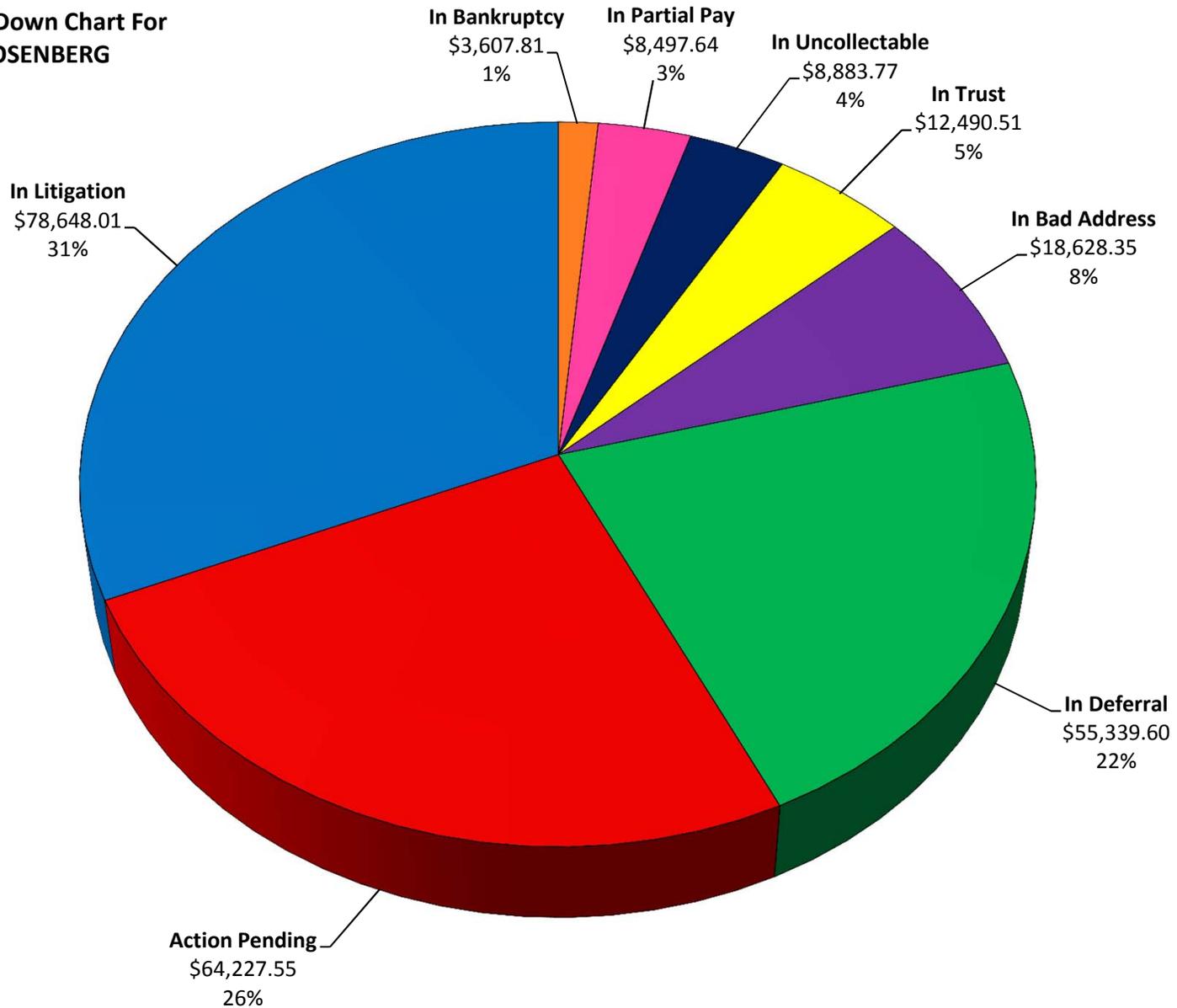
Collection Report to the City of Rosenberg October 2014

Submitted by: Michael J. Darlow

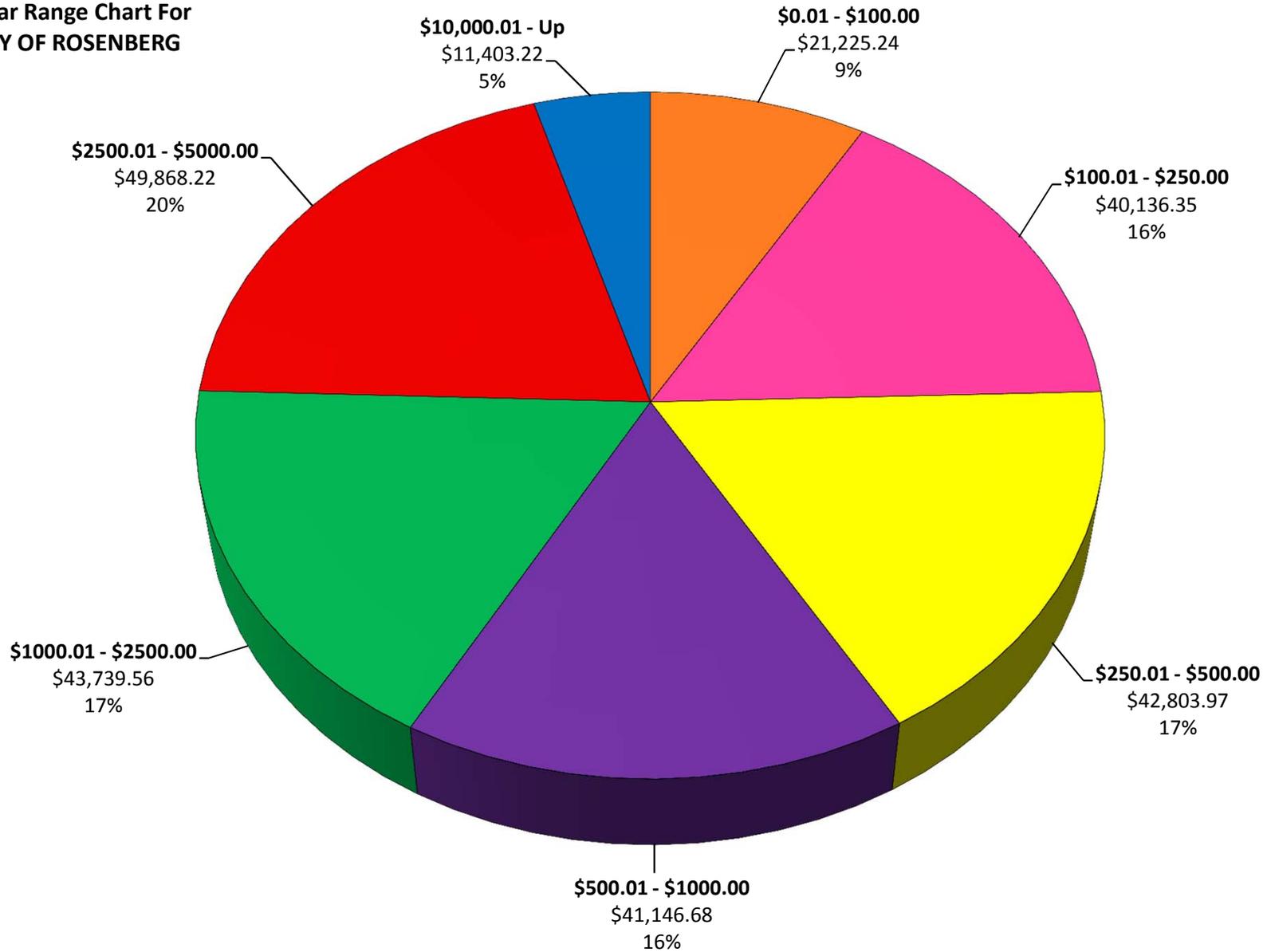
1235 North Loop West * Suite 600 * Houston * Texas * 77008 * (713) 862-1860

www.pbfc.com

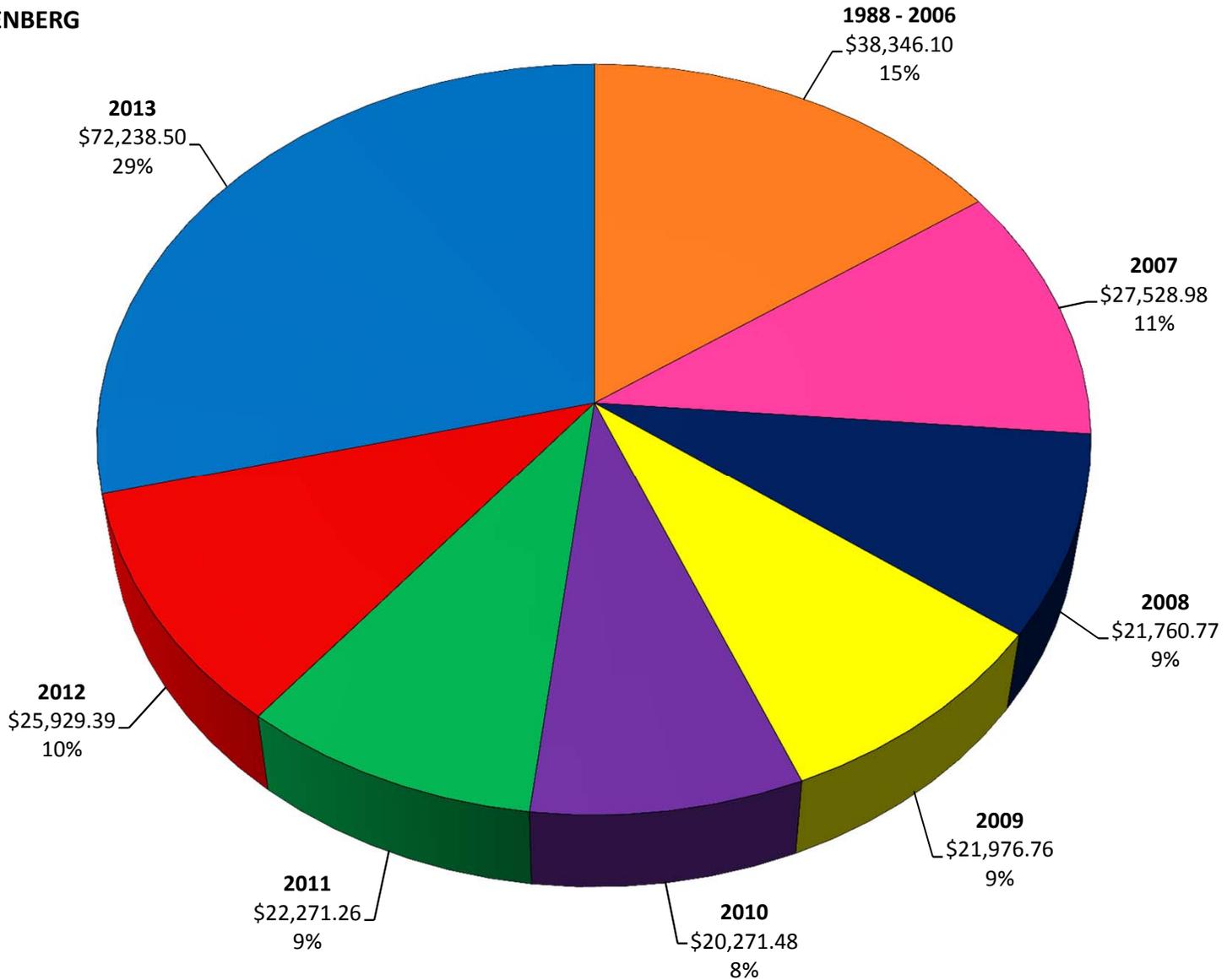
**Account Break Down Chart For
CITY OF ROSENBERG**



**Dollar Range Chart For
CITY OF ROSENBERG**



Tax Year Chart For
CITY OF ROSENBERG





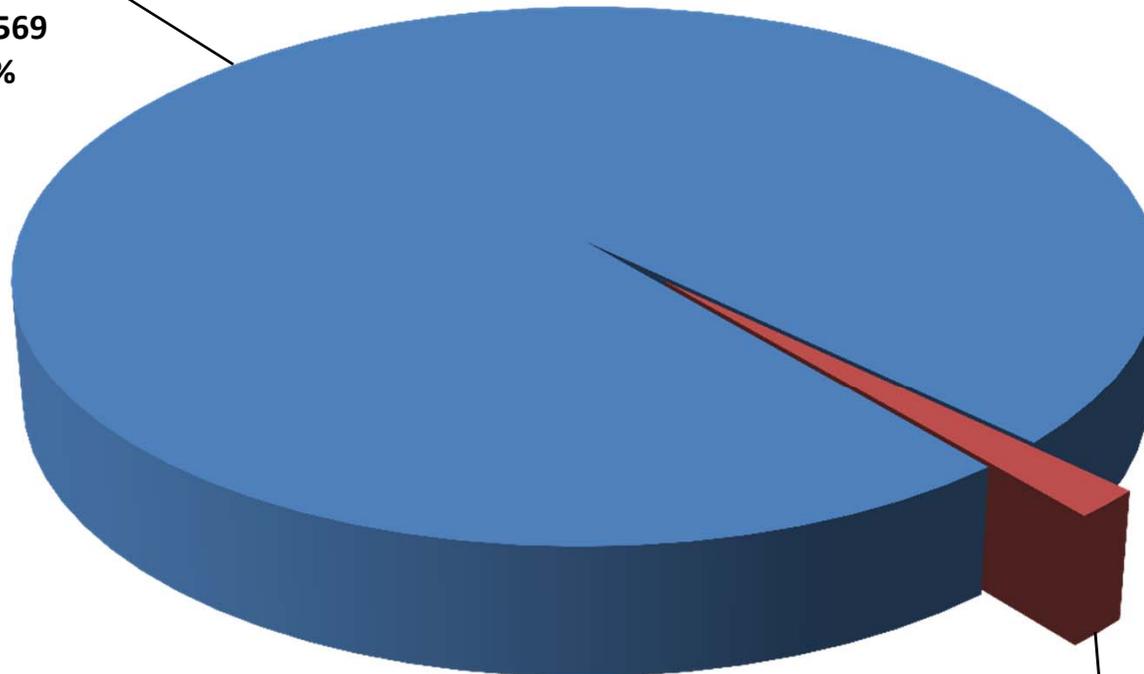
CITY OF ROSENBERG

2013 Tax Year - Tax Collections

\$8,212,466 Total Levy of 2013 Base Tax*

*Amounts Provided by the Fort Bend County Tax Office

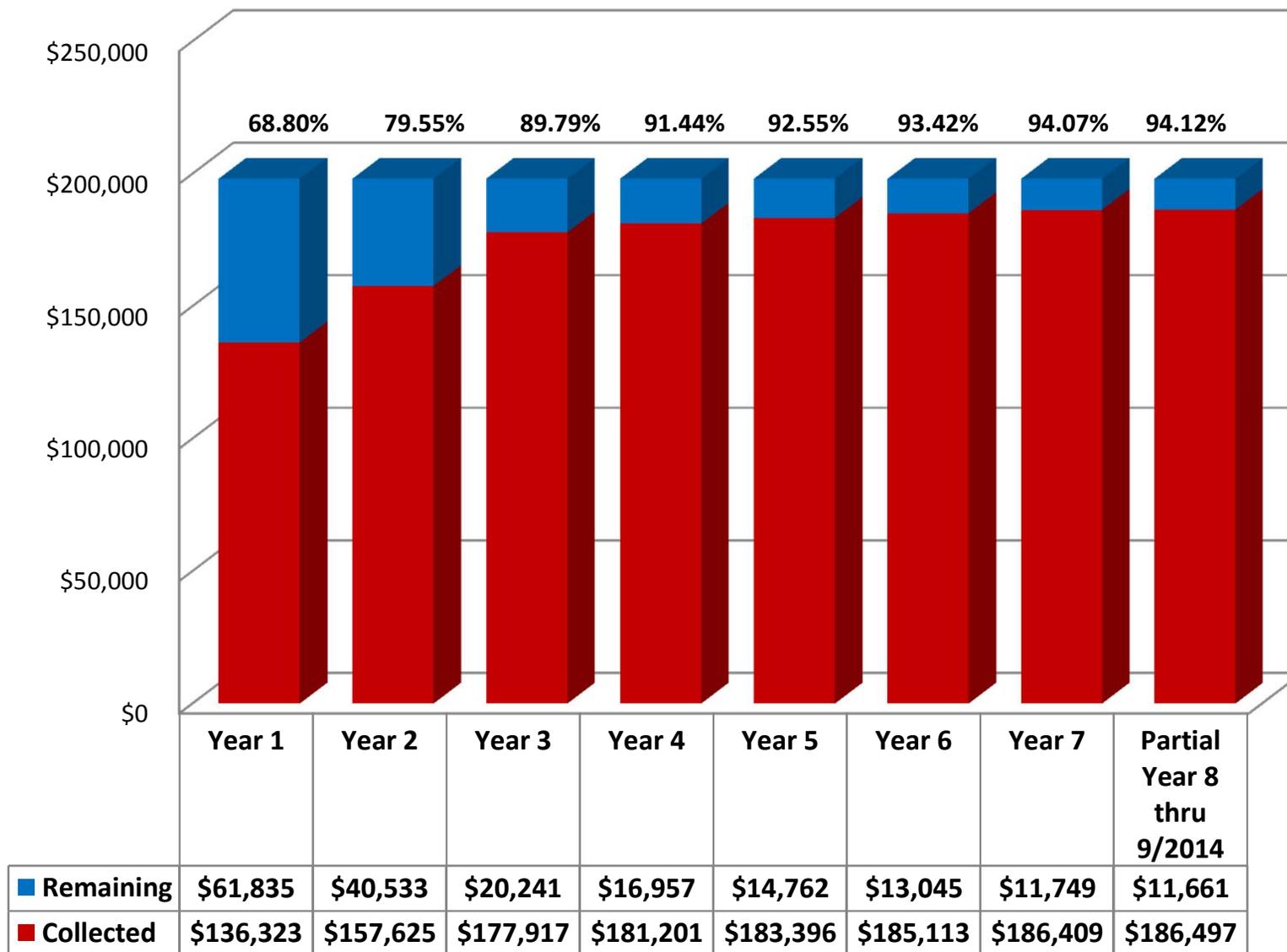
Base Tax Collected
\$8,070,569
98.27%



Base Tax Remaining
\$141,896
1.73%

Total Levy	Base Tax Collected as of June 30, 2014	Base Tax Remaining as of June 30, 2014
\$8,212,466	\$8,070,569	\$141,896
	98.27%	1.73%

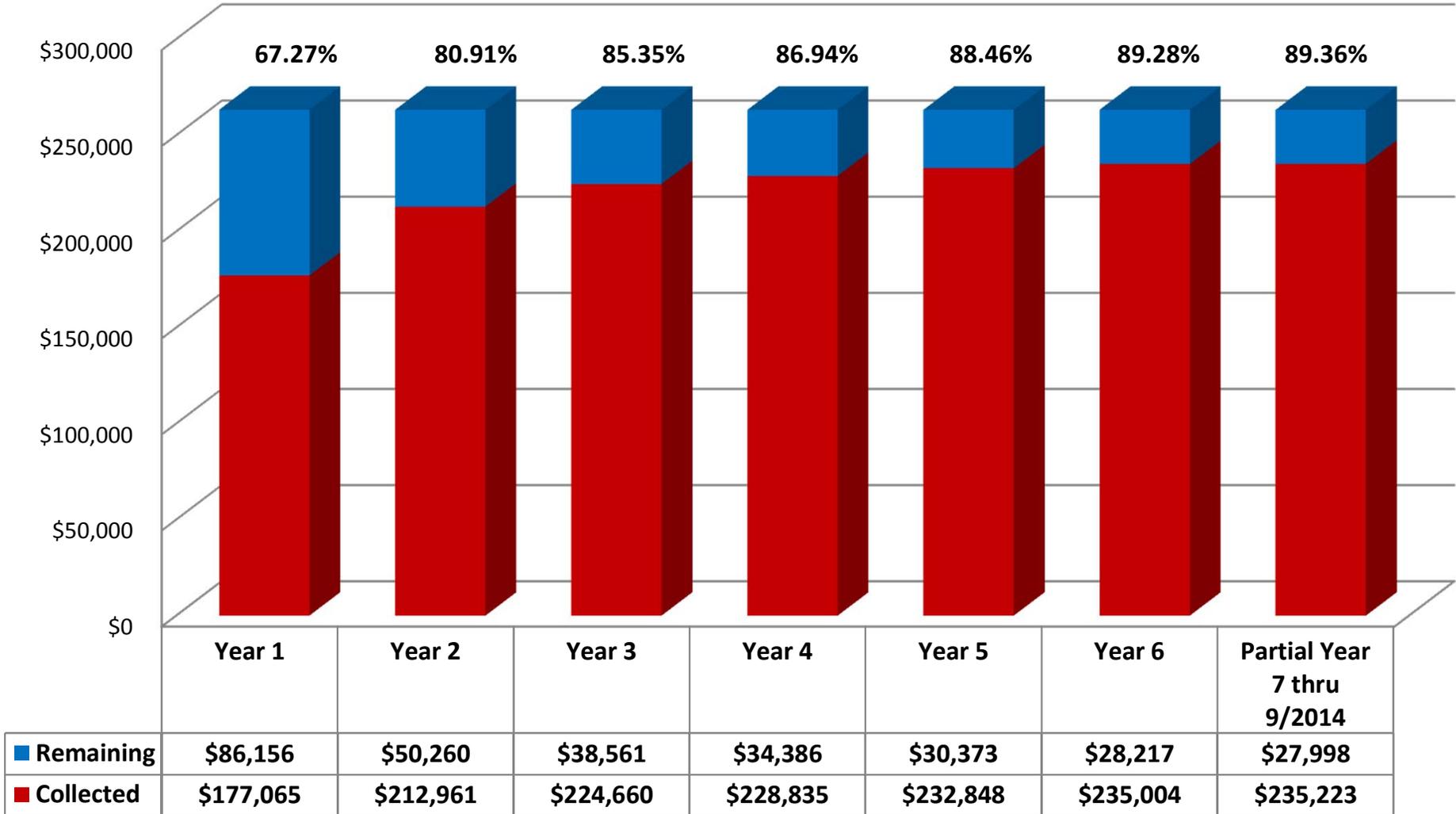
CITY OF ROSENBERG 2006 Percentage of Collection



Original amount turned over 7-1-07 - \$198,158 - Collection Period is 7/1 - 6/30 of each tax year

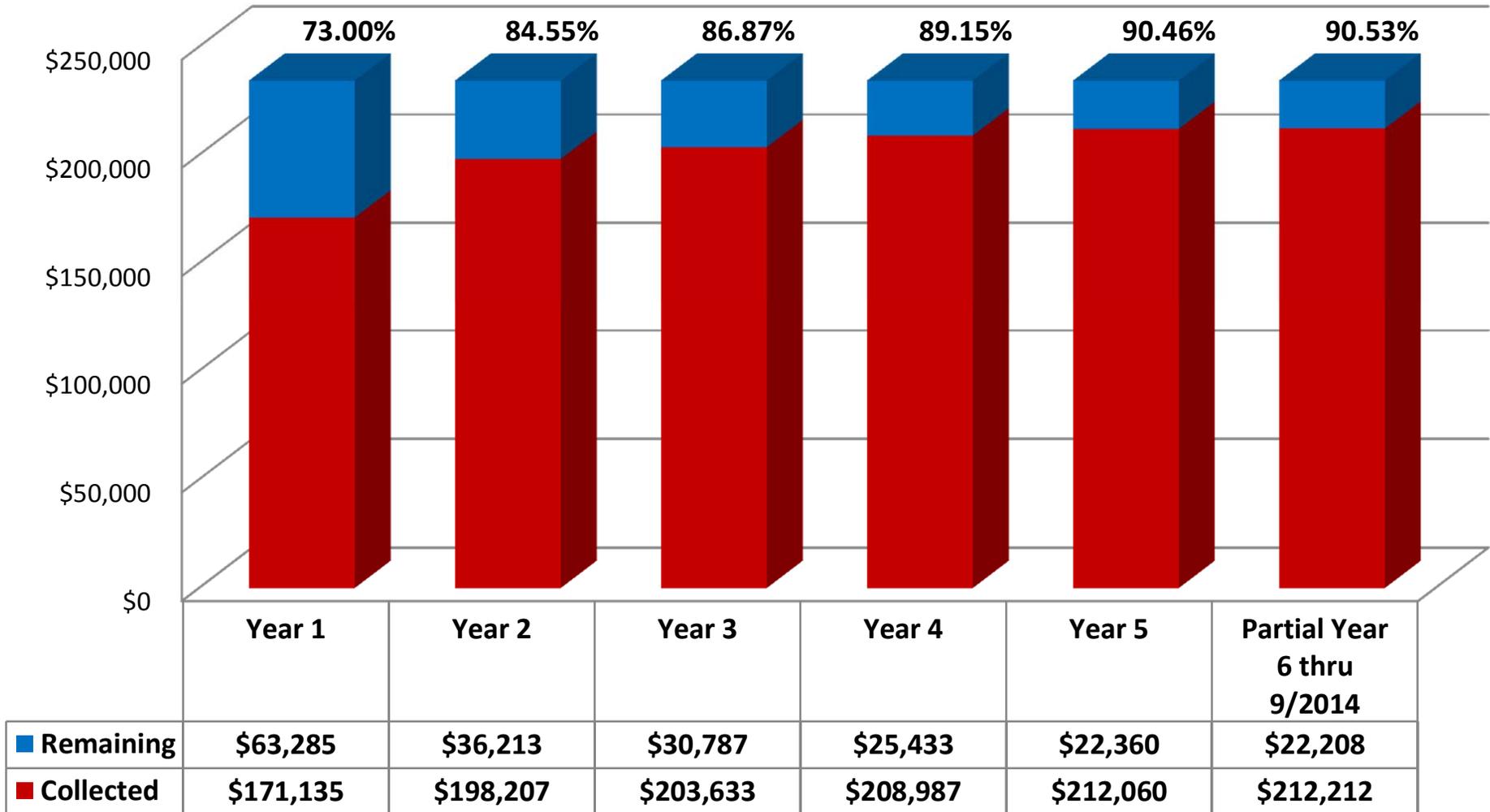


CITY OF ROSENBERG 2007 Percentage of Collection



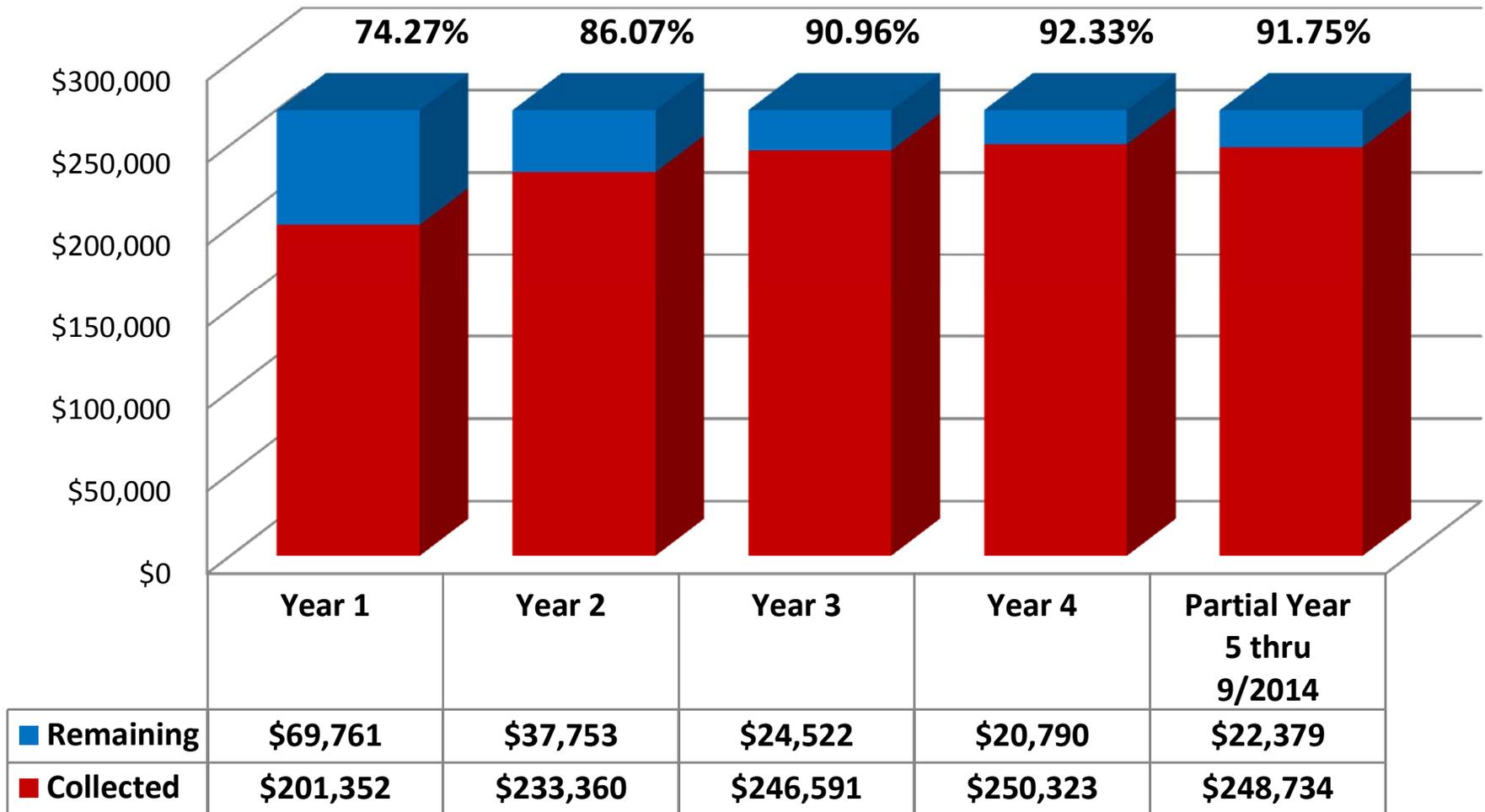
Original amount turned over 7-1-08 - \$263,221 - Collection Period is 7/1 - 6/30 of each tax year

CITY OF ROSENBERG 2008 Percentage of Collection

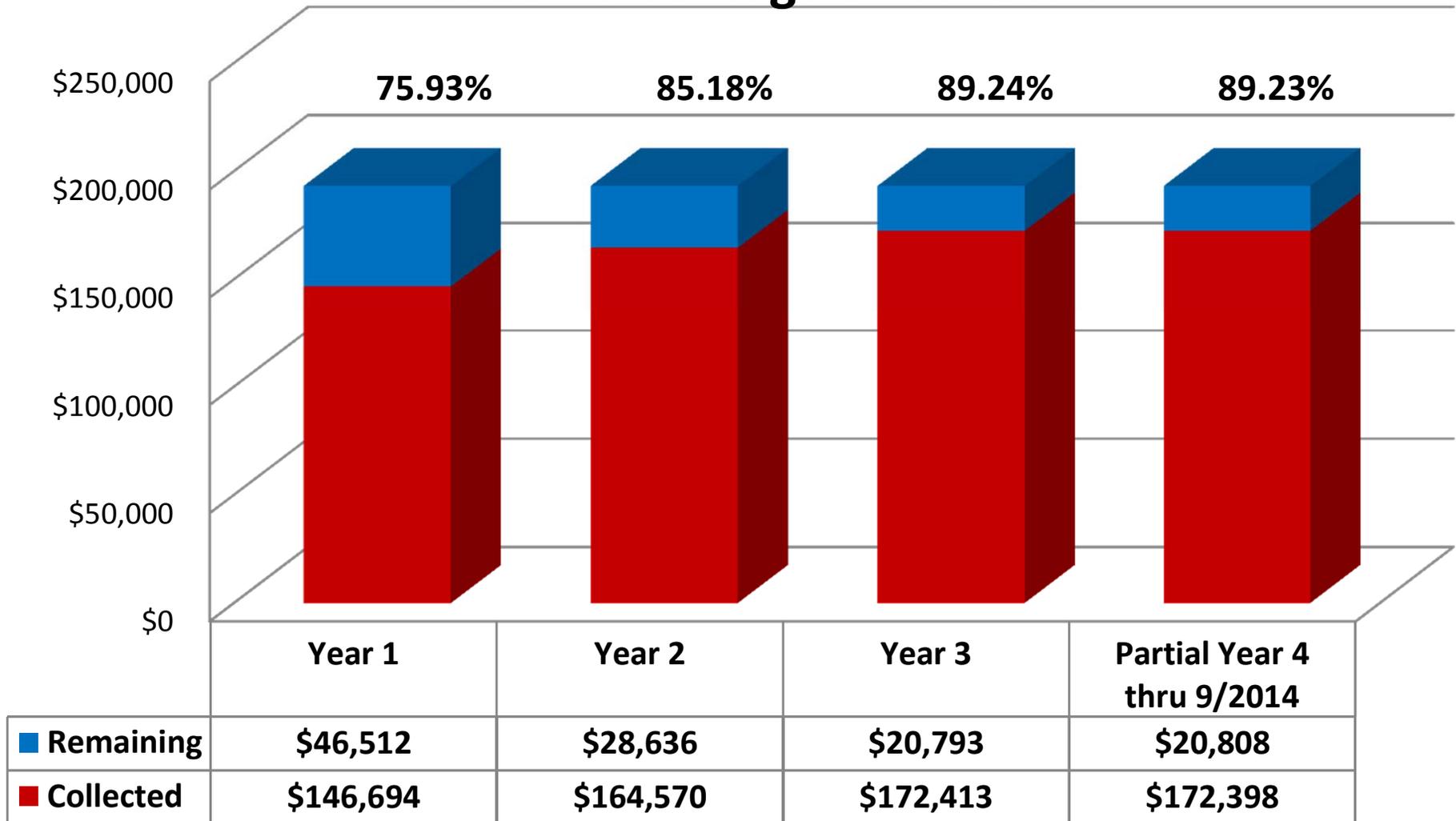


Original amount turned over 7-1-09 - \$234,420 - Collection Period is 7/1 - 6/30 of each tax year

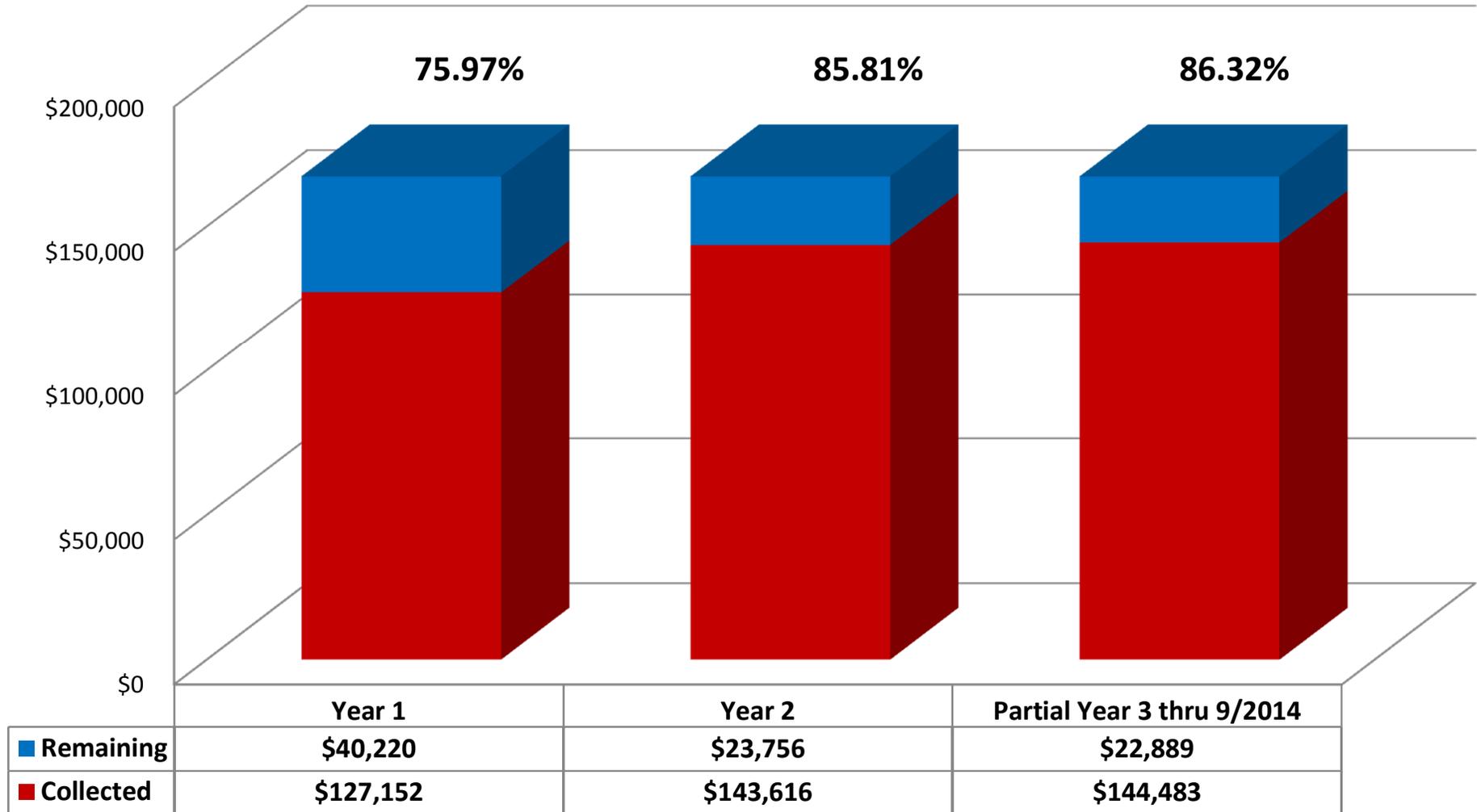
CITY OF ROSENBERG 2009 Percentage of Collection



CITY OF ROSENBERG 2010 Percentage of Collection

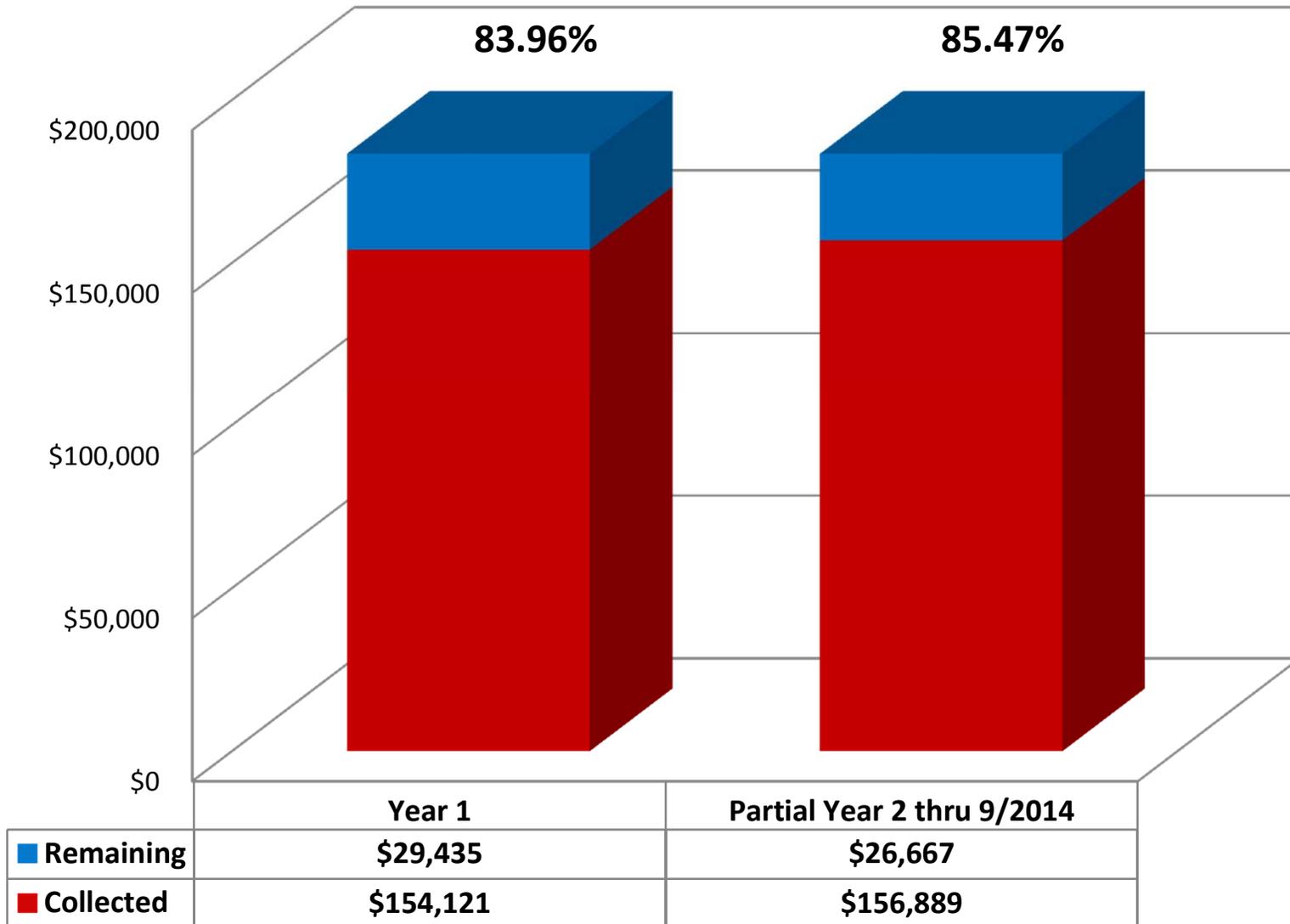


CITY OF ROSENBERG 2011 Percentage of Collection



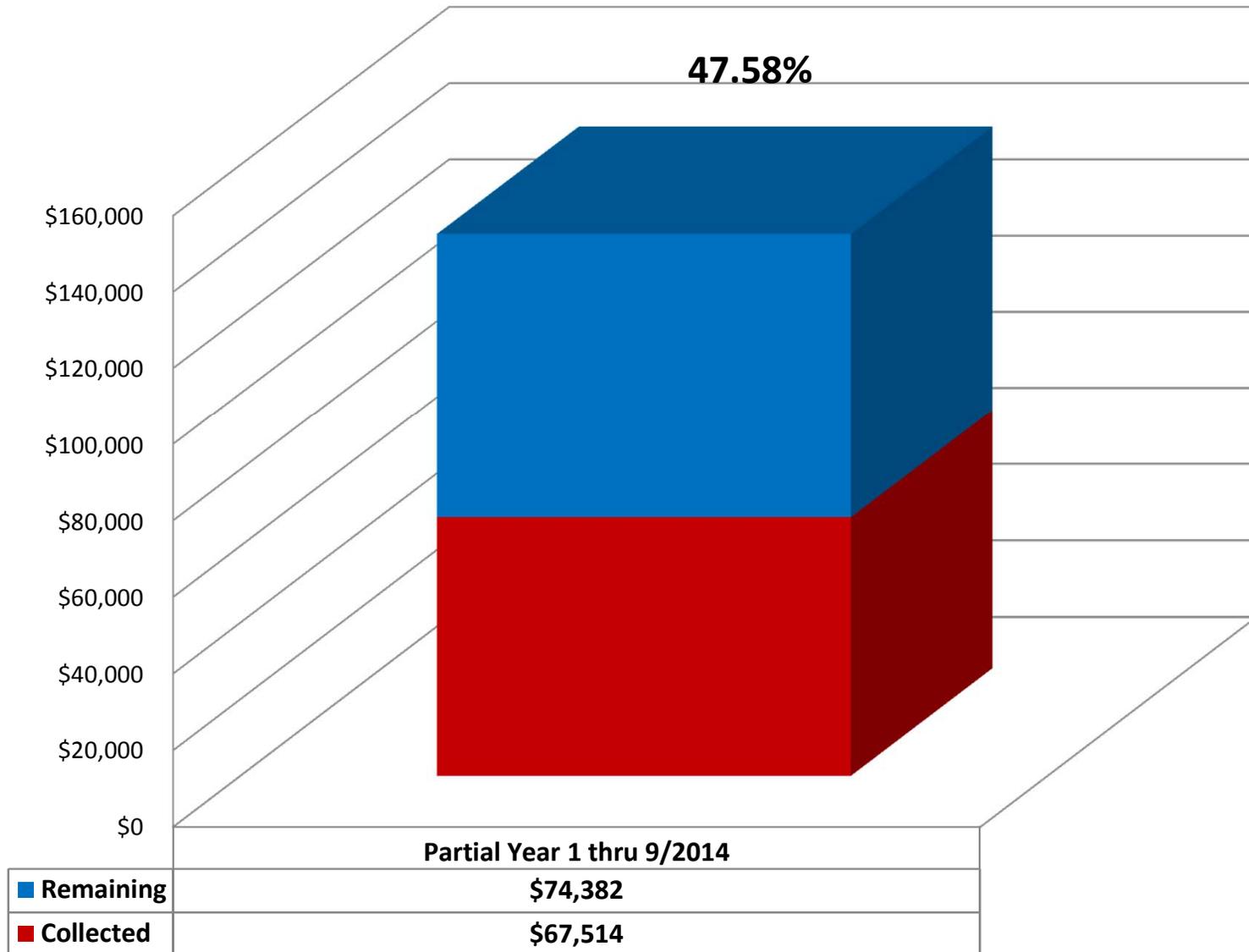
Original amount turned over 7-1-12 - \$167,372 - Collection Period is 7/1 - 6/30 of each tax year

CITY OF ROSENBERG 2012 Percentage of Collection



Original amount turned over 7-1-13 - \$183,556 - Collection Period is 7/1 - 6/30 of each tax year

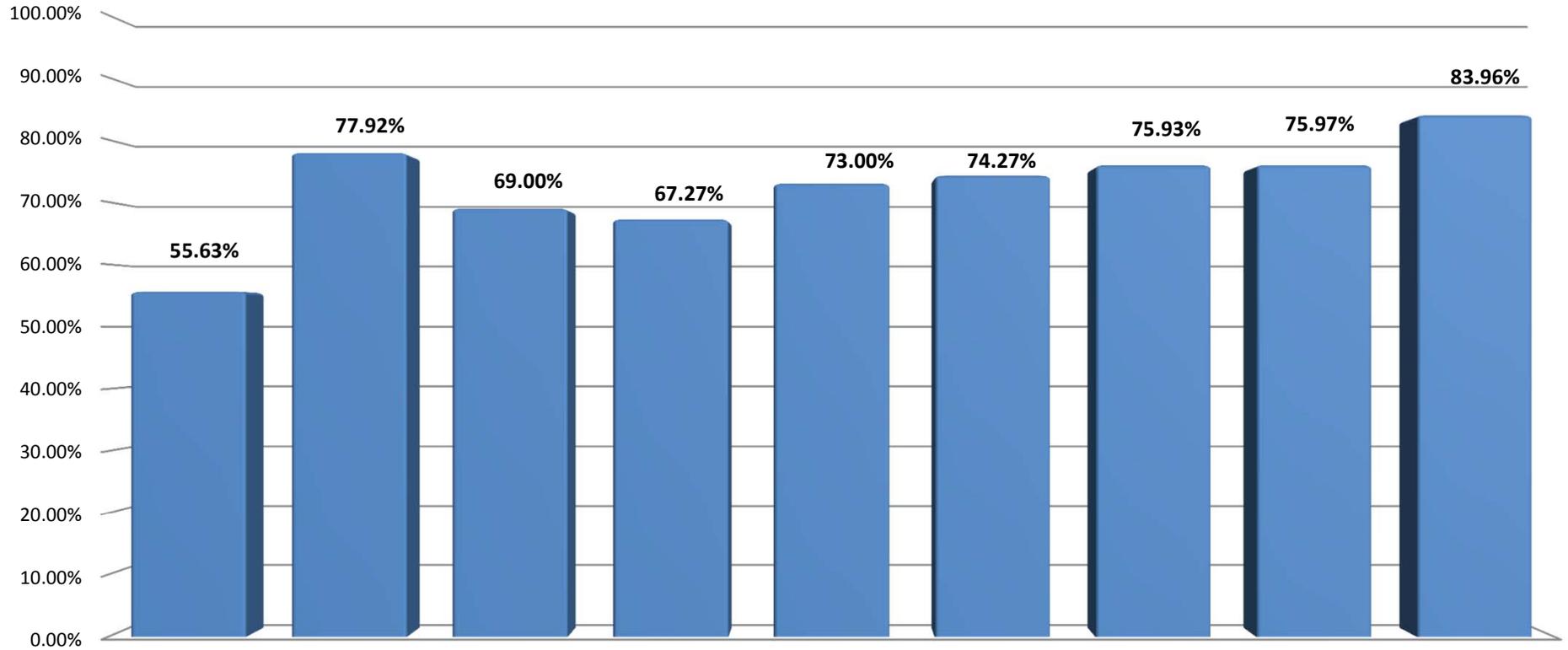
CITY OF ROSENBERG 2013 Percentage of Collection



Original amount turned over 7-1-14 - \$141,896 - Collection Period is 7/1 - 6/30 of each tax year



CITY OF ROSENBERG Delinquent Tax Collections - Current Year Turnover



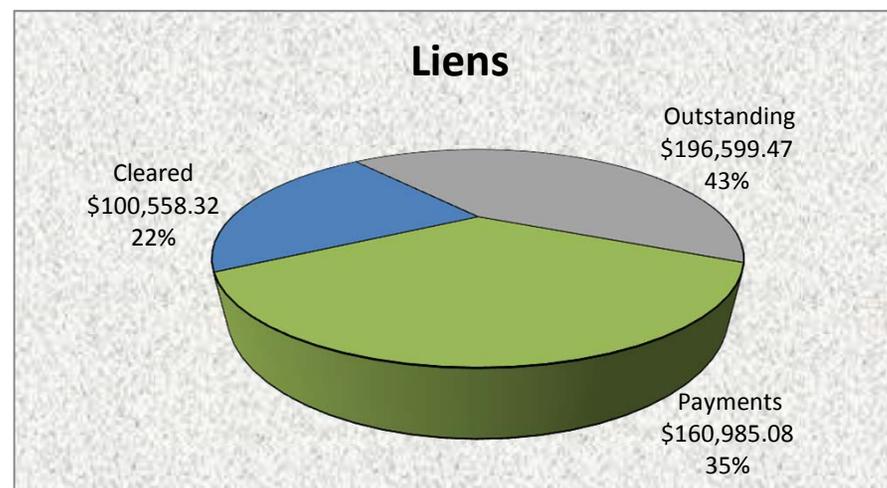
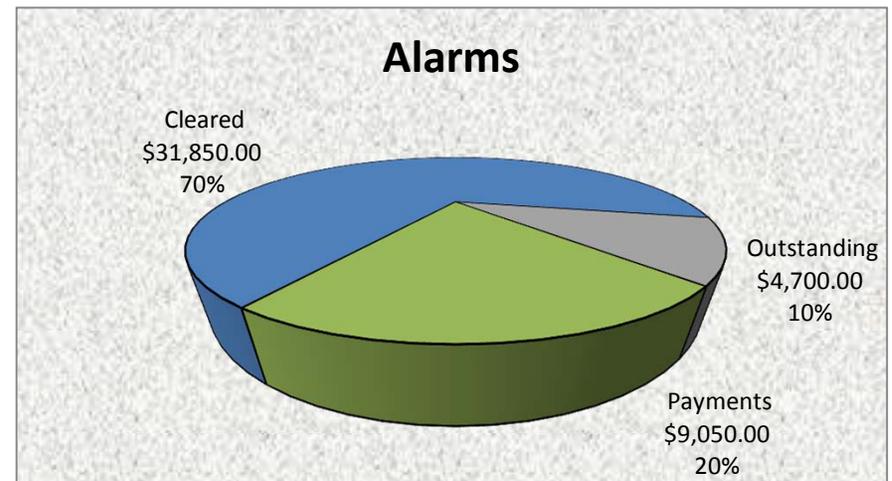
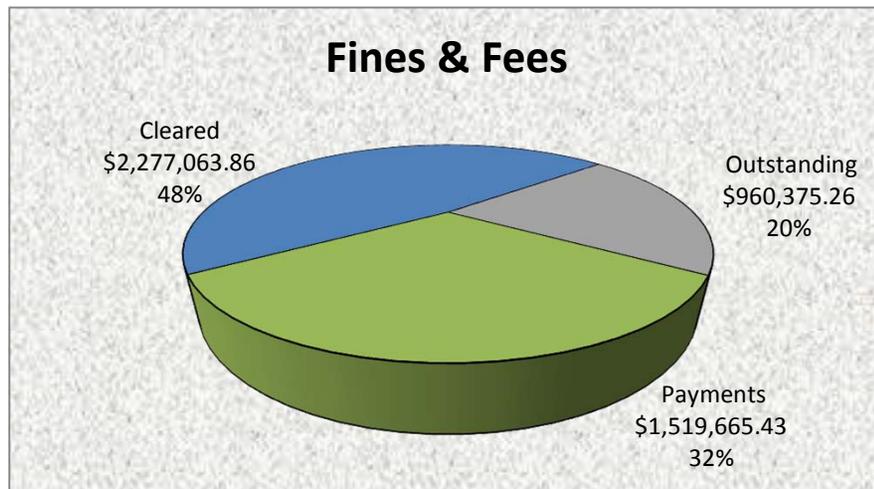
	2004 Tax Year	2005 Tax Year	2006 Tax Year	2007 Tax Year	2008 Tax Year	2009 Tax Year	2010 Tax Year	2011 Tax Year	2012 Tax Year
Due	\$ 95,616	\$ 52,178	\$ 61,835	\$ 86,156	\$ 63,285	\$ 69,761	\$ 46,512	\$ 40,220	\$ 29,435
Collected	\$ 119,880	\$ 184,190	\$ 184,190	\$ 177,065	\$ 171,135	\$ 201,352	\$ 146,694	\$ 127,152	\$ 154,121
Beginning Balance	\$ 215,496	\$ 236,368	\$ 236,368	\$ 263,221	\$ 234,420	\$ 271,113	\$ 193,206	\$ 167,372	\$ 183,556

Source: Fort Bend County Tax Office, Year-to-Date Recap Report. Base tax collected compared to base tax turned over July 1. Comparison is for the twelve month collection period of July 1 through June 30. No penalties and interest added.

Perdue, Brandon, Fielder, Collins, & Mott L.L.P

Fine and Fee Collection Report as of October 20, 2014

Court	Total Turnover		Payments and/or Partial Payments			Dismissed/Cleared			Total \$ % cleared	Address Correction
	\$	#	\$	#	% of \$	\$	#	% of \$		
<u>City of Rosenberg Fines</u>	4,757,104.55	15,355	1,519,665.43	5,864	31.95%	2,277,063.86	11,409	47.87%	79.81%	5,584
<u>City of Rosenberg Alarms</u>	45,600.00	223	9,050.00	47	19.85%	31,850.00	164	69.85%	89.69%	70
<u>City of Rosenberg Liens</u>	458,142.87	1,086	160,985.08	641	35.14%	100,558.32	274	21.95%	57.09%	217



Perdue, Brandon, Fielder, Collins, & Mott L.L.P
Fine and Fee Activity Report as of October 20, 2014

<u>Court</u>	<u>Letters Mailed</u>	<u>Address Corrections</u>	<u>Phone # Changes</u>	<u>Phone Contacts</u>
<u>City of Rosenberg Fines</u>	36,156	5,584	5,742	5,764
<u>City of Rosenberg Alarms</u>	109	70	108	37
<u>City of Rosenberg Liens</u>	504	217	71	1



CITY COUNCIL COMMUNICATION

November 04, 2014

ITEM #	ITEM TITLE
3	Resolution No. R-1862 - Budget Amendment 14-18

ITEM/MOTION

Consideration of and action on Resolution No. R-1862, a Resolution authorizing the City Manager to execute, for and on behalf of the City, Budget Amendment 14-18 in the amount of \$678,360.00 for FY2014 year-end budget adjustments.

FINANCIAL SUMMARY	ELECTION DISTRICT
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Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

- Yes No N/A

Source of Funds:

See Attached

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

SUPPORTING DOCUMENTS:

1. Resolution No. R-1862
2. Vasut Memorandum - 10-27-14

MUD #: N/A

APPROVALS

Submitted by:


Joyce Vasut
Executive Director of
Administrative Services

Reviewed by:

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

Approved for Submittal to City Council:


Robert Gracia
City Manager

EXECUTIVE SUMMARY

The 2014 Fiscal Year Budget (Budget) was compared to actual expenditures at the Department level. The majority of the Departments were within Budget and many were under Budget by significant amounts. Budget Amendment 14-18 presents amendments to the Budget for significant line item changes as detailed in the spreadsheet and memorandum, both included for City Council's review.

The proposed increases in expenditures for the General Fund are offset by either increases to revenues or decreases in other expenditures, actually resulting in an increase to fund balance. The Hotel/Motel Fund, Beautification Fund, Law Enforcement Fund, Forfeiture Fund, PEG Fund, Water/Wastewater Fund, Subsidence Fund, and Civic Center Fund all have offsetting revenues and/or expenses resulting in no changes to Fund Balances or Retained Earnings. However, the adjustments to the Debt Service Fund, Water/Wastewater Supplemental Fund and the Insurance result in decreases to Fund Balances.

Budget Amendment 14-18 is included as Exhibit "A" to Resolution No. R-1862. Staff recommends approval of Resolution No. R-1862 as presented.

RESOLUTION NO. R-1862

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 14-18 IN THE AMOUNT OF \$678,360.00 FOR FY2014 YEAR-END BUDGET ADJUSTMENTS.

* * * * *

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

Section 1. The City Council hereby authorizes Budget Amendment 14-18 (Amendment), in the amount of \$678,360.00 for FY2014 year-end adjustments.

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
Year-end Budget Adjustment FY2014
BA 14-18**

Department	Account Number	Account Description	* Ref #	Current Budget	Adjustment Amount	Amended Budget
GENERAL FUND REVENUES						
	101-0000-432-1800	Infrastructure Inspection Fees	1	55,000	19,400	74,400
	101-0000-432-2000	Solid Waste Fees	2	3,015,000	103,000	3,118,000
	101-0000-432-5500	Recreation Program Fees	3	18,000	5,000	23,000
	101-0000-461-3000	Sale of Fire Dept Equipment	4	-	60,100	60,100
	101-0000-467-0000	Reimbursement for Personnel	5	71,912	26,654	98,566
	101-0000-467-1000	Insurance Proceeds	6	24,363	16,606	40,969
		Total		<u>3,184,275</u>	<u>230,760</u>	<u>3,415,035</u>
GENERAL FUND EXPENDITURES						
City Manager	101-1200-510-1010	Salaries and Wages	7	402,485	(7,900)	394,585
	101-1200-510-2040	Health Insurance		26,235	7,900	34,135
		Total		<u>428,720</u>	<u>-</u>	<u>428,720</u>
Human Resources	101-1210-510-4330	Medical - Employee Recruitment	8	39,000	(6,000)	33,000
	101-1210-510-5310	Advertising		10,000	6,000	16,000
		Total		<u>49,000</u>	<u>-</u>	<u>49,000</u>
Economic Dev.	101-1211-510-1010	Salaries and Wages	7	143,608	(3,500)	140,108
	101-1211-510-2040	Health Insurance		11,722	3,500	15,222
		Total		<u>155,330</u>	<u>-</u>	<u>155,330</u>
Finance	101-1400-510-4390	Outside Professional Services	9	30,000	(7,100)	22,900
	101-1400-510-5710	Other Contractual Services		47,260	7,100	54,360
		Total		<u>77,260</u>	<u>-</u>	<u>77,260</u>
General Government	101-1800-510-2030	Unemployment Claims	10	20,000	(5,050)	14,950
	101-1800-510-2045	Insurance - City's Portion Retire		130,000	5,050	135,050
	101-1800-510-3720	Electricity		29,378	(2,600)	26,778
	101-1800-510-4350	Volunteer Committees		2,500	(2,500)	-
	101-1800-510-4390	Outside Professional Services		7,500	5,100	12,600
		Total		<u>189,378</u>	<u>-</u>	<u>189,378</u>
Engineering	101-1921-530-4315	Engineering/Architectual Services	1	110,980	(51,105)	59,875
	101-1921-530-4395	Infrastructure Inspection Fees		55,000	70,505	125,505
		Total		<u>165,980</u>	<u>19,400</u>	<u>185,380</u>
Communications	101-1950-540-1010	Salaries and Wages	11	51,568	5,100	56,668
	101-1950-540-5710	Other Contractual Svs - Video Streaming		17,000	(5,100)	11,900
		Total		<u>68,568</u>	<u>-</u>	<u>68,568</u>
Parks	101-1953-540-1010	Salaries and Wages	3, 12	374,826	(5,200)	369,626
	101-1953-540-1020	Overtime		22,500	4,600	27,100
	101-1953-540-3535	Electrical Supplies		2,000	3,020	5,020
	101-1953-540-3650	Recreation Programs		20,000	5,000	25,000
	101-1953-540-3720	Electricity		65,000	(2,420)	62,580
	101-1953-540-6240	Grounds Maintenance Svcs		39,461	4,800	44,261
	101-1953-540-6250	Grounds Maint - Sports Complex		52,944	(4,800)	48,144
		Total		<u>576,731</u>	<u>5,000</u>	<u>581,731</u>

* See Vasut memorandum

Department	Account Number	Account Description	* Ref #	Current Budget	Adjustment Amount	Amended Budget
Police	101-3000-520-1010	Salaries & Wages	5,6,13	4,397,384	(109,741)	4,287,643
	101-3000-520-1020	Overtime		138,151	126,500	264,651
	101-3000-520-3140	Clothing - New Hire/Dept Purchases		20,571	5,500	26,071
	101-3000-520-3510	Motor Vehicle Repair Supplies		53,637	14,019	67,656
	101-3000-520-3720	Electricity		90,000	(18,805)	71,195
	101-3000-520-3730	Fuel Oil & Lub		171,800	13,800	185,600
	101-3000-520-5120	General Insurance		84,000	3,500	87,500
	101-3000-520-5510	Travel - Education & Training		14,750	4,000	18,750
	101-3000-520-6310	Building Repair & Maintenance		15,000	6,900	21,900
	101-3000-520-6326	Radio Repair & Maintenance		5,000	(5,000)	-
		Total		4,990,293	40,673	5,030,966
Animal Control	101-3034-520-1010	Salaries & Wages	14	106,849	(2,500)	104,349
	101-3034-520-2040	Health Insurance		20,317	(1,100)	19,217
	101-3034-520-3720	Electricity		3,000	3,600	6,600
		Total		130,166	-	130,166
School Officers	101-3036-520-1010	Salaries & Wages	15	581,968	(16,020)	565,948
	101-3036-520-1020	Overtime		60,000	12,200	72,200
	101-3036-520-7040	Machinery & Equipment		-	3,820	3,820
		Total		641,968	-	641,968
Fire	101-3100-520-1110	Salary & Wages - Temporary	6,16	162,786	(30,263)	132,523
	101-3100-520-3510	Motor Vehicles Repair Supplies		53,658	6,200	59,858
	101-3100-520-3730	Fuel, Oil, Lube		40,000	2,100	42,100
	101-3100-520-5120	General Insurance		16,000	4,800	20,800
		Total		272,444	(17,163)	255,281
Fire Marshal	101-3133-520-1010	Salaries and Wages	17	108,966	16,550	125,516
	101-3133-520-2010	Retirement		16,876	3,200	20,076
		Total		125,842	19,750	145,592
Public Works	101-5022-530-1010	Salaries and Wages	2,18	642,964	(5,200)	637,764
	101-5022-530-6215	Solid Waste		2,390,000	103,000	2,493,000
	101-5022-530-6325	Equipment Repair and Maintenance		21,000	5,200	26,200
		Total		3,053,964	103,000	3,156,964
Fleet Maintenance	101-5025-530-1010	Salaries and Wages	19	185,291	(6,200)	179,091
	101-5025-530-1020	Overtime		1,500	6,200	7,700
		Total		186,791	-	186,791
Total Increase to General Fund Revenue					230,760	
Total Increase to General Fund Expenditures					170,660	
Total Increase to Fund Balance					60,100	

* See Vasut memorandum

Department	Account Number	Account Description	* Ref #	Current Budget	Adjustment Amount	Amended Budget
HOTEL/MOTEL FUND						
Revenues						
	212-0000-466-6000	Family 4th Celebration	20	20,000	11,000	31,000
		Total		<u>20,000</u>	<u>11,000</u>	<u>31,000</u>
Expenditures						
	212-1900-540-1015	Salaries & Wages - Family 4th		12,100	(1,000)	11,100
	212-1900-540-1017	Salaries & Wages - Christmas		16,134	(3,000)	13,134
	212-1900-540-5315	Family 4th Celebration		60,000	12,000	72,000
	212-1900-540-5325	Christmas In Rosenberg		10,000	3,000	13,000
		Total		<u>98,234</u>	<u>11,000</u>	<u>109,234</u>
		Total Increase to Hotel/Motel Fund Revenue			11,000	
		Total Increase to Hotel/Motel Fund Expenditures			11,000	
		Total Increase to Hotel/Motel Fund Balance			-	
BEAUTIFICATION FUND						
Expenditures						
	214-1900-540-4385	Clean Up Project	21	5,000	(4,500)	500
	214-1900-540-5710	Other Contractual Services		1,000	4,500	5,500
		Total		<u>6,000</u>	<u>-</u>	<u>6,000</u>
		Total Increase to Beautification Fund Revenue			-	
		Total Increase to Beautification Fund Expenditures			-	
		Total Increase to Beautification Fund Balance			-	
LAW ENFORCEMENT FUND						
Expenditures						
	215-3000-520-5510	Travel - Education and Training	22	20,000	1,300	21,300
	215-3000-520-5727	Other Contractual Services - Motor Vehicles		15,600	5,700	21,300
	215-3000-520-7040	Machinery and Equipment		64,692	(7,000)	57,692
		Total		<u>100,292</u>	<u>-</u>	<u>100,292</u>
		Total Increase to Law Enforcement Fund Revenue			-	
		Total Increase to Law Enforcement Fund Expenditures			-	
		Total Increase to Law Enforcement Fund Balance			-	
POLICE FEDERAL FORFEITURE FUND						
Expenditures						
	227-3000-520-5510	Travel - Education and Training	23	-	6,000	6,000
	227-3000-520-7040	Machinery and Equipment		25,000	(6,000)	19,000
		Total		<u>25,000</u>	<u>-</u>	<u>25,000</u>
		Total Increase to Police Federal Forfeiture Fund Revenue			-	
		Total Increase to Police Federal Forfeiture Fund Expenditures			-	
		Total Increase to Police Federal Forfeiture Fund Balance			-	
PEG FUND						
Revenues						
	228-0000-404-4000	Franchise Tax - Cable Tv	24	50,000	2,500	52,500
		Total		<u>50,000</u>	<u>2,500</u>	<u>52,500</u>
Expenditures						
	228-1950-540-7040	Machinery & Equipment		50,000	2,500	52,500
		Total		<u>50,000</u>	<u>2,500</u>	<u>52,500</u>
		Total Increase to PEG Fund Revenue			2,500	
		Total Increase to PEG Fund Expenditures			2,500	
		Total Increase to PEG Fund Balance			-	
DEBT SERVICE FUND						
Expenditures						
	301-0000-561-8110	Principal	25	4,903,510	3,200	4,906,710
	301-0000-562-8120	Interest		2,028,828	68,500	2,097,328
		Total		<u>6,932,338</u>	<u>71,700</u>	<u>7,004,038</u>
		Total Increase to Debt Service Fund Revenue			-	
		Total Increase to Bamore Debt Service Fund Expenditures			71,700	
		Total Increase to Debt Service Fund Balance			(71,700)	

* See Vasut memorandum

Department	Account Number	Account Description	* Ref #	Current Budget	Adjustment Amount	Amended Budget
WATER/WASTEWATER FUND						
Revenues	501-0000-431-1010	Water Sales	26	4,020,000	78,200	4,098,200
	501-0000-431-1020	Water Tap Fees		80,000	18,200	98,200
		Total		<u>4,100,000</u>	<u>96,400</u>	<u>4,196,400</u>
Customer Service						
Expenditures	501-1456-600-5710	Other Contractual Services	27	74,660	2,750	77,410
	501-1456-600-8530	Other Expense - Bad Debt		26,897	(2,750)	24,147
		Total		<u>101,557</u>	<u>-</u>	<u>101,557</u>
Water Purification / Production						
Expenditures	501-5052-600-3415	Chemical Supplies	28	31,000	27,000	58,000
	501-5052-600-3720	Electricity		350,000	(27,000)	323,000
		Total		<u>381,000</u>	<u>-</u>	<u>381,000</u>
Water Distribution						
Expenditures	501-5053-600-1010	Salary and Wages	26 , 29	336,875	4,300	341,175
	501-5053-600-1020	Overtime		45,000	11,500	56,500
	501-5053-600-2010	Retirement		59,194	2,500	61,694
	501-5053-600-2040	Health Insurance		60,873	(5,500)	55,373
	501-5053-600-3510	Motor Vehicle Repair		7,000	(3,100)	3,900
	501-5053-600-3530	Plumbing Supplies		55,000	3,900	58,900
	501-5053-600-3532	Water Meters		60,000	18,200	78,200
	501-5053-600-6325	Equipment Repair and Maintenance		7,250	(2,400)	4,850
		Total		<u>631,192</u>	<u>29,400</u>	<u>660,592</u>
Wastewater Collection						
Expenditures	501-5054-600-1010	Salaries and Wages	30	233,325	(12,000)	221,325
	501-5054-600-1020	Overtime		29,000	8,600	37,600
	501-5054-600-2040	Health Insurance		38,831	7,900	46,731
	501-5054-600-3510	Motor Vehicle Repair		4,163	5,050	9,213
	501-5054-600-3720	Electricity		72,000	(2,250)	69,750
	501-5054-600-3730	Fuel, Oil and Lubricants		25,000	(8,900)	16,100
	501-5054-600-5710	Othe Contractual Services		10,000	4,600	14,600
	501-5054-600-6240	Grounds Maintenance		15,225	(3,000)	12,225
		Total		<u>427,544</u>	<u>-</u>	<u>427,544</u>
Wastewater Treatment						
Expenditures	501-5055-600-3720	Electricity	31	360,000	(46,000)	314,000
	501-5055-600-6325	Equipment Repair & Maintenance		126,900	46,000	172,900
		Total		<u>486,900</u>	<u>-</u>	<u>486,900</u>
Non-Departmental						
Expenditures	501-9000-600-8120	Interest	32	153,024	20,000	173,024
	501-9000-600-8160	Cost of Issuance		-	27,000	27,000
	501-9000-600-9515	Transfer to W/WW Supplemental		96,500	20,000	116,500
		Total		<u>249,524</u>	<u>67,000</u>	<u>316,524</u>
		Total Increase to Water/Wastewater Fund Revenue			96,400	
		Total Increase to Water/Wastewater Fund Expenditures			96,400	
		Total Decrease to Water/Wastewater Fund Balance			-	
SUBSIDENCE FUND						
Expenditures	514-0000-600-4320	Outside Professional Services - Legal	33	30,000	74,000	104,000
	514-0000-600-4350	Alternate Water Sources		250,000	(74,000)	176,000
		Total		<u>280,000</u>	<u>-</u>	<u>280,000</u>
		Total Increase to Subsidence Fund Revenue			-	
		Total Increase to Subsidence Fund Expenditures			-	
		Total Decrease to Subsidence Fund Balance			-	

* See Vasut memorandum

MEMORANDUM

From the Finance Department

October 27, 2014

To: Honorable Mayor and City Council
CC: Robert Gracia, City Manager
From: Joyce Vasut, Executive Director of Administrative Services 
Re: FY2014 Year-End Budget Amendment

The following items are submitted as the FY2014 year-end budget adjustment:

General Fund Adjustments are offset by corresponding increases in revenues or decreases in other expenditures.

1. Increase Infrastructure Inspection Fees revenue by \$19,400 due to increase in development and increase the corresponding Infrastructure Inspection Fees expense in the Engineering Department. An additional \$51,105 is being transferred from the Engineering expense to the Infrastructure Inspection Fees expense to cover the increasing costs.
2. Increase Solid Waste Fees revenue by \$103,000 due to increase in revenue and increase the corresponding Solid Waste Fees expense in Public Works.
3. Increase Recreation Program Fees revenue by \$5,000 for additional revenue from the programs offered at the Civic Center and increase the corresponding Recreation Program expense account.
4. Record revenue of \$60,100 received for the Sale of Radio Equipment. This amount will be an addition to fund balance.
5. Increase Reimbursement for Personnel by \$26,654 for reimbursement of Police Officer overtime and increase the corresponding Overtime expense in Police Dept.
6. Increase Insurance Proceeds by \$16,606 with corresponding increases to Fire (\$2,587), and Police (\$14,019) for reimbursements on insurance claims.
7. City Manager and Economic Development - Reallocation of \$7,900 and \$3,500, respectively from Salaries and Wages to Health Insurance to cover the changes in the employees' Health Insurance coverage.
8. Human Resources - transfer \$6,000 from Medical-Employee Recruitment to Advertising for the increase in advertising for new positions.
9. Finance - transfer \$7,100 from Outside Professional Services (Sales Tax Consulting) to Other Contractual Services in the amount of \$7,100 due to an increase due the Fort Bend County Central Appraisal District.
10. General Government - reallocate \$5,050 from Unemployment Claims to cover the City portion of the Retiree's insurance coverage. Also reallocate \$2,600 and \$2,500 from Electricity and Volunteer Committees to Outside Professional Services for land appraisals, surveys and other professional services.
11. Communications - increase Salary & Wages in the amount of \$5,100 from savings in the Other contractual Services – Video Streaming.

- 12.** Parks - transfer \$5,200 from Salaries and Wages, \$2,420 from Electricity, and \$4,800 from Grounds Maintenance – Sports Complex and reallocate to expenses for Overtime (\$4,600), Electrical Supplies (\$3,020), and Grounds Maintenance (\$4,800). There is also an Increase to the Recreation Programs Fees revenue of \$5,000 (Item #3) with a corresponding increase to the Recreation Programs expenses.
- 13.** Police - transfer \$109,741 from Salaries and Wages, \$18,805 from Electricity and \$5,000 from Radio Repair & Maintenance to offset expenses for Overtime (\$126,500), Clothing for new hires (\$5,500), Fuel Oil Lube (\$13,800), General Insurance (\$3,500), Travel – Education & Training (\$4,000), and Building Repair and Maintenance (\$6,900). There are Increases to the revenue for Insurance Proceeds of \$14,019 and Overtime by \$26,654 with corresponding expenses to the Motor Vehicle Repair and Supplies by \$14,019 and Overtime by \$26,654 for reimbursements from Insurance Claims and Police Overtime programs.
- 14.** Animal Control - reallocate \$2,500 from Salaries & Wages and \$1,100 from Health Insurance to Electricity (\$3,600).
- 15.** School Officers - reallocate \$16,020 from Salaries and Wages to cover overages in the Overtime (\$12,200), and Machinery & Equipment expenses.(\$3,820)
- 16.** Fire - transfer \$30,263 from Salary & Wages – Temporary to increase Motor Vehicle Repair Supplies (\$6,200), Fuel/Oil/Lubricants (\$2,100), and General Insurance (\$4,800). Increase Insurance Proceeds revenue by \$2,587 (Item # 6) with a corresponding additional increase to the expense account for Motor Vehicle Repair Supplies.
- 17.** Fire Marshal - increase of \$16,550 to Salaries and Wages and Retirement due to pay grade change for Fire/Inspector positions.
- 18.** Public Works - reallocate \$5,200 from Salaries and Wages to cover increases in the expenses for Equipment Repair & Maintenance. Increase Solid Waste revenue by \$103,000 with a corresponding increase to the Solid Waste expense for the increase in service requests that occurred during FY2014.
- 19.** Fleet Maintenance - transfer \$6,200 from Salaries and Wages to Overtime to cover the increase in overtime incurred due to the shortage of personnel.

Hotel/Motel Fund

- 20.** Increase Family 4th Celebration revenue by \$11,000 due to an increase in sponsorships received and a decrease of \$1,000 to Salaries and Wages – Family 4th with corresponding increases to the Family 4th expenses of \$12,000. Also, transfer \$3,000 from Salaries & Wages – Christmas in Rosenberg to cover overages incurred at the Christmas in Rosenberg.

Beautification Fund

- 21.** Reallocate \$4,500 from the Clean-Up Project to Other Contractual Services for the expenses incurred from the disposal of old tires found with the Rosenberg city limits.

Law Enforcement Fund

- 22.** Transfer \$7,000 from Machinery and Equipment to Travel – Education and Training (\$1,300) and Other Contractual Services – Motor Vehicles (\$5,700) for an additional undercover leased vehicle.

Police Federal Forfeiture Fund

- 23.** Reallocate \$6,000 from Machinery and Equipment and increase Travel – Education and Training to cover additional expenses for education and training for Officers.

PEG Fund

- 24.** Increase Franchise Tax – Cable TV revenue by \$2,500 with a corresponding increase to Machinery & Equipment to provide additional equipment for video streaming.

Debt Service Fund

- 25.** Increase of \$3,200 to Principal and \$68,500 to Interest for additional debt that was issued during FY 2014.

Water/Wastewater Fund

- 26.** Water Sales – increase by \$78,200 to offset increases in expenses. Water Tap Fees - increase of \$18,200 to Water Tap Fees with a corresponding increase to the expense for Water Meter purchases due to the substantial increase of water meters being installed.
- 27.** Customer Service - Transfer \$2,750 from Bad Debt Expenses to offset the increases to the Salary & Wages – Temporary and Other Contractual Services due to the increase in the printing and mailing of the utility bills.
- 28.** Water Purification/Production – reallocate \$27,000 from Electricity to cover the increase in the cost of Chemical Supplies.
- 29.** Water Distribution – reallocation of \$5,500 from Health Insurance, \$3,100 from Motor Vehicle Repair, \$2,400 from Equipment Repair & Maintenance to cover additional expenses incurred in Salary and Wages (\$4,300), Overtime (\$11,500), Retirement (\$2,500), and Plumbing Supplies (\$3,900).
- 30.** Wastewater Collection – transfer \$12,000 from Salaries and Wages, \$2,250 from Electricity, \$8,900 from Fuel, Oil, and Lubricants, and \$3,000 from Grounds Maintenance to cover increases in expenses for Overtime (\$8,600), Health Insurance (\$7,900), Motor Vehicle Repair (\$5,050), and Other Contractual Services (\$4,600).
- 31.** Wastewater Treatment – reallocate \$46,000 from Electricity to cover overages of \$46,000 for Equipment Repair & Maintenance.
- 32.** Water/Wastewater Non-Departmental – increase of \$20,000 to Interest, \$26,821 for Cost of Issuance, and transfer \$20,000 to the W/WW Supplemental Fund.

Subsidence Fund

33. Transfer \$74,000 from Alternate Water Sources to Outside Professional Services – Legal.

W/WW Supplemental Fund

34. Add \$3,800 from fund balance for the initial expenses for the Utility Adjustments necessary for the US59/I69.

Civic Center

35. Reallocate \$6,200 from Temporary Salaries and Wages to cover the expenses for Building Repair & Maintenance (\$3,200) and Equipment Repair & Maintenance (\$3,000). Additional expenses were incurred due to issues with HVAC system.

Insurance Fund

36. Increase General Fund Insurance Premiums revenue by \$156,000 and Employees' Dental Insurance Premiums revenue by \$20,000 due to an increase in employee participation. Increase Health Insurance Premiums by \$289,000, Dental Insurance Premiums by \$31,000 and Insurance Claims by \$2,300 using fund balance.

I hope that you find these explanations useful. Please feel free to contact me should you have any questions regarding the year-end budget adjustment.



CITY COUNCIL COMMUNICATION

November 04, 2014

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

ITEM/MOTION

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

FINANCIAL SUMMARY	ELECTION DISTRICT
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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-1873
2. Official Bid Form
3. Bid Analysis
4. Scott Correspondence – 09-30-14
5. Proposed Resale Deed
6. Location Map

MUD #: N/A

APPROVALS

Submitted by:

Joyce Vasut
Executive Director of
Administrative Services

Reviewed by:

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

Approved for Submittal to City Council:

Robert Gracia
City Manager

EXECUTIVE SUMMARY

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

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

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

RESOLUTION NO. R-1873

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

* * * * *

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

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

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

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

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

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

Tract 1: Geo Number: 7835000380130901: Lot Thirteen (13), Block Thirty-Eight (38), in the Town of Rosenberg, Fort Bend County, Texas, according to the plat of said town shown of record in Volume P, Page 146 of the Deed Records of Fort Bend County, Texas; and, Tract 2: Geo Number: 7835000380140901: Lots Fourteen (14) and Fifteen (15) in Block Thirty-Eight (38) of the City of Rosenberg, Fort Bend County, Texas, according to the plat

of said City of Rosenberg, appearing of record in Volume P,
Page 146 of the Deed Records of Fort Bend County, Texas.

Section 2. The Mayor is hereby authorized to accept the sale price of
\$18,000.00 for said property.

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

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

ATTEST:

APPROVED:

Linda Cernosek, TRMC, **City Secretary**

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



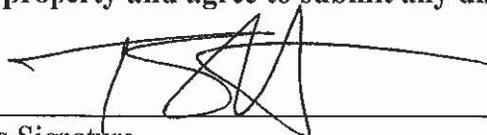
**OFFICIAL BID FORM-TAX RESALE PROPERTY
CITY OF ROSENBERG**

You may bid on any or all of the parcels available- *that do not already have an offer pending*. Please enter the amount you wish to bid, City of Rosenberg reserves the right to accept or reject any or all bids. **No title insurance or survey will be provided. Property is being sold "as is", "where is" and "without warranty".**

Cause Number	Account Number	Amount Offered for Resale Property	Amount due for Post-Judgment Taxes (if any)	Total Amount Offered for Property
08-DCV-162775	7835000380130901	\$5783.66	P/J Years Due: 2013 Amount Due: \$216.34	\$6000.00
08-DCV-162775	7835000380140901	\$9880.07	P/J Years Due: 2013 Amount Due: \$2119.93	\$12000.00
			P/J Years Due: Amount Due:	TOTAL: \$18000.00

By my signature below, I certify that I understand the conditions and limitations of this sale, as well as the restrictions on the use of the property as set forth in the Texas Property Tax code. I understand that I am responsible for post-judgment taxes, and I further understand that I am to provide for those taxes, if any, in the total amount offered for the property(ies). **I agree to indemnify the city and its attorney and agent from any action or damages arising from the purchase of this property and agree to submit any dispute to the American Arbitration Association for resolution.**

Terry Scott
Bidder's Name (Please Print or Type)
(Name wanted on deed)


Bidder's Signature

PO BOX 824
Bidder's Address (address wanted on deed)

832-526-2295 scootter73@gmail.com
Bidder's Telephone / Email Address

Needville 77461

8-15-14

City Zip

Date

Bid Analysis

Cause No. 06-DCV-162775 Account No(s). 7835000380130901 and 7835000380140901

Description:

TRACT 1: GEO NUMBER: 7835000380130901

LOT THIRTEEN (13), BLOCK THIRTY-EIGHT (38), IN THE TOWN OF ROSENBERG, FORT BEND COUNTY, TEXAS, ACCORDING TO THE PLAT OF SAID TOWN SHOWN OF RECORD IN VOLUME P, PAGE 146 OF THE DEED RECORDS OF FORT BEND COUNTY, TEXAS.

TRACT 2: GEO NUMBER: 7835000380140901

LOTS FOURTEEN (14) AND FIFTEEN (15) IN BLOCK THIRTY-EIGHT (38) OF THE CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS, ACCORDING TO THE PLAT OF SAID CITY OF ROSENBERG, APPEARING OF RECORD IN VOLUME P, PAGE 146 OF THE DEED RECORDS OF FORT BEND COUNTY, TEXAS

Bid Amount \$18,000.00

Name of Bidder Terry Scott

Judgment/ Opening Bid Information

<u>Tax Entity</u>	<u>Tax Years</u>	<u>Amount Due</u>
7835000380140901: City of Rosenberg	2005-2012	\$3,927.83 (18%)
7835000380130901: City of Rosenberg	2005-2012	\$428.17 (2%)
7835000380140901: Fort Bend County/ Lamar Consolidated Independent School District	2005-2012	\$15,965.52(73%)
7835000380130901: Fort Bend County/ Lamar Consolidated Independent School District	2005-2012	\$1,562.16 (7%)

Total (7835000380130901 and 7835000380140901) \$21,883.68

TOTAL AMOUNT DUE AT TIME OF Tax Sale: **\$21,883.68**

Property Value (at time of Judgment)

Account No. 7835000380130901	<u>\$6,340.00</u>
Account No. 7835000380140901	<u>\$58,120.00</u>

Costs

Court Costs	<u>\$561.00</u>
Abstract Fees (PBF)	<u>\$500.00</u>
Publication Fee (Fort Bend Herald)	<u>\$457.14</u>
Constable Fee & Commission (Constable Constable Rob Cook)	<u>\$920.00</u>
Ad Litem (PBF)	<u>\$1,200.00</u>
Recording Fee (Struckoff Deed- PBFM)	<u>\$25.00</u>
Recording Fee (Resale Deed)	<u>\$25.00</u>

Total costs: \$3,688.14

Proposed Distribution

Bid Amount \$18,000.00 - Costs \$3,688.14 - Post Jdmt \$2,336.27 (August, 2014 for 2013 Tax Years)

(ACCOUNT NO. 7835000380130901 and 7835000380140901) Net to Distribute
\$11,975.59

City of Rosenberg (7835000380130901)	\$2,155.61
City of Rosenberg (7835000380140901)	\$239.51
Fort Bend County/ Lamar-CISD (783500038013090)	\$8,742.18
Fort Bend County/ Lamar-CISD (7835000380140901)	\$838.29

**Please zero out all remaining balances for 2005-2012 tax years

Terry Scott phone/832-526-2295 [email/scootter73@gmail.com](mailto:scootter73@gmail.com)

September 30, 2014

FCAD #7835000380130901

FCAD#7835000380140901

To whom it may concern:

I am writing this memo to express interest in the above mentioned property. I have presented my bid of \$18000 based on (ROI) Return on Investment potential which includes a few factors. The formula that I use is based on the appraised value –minus- the cost of repairs and unforeseen damage that may arise once construction and repairs begin and potential for profit. So far I have accounted for the following repairs: leveling \$3500, new air conditioner \$4000, new siding \$3000, dumpster rental \$700, removal of back porch \$400, new back porch \$2500, plumbing \$1500-\$3000, electrical \$1500-\$3000, roof repairs \$3000, paint and sheetrock repairs \$600-\$1300. Please review this bid and feel free to contact me with any additional concerns. Thanks

Sincerely,

T.Scott

THE STATE OF TEXAS
COUNTY OF FORT BEND

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§
§

RESALE DEED

NOTICE OF CONFIDENTIALITY RIGHT:

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

KNOW ALL MEN BY THESE PRESENTS that the CITY OF ROSENBERG for itself and as Trustee for the use and benefit of the FORT BEND COUNTY, LAMAR-CONSOLIDATED INDEPENDENT SCHOOL DISTRICT, LATERAL ROAD & FLOOD CONTROL, FORT BEND COUNTY DRAINAGE, AND FORT BEND COUNTY GENERAL FUND, acting by and through its duly elected official ("GRANTOR") as authorized by Section 34.05, Texas Property Tax Code, for and in consideration of the sum of EIGHTEEN THOUSAND DOLLARS (\$18,000.00), in hand paid by TERRY SCOTT ("GRANTEE") the receipt of which is hereby acknowledged and confessed, has granted and conveyed and by these presents do grant and convey unto said grantee all right, title and interest of the CITY OF ROSENBERG for itself and as Trustee for the use and benefit of the FORT BEND COUNTY, LAMAR-CONSOLIDATED INDEPENDENT SCHOOL DISTRICT, LATERAL ROAD & FLOOD CONTROL, FORT BEND COUNTY DRAINAGE, AND FORT BEND COUNTY GENERAL FUND, in the property herein conveyed, acquired by tax foreclosure sale heretofore held, in Cause No. 08-DCV-162775, styled CITY OF ROSENBERG VS. CAVAZOS, IGNACIO, ET AL, said property being described as:

TRACT 1: GEO NUMBER: 7835000380130901
LOT THIRTEEN (13), BLOCK THIRTY-EIGHT (38), IN THE TOWN OF ROSENBERG, FORT BEND COUNTY, TEXAS, ACCORDING TO THE PLAT OF SAID TOWN SHOWN OF RECORD IN VOLUME P, PAGE 146 OF THE DEED RECORDS OF FORT BEND COUNTY, TEXAS.

TRACT 2: GEO NUMBER: 7835000380140901
LOTS FOURTEEN (14) AND FIFTEEN (15) IN BLOCK THIRTY-EIGHT (38) OF THE CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS, ACCORDING TO THE PLAT OF SAID CITY OF ROSENBERG, APPEARING OF RECORD IN VOLUME P, PAGE 146 OF THE DEED RECORDS OF FORT BEND COUNTY, TEXAS

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

GRANTOR conveys the property:

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

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

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

By acceptance of this deed, GRANTEE acknowledges and agrees:

- (a) that GRANTOR acquired the property through foreclosure of a tax lien as Trustee and as such has little, if any, knowledge of the physical or economic characteristics of the property,
- (b) GRANTEE has inspected the property and is relying solely on his own investigation of the same and not on any information provided or to be provided by on behalf of GRANTOR,
- (c) that any information provided with respect to the property was obtained from a variety of sources, and
- (d) GRANTOR (1) has not made any independent investigation or verification of such information; and (2) does not make any representations as to the accuracy or completeness of such information.

- (e) that if there are any improvements on the property, GRANTOR shall not be responsible for or liable to GRANTEE for any construction defects, errors omissions, or any other conditions affecting the property.

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

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

TO HAVE AND TO HOLD said premises, together with all and singular the rights, privileges and appurtenances thereto in any manner belonging unto the said CITY OF ROSENBERG, his successors, beneficiaries, heirs and assigns forever, so that neither the CITY OF ROSENBERG for itself and as Trustee for the use and benefit of the FORT BEND COUNTY, LAMAR-CONSOLIDATED INDEPENDENT SCHOOL DISTRICT, LATERAL

ROAD & FLOOD CONTROL, FORT BEND COUNTY DRAINAGE, AND FORT BEND COUNTY GENERAL FUND, nor any person claiming under it shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof.

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

Executed this _____ day of _____, 2014.

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

CITY OF ROSENBERG

VINCENT M. MORALES, JR.
MAYOR

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

ACKNOWLEDGMENT

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

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

SEAL

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

Grantee:

Terry Scott
P.O. Box 824
Needville, TX 77461

After Recording Return to:

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

Executed this _____ day of _____, 2014.

FORT BEND COUNTY GENERAL FUND, FORT
BEND LATERAL ROAD & FLOOD CONTROL,
AND FORT BEND COUNTY DRAINAGE
DISTRICT

ROBERT E. HEBERT
COUNTY JUDGE, FORT BEND COUNTY

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

ACKNOWLEDGMENT

BEFORE ME, the undersigned authority, on this day personally appeared, ROBERT E. HEBERT, County Judge, FORT BEND COUNTY, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed same for the purposes and consideration therein expressed and in the capacity therein stated.

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

SEAL

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

Executed this _____ day of _____, 2014.

LAMAR-CONSOLIDATED INDEPENDENT
SCHOOL DISTRICT

JULIE THOMPSON
PRESIDENT, BOARD OF TRUSTEES

THE STATE OF TEXAS

§

COUNTY OF FORT BEND

§

§

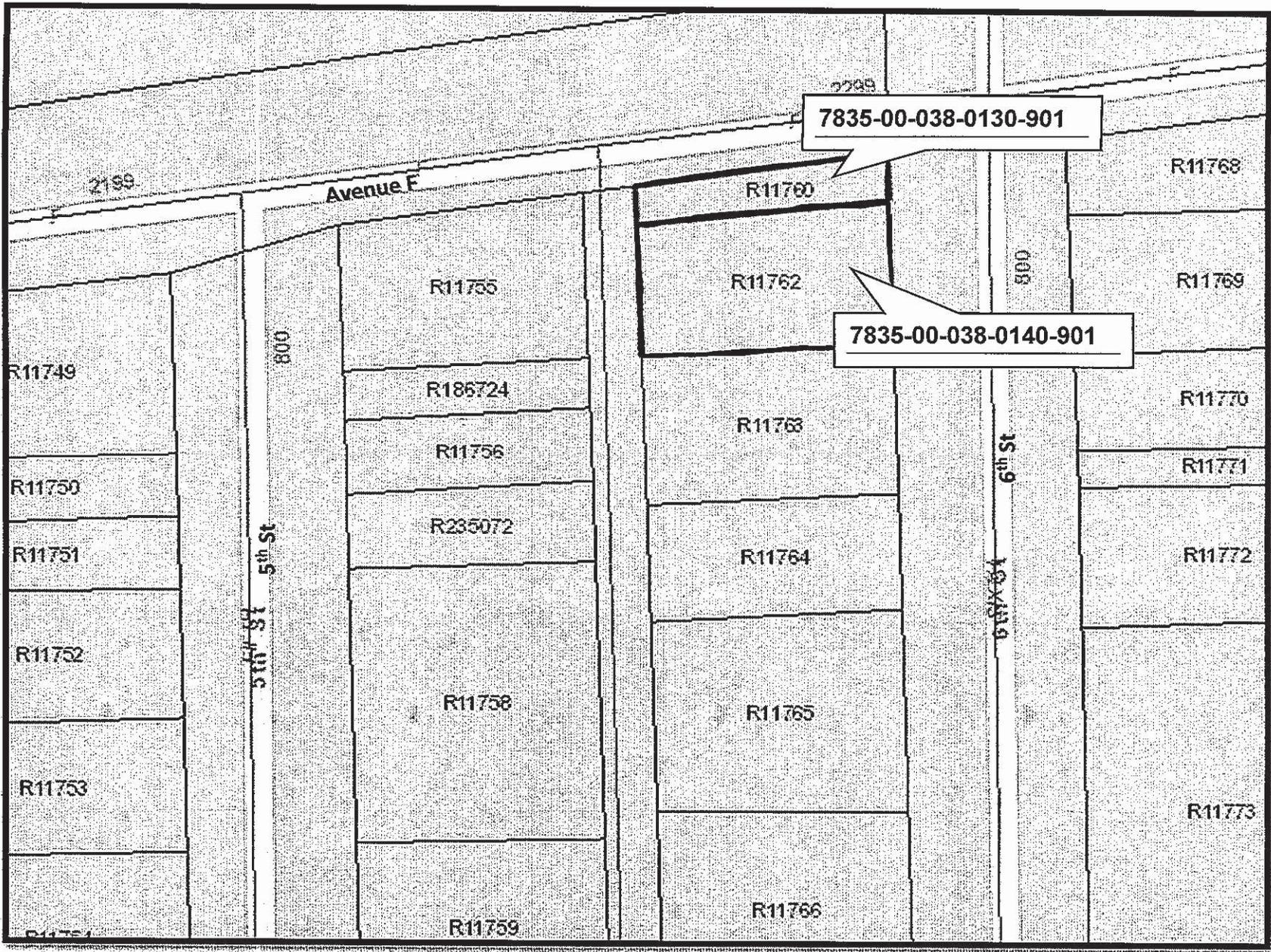
ACKNOWLEDGMENT

BEFORE ME, the undersigned authority, on this day personally appeared, JULIE THOMPSON, President, Board of Trustees, LAMAR-CONSOLIDATED INDEPENDENT SCHOOL DISTRICT, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed same for the purposes and consideration therein expressed and in the capacity therein stated.

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

SEAL

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



7835-00-038-0130-901

7835-00-038-0140-901

2159

2799

Avenue F

R11768

R11760

R11769

R11762

800

7835-00-038-0140-901

R11770

R11763

R11771

R11749

800

6th St

R11750

5th St

R11772

R11755

R11764

R11751

R11756

R11765

R11752

R235072

R11773

R11758

R11766

R11753

R11759

R11754



CITY COUNCIL COMMUNICATION

November 04, 2014

ITEM #	ITEM TITLE
5	Resolution No. R-1871 - Interlocal Agreement for Fire Services to Unincorporated Fort Bend County

ITEM/MOTION

Consideration of and action on Resolution No. R-1871, a Resolution authorizing the Mayor to execute, for and on behalf of the City, an Interlocal Agreement between Fort Bend County and City of Rosenberg for Fire Protection in Unincorporated Fort Bend County.

FINANCIAL SUMMARY	ELECTION DISTRICT
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Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

- Yes No N/A

Source of Funds: N/A

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

SUPPORTING DOCUMENTS:

MUD #: N/A

1. Resolution No. R-1871

APPROVALS

Submitted by:

Wade A. Goates

Wade Goates
Fire Chief

Reviewed by:

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

Approved for Submittal to City Council:

Robert Gracia

Robert Gracia
City Manager

EXECUTIVE SUMMARY

Resolution No. R-1871 provides the opportunity for City Council to approve an Interlocal Agreement (Agreement) with Fort Bend County to furnish fire protection, fire fighting, and assistance in emergency medical services to unincorporated areas of the County. The term of the Agreement, attached to Resolution No. R-1871 as Exhibit "A", is from October 01, 2014, through September 30, 2015, and will automatically renew annually each October 1st unless specifically terminated by either party.

In the attached Agreement, the County Fire Marshal outlines that the City of Rosenberg will receive a lump sum payment for \$114,500.00. This payment is based on calls that the City responds to in the unincorporated area, outside of fire protection agreements.

Staff recommends approval of Resolution No. R-1871, providing authorization for the Mayor to execute an Interlocal Agreement by and between the City of Rosenberg, Texas, and Fort Bend County for fire protection, fire fighting, and assistance in emergency medical services in unincorporated Fort Bend County for the period beginning October 01, 2014, through September 30, 2015.

RESOLUTION NO. R-1871

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE, FOR AND ON BEHALF OF THE CITY OF ROSENBERG, TEXAS, AN INTERLOCAL AGREEMENT BETWEEN FORT BEND COUNTY AND CITY OF ROSENBERG FOR FIRE PROTECTION IN UNINCORPORATED FORT BEND COUNTY.

* * * * *

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

Section 1. The Mayor is hereby authorized to execute on behalf of the City of Rosenberg, Texas, an Interlocal Agreement between the City of Rosenberg and Fort Bend County to furnish fire protection, fire fighting, and assistance in emergency medical services to said unincorporated areas of the County. A copy of such Interlocal 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**

THE STATE OF TEXAS §

§

COUNTY OF FORT BEND §

**INTERLOCAL AGREEMENT BETWEEN FORT BEND COUNTY
AND CITY OF ROSENBERG
FOR FIRE PROTECTION IN UNINCORPORATED FORT BEND COUNTY**

THIS INTERLOCAL Agreement for Fire Services ("Agreement") is entered into by and between County of Fort Bend by and through the Fort Bend County Fire Marshal (hereinafter referred to as "County") and City of Rosenberg by and through City Council (hereinafter referred to as "CITY")

WHEREAS, the governmental entities which are Parties to this Agreement desire to enter into an agreement for fire services; and

WHEREAS, the Texas Government Code, Chapter 791, the "Interlocal Cooperation Act," authorizes CITY entities to enter into interlocal contracts for governmental purposes; and

WHEREAS, the Texas Government Code 791.006 specifically authorizes interlocal agreements for fire services;

NOW, THEREFORE, it is mutually agreed by the Parties hereto to enter into this Agreement upon the following terms:

**SECTION ONE
TERM**

- 1.1 The term of this agreement shall be from **October 1, 2014** and continuing through **September 30, 2015**.
- 1.2 This Agreement shall automatically renew each October 1, for additional one year terms unless terminated by either party.
- 1.3 Renewals will be on the same terms and conditions set forth herein, except for the rate of compensation which is subject to annual review and recalculation by County.
- 1.4 Either party may terminate this Agreement, with or without cause, by giving at least ten (10) days written notice to the other party.

**SECTION TWO
FIRE CALLS IN UNINCORPORATED FORT BEND COUNTY**

- 2.1 During the term of this agreement, the CITY agrees to furnish fire protection, firefighting, and assistance in emergency medical services to the unincorporated surrounding areas in Fort Bend County.
- 2.2 It is hereby agreed and understood that the fire protection, firefighting and assistance in emergency medical services to be furnished by the CITY under this agreement shall include,

but not be limited to, the following: Answering all calls for help and assistance in extinguishing fires in the area designated in this Agreement; furnishing firefighting personnel, equipment and supplies to fight all fires; and answering all calls and furnishing firefighting personnel, equipment and supplies to protect persons and property which are endangered by fires; provided that the above described personnel, equipment and supplies are not otherwise engaged in firefighting.

- 2.3 County shall compensate CITY as follows:
- a. County agrees to pay CITY an Annual Payment of \$114,500.00 for services provided to the CITY non-contracted areas and under Section 2.2 of this Agreement.
 - b. The Annual Payment shall be made in one lump sum to CITY, no later than December 31, of each year.
 - c. Rate of compensation for automatic renewals shall remain the amount stated in Section 2.3(a) unless CITY is otherwise notified by County prior to October 1 of each year.
- 2.4 The CITY shall observe and comply with all Federal, State, County and CITY laws, rules, ordinances and regulations in any manner affecting the conduct of the services herein provided and performance of all obligations undertaken by this agreement. Specifically, the performance of this agreement shall comply with any and all requirements of the Americans with Disabilities Act of 1990, 42 USC.
- 2.5 It is expressly understood that the County has funds specifically allocated to fully discharge its obligation under this agreement. To the extent required by law, County agrees that the act of a person who, in carrying out County's authority to provide fire protection, furnishes fire protection to a county resident who lives outside the municipalities in the county, including the act of a person who is a regular employee or fire fighter of a municipality, is considered to be the act of an agent of the county. Additionally, County agrees that CITY is not liable for the act of its employee in fighting fires outside the municipality under this contract.
- 2.6 It is further agreed that in the performance of all obligations under taken by this agreement, the CITY has the right to supervise, manage, control and direct the performance of fire protection, firefighting, and assistance of emergency medical services. However, the County Fire Marshal shall maintain and coordinate the work of the various fire-fighting and fire prevention units in the unincorporated area of the county per incident.
- 2.7 The CITY agrees to utilize the County's online reporting system to document all service provided under this Agreement. County reserves the right to perform an audit of all books and records of CITY as they may relate to the performance of this Agreement at any time. CITY shall maintain accurate records at all times. Upon ten days' notice, CITY shall provide County reasonable access to City's records to verify conformance to the terms of this Agreement.

SECTION THREE INDEMNIFICATION

To the extent permitted by law and except where otherwise noted herein, the CITY agrees to save and hold the County harmless from liability for injury or death of any person or damage to any property arising out of or in connection with any act or omission of the CITY performed under this Agreement. To the extent permitted by law, the County agrees to save and hold the CITY harmless from liability for injury or death of any person or damage to any property arising out of or in connection with any act or omission of the County performed under this Agreement.

SECTION FOUR
LIABILITY

Neither party waives or relinquishes any immunity from liability, limitation of liability, or defense on behalf of itself, its officers, employees, and agents provided by the Constitution and laws of the State of Texas as a result of its execution of this Agreement and the performance of the covenants contained herein.

SECTION FIVE
PAYMENTS FROM CURRENT REVENUES

All payments by a party for the performance of governmental functions or services must be made from current revenues available to such party.

SECTION SIX
FAIR COMPENSATION

All payments made by one party to the other party for the performance of governmental functions or services is in an amount that fairly compensates the performing party for the services or functions performed under this Agreement.

SECTION SEVEN
SEVERABILITY

The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Agreement is for any reason held to be invalid or contrary to the law by a court of competent jurisdiction or contrary to any rule or regulation in the remaining portions of the Agreement, it will not affect, impair, or invalidate this Agreement as a whole or any provision hereof not declared to be invalid or contrary to law. However, upon the occurrence of such event, either party may terminate this Agreement forthwith upon the delivery of written notice of termination to the other party.

SECTION EIGHT
ENTIRE AGREEMENT; REQUIREMENT OF WRITING

- 8.1 It is understood and agreed that the entire Agreement of the parties is contained herein and that this Agreement supersedes all oral Agreements and negotiations between the parties relating to the subject matter hereof as well as any previous Agreement presently in effect between the parties relating to the subject matter hereof.
- 8.2 Any alterations, amendments, deletions, or waivers of the provisions of this Agreement will be valid only when expressed in writing and duly signed by the parties.
- 8.3 No party hereto may make, in whole or in part, any assignment of this Agreement or any obligation hereunder without the prior written consent of the other party hereto.

SECTION NINE
APPLICABLE LAW

- 9.1 It is understood that the terms and conditions of this Agreement are governed by the laws of the State of Texas, except with regard to choice of law provisions.
- 9.2 Venue for the litigation of any dispute arising out of this Agreement shall be in Fort Bend County, Texas, and in no other location.

SECTION TEN
COMPLIANCE WITH LAWS AND REGULATIONS

Both parties will abide by all statutes, ordinances, rules, and regulations pertaining to, or regulating the respective obligations of each party herein, including those now in effect and hereafter adopted. Any violation of said statutes, ordinances, rules or regulations constitutes a material breach of this contract, and entitles either party to terminate this contract immediately upon delivery of written notice to the other party.

SECTION ELEVEN
NOTICES

- 11.1 All notices required or permitted hereunder must be in writing and will be deemed delivered on the third day following deposit in a United States Postal Service post office or receptacle with proper postage affixed (certified mail, return receipt requested) addressed to the respective other party at the address below or at such other address as the other party may have theretofore prescribed by notice to the sending party.
- 11.2 Either party may change its respective addresses by providing at least fifteen (15) days written notice to the other party.
- 11.3 Notice to the CITY shall be sent to:
 - City of Rosenberg
 - Attn: City Manager
 - 2110 4th Street
 - Rosenberg, Texas 77471
- 11.4 Notice to the County shall be sent to:
 - Fort Bend County
 - 401 Jackson
 - Richmond, Texas 77469
 - Attention: County Judge

With a copy to:
Fort Bend County Fire Marshal
1521 Eugene Heimann Circle #114
Richmond, TX 77469
- 11.5 The parties may change their respective addresses and each may specify as its address any other address by providing at least fifteen (15) days written notice to the other party.

SECTION TWELVE
EXECUTION

IN WITNESS WHEREOF, the parties hereto have signed or have caused their respective names to be signed to multiple counterparts to be effective on the ____ day of _____, 2014.

FORT BEND COUNTY

Robert E. Hebert, County Judge

Date

ATTEST:

Dianne Wilson, County Clerk

Date

Reviewed:

Fort Bend County Fire Marshal

CITY COUNCIL

Signature

Date

Printed Name

Date

ATTEST:

CITY/Board Secretary

Date

Reviewed:

Fire Chief

AUDITOR'S CERTIFICATE

I hereby certify that funds are available in the amount of \$_____ to accomplish and pay the obligation of Fort Bend County under this contract.

Robert Edward Sturdivant, County Auditor



CITY COUNCIL COMMUNICATION

November 04, 2014

ITEM #	ITEM TITLE
6	Ordinance No. 2014-44 - Acquisition of Sanitary Control Easement

ITEM/MOTION

Consideration of and action on Ordinance No. 2014-44, an Ordinance authorizing and directing the City Manager or the City Manager's designee to sign and execute all necessary documents to institute eminent domain proceedings for the acquisition of 0.58 out of a 3.966 acre tract of real property owned and claimed by Harwin Exchange Center, Inc., Mohammed Aslam Sohani, President, in the Reserve 'C' of the Park at Rosenberg, Fort Bend County, Texas 77471; and, directing the City Attorney to initiate condemnation proceedings.

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

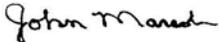
- District 1
- District 2
- District 3
- District 4
- City-wide
- N/A

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

1. Ordinance No. 2014-44
2. Metes and Bounds/Survey

APPROVALS

Submitted by:


 John Maresh
 Assistant City Manager of
 Public Services

Reviewed by:

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

Approved for Submittal to City Council:


 Robert Gracia
 City Manager

EXECUTIVE SUMMARY

At City Council's discretion, this item has been included on the Agenda to offer City Council the opportunity to act on the potential condemnation of certain property, as indicated, located along the northeast line of Cottonwood Church Road for a sanitary control easement associated with the construction of a municipal water well. The sanitary control easement is required by the Texas Commission on Environmental Quality prior to the water well being placed into use.

Staff recommends approval of Ordinance No. 2014-44 as presented.

ORDINANCE NO. 2014-44

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO SIGN AND EXECUTE ALL NECESSARY DOCUMENTS TO INSTITUTE EMINENT DOMAIN PROCEEDINGS FOR THE ACQUISITION OF 0.58 OUT OF A 3.966 ACRE TRACT OF REAL PROPERTY OWNED AND CLAIMED BY HARWIN EXCHANGE CENTER, INC., MOHAMMED ASLAM SOHANI, PRESIDENT, IN THE RESERVE 'C' OF THE PARK AT ROSENBERG, FORT BEND COUNTY, TEXAS 77471; AND, DIRECTING THE CITY ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS

WHEREAS, the City Council of The City Of Rosenberg, Texas, is authorized by Section 251.001 of the Texas Local Government Code to institute eminent domain proceedings to acquire real property for a public use; and,

WHEREAS, the City Council finds that the construction of a water well is a public purpose pursuant to Section 251.001 of the Texas Local Government Code; and,

WHEREAS, the City Council has determined and finds that the safety and welfare of the citizens of the City requires the construction of an additional water well to maintain an adequate supply of water for the community; and,

WHEREAS, the City Council has determined and finds that it is necessary to acquire real property for a sanitary control easement for the construction of a an additional water well; and,

WHEREAS, the City Council finds that the City has failed to reach an agreement with the land owner as to the purchase price of the needed property; and,

WHEREAS, the City Council find that it is necessary that the construction project for an additional water well continue forward and there is no other option to acquire the needed property for the sanitary control easement related to the water well construction project; and,

WHEREAS, the City Council finds that it is in the best interest of the City to exercise the power of eminent domain to acquire real property for the public purpose of a sanitary control easement related to the construction of a water well; now, therefore,

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

Section 1. The City Manager Robert Gracia or his designee is hereby authorized and directed to sign and execute all necessary documents to institute the process of eminent domain to acquire 0.58 out of a 3.966 acre tract of real property owned and claimed by Harwin Exchange Center, Inc., Mohammed Aslam Sohani,

President, in the Reserve 'C' of the Park at Rosenberg, Fort Bend County, Texas 77471 for the public purpose of a sanitary control easement related to the construction of a water well.

Section 2. The City Attorney is hereby directed to initiate condemnation proceedings consistent with all applicable laws of the State of Texas.

Section 3. 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.

<u>Council Member</u>	<u>In Favor</u>	<u>Opposed</u>
Mayor Vincent M. Morales, Jr.	_____	_____
Councilor William T. Benton	_____	_____
Councilor Cynthia McConathy	_____	_____
Councilor Jimmie J. Peña	_____	_____
Councilor Susan Euton	_____	_____
Councilor Dwayne Grigar	_____	_____
Councilor Amanda J. Barta	_____	_____

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.

CHARLIE KALKOMEY SURVEYING, INC.

A JONES & CARTER COMPANY

6415 READING ROAD
ROSENBERG, TEXAS 77471
281 342-2033

SANITARY CONTROL EASEMENT RESERVE "C" THE PARK AT ROSENBERG

FIELD NOTES FOR A 0.58 ACRE TRACT OF LAND IN THE C. N. SIMPSON SURVEY, ABSTRACT 485, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS, BEING OVER AND ACROSS A PORTION OF RESERVE "C" OF THE PARK AT ROSENBERG ACCORDING TO MAP OR PLAT THEREOF RECORDED UNDER SLIDE NUMBER 2358B, PLAT RECORDS, FORT BEND, COUNTY, TEXAS, WITH ALL BEARING BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, BASED UPON GPS OBSERVATIONS.

BEGINNING at a ½" iron rod with cap marked "Precision" found for the west corner and **Place of Beginning** of the herein described tract, said point also being the west corner of the adjoining Reserve "B" of said The Park at Rosenberg, same being the westernmost south corner of said Reserve "C", and also being in the northeast right-of-way line of Cottonwood Church Road;

THENCE North 42 degrees 03 minutes 23 seconds East (called North 42 degrees 03 minutes 23 seconds East) along the common line of said Reserve "C" and said adjoining Reserve "B", 210.00 feet (called 210.00') to a ½" iron pipe with cap marked "Kalkomey Surveying" found for a reentry corner to the herein described tract and a reentry corner of said Reserve "C", same being the north corner of said adjoining Reserve "B";

THENCE South 48 degrees 00 minutes 56 seconds East (called South 48 degrees 00 minutes 56 seconds East) continuing along said common line, 112.93 feet to a point on said line for the east corner of the herein described tract, said point being in a non-tangent curve to the left, from which point the radius point of said non-tangent curve bears S 76 degrees 07 minutes 44 seconds West, 150.00 feet;

THENCE along said non-tangent curve to the left, crossing said Reserve "C", having a central angle of 159 degrees 03 minutes 37 seconds, a radius of 150.00 feet, an arc length of 416.42 feet, and a chord bearing South 86 degrees 35 minutes 55 seconds West, 295.01 feet to a point at the end of said non-tangent curve for the west corner of the herein described tract, said point being in the southwest line of said Reserve "C", same being the northeast right-of-way line of Cottonwood Church Road;

THENCE South 48 degrees 00 minutes 56 seconds East (called South 48 degrees 00 minutes 56 seconds East) along the southwest line of the herein described tract and the southwest line of said Reserve "C", same being the northeast right-of-way line of Cottonwood Church Road, 94.00 feet to the **Place of Beginning** and containing 0.58 acre of land, more or less

For reference and further description see Survey Plat No. R0001-118-01 prepared by the undersigned on same date.

April 4, 2012

Job Number R0001-118-01

Charlie Kalkomey Surveying, Inc.
6415 Reading Road
Rosenberg, TX 77471-5655
(281) 342-2033



A handwritten signature in black ink, appearing to read "Chris D. Kalkomey".

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



NORTH
SCALE: 1" = 60'

THE PARK AT ROSENBERG
SLIDE NO. 2358B
P.R.F.B.C.T.

EXISTING SANITARY CONTROL EASEMENT
C.C.F. NO. 2004005259
O.P.R.F.B.C.T.

$\Delta 159^{\circ}03'37''$
 $R=150.00'$
 $L=416.42'$
 $CH=S 86^{\circ}35'55'' W$
 $295.01'$

RESERVE "C"
Called 3.966 Acres

0.58 AC.

FND 1/2" IP W/CAP
"KALKOMEY SURVEYING"

N 42° 03' 23" E 210.00'
(CALLED N 42° 03' 23" E 210.00')

PROPOSED 1979
SANITARY CONTROL EASEMENT

WATER PLANT NO. 5
RESERVE "B"
Called 1.012 Acres

P.O.B.
FND 1/2" IR W/CAP
"PRECISION"

FND 1/2" IP (BENT)

50' ACCESS EASEMENT
SLIDE NO. 2358B
P.R.F.B.C.T.

COTTONWOOD CHURCH ROAD

FND 1/2" IP W/CAP
"KALKOMEY SURVEYING"

FND 1/2" IR

EXHIBIT
OF
0.58 ACRE
OUT OF THE
C. N. SIMPSON SURVEY, ABSTRACT 485
CITY OF ROSENBERG
FORT BEND COUNTY, TEXAS
APRIL 2012



6416 Reading Road · Rosenberg, Texas 77471-5855
281 342-2033 · 281 232-8909 (Fax)
Texas Board of Professional Land Surveying Registration No. 10046104
a Jones & Carter Company
Austin · Brenham · Bryan · Dallas · Houston
Rosenberg · San Antonio · The Woodlands



CITY COUNCIL COMMUNICATION

November 04, 2014

ITEM #	ITEM TITLE
7	Public Hearing on Ordinance No. 2014-43 for the Creation of Reinvestment Zone No. 18

ITEM/MOTION

Hold public hearing regarding proposed Ordinance No. 2014-43, an Ordinance creating City of Rosenberg Reinvestment Zone No. 18, same being a 6.4962 acre tract of land being all of Reserve "A", Deltex Center Replat No. 1 (Plat No. 20130094L F.B.C.P.R.) in the Henry Scott League, Abstract No. 83, City of Rosenberg, Fort Bend County, Texas; making certain findings; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; and providing for severability.

FINANCIAL SUMMARY	ELECTION DISTRICT
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Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

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

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

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

1. Notice of Public Hearing

APPROVALS

Submitted by:


 Randall Malik
 Economic Development
 Director

Reviewed by:

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

Approved for Submittal to City Council:


 Robert Gracia
 City Manager

EXECUTIVE SUMMARY

Municipalities are required to hold a public hearing for citizen input before establishing a Reinvestment Zone. This item has been included to give the public an opportunity to comment on the establishment of Reinvestment Zone No. 18 within the corporate limits of the City of Rosenberg, Texas, for the purpose of granting tax abatement.

In accordance with State law and the City's Guidelines and Criteria for Tax Abatement, the notice for the November 04, 2013, hearing was published in the Fort Bend Herald on Tuesday, October 28, 2014, (at least seven (7) days prior to the public hearing) and was provided to the presiding officers of each taxing unit with jurisdiction over real property within the zone.

**NOTICE OF PUBLIC HEARING
ON PROPOSAL TO CREATE CITY OF ROSENBERG, TEXAS,
REINVESTMENT ZONE NO. 18**

Notice is hereby given that the City Council of the City of Rosenberg, Texas, will hold a public hearing on Tuesday, November 4, 2014, at 7:00 p.m., in the Council Chamber, City Hall, 2110 Fourth Street, Rosenberg, Texas, regarding a proposal to adopt an ordinance creating Reinvestment Zone No. 18. Said Reinvestment Zone No. 18 is proposed to include a tract of land containing 6.4962 acres, more or less, more specifically described as follows:

BEING A 6.4962 ACRE TRACT OF LAND BEING ALL OF RESERVE "A",
DELTEX CENTER REPLAT NO. 1 (PLAT NO. 20130094L F.B.C.P.R.) IN
THE HENRY SCOTT LEAGUE, ABSTRACT NO. 83, CITY OF
ROSENBERG, FORT BEND COUNTY, TEXAS

Pursuant to the terms of such proposed ordinance, improvements constructed, erected, or placed on the property within such proposed Reinvestment Zone No. 18 will be eligible to receive commercial-industrial tax abatement. All persons desiring to address Council regarding the adoption of such proposed ordinance creating Reinvestment Zone No. 18 will be given the opportunity to do so. The City Council will, in addition, receive written comments if timely filed with the City Secretary prior to commencement of the public hearing.

For further information, please contact:

Randall Malik
Economic Development Director
City of Rosenberg
Telephone: 832-595-3330



CITY COUNCIL COMMUNICATION

November 04, 2014

ITEM #	ITEM TITLE
8	Ordinance No. 2014-43 – Creation of Reinvestment Zone No. 18

ITEM/MOTION

Consideration of and action on Ordinance No. 2014-43, an Ordinance creating City of Rosenberg Reinvestment Zone No. 18, same being a 6.4962 acre tract of land being all of Reserve "A", Deltex Center Replat No. 1 (Plat No. 20130094L F.B.C.P.R.) in the Henry Scott League, Abstract No. 83, City of Rosenberg, Fort Bend County, Texas; making certain findings; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; and providing for severability.

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

Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

- Yes No N/A

Source of Funds: N/A

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

SUPPORTING DOCUMENTS:

1. Ordinance No. 2014-43
2. Tax Code Excerpt - Chapter 312. Property Redevelopment and Tax Abatement Act

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

Chapter 312 of the Tax Code requires municipalities to declare a Reinvestment Zone (Zone) before providing tax abatement. When designating an area as a Reinvestment Zone, the governing body must make several findings, including the following related to Reinvestment Zone No. 18:

- A) The improvements sought are feasible and practical and will be a benefit to the Zone after the expiration of the tax abatement agreement;
- B) The Zone meets one (1) of the applicable criteria for Reinvestment Zones, specifically the designation of the Zone is reasonably likely to contribute to the retention or expansion of primary employment or to attract major investment into the Zone. Such factors would benefit property located therein and would contribute to the economic development of the City of Rosenberg.

Improvements constructed or placed within the Zone will be eligible for commercial - industrial tax abatement. These findings are included in Ordinance No. 2014-43 designating Reinvestment Zone No. 18. The area which comprises the Zone is included as Exhibit "A" to Ordinance No. 2014-43. The public hearing for creation of Reinvestment Zone No. 18 was conducted immediately preceding this item.

Staff recommends approval of Ordinance No. 2014-43 as presented.

ORDINANCE NO. 2014-43

AN ORDINANCE CREATING CITY OF ROSENBERG REINVESTMENT ZONE NO. 18, SAME BEING A 6.4962 ACRE TRACT OF LAND BEING ALL OF RESERVE "A", DELTEX CENTER REPLAT NO. 1 (PLAT NO. 20130094L F.B.C.P.R.) IN THE HENRY SCOTT LEAGUE, ABSTRACT NO. 83, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS; MAKING CERTAIN FINDINGS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

WHEREAS, City Council has passed and approved Guidelines and Criteria for Granting Tax Abatement in Reinvestment Zones Created in the City of Rosenberg, Texas; and,

WHEREAS, pursuant to such Guidelines, the City Council has received an application for creation of a reinvestment zone and the granting of tax abatement; and,

WHEREAS, after the giving of proper notice, as required by law, the City Council held a public hearing where all interested persons were given an opportunity to speak and present evidence for and against the creation of Reinvestment Zone No. 18; and,

WHEREAS, notice of such public hearing was duly given to the presiding officer of the governing body of each taxing unit that includes within its boundaries real property that is to be included in proposed Reinvestment Zone No. 18; and,

WHEREAS, City Council has determined that the improvements sought to be located in proposed Reinvestment Zone No. 18 are feasible and practical and would be a benefit to the land to be included in the Zone and to the City after the expiration of the tax abatement agreement; and,

WHEREAS, the creation of Reinvestment Zone No. 18 will be reasonably likely, as a result of its creation, to contribute to the retention or expansion of primary employment or to attract major investment into the Zone that would benefit to property located therein and that will contribute to the economic development of the City of Rosenberg; now, therefore,

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

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

Section 2. That Reinvestment Zone No. 18 is hereby created for the purpose of encouraging economic development through tax abatement. A description of the property which comprises said Reinvestment Zone No. 18 is attached hereto as Exhibit "A" and

made a part hereof for all purposes. Improvements constructed, erected, or placed within Reinvestment Zone No. 18 as created hereby shall be eligible for commercial-industrial tax abatement.

Section 3. That the property which comprises Reinvestment Zone No. 18 is located within the corporate limits of the City of Rosenberg.

Section 4. This designation of Reinvestment Zone No. 18 shall expire five (5) years after the date of adoption of this Ordinance.

Section 5. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 6. In the event any 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 or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Rosenberg, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

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 Morales Jr., **Mayor**

APPROVED AS TO FORM:

Scott Tschirhart, **City Attorney**
Denton Navarro Rocha Bernal Hyde & Zech, P.C.

HENRY SCOTT LEAGUE
ABSTRACT NO. 83

SIDNEY MELLON AND HARRY LEE MELLON
39.036 ACRES
(VOL. 563, PG. 714; F.B.C.D.R.)

RESERVE "A"
6.4962 ACRES
(282,976 SQ. FT.)

DELTEX CENTER SUBDIVISION
REPLAT NO 1
(PLAT NO. 20130094; F.B.C.P.R.)

DELTEX PHARMACEUTICALS, INC.
(F.B.C.C.F. NO. 9858918)

RESERVE "B"
(PLAT NO. 20130094; F.B.C.P.R.)

RESERVE "C"
BAMORE COMMERCIAL CENTER
(PLAT NO. 20060242; F.B.C.P.R.)

NOTES

- 1) BEARINGS SHOWN HEREON ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD83) USING NGS CONTINUOUSLY OPERATING REFERENCE STATIONS.
- 2) THE SURVEYOR HAS NOT ABSTRACTED THIS PROPERTY. DEED INFORMATION SHOWN HEREON WAS RESEARCHED AND PROVIDED BY OTHERS.
- 3) THE CERTIFICATE SHOWN HEREON IS VALID ONLY IF THIS DOCUMENT CONTAINS AN ORIGINAL STAMPED OR IMPRESSION SEAL AND SIGNATURE OF THE SURVEYOR. SAID CERTIFICATION SHALL NOT APPLY TO ANY COPIES OR ALTERED ORIGINALS.
- 4) THIS SURVEY WAS PERFORMED IN CONNECTION WITH THE "COMMITMENT FOR TITLE INSURANCE" ISSUED BY STEWART TITLE GUARANTY COMPANY ON MAY 10, 2013, EFFECTIVELY DATED MAY 05, 2013, G.F. NO. 1215737801, AND IS RELIED UPON FOR PURPOSES THEREOF.
- 5) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP FOR FORT BEND COUNTY, TEXAS AND INCORPORATED AREAS, COMMUNITY PANEL NO. 45157-C-02151 EFFECTIVELY DATED JANUARY 3, 1997, THIS PROPERTY LIES IN ZONE "X", AN AREA DETERMINED TO BE OUTSIDE OF THE 500-YEAR FLOODPLAIN.
- 6) ALL RODS SET ARE 5/8" IRON RODS WITH CAPS STAMPED: T.E.A.M. - 281-491-2525.
- 7) THIS TRACT OF LAND WAS SURVEYED IN THE FIELD ON JANUARY 8, 2013. ANY CHANGES MADE AFTER THIS DATE ARE NOT SHOWN HEREON.
- 8) ALL UNDERGROUND UTILITIES MAY NOT BE SHOWN HEREON. THE LOCATIONS OF UTILITIES SHOWN HEREON ARE SHOWN PER RECORD DRAWINGS AND ABOVE GROUND EVIDENCE, SIZES, DEPTHS, AND LOCATIONS MAY VARY. FOR THE LOCATION OF ANY ADDITIONAL UTILITIES THAT MAY EXIST, PLEASE CALL THE "TEXAS ONE CALL" LOCATING SERVICE.

LEGAL DESCRIPTION

RESERVE "A", BLOCK 1, DELTEX CENTER
REPLAT NO 1, (PLAT NO. 20130094; F.B.C.P.R.),
IN THE HENRY SCOTT LEAGUE, ABSTRACT NO. 83,
CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS.

STEWART TITLE GUARANTY COMPANY

SCHEDULE 'B' ITEM NO.	RECORDING INFORMATION	DESCRIPTION	ENCUMBRANCE
1	SLIDE NO. 1774A; F.B.C.P.R. PLAT NO. 20130094; F.B.C.P.R.	RESTRICTIVE COVENANTS	AFFECTS, BUT NOT PLOTTABLE
10C	F.B.C.C.F. NO. 2001088351	GEP GAS CO. PIPELINE EASEMENT	AS SHOWN (SOUTH OF TRACT)
10V	PLAT NO. 20130094; F.B.C.P.R.	25' BUILDING LINE	AS SHOWN

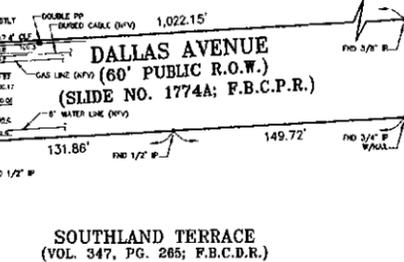
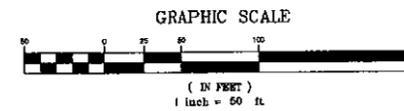
BENCHMARK:
NGS SURVEY MONUMENT "AW4798", LOCATED ALONG HIGHWAY 36 (1ST STREET) ABOUT MIDWAY BETWEEN AVENUES I & J, SET VERTICALLY IN THE NORTH BRICK WALL OF THE FIRST BAPTIST CHURCH BUILDING, 0.7' EAST OF THE NORTHWEST CORNER OF THE BUILDING, 36.7' EAST OF THE EAST CURB OF THE HIGHWAY, ABOUT 4' HIGHER THAN THE STREET, AND 3.5' ABOVE THE GROUND. ELEVATION = 106.14' (NAVD 1988)

BM A:
BOX CUT ON SOUTH END OF 24" ROP AT CONCRETE DRIVE ON THE NORTHEAST CORNER OF THIS SITE. ELEVATION = 101.04'

BM B:
BOX CUT ON NORTH END OF 24" ROP AT CONCRETE DRIVE ON THE NORTHEAST CORNER OF THIS SITE. ELEVATION = 101.04'

BM C:
BOX CUT ON WEST END OF 18" ROP ON THE WEST SIDE OF BAMORE ROAD. ELEVATION = 100.52'

PROJECT BENCHMARK (RS-41):
A BRASS DISK SET IN CONCRETE ON SOUTH SIDE OF DRIVEWAY SERVING RESERVE "A", AS SHOWN HEREON. ELEVATION = 100.77' NAVD 1988 (BASED ON NGS MONUMENT "AW 4798")



- LEGEND
- A/C - AIR CONDITIONER
 - BL - BOLLARD
 - BV - BARBED WIRE
 - CLF - CHAIN LINK FENCE
 - CO - CLEAN OUT
 - CONC - CONCRETE
 - F.B.C.C.F. - FORT BEND COUNTY CLERK'S FILE
 - F.B.C.P.R. - FORT BEND COUNTY DEED RECORDS
 - F.B.C.P.R. - FORT BEND COUNTY PLAT RECORDS
 - FND - FOUND
 - GM - GAS METER
 - ICV - IRRIGATION CONTROL VALVE
 - IP - IRON PIPE
 - IR - IRON ROD
 - OP - OVERHEAD POWER LINE
 - P.G.B. - POINT OF BEGINNING
 - PP - POWER POLE
 - RD - ROOF DRAIN
 - RCP - REINFORCED CONCRETE PIPE
 - R.O.W. - RIGHT OF WAY
 - SQ. FT. - SQUARE FEET
 - STLT - STREET LIGHT
 - TBM - TEMPORARY BENCHMARK
 - TP - TELEPHONE PEDESTAL
 - TYP - TYPICAL
 - YTM - YELLOW TONE MARK
 - VF - WATER FAUCET
 - VM - WATER METER
 - VV - WATER VALVE
 - VV - VENT
 - VCR - VEHICLE CHAIR RAMP
 - W/P - NOT FIELD VERIFIED

PARKING TABLE

REGULAR:	14
HANDICAP:	1

I, Brian Nowara, a Registered Professional Land Surveyor of the State of Texas, hereby certify that the above plat correctly represents the facts found at the time of the survey made on the ground under my supervision. This survey substantially complies with the current Texas Society of Professional Surveyors' Standards and Specifications for a Category 1A, Condition II, Survey.



Brian Nowara
Registered Professional Land Surveyor
State of Texas No. 6060

06/14/13 REVISED WITH NEW PLAT AND NEW TITLE COMMITMENT
01/21/13 REVISED TO ADD UNDERGROUND UTILITIES & UTILITY EASEMENT

TEXAS ENGINEERING AND MAPPING
12610 CENTURY DRIVE
STAFFORD, TEXAS 77477
PHONE: 817.491.2525 FAX: 817.491.2555

LAND TITLE AND TOPOGRAPHIC SURVEY
OF
A 6.4962 ACRE (282,976 SQ. FT.) TRACT OF LAND BEING ALL OF RESERVE "A", DELTEX CENTER REPLAT NO 1 (PLAT NO. 20130094; F.B.C.P.R.) IN THE HENRY SCOTT LEAGUE, ABSTRACT NO. 83, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS

DATE:	01-29-13	SCALE:	1"=50'	KEY MAP:	606P	JOB NO.:	1066-1
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TAX CODE

CHAPTER 312. PROPERTY REDEVELOPMENT AND TAX ABATEMENT ACT

SUBCHAPTER A. GENERAL PROVISIONS

§ 312.001. SHORT TITLE. This chapter may be cited as the Property Redevelopment and Tax Abatement Act.

Added by Acts 1987, 70th Leg., ch. 191, § 1, eff. Sept. 1, 1987.

§ 312.002. ELIGIBILITY OF TAXING UNIT TO PARTICIPATE IN TAX ABATEMENT.

- (a) A taxing unit may not enter into a tax abatement agreement under this chapter and the governing body of a municipality or county may not designate an area as a reinvestment zone unless the governing body has established guidelines and criteria governing tax abatement agreements by the taxing unit and a resolution stating that the taxing unit elects to become eligible to participate in tax abatement. The guidelines applicable to property other than property described by Section 312.211(a) must provide for the availability of tax abatement for both new facilities and structures and for the expansion or modernization of existing facilities and structures.
- (b) The governing body of a taxing unit may not enter into a tax abatement agreement under this chapter unless it finds that the terms of the agreement and the property subject to the agreement meet the applicable guidelines and criteria adopted by the governing body under this section.
- (c) The guidelines and criteria adopted under this section are effective for two years from the date adopted. During that period, the guidelines and criteria may be amended or repealed only by a vote of three-fourths of the members of the governing body.
- (d) The adoption of the guidelines and criteria by the governing body of a taxing unit does not:
 - (1) limit the discretion of the governing body to decide whether to enter into a specific tax abatement agreement;
 - (2) limit the discretion of the governing body to delegate to its employees the authority to determine whether or not the governing body should consider a particular application or request for tax abatement; or
 - (3) create any property, contract, or other legal right in any person to have the governing body consider or grant a specific application or request for tax abatement.
- (e) The guidelines and criteria adopted by the commissioners court of a county may include a requirement that an application or request for tax abatement submitted to the county under this chapter must be accompanied by a reasonable application fee not to exceed \$1,000.
- (f) On or after September 1, 2001, a school district may not enter into a tax abatement agreement under this chapter.
- (g) "Taxing unit" has the meaning assigned by Section 1.04, except that for a tax abatement agreement executed on or after September 1, 2001, the term does not include a school district that is subject to Chapter 42, Education Code, and that is organized primarily to provide general elementary and secondary public education.

Added by Acts 1989, 71st Leg., ch. 2, § 14.07(a), eff. Aug. 28, 1989. Amended by Acts 1989, 71st Leg., ch. 1137, § 1, eff. Sept. 1, 1989; Acts 1991, 72nd Leg., ch. 20, § 22, eff. Aug. 26, 1991; Acts 1991, 72nd Leg., ch. 391, § 26, eff. Aug. 26, 1991; Acts 1991, 72nd Leg., ch. 836, § 9.2, eff. Aug. 26, 1991; Acts 1993, 73rd Leg., ch. 347, § 4.13(2), eff. May 31, 1993; Acts 1997, 75th Leg., ch. 855, § 9, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1333, § 1, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 1029, § 3, eff. June 15, 2001; Acts 2001, 77th Leg., ch. 1145, § 1, eff. June 15, 2001; Acts 2003, 78th Leg., ch. 1275, § 2(124), eff. Sept. 1, 2003.



CITY COUNCIL COMMUNICATION

November 04, 2014

ITEM #	ITEM TITLE
9	Resolution No. R-1872 – Marquez Enterprises, L.L.C. Tax Abatement Agreement

ITEM/MOTION

Consideration of and action on Resolution No. R-1872, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Tax Abatement Agreement, by and between the City and Marquez Enterprises, L.L.C.

FINANCIAL SUMMARY

Annualized Dollars:

One-time
 Recurring
 N/A

Budgeted:

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

ELECTION DISTRICT

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

SUPPORTING DOCUMENTS:

MUD #: N/A

- Resolution No. R-1872 – Exhibit "A" to be provided under separate cover

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

Marquez Enterprises, L.L.C., also known as Superior Tank Company, located at 1700 Bamore Road currently operates a business at the existing facility of 8,000 sq. ft. The potential facility expansion will increase the facility to 54,000 sq. ft. on 6.49 acres. As a result of the expansion, total employment would increase from 18 to 51 with an average salary of \$40,000 per year. Total additional payroll for the company is estimated at \$1,320,000.

Years	% of Abatement	City Property Taxes Generated	Total Amount of Abatement (\$0.49 Rate)	Total Amount to City (Less Tax Abatement)	Current Property Tax Value to the City
1	50%	\$21,130	\$3,920	\$17,210	\$2,568.78
2	50%	\$21,130	\$3,920	\$17,210	\$2,568.78
3	50%	\$21,130	\$3,920	\$17,210	\$2,568.78
4	50%	\$21,130	\$3,920	\$17,210	\$2,568.78
5	50%	\$21,130	\$3,920	\$17,210	\$2,568.78
Total		\$105,650	\$19,600	\$86,050	\$12,843.90

At the end of the five (5) year period, Marquez Enterprises, L.L.C. (Superior Tank) would be taxed at one hundred percent (100%).

Should City Council approve the Tax Abatement Agreement, Marquez Enterprises, L.L.C. (Superior Tank) will complete the improvements and begin operations by no later than December 31, 2015. Resolution No. R-1872 will authorize the City Manager to execute the associated Tax Abatement Agreement, attached to Resolution No. R-1872 as Exhibit "A" and provided under separate cover for review. Staff recommends approval of Resolution No. R-1872 as presented. Once approved, the final Exhibit "C" will be included with Resolution No. R-1872.

RESOLUTION NO. R-1872

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 TAX ABATEMENT AGREEMENT, BY AND BETWEEN THE CITY OF ROSENBERG, TEXAS, AND MARQUEZ ENTERPRISES, L.L.C.

* * * * *

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

Section 1. The City Manager is hereby authorized to execute a Tax Abatement Agreement (Agreement), by and between the City of Rosenberg, Texas, and Marquez Enterprises, L. L. C.

Section 2. A copy of such 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**

**TAX ABATEMENT AGREEMENT BETWEEN
THE CITY OF ROSENBERG, TEXAS,
AND
MARQUEZ ENTERPRISES, L.L.C.**

This tax abatement agreement (the "Agreement") is made between the **CITY OF ROSENBERG, TEXAS** (the "City"), a municipal corporation of the State of Texas, and **MARQUEZ ENTERPRISES, L.L.C.** (the "Owner").

1. Authorization and Findings. This Agreement complies with and is authorized by the Property Redevelopment and Tax Abatement Act, codified as Chapter 312 of the Texas Tax Code, as amended. The City's City Council finds that:

- (a) The City has adopted Guidelines and Criteria for Granting Tax Abatement in Reinvestment Zones as required by law and the applicant's request for tax abatement conforms to those Guidelines and Criteria; and
- (b) The City has created Reinvestment Zone No. 18 in accordance Texas Tax Code, Chapter 312 and the Property subject to tax abatement under this Agreement is located within said Zone; and
- (c) The Property for which abatement is granted in this Agreement is not owned or leased by a member of the City's City Council or the Planning Commission; and
- (d) The City's City Council approved this Agreement by an affirmative vote of a majority of its members at a regularly scheduled City Council meeting.

2. Definitions. In this Agreement:

Certified Appraised Value means the appraised value of the Property and existing improvements as certified by the Fort Bend County Central Appraisal District.

City means the City of Rosenberg, Texas.

City Manager means the City's City Manager or any person designated or authorized to act for the City Manager.

District means the Fort Bend County Central Appraisal District.

Improvements means buildings and structures (or portions thereof) and other improvements, which are to be erected or expanded by Owner on the Property, to be used as an office/distribution/ and manufacturing facility containing approximately 54,000 square feet, and any sidewalks, parking lots, outdoor lighting, landscaping and other improvements to serve the buildings or structures, as generally identified and described in Exhibit "A", attached hereto and incorporated herein for all purposes.

Owner means Marquez Enterprises, L.L.C., the entity that owns the real property on the date taxes are abated under this Agreement or any other person or entity to which this Agreement is assigned in accordance with this Agreement.

Property means the 6.49-acre tract of land described in Exhibit "B" attached hereto and incorporated herein for all purposes, and all improvements currently located thereon, which tract of land is located within the Reinvestment Zone 18.

Reinvestment Zone means that certain area qualifying for tax abatement pursuant to the Guidelines and Criteria for Granting Tax Abatement in the City of Rosenberg, Texas, and City of Rosenberg Ordinance No. 2014-43, a copy of which is attached hereto as Exhibit "C" and incorporated herein for all purposes.

Tangible Personal Property means tangible personal property as defined in Section 1.04(5) of the Texas Property Tax Code.

3. Tax Abatement. Subject to limitations imposed by law and conditioned on the Responsibilities of Owner and Tenant outlined in Section 4 herein below, there shall be granted and allowed hereunder to Owner and Tenant a property tax abatement at the rates described below on the Improvements constructed, installed or expanded hereunder on the Property.

If the Certified Appraised Value of the Improvements for any of the following tax years is One Million Six Hundred Thousand Dollars (\$1,600,000) or greater, there shall be granted and allowed a property tax abatement for that year on the Improvements at the following rates:

Effective Tax Year	% Abated	Minimum Improvement Value
2016	50	\$1,600,000
2017	50	\$1,600,000
2018	50	\$1,600,000
2019	50	\$1,600,000
2020	50	\$1,600,000

The property tax abatement granted and allowed hereunder shall extend only to all real property ad valorem taxes assessable on the Improvements, as constructed, installed, or expanded, and is not granted or allowed on Tangible Personal Property located on the Property; the Certified Appraised Value of the Property and the Tangible Personal Property located on the Property shall be fully taxable.

4. Responsibilities of Owner and Tenant. In consideration of receiving the tax abatement granted herein, the Owner and Tenant agree that:

Improvements: The Improvements will:

- (1) be completely constructed and installed on or before December 31, 2015;

- (2) have a Certified Appraised Value of not less than One Million Six Hundred Thousand Dollars (\$1,600,000); and
- (3) be constructed and installed in substantial compliance with the plan shown in Exhibit "A" and in conformity with the City's ordinances.
- (a) Occupancy Required. For each year that taxes are abated under this Agreement, the Tenant will fully occupy and use the Improvements (the "Facility") for the purposes set forth in the Owner's Application for Tax Abatement. Such occupancy shall include the maintenance of fifty-one full time employees, as defined in Section 2, at the facility. In the event that the Facility is completed and begins producing product or service, but subsequently discontinues producing product or service for any reason except fire, explosion or other casualty or accident or natural disaster for a period of one year during the abatement period, then this Agreement shall terminate and no further tax abatement shall be provided beginning January 1 of the year following termination.
- (b) District Filing. **THE OWNER IS RESPONSIBLE FOR NOTIFYING THE DISTRICT OF THE ABATEMENT, INCLUDING FILING WITH THE DISTRICT ANY APPLICATION OR OTHER FORMS NECESSARY TO QUALIFY FOR OR RECEIVE THE ABATEMENT GRANTED.**
- (c) Owner Certification and Reports. On or before May 1 of each year of this Agreement, the Owner will certify in writing to the City's City Council that the Owner is in compliance with this Agreement and that the owner will provide, upon the City's request, any information reasonably necessary for the City to determine if the owner has complied with this Agreement.
- (d) City Access. As per Article III of Chapter 26 of the City's Code of Ordinances, City employees and/or designated representatives of the City will have access to the books and records reflecting expenditures and investment during the term of the abatement, and to inspect the Facility to determine if the terms and conditions of this Agreement are being met. All inspections will be made only after giving ninety-six (96) hours prior notice and will only be conducted in such manner as to not unreasonably interfere with the construction and/or operation of the Facility. All inspections will be made with one or more representatives of the Tenant and in accordance with the Tenant's safety standards. Notwithstanding any other provision of this Agreement, if the City determines that a violation of a federal, state, or local law, ordinance or regulation exists on the Property, the City may, in addition to any other authorized enforcement action, provide to Owner and Tenant written notice of such violation. For the purposes of this Agreement, Owner and/or Tenant shall have ten (10) days from the date of the notice to begin to cure or remedy such violation. The owner shall have ninety (90) days to complete the cure of the violation. If Owner or Tenant fails or refuses to cure or remedy

the violation within the ten (10) day period, Owner and Tenant are subject to the forfeiture, at the discretion of the City, of any right to any tax abatement for a portion of the period or the entire period covered by this Agreement. As it relates to the Abatement, the City agrees it shall have no access to any other documents or departments. Also, no photographs or drawings may be produced during or after the inspection. Inspector is limited to Abatement related documents and Inspector will sign Secrecy Document signed by all visitors.

5. Administration.

- (a) This Agreement shall be administered by the City Manager of the City.
- (b) The Chief Appraiser of the District shall determine annually (i) the Certified Appraised Value of the Property, Improvements, and Tangible Personal Property and (ii) the taxable value, pursuant to the terms of abatement under this Agreement, of the Property, Improvements, and Tangible Personal Property. The Chief Appraiser shall record both the abated taxable value and the Certified Appraised Value in the appraisal records. The Certified Appraised Value listed in the appraisal records shall be used to compute the amount of abated taxes that are required to be recaptured and paid in the event this Agreement is terminated in a manner that results in recapture. During the term of this Agreement, each year, Owner and Tenant shall furnish the Chief Appraiser with such information outlined in Chapter 22, TEXAS TAX CODE, as may be necessary for the administration of the abatement specified herein.

6. Term. This Agreement is effective as of the date of execution hereof and shall continue through December 31, 2020, unless terminated earlier, as provided elsewhere herein.

Notwithstanding the foregoing, Owner's and Tenant's obligations upon default to pay City any taxes abated under this Agreement, and penalty and interest thereon, as herein provided shall not terminate until the abated taxes, plus penalty and interest, are paid.

7. Termination.

- (a) This Agreement terminates on the completion of the abatement period, unless earlier terminated as provided herein.
- (b) The City Manager may terminate this Agreement at any time during its term if the Owner or Tenant:
 - (1) fails to comply with any term of this Agreement;

- (2) allows ad valorem taxes on the Property, or on any Improvements located thereon, or on any Tangible Personal Property, to become delinquent, or
 - (3) fails to timely pay any undisputed debt owed to the City.
- (c) The City will notify the Owner and Tenant of the default in writing specifying the default. If the Owner and Tenant fail to cure the default within thirty (30) days from the date of the notice to cure, the City Manager may terminate this Agreement by written notice to the Owner and Tenant specifying the date of termination. If the City Manager terminates this Agreement as provided in this Agreement, the Owner and Tenant are liable for and will pay the City within thirty (30) days following the date of termination of this Agreement:
- (1) the applicable amount of property taxes abated under this Agreement for the current tax year of the default and any year thereafter;
 - (2) interest on the abated amount at the rate provided for in the Texas Property Tax Code for delinquent taxes; and
 - (3) penalties on the amount abated in the year of default, at the rate provided for in the Texas Property Tax Code for delinquent taxes.
- (d) The Owner's and Tenant's obligations upon termination to pay to the City monies owed for taxes abated, interest and penalties thereon survives termination of this Agreement, and the City shall have a lien against the Owner's and Tenant's Property and any improvements or tangible personal property located thereon for the monies owed until paid, except inventory or tangible personal property subject to prior perfected financing.
- (e) The Owner/Tenant can terminate this Agreement with thirty (30) days written notification to the City. Owner/Tenant shall not be entitled to a tax abatement for the year in which such termination is made. If taxes for the year of termination have been abated, the Owner/Tenant shall, with such notice, make payment to the City of any abated taxes for the year of termination with appropriate interest and penalty.

8. Notice. All notices will be in writing and may be delivered by mail, in person, or by facsimile. Mailed notice is deemed received three (3) days after the date of deposit in the United States mail. Unless otherwise provided in this Agreement, all notices will be delivered to the following addresses:

If to Company: Superior Tank Co., Inc.
9500 Lucas Ranch Road
Rancho Cucamonga, California 91730-5724
Attn: James Marquez

To the City: City Manager
City of Rosenberg
2110 4th Street
Rosenberg, Texas 77471

Any party may designate a different address by giving the other party ten (10) days written notice in the manner prescribed above.

9. Changes in Tax Laws. The tax abatement provided in this Agreement is conditioned upon and subject to any changes in the state tax laws during the term of this Agreement.

10. Compliance with State and Local Regulations. Nothing in this Agreement shall be construed to alter or affect the obligations of Owner and Tenant to comply with any ordinance, rule, or regulation of the City or laws of the State of Texas.

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

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

13. Venue and Jurisdiction. Texas law governs this Agreement and any lawsuit on this Agreement must be filed in a court that has jurisdiction in Fort Bend County, Texas.

14. Entire Agreement. This Agreement contains the entire agreement between the parties and supersedes all other negotiations and agreements, whether written or oral.

15. Assignment. The terms and conditions of this Agreement are binding upon the successors and assigns of all parties hereto. This Agreement may be transferred or assigned by Owner or Tenant only upon written permission by the City in accordance with Section 26-58 of Article III of Chapter 26 of the City's Code of Ordinances. No assignment shall be approved if the assignor or assignee is indebted to the City for ad valorem taxes or other obligations.

[EXECUTION PAGE TO FOLLOW]

IN TESTIMONY OF WHICH, THIS AGREEMENT has been executed by the parties as of the _____ day of _____ 2014.

MARQUEZ ENTERPRISES, L.L.C.

Name: _____

Title: _____

Date: _____

CITY OF ROSENBERG, TEXAS

Robert Gracia, City Manager

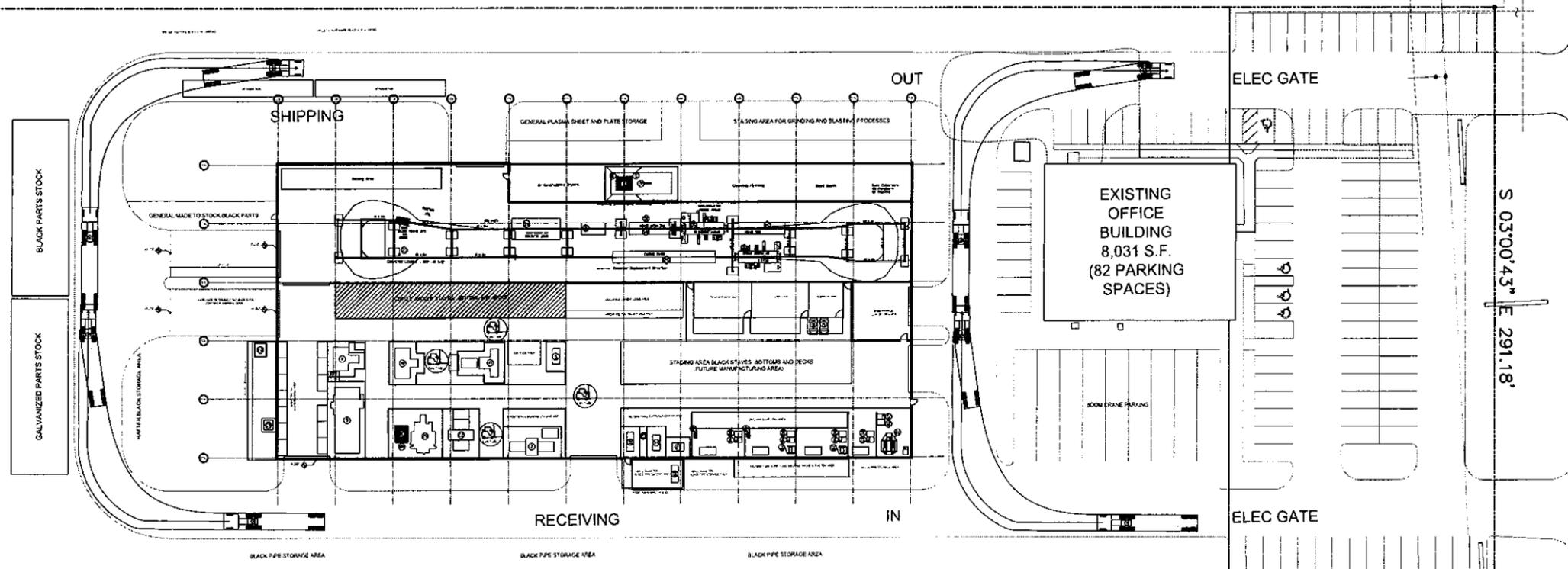
Date: _____

ATTEST/SEAL:

Linda Cernosek, City Secretary

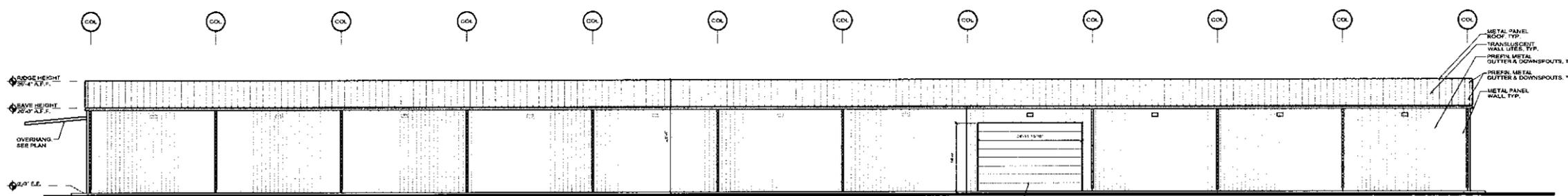
Attachments: Exhibit "A" - Improvements
Exhibit "B" - Legal Description of the Property
Exhibit "C" - Ordinance No. 2014-43

N 87°05'37" E - 946.96'

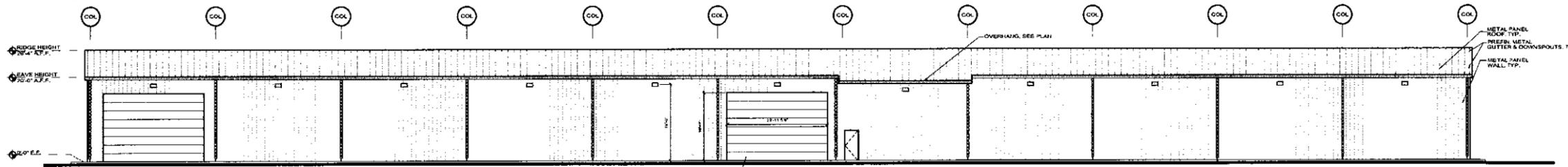


01 OVERALL SITE PLAN
N.T.S.

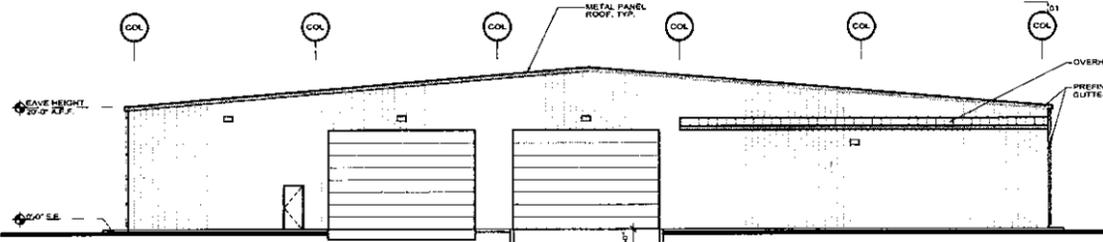
S 87°05'37" W - 996.72'



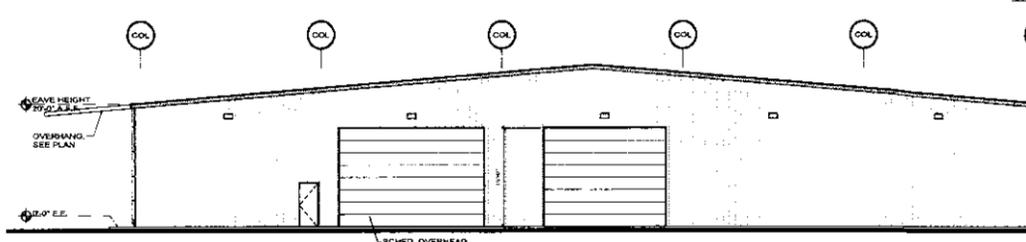
02 NORTH ELEVATION
SCALE: 3/32" = 1'-0"



03 SOUTH ELEVATION
SCALE: 3/32" = 1'-0"



04 WEST ELEVATION
SCALE: 3/32" = 1'-0"



05 EAST ELEVATION
SCALE: 3/32" = 1'-0"

<p>NOT FOR REGULATORY APPROVAL PERMITTING OR CONSTRUCTION BY ANY OTHER A.U. Date: 08/20/2014</p>	
<p>CDA Architects Architects 17200 State Hwy 249, Suite 230 Houston, Texas 77064 832/676-9923 Fax 832/676-9940</p>	
<p>Superior Tank Co., Inc. 1001 1700 BAWORE RD. ROSENBERG, TEXAS</p>	
<p>SITE PLAN & PRELIM ELEVATIONS SUPERIOR TANK CO. 1700 BAWORE RD. ROSENBERG, TEXAS</p>	
<p>SCALE: 3/32" = 1'-0"</p>	<p>A200</p>

HENRY SCOTT LEAGUE
ABSTRACT NO. 83

SIDNEY MELLON AND HARRY LEE MELLON
39.036 ACRES
(VOL. 563, PG. 714; F.B.C.D.R.)

RESERVE "A"
6.4962 ACRES
(282,976 SQ. FT.)

DELTEX CENTER SUBDIVISION
REPLAT NO 1
(PLAT NO. 20130094; F.B.C.P.R.)

DELTEX PHARMACEUTICALS, INC.
(F.B.C.C.F. NO. 9858918)

RESERVE "B"
(PLAT NO. 20130094; F.B.C.P.R.)

RESERVE "C"
BAMORE COMMERCIAL CENTER
(PLAT NO. 20060242; F.B.C.P.R.)

NOTES

- 1) BEARINGS SHOWN HEREON ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD83) USING NGS CONTINUOUSLY OPERATING REFERENCE STATIONS.
- 2) THE SURVEYOR HAS NOT ABSTRACTED THIS PROPERTY. DEED INFORMATION SHOWN HEREON WAS RESEARCHED AND PROVIDED BY OTHERS.
- 3) THE CERTIFICATE SHOWN HEREON IS VALID ONLY IF THIS DOCUMENT CONTAINS AN ORIGINAL STAMPED OR IMPRESSION SEAL AND SIGNATURE OF THE SURVEYOR. SAID CERTIFICATION SHALL NOT APPLY TO ANY COPIES OR ALTERED ORIGINALS.
- 4) THIS SURVEY WAS PERFORMED IN CONNECTION WITH THE "COMMITMENT FOR TITLE INSURANCE" ISSUED BY STEWART TITLE GUARANTY COMPANY ON MAY 10, 2013, EFFECTIVELY DATED MAY 05, 2013, G.F. NO. 1215737801, AND IS RELIED UPON FOR PURPOSES THEREOF.
- 5) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP FOR FORT BEND COUNTY, TEXAS AND INCORPORATED AREAS, COMMUNITY PANEL NO. 45157-C-02151 EFFECTIVELY DATED JANUARY 3, 1997, THIS PROPERTY LIES IN ZONE "X", AN AREA DETERMINED TO BE OUTSIDE OF THE 500-YEAR FLOODPLAIN.
- 6) ALL RODS SET ARE 5/8" IRON RODS WITH CAPS STAMPED: T.E.A.M. - 281-491-2525.
- 7) THIS TRACT OF LAND WAS SURVEYED IN THE FIELD ON JANUARY 8, 2013. ANY CHANGES MADE AFTER THIS DATE ARE NOT SHOWN HEREON.
- 8) ALL UNDERGROUND UTILITIES MAY NOT BE SHOWN HEREON. THE LOCATIONS OF UTILITIES SHOWN HEREON ARE SHOWN PER RECORD DRAWINGS AND ABOVE GROUND EVIDENCE, SIZES, DEPTHS, AND LOCATIONS MAY VARY. FOR THE LOCATION OF ANY ADDITIONAL UTILITIES THAT MAY EXIST, PLEASE CALL THE "TEXAS ONE CALL" LOCATING SERVICE.

LEGAL DESCRIPTION

RESERVE "A", BLOCK 1, DELTEX CENTER
REPLAT NO 1, (PLAT NO. 20130094; F.B.C.P.R.),
IN THE HENRY SCOTT LEAGUE, ABSTRACT NO. 83,
CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS.

STEWART TITLE GUARANTY COMPANY

FILE NO. 1215737801		EFFECTIVE: MAY 05, 2013	
		ISSUED: MAY 10, 2013	
SCHEDULE 'B' ITEM NO.	RECORDING INFORMATION	DESCRIPTION	ENCUMBRANCE
1	SLIDE NO. 1774A, F.B.C.P.R. PLAT NO. 20130094; F.B.C.P.R.	RESTRICTIVE COVENANTS	AFFECTS, BUT NOT PLOTTABLE
10C	F.B.C.C.F. NO. 2001088351	GEP GAS CO. PIPELINE EASEMENT	AS SHOWN (SOUTH OF TRACT)
10V	PLAT NO. 20130094; F.B.C.P.R.	25' BUILDING LINE	AS SHOWN

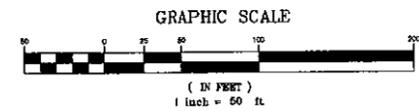
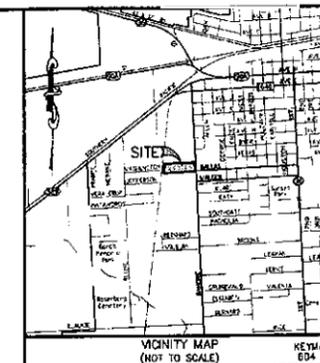
BENCHMARK:
NGS SURVEY MONUMENT "AW4798", LOCATED ALONG HIGHWAY 36 (1ST STREET) ABOUT MIDWAY BETWEEN AVENUES I & J, SET VERTICALLY IN THE NORTH BRICK WALL OF THE FIRST BAPTIST CHURCH BUILDING, 0.7' EAST OF THE NORTHWEST CORNER OF THE BUILDING, 36.7' EAST OF THE EAST CURB OF THE HIGHWAY, ABOUT 4' HIGHER THAN THE STREET, AND 3.5' ABOVE THE GROUND. ELEVATION = 106.14' (NAVD 1988)

BM A:
BOX CUT ON SOUTH END OF 24" ROP AT CONCRETE DRIVE ON THE NORTHEAST CORNER OF THIS SITE. ELEVATION = 101.04'

BM B:
BOX CUT ON NORTH END OF 24" ROP AT CONCRETE DRIVE ON THE NORTHEAST CORNER OF THIS SITE. ELEVATION = 101.04'

BM C:
BOX CUT ON WEST END OF 18" ROP ON THE WEST SIDE OF BAMORE ROAD. ELEVATION = 100.52'

PROJECT BENCHMARK (RS-41):
A BRASS DISK SET IN CONCRETE ON SOUTH SIDE OF DRIVEWAY SERVING RESERVE "A", AS SHOWN HEREON. ELEVATION = 100.77' NAVD 1988 (BASED ON NGS MONUMENT "AW 4798")



LEGEND

- A/C - AIR CONDITIONER
- BL - BOLLARD
- BV - BARBED WIRE
- CLF - CHAIN LINK FENCE
- CO - CLEAN OUT
- CONC - CONCRETE
- F.B.C.C.F. - FORT BEND COUNTY CLERK'S FILE
- F.B.C.P.R. - FORT BEND COUNTY DEED RECORDS
- F.B.C.P.R. - FORT BEND COUNTY PLAT RECORDS
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- ICV - IRRIGATION CONTROL VALVE
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PARKING TABLE

REGULAR:	14
HANDICAP:	1

I, Brian Nowara, a Registered Professional Land Surveyor of the State of Texas, hereby certify that the above plat correctly represents the facts found at the time of the survey made on the ground under my supervision. This survey substantially complies with the current Texas Society of Professional Surveyors' Standards and Specifications for a Category 1A, Condition II, Survey.



Brian Nowara
Brian Nowara
Registered Professional Land Surveyor
State of Texas No. 6060

06/14/13 REVISED WITH NEW PLAT AND NEW TITLE COMMITMENT
01/21/13 REVISED TO ADD UNDERGROUND UTILITIES & UTILITY EASEMENT

TEXAS ENGINEERING AND MAPPING
12610 CENTURY DRIVE
STAFFORD, TEXAS 77477
PHONE: 817.491.2525 FAX: 817.491.2555

LAND TITLE AND TOPOGRAPHIC SURVEY
OF
A 6.4962 ACRE (282,976 SQ. FT.) TRACT OF LAND BEING ALL OF RESERVE "A", DELTEX CENTER REPLAT NO 1 (PLAT NO. 20130094; F.B.C.P.R.) IN THE HENRY SCOTT LEAGUE, ABSTRACT NO. 83, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS

DATE:	01-29-13	SCALE:	1"=50'	KEY MAP:	606P	JOB NO.:	1066-1
CRE:	MT	DRAWN BY:	KPR	CALC BY:	BSN	CK BY:	BNW

ORDINANCE NO. 2014-43

AN ORDINANCE CREATING CITY OF ROSENBERG REINVESTMENT ZONE NO. 18, SAME BEING A 6.4962 ACRE TRACT OF LAND BEING ALL OF RESERVE "A", DELTEX CENTER REPLAT NO. 1 (PLAT NO. 20130094L F.B.C.P.R.) IN THE HENRY SCOTT LEAGUE, ABSTRACT NO. 83, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS; MAKING CERTAIN FINDINGS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

WHEREAS, City Council has passed and approved Guidelines and Criteria for Granting Tax Abatement in Reinvestment Zones Created in the City of Rosenberg, Texas; and,

WHEREAS, pursuant to such Guidelines, the City Council has received an application for creation of a reinvestment zone and the granting of tax abatement; and,

WHEREAS, after the giving of proper notice, as required by law, the City Council held a public hearing where all interested persons were given an opportunity to speak and present evidence for and against the creation of Reinvestment Zone No. 18; and,

WHEREAS, notice of such public hearing was duly given to the presiding officer of the governing body of each taxing unit that includes within its boundaries real property that is to be included in proposed Reinvestment Zone No. 18; and,

WHEREAS, City Council has determined that the improvements sought to be located in proposed Reinvestment Zone No. 18 are feasible and practical and would be a benefit to the land to be included in the Zone and to the City after the expiration of the tax abatement agreement; and,

WHEREAS, the creation of Reinvestment Zone No. 18 will be reasonably likely, as a result of its creation, to contribute to the retention or expansion of primary employment or to attract major investment into the Zone that would benefit to property located therein and that will contribute to the economic development of the City of Rosenberg; now, therefore,

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

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

Section 2. That Reinvestment Zone No. 18 is hereby created for the purpose of encouraging economic development through tax abatement. A description of the property which comprises said Reinvestment Zone No. 18 is attached hereto as Exhibit "A" and

made a part hereof for all purposes. Improvements constructed, erected, or placed within Reinvestment Zone No. 18 as created hereby shall be eligible for commercial-industrial tax abatement.

Section 3. That the property which comprises Reinvestment Zone No. 18 is located within the corporate limits of the City of Rosenberg.

Section 4. This designation of Reinvestment Zone No. 18 shall expire five (5) years after the date of adoption of this Ordinance.

Section 5. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 6. In the event any 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 or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Rosenberg, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

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 Morales Jr., **Mayor**

APPROVED AS TO FORM:

Scott Tschirhart, **City Attorney**
Denton Navarro Rocha Bernal Hyde & Zech, P.C.

SAMPLE

HENRY SCOTT LEAGUE
ABSTRACT NO. 83

SIDNEY MELLON AND HARRY LEE MELLON
39.036 ACRES
(VOL. 563, PG. 714; F.B.C.D.R.)

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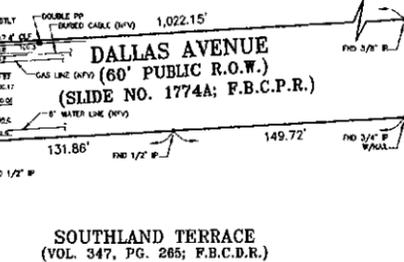
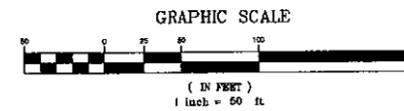
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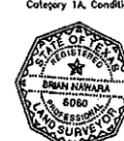


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Brian Nowara
Registered Professional Land Surveyor
State of Texas No. 6060

06/14/13 REVISED WITH NEW PLAT AND NEW TITLE COMMITMENT
01/21/13 REVISED TO ADD UNDERGROUND UTILITIES & UTILITY EASEMENT

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PHONE: 817.491.2525 FAX: 817.491.2555

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DATE: 01-29-13	SCALE: 1"=50'	KEY MAP: 606P	JOB NO: 1066-1
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ITEM 10

Announcements.

ITEM 11

Adjournment.