

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, December 02, 2014

TIME: 7:00 p.m.

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

PURPOSE: Regular City Council Meeting, agenda as follows:

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

Call to order: City Hall Council Chamber

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

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

GENERAL COMMENTS FROM THE AUDIENCE.

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

COMMENTS FROM THE AUDIENCE FOR CONSENT AND REGULAR AGENDA ITEMS.

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

CONSENT AGENDA

1. Review of Consent Agenda.
All Consent Agenda items listed are considered to be routine by the City Council and may be enacted by one (1) motion. There will be no separate discussion of Consent Agenda items unless a City Council Member has requested that the item be discussed, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Regular Agenda.
 - A. Consideration of and action on Regular Meeting Minutes for October 21, 2014, and Regular Meeting Minutes for November 04, 2014. (Linda Cernosek, City Secretary)
 - B. Consideration of and action on a Final Plat of Walnut Creek Section Seven, a subdivision of 9.621 acres containing 3 blocks, 31 lots, and 1 restricted reserve out of the Eugene Wheat Survey, A-396, Fort Bend County, Texas. (Travis Tanner, Executive Director of Community Development)

REGULAR AGENDA

2. Consideration of an action on Resolution No. R-1878, a Resolution authorizing the City Manager to execute, for and on behalf of the City, an Agreement for Community Development Block Grant Funding for Water Line Improvements – Phase II, by and between the City of Rosenberg, Texas, and Fort Bend County, in the amount of \$210,000.00. (John Maresh, Assistant City Manager of Public Services)
3. Consideration of and action on Resolution No. R-1880, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Contract for Engineering Services for the Community Development Block Grant funded North Side Water Line Improvements – Phase II, by and between the City and Kelly R. Kaluza and Associates, Inc., in the amount of \$39,900.00. (John Maresh, Assistant City Manager of Public Services)

4. Consideration of and action on Resolution No. R-1883, a Resolution awarding Bid No. 2014-21 for construction of the 2014 Sanitary Sewer Pipebursting Project; and, authorizing the City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same. (John Maresh, Assistant City Manager of Public Services)
5. Consideration of and action on Resolution No. R-1876, a Resolution designating a representative and an official alternate to the Houston-Galveston Area Council (H-GAC) General Assembly for the Year 2015. (Vincent M. Morales, Jr., Mayor)
6. Consideration of and action on Ordinance No. 2014-45, an Ordinance amending the Code of Ordinances by amending Chapter 6. Building and Building Regulations, Article XIII. Sign Regulations, Section 6-367; providing regulations regarding painting of street numbers on City curbs; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; providing for severability; and providing an effective date. (Scott M. Tschirhart, City Attorney)
7. Hold Executive Session for consultation with Attorney to receive legal advice regarding the alternate water supply project with Brazosport Water Authority pursuant to Section 551.071; to deliberate the purchase, exchange, lease, or value of real property pursuant to Section 551.072; and, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal for the positions of City Manager and Secretary III pursuant to Section 551.074 of the Texas Government Code.
8. Adjourn Executive Session, reconvene into Regular Session, and take action as necessary as a result of Executive Session.
9. Consideration of and action on Resolution No. R-1884, a Resolution authorizing the Mayor to execute, for and on behalf of the City, a Water Supply Agreement, by and between the City and Brazosport Water Authority to supply a potable water source. (John Maresh, Assistant City Manager of Public Services)
10. Announcements.
11. Adjournment.

[EXECUTION PAGE TO FOLLOW]

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

by _____.

Attest:
Christine Krahn, Acting City Secretary

Approved for Posting:
Robert Gracia, City Manager

Approved:
Vincent M. Morales, Jr., Mayor

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

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

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

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

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

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

City of Rosenberg

IMAGE COMMITTEE

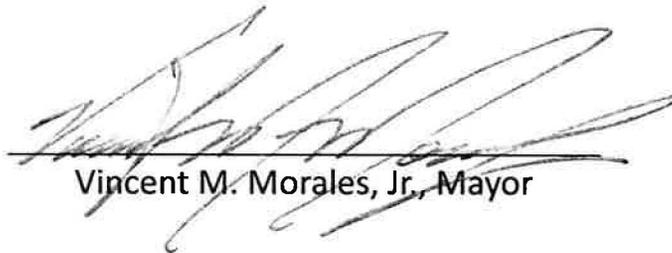
Certificate of Recognition

Be it hereby known to all, that

Les and Kathy Samohyl

2526 Pecan Drive

have, on this 2nd day of December 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



City of Rosenberg

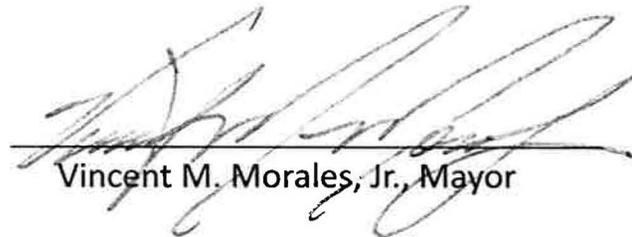
IMAGE COMMITTEE

Certificate of Recognition

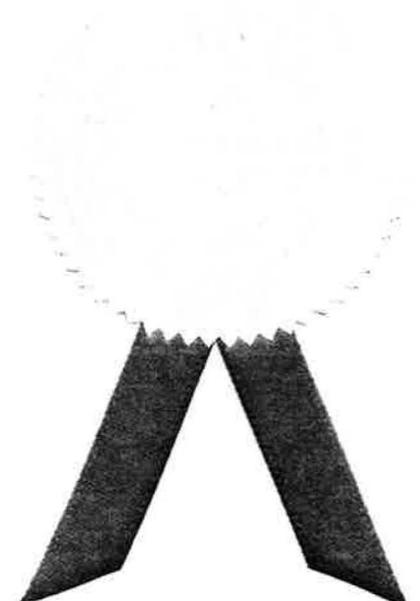
Be it hereby known to all, that

*Gingerbread House Day Care
2417 4th Street*

has, on this 2nd day of December 2014, been recognized for their excellence in renovating this property and for their effort at making this place in the world more appealing, and deserve the recognition and appreciation of the people of this City for their efforts.



Vincent M. Morales, Jr., Mayor



City of Rosenberg

IMAGE COMMITTEE

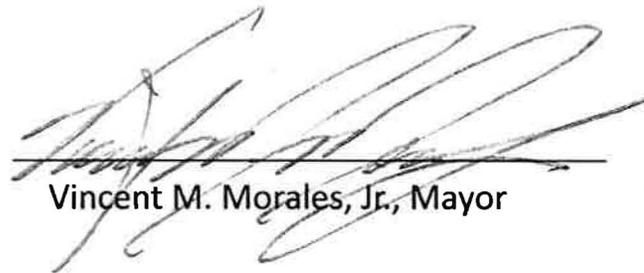
Certificate of Recognition

Be it hereby known to all, that

James Urbish and Walter Urbish

1315 1st Street

have, on this 2nd day of December 2014, been recognized for their excellence in renovating this property and for their effort at making this place in the world more appealing, and deserve the recognition and appreciation of the people of this City for their efforts.



Vincent M. Morales, Jr., Mayor



General Comments from the Audience:

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Comments from the Audience for Consent and Regular Agenda Items:

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ITEM 1

Review of Consent Agenda.

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

ITEM A

Minutes:

- 1. Regular City Council Meeting Minutes – October 21, 2014**
- 2. Regular City Council Meeting Minutes – November 04, 2014**

**CITY OF ROSENBERG
REGULAR COUNCIL MEETING MINUTES**

*****DRAFT*****

On this the 21st day of October, 2014, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Regular Session, in the Rosenberg City Hall Council Chamber, located at 2110 4th Street, Rosenberg, Texas.

PRESENT

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

STAFF PRESENT

Robert Gracia	City Manager
Linda Cernosek	City Secretary
Scott Tschirhart	Attorney for the City
John Maresh	Assistant City Manager of Public Services
Jeff Trinker	Executive Director of Support Services
Joyce Vasut	Executive Director of Administrative Services
Charles Kalkomey	City Engineer
Dallis Warren	Police Chief
Tracie Dunn	Assistant Police Chief
Wayne Jory	Police Lieutenant
Richard Hooper	Police Lieutenant
Jeremy Eder	Police Lieutenant
Cody Dailey	Police Lieutenant
Justin Crocker	Police Sergeant
Anthony Schnacky	Police Sergeant
Tommy Havelka	Police Sergeant
John Johnson	Police Sergeant
Wade Goates	Fire Chief
Lisa Olmeda	Human Resources Director
Randall Malik	Economic Development Director
Travis Tanner	Executive Director of Community Development
Darren McCarthy	Parks and Recreation Director
Angela Fritz	Executive Director of Information Services
James Lewis	Information Services Manager
Kaye Supak	Executive Assistant

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CALL TO ORDER.

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

INVOCATION AND PLEDGE OF ALLEGIANCE.

Reverend Charles Surovik, New Covenant Fellowship, Rosenberg gave the invocation and led the pledge of allegiance to the flag.

PRESENTATION OF PROCLAMATION PROCLAIMING OCTOBER 2014 AS “BREAST CANCER AWARENESS MONTH” IN THE CITY OF ROSENBERG.

Mayor Morales presented a proclamation proclaiming October 2014 as “Breast Cancer Awareness Month” in the City of Rosenberg to Alysse Harrison and representatives of M.D. Anderson Cancer Center.

PRESENTATION OF PROCLAMATION PROCLAIMING OCTOBER 2014 AS “NATIONAL BULLYING PREVENTION MONTH” IN THE CITY OF ROSENBERG.

Mayor Morales presented a proclamation proclaiming October 2014 as “National Bullying Prevention Month” in the City of Rosenberg to Mike Rockwood and representatives from Lamar Consolidated Independent School District.

PRESENTATION OF CERTIFICATES OF ACHIEVEMENT TO 2014 PUNT, PASS AND KICK WINNERS.

Mayor Morales and Darren McCarthy, Parks and Recreation Director presented Certificates of Appreciation to 2014 Punt, Pass and Kick Winners:

- Kelly Eng
- Paul Guzman
- Dylan Garrett
- Hunter Mauldin

PRESENTATION OF CERTIFICATES OF APPRECIATION TO 2014 PUNT, PASS AND KICK VOLUNTEERS.

Mayor Morales and Darren McCarthy presented Certificates of Appreciation to 2014 Punt, Pass and Kick Volunteers:

- Fort Bend Storm Football
- Rosenberg Lion’s Club

PRESENTATION OF ROSENBERG IMAGE COMMITTEE BEAUTIFICATION AND RENOVATION AWARDS.

Mayor Morales and Councilor Benton presented Image Committee Beautification and Renovation Awards to:

Present:

- Chili’s Restaurant 24502 Southwest Freeway

Not Present:

- John and Jane Anderson 5522 Banner Lane
- TJ and Susan Burkholder 1105 Avenue D
- Roy Evans 1605 Walnut Avenue
- Alton and Sandra Kanak 2520 Pecan Drive
- Francisco and Ofelia Rocha 1601 Avenue D

INTRODUCTION OF NEW POLICE SERGEANTS ANTHONY SCHNACKY, PATROL DIVISION, AND THOMAS HAVELKA, PATROL DIVISION, PROMOTED ON AUGUST 09, 2014, AND JUSTIN CROCKER, CID, PROMOTED OCTOBER 06, 2014; AND, INTRODUCTION OF NEW POLICE LIEUTENANTS JEREMY EDER, CID, AND CODY DAILEY, PATROL DIVISION, PROMOTED OCTOBER 06, 2014.

Dallis Warren, Police Chief introduced the new:

Police Sergeants

- Anthony Schnacky, Patrol Division
- Thomas Havelka, Patrol Division
- Justin Crocker, CID

Police Lieutenants

- Jeremy Eder, CID
- Cody Dailey, Patrol Division

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CONSENT AGENDA

1. REVIEW OF CONSENT AGENDA.

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- A. **CONSIDERATION OF AND ACTION ON SPECIAL MEETING MINUTES FOR AUGUST 09, 2014, SPECIAL WORKSHOP MEETING MINUTES FOR AUGUST 09, 2014, JOINT CITY COUNCIL AND ROSENBERG DEVELOPMENT CORPORATION MEETING MINUTES FOR AUGUST 14, 2014, SPECIAL MEETING MINUTES FOR AUGUST 26, 2014, WORKSHOP MEETING MINUTES FOR AUGUST 26, 2014, REGULAR MEETING MINUTES FOR SEPTEMBER 02, 2014, AND REGULAR MEETING MINUTES FOR SEPTEMBER 16, 2014.**

- B. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2014-40, AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY DELETING ALL OF SECTION 28-41 (B) AND (D), STOP SIGNS DESIGNATED, OF ARTICLE II, DIVISION 2 OF CHAPTER 28, STOP STREETS, AND SUBSTITUTING THEREFOR A NEW SECTION 28-41 (B) AND (D) OF ARTICLE II, DIVISION 2 OF CHAPTER 28 THEREOF; PROVIDING FOR A FOUR-WAY STOP AT THE INTERSECTION OF AVENUE G AND 8TH STREET; PROVIDING A PENALTY IN AN AMOUNT OF NOT LESS THAN \$1.00 OR MORE THAN \$200.00 FOR VIOLATION OF ANY PROVISION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Executive Summary: Staff recently received information from the Police Department Traffic Investigator, regarding a pattern of crashes having occurred at the intersection of Avenue G and 8th Street. A review of records identified a total of three (3) traffic crashes at this intersection over the most recent three (3) year period, all of which have occurred since October 2013. The intersection currently functions as a two-way stop, with 8th Street stopping and Avenue G being non-controlled. The recommendation is to make this a four (4) way stop intersection due to the documented number of traffic crashes that have occurred at the intersection.

Staff has prepared an Ordinance that deletes the above listed intersection from the two-way stop sign designations and will add said intersection to the four-way stop sign designations.

Staff recommends approval of Ordinance No. 2014-40 as presented.

- C. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1869, A RESOLUTION RATIFYING AN AMENDED GROUNDWATER REDUCTION PLAN (GRP) REGARDING CONVERSION TO AN ALTERNATIVE WATER SOURCE AS APPROVED BY THE FORT BEND SUBSIDENCE DISTRICT.**

Executive Summary: During the regular City Council Meeting on November 05, 2013, City Council took action authorizing the preparation and submission of an amended Groundwater Reduction Plan (GRP) to the Fort Bend Subsidence District (FBSD). The GRP Amendment was submitted on August 21, 2014, and subsequently approved by the FBSD Board of Directors on September 19, 2014. The Amendment identifies the Brazosport Water Authority (BWA) as the source of alternative water supply that will be used to satisfy the FBSD unfunded mandate to reduce groundwater withdrawal by thirty percent (30%) beginning in FBSD permit year October 01, 2016. A copy of the Amendment was included as Exhibit "A" to Resolution No. R-1869. The amended GRP also includes a schedule/timeline for various Capital Projects that the City must construct within the timeline in order to prevent disincentive fee penalties from the FBSD.

Staff recommends approval of Resolution No. R-1869 as presented.

- D. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1831, A RESOLUTION AWARDED BID NO. 2014-13, FOR PARKS GROUNDS MAINTENANCE SERVICES; AND, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, A GENERAL SERVICES CONTRACT RELATED THERETO, AND/OR ALL NECESSARY DOCUMENTATION REGARDING SAME.**

Executive Summary: On Wednesday, September 17, 2014, bids were received and opened for the City of Rosenberg (City) Parks Grounds Maintenance Contract. A total of two (2) bids were

received as indicated on the bid summary form included in the agenda packet.

The bid summary and proposal were attached for review. A's Camo Cutters submitted the lowest bid in the amount of \$40,000.00. A's Camo Cutters has been the provider for these services for the past two (2) years and continues to perform satisfactorily. A's Camo Cutters is also the current contract holder for the Small Areas Mowing Contract and their work has been satisfactory.

Staff recommends approval of Resolution No. R-1831, awarding Bid No. 2014-13 to A's Camo Cutters, and authorizing the City Manager to negotiate and execute a General Services Contract in the amount of \$40,000.00 for complete parks grounds maintenance to include Brazos, Community, Harwood and Riverbend Parks, for a one (1) year term, with an option to renew at the same price for an additional one (1) year term. Should City Council award Bid No. 2014-13 as recommended, the proposal will serve as Exhibit "A" to Resolution No. R-1831. The contract time is 365 calendar days.

E. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1832, A RESOLUTION AWARDING BID NO. 2014-14, FOR SEABOURNE CREEK REGIONAL SPORTS COMPLEX GROUNDS MAINTENANCE SERVICES; AND, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, A GENERAL SERVICES CONTRACT RELATED THERETO, AND/OR ALL NECESSARY DOCUMENTATION REGARDING SAME.**

Executive Summary: On Wednesday, September 17, 2014, bids were received and opened for the Seabourne Creek Regional Sports Complex Grounds Maintenance Contract. A total of one (1) bid was received as indicated on the bid summary form included in the agenda packet.

The bid summary and proposal were attached for review. NRI Brokerage, Inc., dba Earth First Landscapes submitted a bid in the amount of \$52,980.00. Earth First Landscapes has been contracted through the City for the previous two (2) years and has met all needs of the prior Contract satisfactorily.

Staff recommends approval of Resolution No. R-1832, awarding Bid No. 2014-14 to NRI Brokerage, Inc., dba Earth First Landscapes, and authorizing the City Manger to negotiate and execute a General Services Contract in the amount of \$52,980.00 for Seabourne Creek Regional Sports Complex Grounds maintenance, for a one (1) year term, with an option to renew at the same price for an additional one (1) year term. Should City Council award Bid No. 2014-14 as recommended, the proposal will serve as Exhibit "A" to Resolution No. R-1832. The Contract time is 365 calendar days.

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

Executive Summary: The Short Form Final Plat of Goldshire Center Replat of Commercial Reserve "A-2" consists of 4.3943 acres and two (2) commercial reserves. It is a replat of the previous Goldshire Center Replat of Commercial Reserve "A." The Plat is located east of the intersection of Reading Road and FM 1640.

The Plat is adjacent to the recently constructed Stripes and simply proposes to further subdivide existing Reserve "A-2" into two (2) new reserves to accommodate new site development. The development will abut the Stripes site. One of the proposed reserves (Reserve "A-2") is 2.7186 acres while the second proposed reserve (Reserve "A-3") is 1.6757 acres. A portion of Reserve "A-2" falls within the West Fort Bend Management District, as indicated in the Plat. The reserves will have cross access and designated access to FM 1640 per previous easements dedicated in 2007 and in 2013 as noted on the Plat.

There are no issues with the proposed subdivision that conflict with City ordinances. A public hearing was held as required by State law and City ordinance at the September 17, 2014 Planning Commission meeting. The Planning Commission considered this Plat at the same meeting and recommended approval to City Council of the Short Form Final Plat of Goldshire

Center Replat of Commercial Reserve "A-2".

- G. **CONSIDERATION OF AND ACTION ON A FINAL PLAT OF SUMMER LAKES SECTION EIGHT, BEING A SUBDIVISION OF 8.574 ACRES OUT OF THE W.M. LUSK SURVEY, A-276 AND THE JANE LONG LEAGUE, A-55, IN THE CITY OF ROSENBERG, IN FORT BEND COUNTY, TEXAS (FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 144); 36 LOTS, 2 BLOCKS, 1 RESERVE (0.5214 ACRE).**

Executive Summary: The Final Plat of Summer Lakes Section Eight is located off of Lake Commons and Blue Lake Drives in the south central portion of the Summer Lakes development. The Plat consists of 8.574 acres, 36 residential lots, and one (1) reserve containing 0.5 acres.

All proposed lots are a minimum of sixty feet (60') in width as measured at the front building line. The Plat complies with the Development Agreement and approved Land Plan for Fort Bend County MUD No. 144. The Land Plan identifies the area of the Plat as single-family residential development. The Development Agreement calls for a minimum lot width of fifty feet (50') and minimum size of 6,000 square feet. All proposed lots meet these requirements.

The Preliminary Plat of Summer Lakes Section Eight was approved by the Planning Commission on June 18, 2014, and the Final Plat was recommended for approval on September 17, 2014. The Final Plat is not in conflict with any applicable regulations, with the approved Preliminary Plat, or with the Development Agreement for Fort Bend County MUD No. 144. Staff recommends approval of the Final Plat of Summer Lakes Section Eight.

- H. **CONSIDERATION OF AND ACTION ON A FINAL PLAT OF SUMMER PARK SECTION TWO, BEING A SUBDIVISION OF 16.498 ACRES OUT OF THE ROBERT E. HANDY SURVEY, A-187, IN THE CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS (FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 144): 64 LOTS, 3 BLOCKS, 3 RESERVES (0.6726 ACRE).**

Executive Summary: The Final Plat of Summer Park Section Two is located off of Park Place Boulevard in the southwest portion of the Summer Park development. The Plat consists of 16.498 acres, 64 residential lots, and three (3) reserves containing 0.67 acres.

All proposed lots are a minimum of sixty feet (60') in width as measured at the front building line. The Plat complies with the Development Agreement and approved Land Plan for Fort Bend County MUD No. 144. The Land Plan identifies the area of the plat as single-family residential development. The Development Agreement calls for a minimum lot width of fifty feet (50') and minimum size of 6,000 square feet. All proposed lots meet these requirements.

The Planning Commission approved the Preliminary Plat of this subdivision on June 18, 2014, and recommended approval of the Final Plat on September 17, 2014. The Final Plat is not in conflict with any applicable regulations, with the approved Preliminary Plat, or with the Development Agreement for Fort Bend County MUD No. 144. Staff recommends approval of the Final Plat of Summer Park Section Two.

- I. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1866, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AMENDMENT 3 TO: SECURITY SERVICES CONTRACT BETWEEN LAMAR CONSOLIDATED INDEPENDENT SCHOOL DISTRICT AND THE CITY OF ROSENBERG FOR POLICE SERVICES PROVIDED BY ROSENBERG POLICE OFFICERS.**

Executive Summary: Amendment 3 to the Security Services Contract (Contract) with Lamar Consolidated Independent School District (LCISD) is to provide for two additional one-year extensions to the current Contract.

This Contract automatically renewed, effective September 01, 2014, and shall expire on August 31, 2015. LCISD and the City of Rosenberg may, upon mutual consent, extend the Contract for two (2) additional one-year periods upon written request of the City of Rosenberg Police Department presented prior to the expiration of the Contract.

Amendment 3 is included at Exhibit "A" to Resolution No. R-1866. Staff recommends approval of Resolution No. R-1866 as presented.

Action: Councilor Benton made a motion, seconded by Councilor McConathy to approve all items (Items A-I) on the Consent Agenda. The motion carried by a unanimous vote.

REGULAR AGENDA

2. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2014-41, AN ORDINANCE AUTHORIZING AND ORDERING THE ISSUANCE OF THE CITY OF ROSENBERG, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2014A; AWARDED THE SALE THEREOF; AND CONTAINING MATTERS INCIDENT THERETO.**

Executive Summary: On September 16, 2014, City Council adopted Resolution No. R-1849 authorizing publication of Notice of Intention to issue Certificates of Obligation, in an aggregate principal amount not to exceed \$3,200,000 for improvements to Airport Avenue, Bryan Road and utility adjustments to Avenue H and Avenue I. The notice was published on September 19, 2014, and September 26, 2014, as required, with an amount not to exceed \$3,200,000.00. There has been no presentation of a petition by the citizens to call an election to approve the issuance of \$3,200,000.00 in Certificates of Obligation for improvements to the proposed projects, and to pay the costs incurred in connection with the issuance of the Certificates.

Ordinance No. 2014-41 authorizes the issuance of the Certificates and approves the results of the bidding process and sale of the Certificates. The Ordinance also sets forth the procedures for the finalization of the sale and delivery of the proceeds to the City. Joe Morrow of First Southwest Company and Marcus Deitz with Fulbright & Jaworski LLP, representing the City as Bond Counsel, were present at the meeting to review the results of the sale with City Council.

Staff recommends approval of Ordinance No. 2014-41, an Ordinance authorizing and ordering the issuance of the City of Rosenberg, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2014A; awarding the sale thereof; and containing matters incident thereto.

Key discussion points:

- Joyce Vasut, Executive Director of Administrative Services read the Executive Summary.
- Joe Morrow of First Southwest Company provided an update of the results of the sale.

Questions:

Q: What is the breakdown for the \$3.2 million? Some is for Bryan Road and Airport Road.

A: We are still working on the numbers. Staff wants to make sure the amounts we need for Airport Road are still working on the agreements with Fort Bend County on the Avenue H and Avenue I project. That will allow Council to approve the exact breakdown.

Q: Is \$10M the cap the City can borrow each year?

A: Yes.

Q: Can we get the estimates on Airport Road?

A: That will be brought back to the November 18th Council meeting.

Action: Councilor Barta made a motion, seconded by Councilor McConathy to approve Ordinance No. 2014-41, an Ordinance authorizing and ordering the issuance of the City of Rosenberg, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2014A; awarding the sale thereof; and containing matters incident thereto. The motion carried by a unanimous vote.

3. **REVIEW AND DISCUSS PROPOSED AMENDMENTS TO SECTION 6-367 OF THE CODE OF ORDINANCES PROVIDING RULES AND REGULATIONS GOVERNING THE PAINTING OF STREET NUMBERS ON CURBS, AND TAKE ACTION AS NECESSARY.**

Executive Summary: On April 01, 2014, April 22, 2014, and August 26, 2014, City Council held discussions regarding the potential of amending the City's curb-painting regulations to include the Texas flag.

This item has been added to the Agenda to offer City Council the opportunity to discuss the potential amendment of the rules and regulations governing the painting of street numbers on curbs. A copy of the current Code Section 6-367 was included in the agenda packet for information and review.

Fire Chief Wade Goates will present examples of the Texas flags for City Council's discussion and consideration.

Key discussion points:

- Wade Goates, Fire Chief provided various examples showing visibility of numbers.
- A brief discussion was held by Council.

Action: Councilor Benton made a motion, seconded by Councilor McConathy to approve modification of Ordinance No. 2011-07 to keep the same size numbers and add the Texas Flag leaving the remainder of the Ordinance as it is. The motion carried by a unanimous vote.

4. **REVIEW AND DISCUSS PROPOSED OFF-SITE LOCATION VISIT BY ROSENBERG CITY COUNCIL TO TOUR CERTAIN SITES, NAMELY TELFAIR LOFTS LOCATED AT 7500 BRANFORD PLACE, SUGAR LAND, TEXAS, AND IMPERIAL BALLPARK LOFTS, 2 STADIUM DRIVE, SUGAR LAND, TEXAS, AND TAKE ACTION AS NECESSARY.**

Executive Summary: This item has been included on the Agenda to offer City Council an opportunity to consider a potential off-site location visit to view certain types of development projects that may prove to be of interest to City Council. The projects are located in Sugar Land -- one is a development near Constellation Field and the other is located in Telfair off of US 59.

Key discussion points:

- Councilor Benton asked Council Members for input regarding a proposed off-site visit to tour certain sites, namely Telfair Lofts at 7500 Branford Place in Sugar Land, Texas. He would like to take the trip and those specifically who had concern with the developer last month.
- Councilor McConathy clarified she did not have an issue with the product, only the number of stories with the development.

Action: Councilor Benton made a motion, seconded by Councilor Grigar to coordinate either independently or as a partial group to look at these products to fit into this area. **The motion carried by a vote of 6 to 1 as follows: Yeses: Mayor Morales, Councilors Benton, Pena, Euton, Grigar and Barta. No: Councilor McConathy.**

5. **REVIEW AND DISCUSS PROPOSED OFF-SITE LOCATION VISIT BY ROSENBERG CITY COUNCIL TO TOUR A CERTAIN SITE, NAMELY THE BRAZOSPORT WATER AUTHORITY SURFACE WATER TREATMENT PLANT FACILITY GENERALLY LOCATED AT 1251 FM 2004, LAKE JACKSON, TEXAS, AND TAKE ACTION AS NECESSARY.**

Executive Summary: This item has been included on the Agenda to offer City Council an opportunity to consider a potential off-site location visit to the Brazosport Water Authority Surface Water Treatment Plant located in Lake Jackson.

Key discussion points:

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

Action: Councilor Barta made a motion, seconded by Councilor McConathy to approve a proposed off-site location visit by Rosenberg City Council to tour a certain site, namely the Brazosport Water Authority Surface Water Treatment Plant Facility generally located at 1251 FM 2004, Lake Jackson, Texas, and take action as necessary. The motion carried by a unanimous vote.

6. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1864, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AN INTERLOCAL AND COOPERATIVE PURCHASING PROGRAM CONTRACT, BY AND BETWEEN THE CITY AND THE HARRIS COUNTY DEPARTMENT OF EDUCATION.**

Executive Summary: The Technology Department is working closely with Dahill, a Xerox Company, to provide the most efficient and cost effective document management program for the City. Dahill has proposed a copier solution that will provide a better service at a reduced cost. The solution proposed by Dahill includes authorizing a new contract for copier services. However, the contract that Dahill is offering requires that the City participate in the Harris County Department of Education (HCDE) Interlocal and Cooperative Purchasing Program.

This Cooperative Purchasing Program allows the City to purchase goods and services through quality, competitively bid contracts. The City may become a member of this purchasing cooperative at no cost to the City, and use the HCDE awarded contracts thereby saving time and money while expanding the City's purchasing capabilities.

The HCDE Interlocal and Cooperative Purchasing Program Contract was included as Exhibit "A" to Resolution No. R-1864. Staff recommends approval of Resolution No. R-1864 as presented.

Key discussion points:

- Joyce Vasut read the Executive Summary regarding the item.

Questions:

Q: The City participates in the HGAC and Buy Board programs, was there nothing available there?

A: We are members of HGAC and Buy Board. We felt for this project it would be best to join this program. There is no cost and it can be used again if we wish.

Action: Councilor Barta made a motion, seconded by Councilor McConathy to approve Resolution No. R-1864, a Resolution authorizing the City Manager to execute, for and on behalf of the City, an Interlocal and Cooperative Purchasing Program Contract, by and between the City and the Harris County Department of Education. The motion carried by a unanimous vote.

7. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1863, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, BUDGET AMENDMENT 15-01 IN THE AMOUNT OF \$46,995.00 FOR DOCUMENT MANAGEMENT AND COPIER SERVICE AGREEMENTS.**

Executive Summary: As discussed in the previous Agenda item, the Technology Department has been working on a solution to streamline document management and copier services. In order to reduce the cost and be more efficient, all copier services are to be accumulated into a single contract and, therefore, paid from a single line-item in the Technology Fund budget. This Budget Amendment reallocates the copier service expenses from the individual departments and moves the budgeted line-item to the Technology Fund. The different funds will still pay for the service as part of the Information Services Fees that are in place to fund the Technology Fund.

Budget Amendment 15-01 is included as Exhibit "A" to Resolution No. R-1863. Staff recommends approval of Resolution No. R-1863 as presented.

Key discussion points:

- Joyce Vasut read the Executive Summary regarding the item.

Questions:

Q: Since this item will be tracked under the IT Department, will there be a charge against the departments?

A: It will be tracked under a separate line item.

Action: Councilor McConathy made a motion, seconded by Councilor Grigar to approve Resolution No. R-1863, a Resolution authorizing the City Manager to execute, for and on behalf of the City, Budget Amendment 15-01 in the amount of \$46,995.00 for document management and copier service agreements. The motion carried by a unanimous vote.

8. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1865, A RESOLUTION AUTHORIZING ACCEPTANCE OF A MEDICARE ADVANTAGE RETIREE EXTENDED SERVICES AREA (ESA) PPO PLAN FOR THE 2015 PLAN YEAR RENEWAL WITH AETNA HEALTH, INC., AS PREPARED BY GALLAGHER BENEFITS SERVICES.**

Executive Summary: Mr. Burke Sunday of Gallagher Benefits Services will present the renewal rates for the Medicare Advantage Retiree Extended Services Area (ESA) PPO Plan with Aetna Health, Inc. (Aetna), for consideration by the Employee Benefits Committee (Committee) and the Employee Benefits Trust at a joint meeting to be held on October 21, 2014.

The Aetna Medicare Advantage Extended Service Area (ESA) PPO Plan is currently offered to the over 65 retirees for the period January 01, 2014, through December 31, 2014. The City pays 90% of the premium, or \$256.95 per retiree per month. The majority of the retirees pay 10% of the premium, or \$28.55 per month, for a total combined monthly premium of \$285.50.

Aetna submitted a renewal rate increase of 0.4% for 2015 plan year. The total increase is \$1.18 per month for a total premium amount of \$286.68 per month. Currently, there are eleven (11) retirees on the plan and two (2) dependents. The retirees' portion would increase by \$0.12 per month, totaling \$28.67 per month. The retiree pays 100% of the dependent coverage which is \$286.68 per month. The total amount reimbursed to the City for retiree and dependent premiums is \$10,664.76.

Staff recommends approval of Resolution No. R-1865, authorizing acceptance of a Medicare Advantage

Retiree Extended Services Area (ESA) PPO Plan and renewal rate of \$44,722.08 for the 2015 Plan Year with Aetna Health, Inc., as prepared by Gallagher Benefits Services.

Key discussion points:

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

Questions:

Q: The drug benefits have been reduced. What caused the drop?

A: It can fluctuate from year to year and there is no concrete answer for it.

Action: Councilor Benton made a motion, seconded by Councilor Barta to approve Resolution No.R-1865, a Resolution authorizing acceptance of a Medicare Advantage Retiree Extended Services Area (ESA) PPO Plan for the 2015 Plan Year Renewal with Aetna Health, Inc., as prepared by Gallagher Benefits Services. The motion carried by a unanimous vote.

9. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1868, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AN ENGINEERING SERVICES PROPOSAL FOR THE ENGINEERING AND SURVEYING SERVICES FOR THE FM 2977 ELEVATED WATER STORAGE TANK, BY AND BETWEEN THE CITY AND JONES AND CARTER, INC., IN THE AMOUNT OF \$400,200.00.**

Executive Summary: The FM 2977 Elevated Water Storage Tank is included in the FY2015 Capital Improvement Project (CIP) plan approved by City Council on June 17, 2014 (Resolution No. R-1801, Project No. 17). This Project is also a part of the City's approved Groundwater Reduction Plan (GRP) and will be an essential element in order to receive, store and blend the alternative surface water source into the water distribution system. The elevated tank will also help maintain water pressure and storage capacity in compliance with Texas Commission on Environmental Quality (TCEQ) water system design criteria. The Project includes the construction of a 1.5 million gallon elevated water storage tank on the City owned property located directly behind Fire Station No. 3. Also included in the design are SCADA equipment, provisions for the installation of an altitude valve at a later date, and provisions to accommodate wireless communication antennae installations by multiple entities. An alternate bid for a 1.25 million gallon elevated tank will also be obtained, in the event the construction bids are higher than anticipated. The FY2015 Budget Fund 523 allocated sufficient funding for completion of the engineering and construction phases of the Project. Upon completion of the engineering design and bidding process, the construction bid award will be placed on a future Agenda for City Council consideration and approval.

Staff recommends approval of Resolution No. R-1868, authorizing the City Manager to execute an Engineering Services Proposal with Jones and Carter, Inc., for the engineering and surveying services for the FM 2977 Elevated Water Storage Tank, in the amount of \$400,200.00.

Key discussion points:

- John Maresh read the Executive Summary regarding the item.

Questions:

Q: On Item C Jones and Carter will provide a field representative, if we choose to not go with that, who would do that?

A: We don't have another source or have anyone in house.

Q: Was this service bid out?

A: We cannot bid out professional services by law.

Action: Councilor Barta made a motion, seconded by Councilor Grigar to approve Resolution No. R-1868, a Resolution authorizing the City Manager to execute, for and on behalf of the City, an engineering services proposal for the Engineering and Surveying Services for the FM 2977 Elevated Water Storage Tank, by and between the City and Jones and Carter, Inc., in the amount of \$400,200.00. The motion carried by a unanimous vote.

10. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1867, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AN AGREEMENT FOR ENGINEERING DESIGN SERVICES FOR PHASE II - AIRPORT AVENUE RECONSTRUCTION PROJECT, BY AND BETWEEN THE CITY AND COSTELLO, INC., IN AN AMOUNT NOT TO EXCEED \$436,425.00.**

Executive Summary: The Airport Avenue, Phase II Reconstruction Project (Project) is included in the FY2015 Capital Improvement Project (CIP) plan approved by City Council on June 17, 2014 (Resolution

No. R-1801, Project No. 1). The Phase II Project will improve Airport Avenue between Graeber Road and Louise Street from a two-lane asphalt roadway with open roadside ditches to a three-lane concrete roadway with a curb and gutter street and a below paving storm drainage system. This will be a continuation of the Phase I Project that is currently nearing completion between FM 2218 and Graeber Road.

On October 24, 2012, City Council selected Costello, Inc., to provide engineering services for the Airport Avenue Project. Staff has negotiated an Engineering Services Agreement for the Phase II Project for your consideration.

The Project does have adequate funding available for the engineering design. Construction funding will be made available through the issuance of Certificates of Obligation, Series 2014A, which will be considered as a separate Agenda item at the October 21st City Council Meeting, and Fort Bend County 2013 Mobility Bond Funds allocated toward this Project.

Staff recommends approval of Resolution No. R-1867, authorizing the City Manager to execute, for and on behalf of the City, an Agreement for Engineering Design Services for Phase II of the Airport Avenue Reconstruction Project, by and between the City and Costello, Inc., in an amount not to exceed \$436,425.00.

Key discussion points:

- John Maresh read the Executive Summary regarding the item.

Questions:

Q: When the engineering is done, what is the time frame?

A: The contractor is ready to start when the City is ready.

Q: Was Costello the engineer on the first phase? Isn't it the engineer's job to identify the utility lines?

A: Sam Kruse, Costello Engineering explained that before engineering work is done, they decide what is above and below the ground. Ten additional feet was taken from the school district. Some information was available from old records. They had to maneuver around to complete the construction work.

11. **HOLD EXECUTIVE SESSION FOR DELIBERATIONS ON THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF THE CITY MANAGER, CITY SECRETARY AND THE PRESIDING JUDGE OF THE MUNICIPAL COURT PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE.**

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

An Executive Session was held for deliberations on the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager, City Secretary and the Presiding Judge of the Municipal Court pursuant to Section 551.074 of the Texas Government Code.

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

Mayor Morales adjourned the Executive Session and reconvened into Regular Session at 9:34 p.m.

13. **CONSIDERATION OF AND ACTION ON ANNUAL EVALUATION AND AUTHORIZED COMPENSATION FOR THE POSITION OF CITY MANAGER.**

Executive Summary: City Council has established an evaluation date of on or before October 1st of each year for certain "direct report" administrative positions. This item provides an opportunity for City Council to take action out of Executive Session with regard to said evaluation and compensation as appropriate for the position of City Manager currently held by Robert Gracia.

No action was taken on the item.

14. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1857, A RESOLUTION CONFIRMING COMPLETION OF AN ANNUAL EVALUATION FOR THE POSITION OF CITY SECRETARY; AND, AUTHORIZING AMENDMENT NO. TWO TO THE EMPLOYMENT AGREEMENT ESTABLISHING BASE COMPENSATION FOR SAID POSITION.**

Executive Summary: City Council has established an evaluation date of on or before October 1st of each year for certain “direct report” administrative positions. This item provides an opportunity for City Council to take action out of Executive Session with regard to said evaluation and compensation for the position of City Secretary currently held by Linda Cernosek.

Staff recommends approval of Resolution No. R-1857, which will confirm completion of the annual evaluation for the position of City Secretary and authorizes the base compensation for said position to be established by Amendment No. Two to the City Secretary Employment Agreement. Amendment No. Two is attached as Exhibit “A” to Resolution No. R-1857.

Action: Councilor McConathy made a motion, seconded by Councilor Barta to approve Resolution No. R-1857, a Resolution confirming completion of an annual evaluation for the position of City Secretary; and, authorizing Amendment No. Two to the Employment Agreement establishing base compensation for said position. The motion carried by a unanimous vote.

15. **ANNOUNCEMENTS.**

- Boo-BERG is Saturday, October 25, 2014 at the Seabourne Creek Nature Park.
- Early Voting started Monday, October 20, 2014.

16. **ADJOURNMENT.**

There being no further business Mayor Morales adjourned the meeting at 9:35 p.m.

Linda Cernosek, TRMC, City Secretary

REGULAR COUNCIL MEETING MINUTES

DRAFT

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

PRESENT

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

STAFF PRESENT

Robert Gracia	City Manager
Linda Cernosek	City Secretary
Scott Tschirhart	Attorney for the City
John Maresh	Assistant City Manager of Public Services
Jeff Trinker	Executive Director of Support Services
Joyce Vasut	Executive Director of Administrative Services
Charles Kalkomey	City Engineer
Dallis Warren	Police Chief
Wade Goates	Fire Chief
Randall Malik	Economic Development Director
Travis Tanner	Executive Director of Community Development
Angela Fritz	Executive Director of Information Services
Kaye Supak	Executive Assistant
Tommy Havelka	Police Sergeant
Anthony Schnecky	Police Sergeant

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 6:30 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE.

Reverend Daniel Haas, St. John's United Church of Christ, Rosenberg gave the invocation and led the pledge of allegiance to the flag.

PRESENTATION OF PROCLAMATION PROCLAIMING NOVEMBER 2014 AS "NATIONAL ALZHEIMER'S MONTH" IN THE CITY OF ROSENBERG.

Mayor Morales presented a Proclamation proclaiming November 2014 as "National Alzheimer's Month" in the City of Rosenberg to Lisa Matthews.

PRESENTATION OF ROSENBERG IMAGE COMMITTEE BEAUTIFICATION AND RENOVATION AWARDS.

Mayor Morales and Councilor Benton presented Rosenberg Image Committee Beautification and Renovation Awards to:

Present:

- Janie Campos 3500 Avenue N

Not present:

- Ernesto and Martha Contreras 1747 5th Street

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.

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.

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.

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.

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.

Action: Councilor Benton made a motion, seconded by Councilor McConathy to approve the Consent Agenda (Items A-C). The motion carried by a unanimous vote.

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.

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.

Key discussion points:

- Joyce Vasut read the Executive Summary regarding the item.
- Mike Darlow from Perdue, Brandon, Fielder, Collins & Mott gave an update on the status of the collection efforts.

Questions:

Q: In the pie chart with the account breakdown there was 8% in bad addresses. How do you look for these?

A: Two types of property fall into the bad address and that category scenario is a mobile home where the person has abandoned it or the prior owner is gone and have leased to someone else but not to the owner that needs to be contacted. Some are businesses. The process used on how the tax rolls are sent out was explained. They use Lexis Nexus which is a data base search company. Address research goes through that service and telephone listings, voter registration and utility records.

Q: How long does it take to resolve those in trust?

A: If the property doesn't sell at the first sale how long we end up owning it is a function of the property itself whether it's location, does it have water/sewer access, etc. The properties are posted on their website. If it ends up in trust it is probably not a very desirable property.

Q: In the tax year chart the 15% from 1988 to 2006, how long do we keep that on the books?

A: By law, twenty years on real property. Once a year the tax office does a purge of property that is twenty years old and asks us if we need to keep it alive and generally we don't have any case pending that old. For 1988 there is one account of \$15.31.

Q: What is an example of an uncollectable?

A: Example – in 2010 we had a mobile home account and a letter was mailed and it came back. We could not reach the person. All efforts are made to locate them. It is not on the roll for any year except 2010. They code it internally uncollectible so letters are not sent after every avenue has been exhausted. This applies to personal property, not on real property.

Q: What is your fee?

A: The fee is paid by the delinquent taxpayer and it is twenty percent that is added to the total they pay.

Q: Out of a \$50 million dollar budget, what is our income including other types of fees?

A: We collect approximately \$11 million in sales tax and over \$10 million of water/wastewater and garbage fees.

- No action was taken on the item.

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.

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.

Key discussion points:

- Joyce Vasut, Executive Director of Administrative Services read the Executive Summary regarding the item.

Action: Councilor McConathy made a motion, seconded by Councilor Barta to approve 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. The motion carried by a unanimous vote.

4. This item was pulled from the Agenda.

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.

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, a map showing the location, and a proposed resale deed should the offer be accepted by City Council were included with the agenda packet.

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.

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.

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 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.

Key discussion points:

- Wade Goates, Fire Chief gave an overview of the item regarding Resolution No. R-1871.

Questions:

Q: This contract provides for automatic renewal and it does not have a mechanism for an increase in the amount we are paid, is that correct?

A: It does have and that has to happen fifteen days prior to the renewal. Keep in mind we will not be seeking many more renewals of the contract because of a policy Council has set on September 30, 2016. There would be only one more possibility of an extension unless we change our policy.

Q: This \$114,000 was provided to whom?

A: That is what Fort Bend County would provide to the City for responses we made in 2013.

Q: What is this amount based on?

A: Based on the number of calls we had outside contracted areas which were about 200 calls.

Q: Will this figure be reviewed for 2016?

A: Yes, there is an issue with 2016 because they are a year behind in reimbursement.

Q: Do you concur with the \$114,000?

A: That does not equate dollar per dollar that was spent in providing those services to the unincorporated area.

Q: Of the 200 calls, what were the majority of those calls for?

A: That number is not available at this time but can be provided later. The information will be provided to Council. Approximately sixty-eight percent of our call volume is medical rescue related.

Q: The County has EMS service so why are we responding to so many of these?

A: Presently in the surrounding area there are three ambulances that provide service here and four in the unincorporated area. Any one given time that one ambulance covers one-fourth of the population of Rosenberg plus the area it covers. There are 21 departments in Fort Bend County that have to deal with Fort Bend EMS. If any agency modifies the way they dispatch, it may not work out to the best for the patient.

Q: Is the amount we get reimbursed partly due to what the County collects from insurance claims for the calls they make?

A: It is about \$1.4 million out of the \$290 million of the County budget allocated for the reimbursement program through the County Fire Marshal's office and that is divided by twenty departments varying of their call rate.

Action: Councilor Barta made a motion, seconded by Councilor Benton to approve 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. The motion carried by a unanimous vote.

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.

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.

Key discussion points:

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

Questions:

Q: Is there anything on the property now?

A: It is vacant and he can still build on it.

Action: Councilor McConathy made a motion, seconded by Councilor Barta to approve 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. The motion carried by a unanimous vote.

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.**

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.

Key discussion points:

- Randall Malik, Economic Development Director gave an overview of the item.
- Mayor Morales opened the public hearing at 7:31:33 p.m. and closed the public hearing at 7:31:44 p.m.

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.**

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.

Key discussion points:

- Randall Malik gave an overview of the item regarding Ordinance No. 2014-43.

Questions:

Q: Why is only a legal description provided and not a street address?

A: We have to use the legal description on the tax rolls. The physical address will be added.

Action: Councilor McConathy made a motion, seconded by Councilor Grigar to approve 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. 201300941 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. The motion carried by a unanimous vote.

9. This item was pulled from the Agenda.

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.

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.

<u>Years</u>	<u>% of Abatement</u>	<u>City Property Taxes Generated</u>	<u>Total Amount of Abatement (\$0.49 Rate)</u>	<u>Total Amount to City (Less Tax Abatement)</u>	<u>Current Property Tax Value to the City</u>
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.

10. ANNOUNCEMENTS.

- Councilor McConathy thanked the Fort Bend Master Naturalists for supplying barbeque on Saturday.
- Councilor Pena announced the American Legion Fun Run and Barbeque Cook-Off on November 15, 2014 in Thompsons.

11. ADJOURNMENT.

There being no further business Mayor Morales adjourned the meeting at 7:37 p.m.

Linda Cernosek, TRMC, City Secretary



CITY COUNCIL COMMUNICATION

December 02, 2014

ITEM #	ITEM TITLE
B	Final Plat of Walnut Creek Section Seven
ITEM/MOTION	
Consideration of and action on a Final Plat of Walnut Creek Section Seven, a subdivision of 9.621 acres containing 3 blocks, 31 lots, and 1 restricted reserve out of the Eugene Wheat Survey, A-396, Fort Bend County, Texas.	
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 Seven
2. Land Plan for Walnut Creek
3. Planning Commission Meeting Minute Excerpt – 10-15-14
4. Planning Commission Meeting Minute Excerpt – 09-17-14
5. Planning Commission Meeting Minute Excerpt – 02-26-14

APPROVALS

Submitted by:

Travis Tanner
 Travis Tanner, AICP
 Executive Director of
 Community Development

Reviewed by:

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

Approved for Submittal to City Council:

Robert Gracia
 Robert Gracia
 City Manager

EXECUTIVE SUMMARY

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

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

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

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 9.621 acre tract described in the above and foregoing map of WALNUT CREEK SECTION SEVEN, do hereby make and establish said subdivision and development plat of said property according to all lines, dedications, restrictions and notations on said maps or plat and hereby dedicate to the use of the public forever, all streets (except those streets designated as private streets), alleys, parks, water courses, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs and assigns to warrant and forever defend the title to the land so dedicated.

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

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

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

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

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

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

FURTHER, Owners do hereby certify that we are the owners of all property immediately adjacent to the boundaries of the above and foregoing plat of WALNUT CREEK SECTION SEVEN 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 "Order for Regulation of Outdoor Lighting in the Unincorporated Areas of Fort Bend County, Texas", and do hereby covenant and agree and shall comply with this order as adopted by Fort Bend County Commissioners Court on March 23, 2004 and any subsequent amendments.

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

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

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

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

By: _____
John W. Hammond, Vice President

STATE OF TEXAS
COUNTY OF FORT BEND

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

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

Notary Public in and for
Fort Bend County, Texas

My Commission Expires _____

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

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

This is to certify that the City Planning Commission of the City of Rosenberg, Texas, has approved this plat and subdivision of WALNUT CREEK SECTION SEVEN in conformance with the laws of the State of Texas and the ordinances of the City of Rosenberg as shown hereon and authorized the recording of this plat this _____ day of _____, 201__.

By: _____
Wayne Poldrack, Secretary

By: _____
Pete Pavlovsky, Chairman

This is to certify that the City Council of the City of Rosenberg, Texas, has approved this plat and subdivision of WALNUT CREEK SECTION SEVEN in conformance with the laws of the State of Texas and the ordinances of the City of Rosenberg as shown hereon and authorized the recording of this plat this _____ day of _____, 201__.

Vincent M. Morales, Jr, Mayor

Linda Cernosek, Secretary

I, BRIAN D. GEROUOLD, 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.

THIS DOCUMENT IS RELEASED
FOR THE PURPOSE OF REVIEW
UNDER THE AUTHORITY OF
BRIAN D. GEROUOLD, P.E.
108604 ON 09/02/14.

BRIAN D. GEROUOLD
Licensed Professional Engineer, No. 108604

NOTES

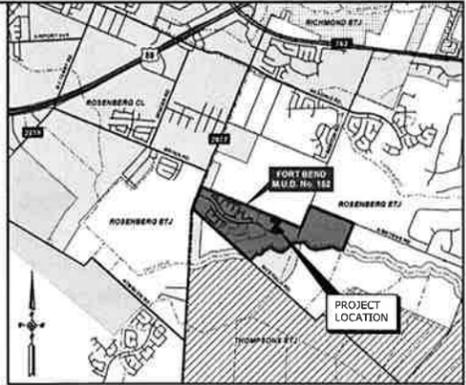
- 1. B.L. Indicates a building line
A.E. Indicates an aerial easement
U.E. Indicates a utility easement
STM, S.E. Indicates a storm sewer easement
W.L.E. Indicates a water line easement
W.M.E. Indicates a water meter easement
S.S.E. Indicates a sanitary sewer easement
VOL. PG. Indicates Volume, Page
F.B.C.P.R. Indicates Fort Bend County Public Records
F.B.C.M.R. Indicates Fort Bend County Map Records
F.B.C.D.R. Indicates Fort Bend County Deed Records
O.P.R.F.C. Indicates Official Public Records of Fort Bend County
ESMT. Indicates an easement
H.L. & P. Indicates Houston Lighting and Power
F.H.E. Indicates a fire hydrant easement
D.E. Indicates a drainage easement
TEMP. Indicates temporary
● Indicates a found 3/4" iron rod
○ Indicates a set 3/4" iron rod
↕ Indicates a street name change
- 2. The coordinates shown hereon are Texas South Central Zone No. 4204 State Plane Grid Coordinates (NAD 83) and may be brought to surface by applying the following combined scale: 1.000128.
- 3. All non-perimeter easements on property lines are centered unless otherwise noted.
- 4. All bearings are based on the Texas Coordinate System of 1983, South Central Zone
- 5. Unless otherwise indicated, the building lines (B.L.) whether one or more, shown on this subdivision plat are established to evidence compliance with the applicable provisions of the City of Rosenberg, Texas, in effect at the time of this plat.
- 6. Walnut Creek Section Seven lies within unshaded zone X per Fema Flood Insurance Rate Map Panel 48157C02650I effective April 2, 2014. The nearest base flood elevation is 79.41 (NAVD 88).
- 7. All property to drain into the drainage easement only through an approved drainage structure.
- 8. The minimum slab elevation shall be 83.00, eighteen inches (18") above the 100-year flood plain elevation and maximum ponding elevation, eighteen inches (18") above natural ground, or twelve inches (12") above the top of curb at the front of the lot, whichever is higher. The top of slab elevation at any points on the perimeter of the slab shall not be less than eighteen inches (18") above natural ground.
- 9. 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.
- 10. All drainage easements are to be kept clear of fences, buildings, vegetation and other obstructions to the operation and maintenance by the drainage facility.
- 11. The pipelines and/or pipeline easements within the limits of the subdivision are as shown.
- 12. Sidewalks shall be built or caused to be built through restrictive covenants not less than five (5) feet in width on both sides of all dedicated public rights-of-way within said plat and on the contiguous right-of-way of all perimeter roads surrounding said plat, in accordance with the A.D.A.
- 13. This plat lies within Fort Bend County lighting ordinance zone No. LZ2
- 14. Lots are restricted to single family residential use.
- 15. All restricted reserves are to be owned and maintained by the Home Owners Association. Restricted Reserve A is hereby dedicated for use as private open space.
- 16. BENCHMARK: An NGS disk, 13.0 miles northeast from Guy, Texas, 7.65 miles northeast along Farm Road 1994 from the junction of State Highway 36 at Guy, thence S 35 miles northeast and northwest along Farm Road 762, at the junction of Smithers Lake Road Southeast, 49.5 feet southeast of the center line of the road, 42 feet southwest of the center line of Smithers Lake Road, 11.5 feet East-Southeast of a T junction telephone pole with a metal box and guy wire, 10 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: Bronze Disk will be set in concrete - Set (05/22/14) Coordinates shown are referenced to Texas State Plane Coordinate System, South Central Zone, NAD-83 and were derived by the post-processing of static GPS observations made on (5/22/14) using National Geodetic Survey (NGS) OPUS Utility (Online Positioning User Service). The following three NGS CORS (Continuously Operating Reference Stations) were used to compute the coordinate values shown:
DE5999 ADKS Adicks 1795 Cors ARP
DJ7827 ANG5 Angleton 5 Cors ARP
DJ8773 CHH3 Houston 3 Coop Cors ARP
X= (3,004,303.13) US Ft.
Y= (13,749,388.01) US Ft.
Elev= (81.89) NAVD-88
Scale Factor: (0.99986835)

- 17. Each lot shall have a minimum five (5) foot interior side lot set back line.
- 18. A minimum distance of 10' shall be maintained between residential dwellings.
- 19. Elevations used for delineating contour lines are based upon U.S.C. & G.S. Datum, NAVD 88 (2001 ADJ.).
- 20. This plat was prepared to meet City of Rosenberg and Fort Bend County requirements.
- 21. This plat was prepared from information furnished by Stewart Title Company, File No. 1415744817, Effective Date September 4, 2014. The surveyor has not abstracted the above property.
- 22. 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.
- 23. 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.
- 24. Three quarter inch (3/8") iron rods three feet (3') in length are set on all perimeter boundary corners, all angle points, all points of curvature and tangency, and all block corners, unless otherwise noted.
- 25. One-foot reserve dedicated to the public in fee as a buffer separation between the side and end of streets where such streets abut adjacent property. The condition of such dedication being that when the adjacent property is subdivided or re-subdivided in a recorded plat, the one-foot reserve shall thereupon become vested in the public for street right-of-way purposes and the fee title thereto shall revert to and re-vest in the dedicator, his heirs, assigns or successors.
- 26. Lots 4 and 9 of Block 2 are denied direct access to Pearl Terrace Ln. Lot 8 of Block 1 is denied direct access to Stonebluff Ln.
- 27. Restrictions: Those recorded in/under Clerk's File No. 2005095085 of the Official Public Records of Fort Bend County, Texas; but omitting any covenants, condition, or restriction, if any, based on race, color, religion, sex, handicap, familial status or national origin unless and to the extent that the covenant, condition or restriction (a) is exempt under Title 42 of the United States Code or (b) relates to handicap, but does not discriminate against handicapped persons.
- 28. Lots adjoining Walnut Creek Section Four are subject to the agreement for underground electrical service to serve Walnut Creek Section Four, File No. 2013159827 O.P.R.F.B.C.
- 29. Remainder of 35' Temporary Drainage Easement that lies within the boundary of this plat shall automatically be abandoned at recording of this plat in accordance with Fort Bend County official public record document number 2013150032.

PARK LAND DEDICATION TABLE

TOTAL NUMBER OF LOTS:	31 LOTS
PUBLIC PARK REQUIREMENT:	31 LOTS/160=0.19 AC.
PUBLIC PARK DEDICATION:	0
PRIVATE PARK CREDIT PROVIDED WITH THE RECREATION CENTER.	
RECREATION SITE IS ±3.9 ACRES.	
NO. OF PLATTED LOTS THUS FAR (SEC.1, 2,3,4,5,6,7,8,9&10)=502 LOTS.	
502/2 = 351 LOTS	
251 LOTS/160 = 1.57 ACRES OF CREDIT USED.	
MONEY IN LIEU OF PUBLIC PARK LAND DEDICATION:	
31 LOTS/2=15.5 LOTS	
15.5 LOTS X \$350.00/LOT=\$5,425.00	



VICINITY MAP

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

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

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

APPROVED BY the Commissioners' Court of Fort Bend County, Texas, this _____ day of _____, 201__.

Richard Morrison
Precinct 1, County Commissioner

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

Robert E. Hebert
County Judge

Grady Prestage
Precinct 2, County Commissioner

James Patterson
Precinct 4, County Commissioner

I, Dianne Wilson, County Clerk in and for Fort Bend County, hereby certify that the foregoing instrument with its certificate of authentication was filed for recording in my office on _____, 201__ at _____ o'clock _____ M. Filed in plat number (s) _____ of the plat records of Fort Bend County, Texas.

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

Dianne Wilson, County Clerk
Fort Bend County, Texas

By: _____
Deputy

LOT NO.	SQ. FT.	AC.
B1-1	10,213	0.2345
B1-2	8,379	0.1923
B1-3	7,500	0.1722
B1-4	7,500	0.1722
B1-5	7,500	0.1722
B1-6	7,500	0.1722
B1-7	7,500	0.1722
B1-8	8,616	0.1978
B2-1	8,462	0.1943
B2-2	7,831	0.1798
B2-3	8,032	0.1844
B2-4	9,278	0.2130
B2-5	9,905	0.2274
B2-6	13,511	0.3102
B2-7	11,265	0.2586
B2-8	9,548	0.2192
B2-9	9,327	0.2141
B2-10	8,319	0.1910
B2-11	8,608	0.1976
B2-12	8,839	0.2029
B2-13	9,362	0.2149
B2-14	10,839	0.2488
B3-1	8,601	0.1975
B3-2	8,522	0.1956
B3-3	8,609	0.1976
B3-4	8,580	0.1970
B3-5	8,850	0.2032
B3-6	8,588	0.1972
B3-7	8,630	0.1981
B3-8	8,609	0.1976
B3-9	9,486	0.2178

LOT WIDTH TABLE	
WIDTH < 60'	4 LOTS (13%)
WIDTH > 60'	27 LOTS (87%)
TOTAL LOTS	31 LOTS

WALNUT CREEK SECTION SEVEN

A SUBDIVISION OF
9.621 ACRES
CONTAINING
3 BLOCKS, 31 LOTS AND 1 RESTRICTED RESERVE
OUT OF THE
EUGENE WHEAT SURVEY, A-396
FORT BEND COUNTY, TEXAS

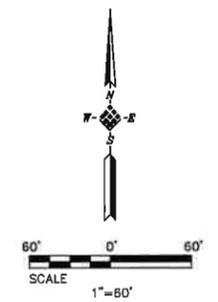
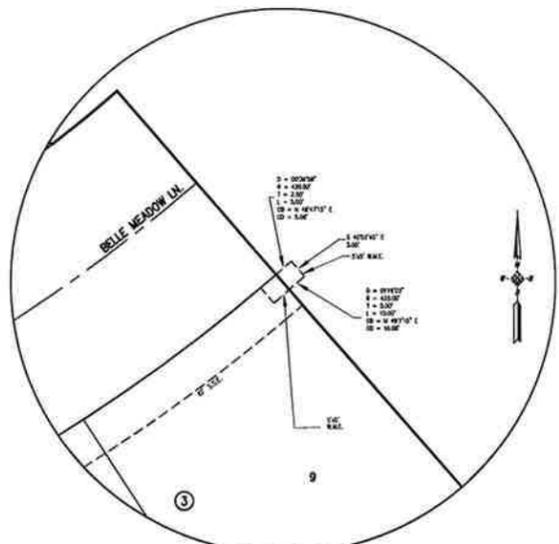
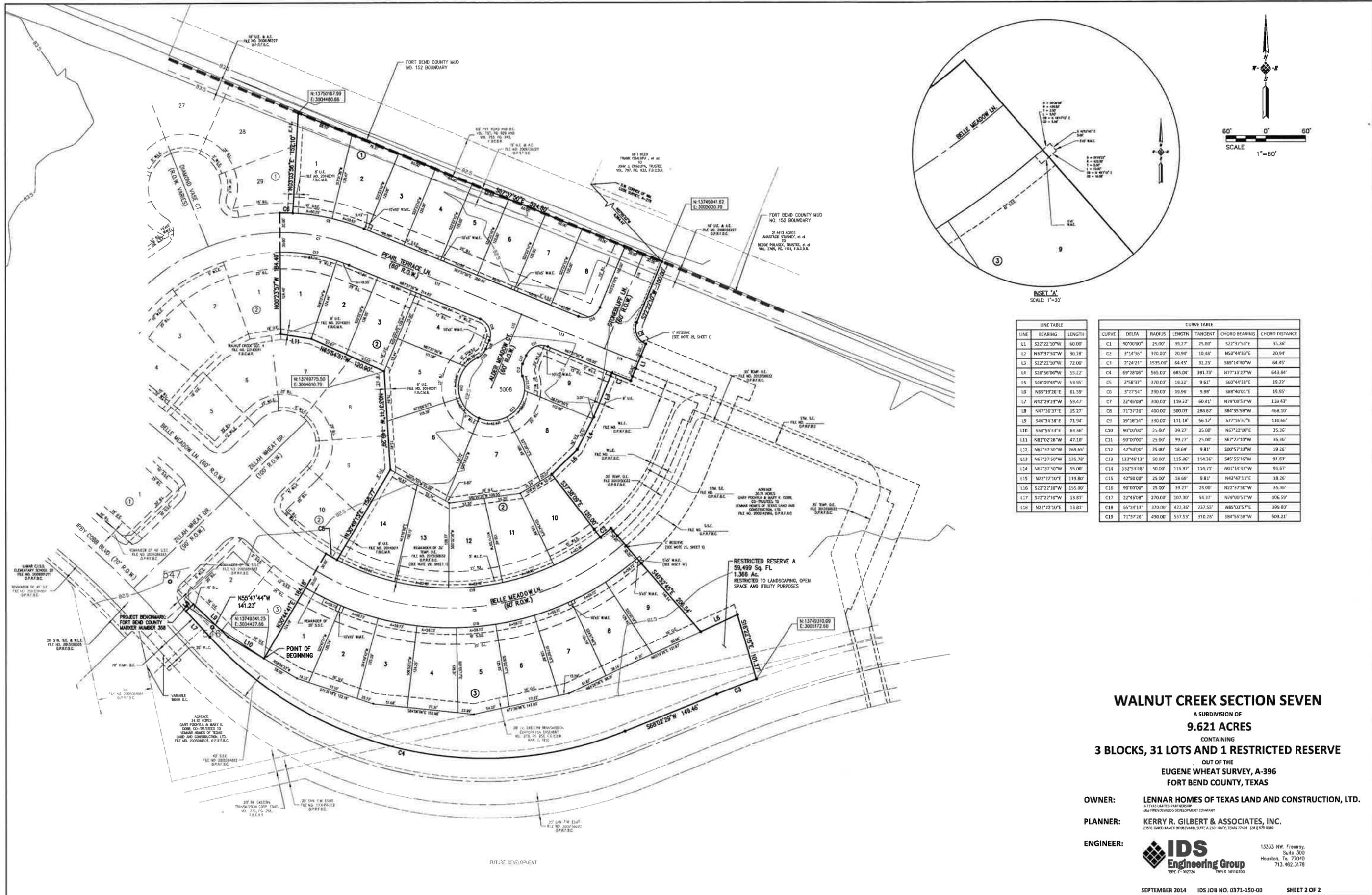
OWNER: LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD.

PLANNER: KERRY R. GILBERT & ASSOCIATES, INC.

ENGINEER: IDS Engineering Group



13333 NW Freeway,
Suite 300
Houston, TX 77040
713.462.3178



LINE	BEARING	LENGTH
L1	S22°22'10"W	60.00'
L2	N67°37'50"W	30.78'
L3	S22°22'10"W	72.00'
L4	S26°50'06"W	55.22'
L5	S46°09'44"W	53.95'
L6	N55°19'28"E	61.39'
L7	N42°29'23"W	53.47'
L8	N47°30'37"E	15.27'
L9	S46°34'38"E	71.94'
L10	S58°56'33"E	63.56'
L11	N81°02'26"W	47.10'
L12	N67°37'50"W	269.65'
L13	N67°37'50"W	135.78'
L14	N67°37'50"W	55.00'
L15	N22°22'10"E	119.80'
L16	S22°22'10"W	155.00'
L17	S22°22'10"W	13.81'
L18	N32°22'10"E	13.81'

CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD DISTANCE
C1	90°00'00"	25.00'	39.27'	25.00'	S22°37'50"E	35.36'
C2	3°14'36"	370.00'	20.94'	10.48'	N50°44'33"E	20.94'
C3	2°24'21"	1535.00'	64.45'	32.23'	S89°14'40"W	64.45'
C4	69°28'08"	565.04'	685.04'	391.73'	N77°13'27"W	643.84'
C5	2°58'37"	370.00'	19.22'	9.61'	S60°44'38"E	19.22'
C6	3°27'54"	330.00'	19.96'	9.98'	S88°40'01"E	19.95'
C7	22°46'08"	300.00'	119.22'	60.41'	N79°00'53"W	118.43'
C8	71°37'26"	400.00'	500.03'	288.62'	S84°55'58"W	468.10'
C9	19°18'34"	330.00'	111.18'	56.12'	S77°16'57"E	110.66'
C10	90°00'00"	25.00'	39.27'	25.00'	N67°22'10"E	35.36'
C11	90°00'00"	25.00'	39.27'	25.00'	S67°22'10"W	35.36'
C12	42°50'00"	25.00'	18.69'	9.81'	S00°57'10"W	18.28'
C13	132°46'13"	50.00'	115.86'	114.36'	S45°55'16"W	91.63'
C14	132°53'48"	50.00'	115.97'	114.71'	N01°14'43"W	91.67'
C15	42°50'00"	25.00'	18.69'	9.81'	N43°47'11"E	18.28'
C16	90°00'00"	25.00'	39.27'	25.00'	N22°37'50"W	35.36'
C17	22°46'08"	270.00'	107.30'	54.37'	N79°00'53"W	106.59'
C18	65°24'13"	370.00'	422.36'	237.55'	N85°03'57"E	399.80'
C19	71°37'26"	430.00'	537.53'	310.26'	S84°55'58"W	503.21'

WALNUT CREEK SECTION SEVEN
 A SUBDIVISION OF
9.621 ACRES
 CONTAINING
3 BLOCKS, 31 LOTS AND 1 RESTRICTED RESERVE
 OUT OF THE
EUGENE WHEAT SURVEY, A-396
 FORT BEND COUNTY, TEXAS

OWNER: LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD.
A TEXAS LIMITED PARTNERSHIP
 d/b/a FRENCHWOOD DEVELOPMENT COMPANY

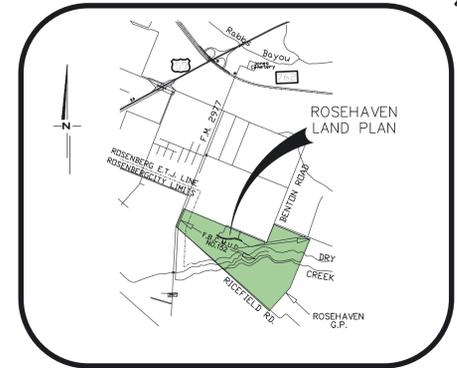
PLANNER: KERRY R. GILBERT & ASSOCIATES, INC.
23501 CAMEO MARSH BOULEVARD, SUITE A, 230 - KATY, TEXAS 77454 (281) 579-0340

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

LOT ANALYSIS

ENTIRE PROJECT	SUB TOTAL
(TYP.50'X120')	450 LOTS
(TYP.55'X110')	302 LOTS
(TYP.60'X110'/120')	757 LOTS
TOTAL	1,509 LOTS

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 FBUD 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

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

JANUARY 09, 2008
 KGA #05504



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 THE DESIGN, LOCATION, QUALITY, CHARACTER OF ACTUAL UTILITIES OR OTHER SUBDIVISION PLAT.

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

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

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

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

Key Discussion:

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

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

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

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

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

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

Key Discussion:

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

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

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

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

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

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

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

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

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

Key Discussion:

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

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

Additional Discussion:

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

Action Taken: Upon voting, the motion carried unanimously.

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

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

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

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

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

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

Key Discussion:

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

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

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

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

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

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

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

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

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

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

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

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

Key Discussion:

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

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

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

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

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

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

Key Discussion:

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

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

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

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

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

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

Key Discussion:



CITY COUNCIL COMMUNICATION

December 02, 2014

ITEM #	ITEM TITLE
2	Resolution No. R-1878 – Community Development Block Grant Phase II Water Line Funding Agreement

ITEM/MOTION

Consideration of and action on Resolution No. R-1878, a Resolution authorizing the City Manager to execute, for and on behalf of the City, an Agreement for Community Development Block Grant funding for Water Line Improvements – Phase II, by and between the City and Fort Bend County, in the amount of \$210,000.00.

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

Annualized Dollars:	Budgeted:	<input checked="" type="checkbox"/> District 1
<input type="checkbox"/> One-time	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> District 2
<input type="checkbox"/> Recurring		<input type="checkbox"/> District 3
<input checked="" type="checkbox"/> N/A	Source of Funds:	<input type="checkbox"/> District 4
	216-1900-540-7031	<input type="checkbox"/> City-wide
		<input type="checkbox"/> N/A

SUPPORTING DOCUMENTS:

MUD #: N/A

1. Resolution No. R-1878
2. Kindell Correspondence – 11-07-14
3. Project Location Map
4. Resolution No. R- 1766 – 03-18-14
5. City Council Meeting Minute Excerpt – 03-18-14

APPROVALS

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

EXECUTIVE SUMMARY

On March 18, 2014, City Council approved the Community Development Block Grant (CDBG) Fund application for the design and construction of a water line improvement project named North Side Water Line Improvements – Phase II (Project). CDBG is providing \$210,000.00 for the construction of the Project and the City will provide local matching funds in the amount of \$73,605.00 for construction, engineering services and contingencies. The Project will address an aging and undersized infrastructure deficiency in water pressure and water volume and will improve potable water service and fire protection service for the entire northern portion of the City. The executed Agreement will be returned to the Fort Bend County Community Development Department for submission to Commissioners Court for approval.

The Agreement, attached as Exhibit “A” to Resolution No. R-1878, is the standard Agreement issued by CDBG. Staff recommends approval of Resolution No. R-1878 providing authorization for the City Manager to execute the Agreement.

RESOLUTION NO. R-1878

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY OF ROSENBERG, TEXAS, AN AGREEMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR WATER LINE IMPROVEMENTS – PHASE II, BY AND BETWEEN THE CITY OF ROSENBERG, TEXAS, AND FORT BEND COUNTY, IN THE AMOUNT OF \$210,000.00.

* * * * *

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

Section 1. The City Manager is hereby authorized to execute an Agreement for funding of Water Line improvements, by and between the City of Rosenberg, Texas, and Fort Bend County, in the amount of \$210,000.00.

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**

AGREEMENT

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This Agreement is by and between the City of Rosenberg, a body corporate and politic under the laws of the State of Texas (hereinafter referred to as City) and Fort Bend County, a body corporate and politic under the laws of the State of Texas (hereinafter referred to as County).

WITNESSETH:

WHEREAS, the County has submitted a Community Development Block Grant to the U. S. Government, application number B-14-UC-48-0004, which has been approved by the U. S. Government through the U. S. Department of Housing and Urban Development:

WHEREAS, the City has agreed to cooperate to be included in the grant application; and,

WHEREAS, included in the approved grant application for the construction of 12" water line at Walnut Street at State Hwy 36N to a new 12" water line crossing 3rd Street at Avenue F and installing a 12" water line that would replace an existing 6" water line at the 6th Street crossing for a total cost of \$210,000.00, hereinafter referred to as the "Project"; and,

WHEREAS, the County is the grantee named in the grant charged with compliance of the federal laws, rules, and regulations relating to the expenditure of funds received from the U. S. Government pursuant to the approved Community Development Block Grant application; and,

WHEREAS, the City is not familiar with such federal laws, rules, and regulations relating to the expenditure of U. S. Government funds under the Community Development Block Grant application; and,

WHEREAS, the County desires to assure compliance with such laws, rules, and regulations relating to the expenditure of funds under the Community Development Block Grant application; and,

WHEREAS, the County and City mutually agree as to the need to expedite this Project as quickly as possible;

NOW, THEREFORE, the County and City do mutually agree as follows:

I.

SCOPE OF AGREEMENT

The County and City agree to construct the Project in accordance with the guidelines, rules, and regulations required by the U. S. Department of Housing and Urban Development (hereinafter referred to as HUD).

II.

DUTIES OF THE COUNTY AND CITY

2.01 The City shall be responsible, at its own expense, for paying for the design of the Project.

2.02 Within ninety (90) days after the date this Agreement is executed by both parties, the City will submit 50% design submittal to the County for the County's review and comments. The County shall review the preliminary plans and specifications and return comments to the City within seven (7) days. Comments will be forwarded to the City for incorporation into the final plans and specifications. Final plans and specifications shall be submitted to the County to ensure compliance with HUD/County technical requirements. The final plans and specifications shall be returned to the County within forty-five (45) days.

2.03 Within forty-five (45) days after approval by the County of final plans and specifications, the City will advertise for and receive bids for the construction of the Project in accordance with the approved plans and specifications in the manner similar to that of other City projects.

2.04 Upon receipt and tabulation of the bids for the Project, City will determine the lowest and best bid for the construction of the Project. In the event the lowest and best bid for the construction of the Project is an amount that would result in the cost of the Project being equal to or less than the sum of the \$221,550.00 (\$210,000.00 CDBG funds plus \$11,550.00 City funds), City will notify County of the amount of the lowest and best bid for the Project. Upon such notification to the County, the County will transmit to the City written notice to proceed.

2.05 In the event the lowest and best bid for the construction of the Project is an amount in excess of the sum of \$221,550.00, the the City will pay the difference between \$221,550.00 and the lowest and best bid up to a maximum of ten percent (10%) of such lowest and best bid. If the amount of then available funds, the \$221,550.00 plus the City's contingency portion, is not sufficient to construct the Project then the parties agrees to reduce the Project scope as necessary to allow the construction of the Project with the available funds. Upon receipt of written notification of the lowest and best bid, the County will notify the City to proceed to let the contract and continue with the construction of the Project.

2.06 The City shall be responsible for the administration of the construction contracts, with the County approving the award of the bid. The City shall, at its own expense, furnish the necessary inspection personnel to assure itself of compliance with the Agreement. The County shall

periodically inspect the Project during construction. The County shall fund the Project as set forth in this Agreement.

2.07 The City and the County, through its Community Development Department Director, may by prior written agreement mutually agree to re-allocate the funds among the various line items of the budget or to new line items created in the budget.

III.

PROJECT COSTS

3.01 For and in consideration of the Project as herein set forth, the County agrees to fund project costs not to exceed the total sum of Two Hundred Ten Thousand and No/100 Dollars (\$210,000.00) as set forth in the Budget for CDBG Funds, which shall be in full and total compensation for payment of all expenses allowed under this Agreement and the Grant Agreement with HUD.

CDBG Budget

Construction	\$210,000.00
Total CDBG Funds	<u>\$210,000.00</u>

City Funds

Construction	\$11,550.00
Engineering	\$39,900.00
Contingency	\$22,155.00
Total City Funds	<u>\$73,605.00</u>

3.02 The County shall not be liable for the payment of expenses or costs, which are not allowable under the terms of this Agreement and the Grant Agreement with HUD.

IV.

PAYMENT

It is expressly agreed and understood that the total amount to be paid by the County under this Agreement shall not exceed Two Hundred Ten Thousand and No/100 Dollars (\$210,000.00). City shall submit an invoice upon delivery of the Project. Such invoice shall include any other documentation requested by the County. All invoices shall be approved by the Fort Bend County Community Development Department prior to payment.

V.

SOURCE OF FUNDING

5.01 The County has no County funds for the costs of goods and services to be rendered under this Agreement. It is expressly agreed and understood that this Agreement is predicated upon and conditioned on the County receiving funds for the purpose of paying the entire obligation of the County under this Agreement from funds to be received from the U. S. Department of Housing and Urban Development, by virtue of Grant No. B-14-UC-48-0004, entitled Community Development Block Grant. Accordingly, notwithstanding anything herein to the contrary, the maximum liability of the County under the terms and provisions of this Agreement shall not exceed \$210,000.00 amount actually received by the County from HUD pursuant to the Block Grant.

5.02 The City admits knowledge of the fact that the County's obligation hereunder for payment of compensation and costs, if any, is limited to Federal funds received pursuant to the Grant Agreement in connection with the Community Development Block Grant Program of the U. S. Department of Housing and Urban Development, and that unless and until adequate funds have been received by the County under the Grant Agreement to pay the City's compensation and expense reimbursement, the County shall have no obligation to the City.

VI.

AGREEMENT DOCUMENTS

6.01 This Agreement includes the following exhibits and such exhibits are attached hereto and made a part hereof for all purposes:

Exhibit A - CDBG Program Requirements

Exhibit B - Certification for Contracts, Grants,
Loans and Cooperative Agreements

Exhibit C - Guidelines for Entity Design, Bidding and Administration of Construction
Projects.

Exhibit D - Project Schedule

6.02 This Agreement and the attached exhibits represent the entire Agreement between the County and the City, and there are no other effective agreements, representations or warranties between the County and the City that are not contained in the Agreement Documents.

VII.

NOTICE

7.01 Unless otherwise provided in this Agreement, any notice provided for or permitted to be given must be in writing and delivered in person or by depositing same in the United States mail, postpaid and registered or certified, addressed to the party to be notified, with return receipt requested, or by delivering the same to an officer of such party. Notice deposited in the mail as described above shall be conclusively deemed to be effective, unless otherwise stated in this Agreement from and after the expiration of three (3) days after it is so deposited.

7.02 For the purpose of notice, the addresses of the parties shall, until changed as hereinafter provided, be as follows:

If to the County, then to:

Honorable County Judge and Commissioners Court
Fort Bend County
c/o Community Development Department
301 Jackson Street
Richmond, Texas 77469

If to the City, then to:

Honorable Mayor and City Council
City of Rosenberg
P.O. Box 32
Rosenberg, Texas 77471

7.03 Each party shall have the right, from time to time at any time, to change its respective address and each shall have the right to specify as its new address, provided that at least fifteen (15) days written notice is given of such new address to the other party.

VIII.

RIGHTS OF TERMINATION

The City or the County, by and through its Director of the Fort Bend County Community Development Department, or the City, may terminate this agreement without cause prior to the City's award of the construction contract by providing thirty (30) days notice. The County may terminate this agreement after the City's award of the construction contract only for cause, by providing thirty (30) days written notice to the City.

IX.

EXECUTION

This Agreement shall become effective upon execution by County. The agreement terminates upon completion of the project, but no later than December 31, 2015.

FORT BEND COUNTY:

Robert E. Hebert, County Judge

Date

ATTEST:

Dianne Wilson, County Clerk

APPROVED AS TO FORM:

Assistant County Attorney

Date

APPROVED: COUNTY PROJECT MANAGER

Marilynn Kindell

Marilynn Kindell, Director
Fort Bend County Community Development Department

CITY OF ROSENBERG:

By _____
City Manager

Date

ATTEST:

City Secretary

AUDITOR'S CERTIFICATE

I hereby certify that funds are available in the amount of \$210,000.00 to accomplish and pay the obligation of the Fort Bend County under this contract.

Robert E. Sturdivant, County Auditor

EXHIBIT A

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM REQUIREMENTS

I.

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

The City shall comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and Title 24 Code of Federal Regulations Part 1. In accordance with the Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity for which the City receives Federal financial assistance. The City will immediately take any measures necessary to comply with Title VI. If any real property or structure is thereon provided or improved with the aid of Federal financial assistance, this clause shall obligate the city, or in the case of any transfer of such property, any transferee, to comply with the requirements and restrictions contained in this clause for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. The City will further comply with federal regulations, 24 CFR Part 1, which implement the act.

II.

FAIR HOUSING REQUIREMENTS

The City shall comply with the Fair Housing Act (42 U.S.C. 3601-20) and implementing regulations at 24 CFR Part 100, Part 109, and Part 110. No person in the United States shall, on the basis of race, color, religion, sex, national origin, handicap or familial status, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with CDBG funds.

III.

EXECUTIVE ORDER 11063

The City shall comply with Executive Order 11063 as amended by Executive Order 12259 and as contained in 24 CFR Part 107. City will take all action necessary and appropriate to prevent discrimination because of race, color, religion (creed), sex, or national origin, in the sale leasing, rental, or other disposition of residential property and related facilities (including land to be developed for residential use), or in the use or occupancy thereof, if such property and related facilities area, among other things, provided in whole or in part with the aid of loans, advances, grants, or contributions agreed to be made by the Federal Government.

IV.

SECTION 109 OF THE COMMUNITY DEVELOPMENT ACT OF 1974

The City shall comply with Section 109 of the Community Development Act of 1974, in that no person in the United States shall on the ground of race, color, religion, national origin or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with CDBG funds.

V.

EXECUTIVE ORDER 11246

The City shall comply with Executive Order 11246, as amended by Executive Order 12086, and the regulations issued pursuant thereto (451 CFR Chapter 60) which provides that no person shall be discriminated against on the basis of race, color, religion, sex, or national origin in all phases of employment during the performance of Federal or federally-assisted construction contracts.

City agrees that Contractors and subcontractors on Federal or federally-assisted construction contracts shall take affirmative action to ensure fair treatment in employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay, or other forms of compensation and selection for training and apprenticeship.

VI.

RELOCATION, ACQUISITION & DISPLACEMENT

The City agrees to comply with 24 CFR 570.606 relating to the acquisition and disposition of all real property utilizing grant funds, and to the displacement of persons, businesses, nonprofit organizations and farms occurring as a direct result of any acquisition of real property utilizing grant funds. The City agrees to comply with applicable Grantee Ordinances, Resolutions, and Policies concerning displacement of individuals from their residences.

VII.

SECTION 3 OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968

The City shall comply with Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u).

- A. The City shall, to the greatest extent feasible, give opportunities for training and employment to lower-income residents of the County and shall award contracts for work in connection with the Project to business concerns which are located in or owned in substantial part by persons residing in the County.
- B. The City shall include the phrase in paragraph A in all contracts for work in connection with this project.

VIII.

LEAD-BASED PAINT

The City agrees that any construction or rehabilitation of residential structures with assistance provided under this Agreement shall be subject to HUD Lead-Based Paint Regulations at 24 CFR 570.608, and 24 CFR Part 35, and in particular Sub-Part B thereof. Such regulations pertain to all HUD-assisted housing and require that all owners, prospective owners, and tenants or properties constructed prior to 1978 be properly notified that such properties may include lead-based paint. Such notification shall point out the hazards of lead-based paint and explain the symptoms, treatment and precautions that should be taken when dealing with lead-based paint poisoning.

IX.

USE OF DEBARRED, SUSPENDED OR INELIGIBLE CITIES

The City shall not use assistance to directly or indirectly employ, award contracts to, or otherwise engage the services of, or fund any City or subCity during any period of debarment, suspension or placement in ineligibility status under provisions of 24 CFR Part 24.

X.

UNIFORM ADMINISTRATIVE REQUIREMENTS AND COST PRINCIPALS

The City and its agencies or instrumentalities, and subrecipients shall comply with the policies, guidelines, and requirements of 24 CFR Part 85 and OMB Circulars A-87, A-110 (implemented at 24 CFR Part 84), A-122, A-133 (implemented at 24 CFR Part 45), and A-128²(implemented at 24 CFR Part 44) as applicable, as they relate to the acceptance and use of Federal funds under this part. The applicable sections of 24 CFR Parts 84 and 85 are set forth at 570.502.

XI.

CONFLICT OF INTEREST

- A. No member of or delegate to the Congress of the United States, and no resident Commissioner, shall be admitted to any share or part of this Agreement or to any benefit direct or indirect which arises from the Agreement.
- B. In accordance with 24 CFR Part 570.611, no persons described in paragraph C who exercise or have exercised any functions with respect to CDBG activities or who are in a position to participate in a decision making process or gain inside information with regard to CDBG activities, may obtain a personal or financial interest or benefit from, or have any interest in any contract, subcontract, or agreement or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter.
- C. The requirements of paragraph B apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the County, City, and of any designated public agency, or subrecipient under 24 CFR Section 570.20 which receives funds under the CDBG grant agreement with HUD.

XII.

ELIGIBILITY RESTRICTIONS FOR CERTAIN RESIDENT ALIENS

The City agrees to abide by the provisions of 24 CFR 570.613 with respect to the eligibility restrictions for certain resident aliens. Certain newly legalized aliens, as described in 24 CFR Part 49, are not eligible to apply for benefits under covered activities funded by the programs listed in this part of the regulation. The Grantee shall provide the City with any guidelines necessary for compliance with that portion of the regulation.

XIII.

ARCHITECTURAL BARRIERS ACT AND AMERICANS WITH DISABILITIES ACT

The City agrees to comply with any federal regulations issued pursuant to compliance with the Architectural Barriers Act of 1968 (42 U.S.C. 4151-4157) which requires certain Federal and Federally funded buildings and other facilities to be designed, constructed, or altered in accordance with the standards that insure accessibility to, and use by, physically handicapped people. The City also agrees to comply with any federal regulations issued pursuant to compliance with the Americans with Disabilities Act (42 U.S.C. 12131 U.S.C. 155, 201, 218 and 225) which provides comprehensive civil rights to individuals with disabilities in the areas of employment, public accommodations, State and local government services, and telecommunications. The Grantee shall provide the City with any guidelines necessary for compliance with that portion of the regulation in force during the term of this Agreement.

XIV.

MINORITY AND WOMEN'S BUSINESS ENTERPRISES

The City shall comply with Executive Orders 11625, 12432, and 12138. Consistent with HUD's responsibilities under these Orders, the City must make efforts to encourage the use of minority and women's business enterprises in connection with funded activities.

XV.

DISCRIMINATION ON THE BASIS OF AGE OR HANDICAP

The City shall not discriminate on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 61-1-07) and implementing regulations at 24 CFR part 146. The City shall not discriminate against handicapped individuals under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR part 8.

XVI.

RECORDS FOR AUDIT PURPOSES

Without limitation to any other provision of this Agreement, the City shall maintain all records concerning the Project that will facilitate an effective audit to determine compliance with program requirements. Records shall be kept for three (3) years from the expiration date of the Agreement. The City will give the County, HUD, and the Comptroller General of the United States, the General Accounting Office or any of their authorized representatives access to and the right to examine, copy or reproduce all records pertaining to the acquisition and construction of the Project and the operation of the Project. The right to access shall continue as long as the records are required to be maintained.

XVII.

DRUG FREE WORKPLACE ACT OF 1988

The City shall comply with the Drug Free Workplace Act of 1988 and certify that it will maintain a drug-free workplace in accordance with the requirements of 24 CFR part 24, subpart F.

EXHIBIT B

**Certification for Contracts, Grants, Loans
and Cooperative Agreements**

The undersigned certifies, to the best of his or her knowledge and belief that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, sub grants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making for entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Executed this _____ date of _____, 20____.

By _____
(signature)

(typed or printed name)

(title, if any)

Covered Action: COMMUNITY DEVELOPMENT BLOCK GRANT
(type and identity of program, project or activity)

EXHIBIT C

GUIDELINES FOR ENTITY DESIGN, BIDDING AND ADMINISTRATION OF CONSTRUCTION PROJECTS

These guidelines are intended to assist those public entities receiving Fort Bend County Community Development Block Grant Funds. The guidelines will facilitate the entity's understanding and compliance with applicable federal and county regulations, policies and processes where the entity is responsible for the design, bidding, and construction administration phases of a project. Included as a part of this exhibit are Appendices 1, 2 and 3. If clarification is needed, call Karen Bringol, Assistant Project Coordinator, Fort Bend County Community Development Department (CDD), (281) 341-4410.

1. The entity must submit the proposed consultant's SF 254 and 255 or SF 330 qualification statements and professional liability insurance certification for approval prior to commissioning the consultant.
2. Upon approval by CDD the entity may retain consultant services.
3. The schematic design must be within the previously approved project scope.
4. Preliminary plans and outline specifications shall be submitted to CDD to review for compliance with project scope, estimated cost and constructability. Comments will be returned to the consultant for incorporation into the final plans. Final plans will be submitted to the County and will be reviewed to ensure compliance with HUD/County technical requirements and to insert County-related documents. Corrections and comments will be returned to the consultant for revisions. Final documents must be approved by CDD.
5. Prior to award of contract, CDD and the County Engineer's Office will review the bid documents, the bidder's qualification statements, minority business plan and financial statements to ensure that the City has a good contracting record, adequate capitalization and/or equipment, etc., to successfully complete the project, meets minority participation goals and that the bidder has not been debarred by HUD from working on federal contracts.
6. The Entity shall conduct a prebid meeting (if necessary) and a preconstruction conference with the City(s), consultant, and CDD representatives in attendance.
7. Inspection will be the responsibility of the Entity. The County Engineer will periodically inspect construction.

8. The Entity will be responsible for preparing monthly pay estimates. Preparation will consist of a site meeting with the Entity and/or consultant and the City's representative to accurately determine the percentage completion of various components of the work and time used. The monthly estimate is based on a previously submitted and approved schedule of values. Upon completion of the final draft of each monthly estimate, the consultant will be required to sign same. The estimates will then be reviewed by the County Engineer and processed through CDD, County Auditor and the County Treasurer.
9. All requests for changes in contract will be processed by the Entity. All change requests must be within the original scope of work and be approved by CDD prior to processing. No person will have authority to verbally alter, modify, expand or reduce the requirements of the drawings or specifications. All modifications affecting cost, scope, quality or time shall be made part of the contract by a "Change-In-Contract" approved by the Entity. All change orders required due to errors and/or omissions by the consultant will be paid for by the Entity. Total aggregate Changes In Contract will not exceed twenty-five percent (25%) of the original contract amount.
10. CDD will review all payrolls and conduct working interviews and will hold the general City responsible for compliance with labor, EEO and minority business requirements.

APPENDIX 1

I. PROCEDURES FOR SUBMITTING ENGINEERING PROPOSALS

Fort Bend County's Community Development Department requires that engineering firms submitting qualification statements do so in the manner prescribed below. This information should substantiate the capacity and ability of the firm and its staff to perform this type of engineering work. It is also important to list projects completed of a similar nature that demonstrate this capability. Any proposal submitted without all of the information requested below will be considered as non-responsive.

- A. Submit one (1) copy of information on the firm in the form of a corporate resume, including SF 254 and SF 255 or SF 330 Forms.
- *B. Submit one (1) copy of current project activities of a similar nature being undertaken by your firm (including dollar amount and contact persons).
- *C. Submit any other pertinent information on the firm's ability to carry out the contractual responsibilities; including such things as equipment, use of sub-contracts, and special knowledge of the project area or activity being considered.
- *D. Provide a list of persons, and their classification, who will be assigned to this job.
- *E. Provide a resume of all employees who will be assigned to this project, including a listing of projects having similar work.
- F. Provide a detailed scope of work on how you propose to handle this type of construction. The scope of work should contain categories for initial site investigation, submission of preliminary plan (construction drawings) for review, correction of revisions which result from said review, technical specifications, easement drawings/legal descriptions, and meetings as may be required.
- G. Provide a list of subcontractors to be employed (if known) and whether these firms are minority or female owned.
- H. Submit one (1) copy of the Proposal Summary (Appendix 2).
- I. Submit one (1) copy of the Certification for Contracts, Grants, Loans and Cooperative Agreements (Appendix 3).

*NOTE: It is not necessary to re-list data already included on the SF 254 and SF 255 or SF 330 forms.

II. SELECTION CRITERIA

The award of the contract for engineering services required by this Request for Proposal shall be determined by analysis of, but not necessarily limited to, the following factors:

- A. Documented evidence of qualifications, resources and experience of the proposing firm to perform the required services;
- B. Commitment by the proposing firm to complete the construction plans, documents, design surveys and easement descriptions within the required time.
- C. Other factors as deemed appropriate, including a review of the items submitted under Section I. PROCEDURES FOR SUBMITTING ENGINEERING PROPOSALS.

III. MBE/WBE PARTICIPATION

Where possible, engineering firms are encouraged to utilize the skills and services of minority businesses in the fulfillment of the contractual responsibilities pertaining to this project.

IV. ENGINEERING SERVICES

1. The City shall enter into a contract for engineering services as listed below:
 1. The Engineer will be responsible for ascertaining the scope of improvements outlined in this report (scope of work) and developing a Layout and Cost Estimate. The Engineer should recommend alternative layouts if field investigations identify additional problems not covered in the original scope of work.
 2. Upon direction of the City, the Engineer will prepare construction plans and documents as required so as to install the scope of work identified in this report.
 3. The Engineer will identify and prepare easement/right-of-way descriptions if necessary.

APPENDIX 2

PROPOSAL SUMMARY

(Include with proposal after selection of engineer)

- 1. Engineer (Firm Name) _____
- *2. P.E. Hours _____
- *3. Minority/Female Hours _____
- *4. Total Hours _____

*These are total estimated hours for the entire project. The data requested here is in addition to the breakdowns called for in Section I (D & F), PROCEDURES FOR SUBMITTING PROPOSALS.

APPENDIX 3

Certification for Contracts, Grants, Loans
and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, sub grants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making for entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Executed this _____ date of _____, 20____.

By _____
(signature)

(typed or printed name)

(title, if any)

Covered Action: COMMUNITY DEVELOPMENT BLOCK GRANT
(type and identity of program, project or activity)



COMMUNITY DEVELOPMENT

Fort Bend County, Texas

Marilynn Kindell
Director

(281) 341-4410
Fax (281) 341-3762

November 7, 2014

The Honorable Vincent Morales
City of Rosenberg
P.O. Box 32
Rosenberg, Texas 77471

Attn: Melissa Pena

Re: FY 2014 Agreement between Fort Bend County
and City of Rosenberg

Dear Mayor Morales:

Attached are two originals of the above-mentioned Agreement. Please have the originals signed where indicated and return to our office in order that they may be placed on Commissioners Court Agenda. As soon as the Agreement is approved by Commissioners Court, an executed original will be sent to you for your files.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Marilynn Kindell".

Marilynn Kindell
Director

cc: Linda Cernosek, City Secretary

CDBG/formltrs/orgnsign

CITY OF ROSENBERG

BRAZOS RIVER

WOW Cem

Brazos Park

HOUSTON ST (F.M. 723)

A. W. JACKSON SCHOOL

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

PHASE II

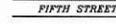
North Rosenberg

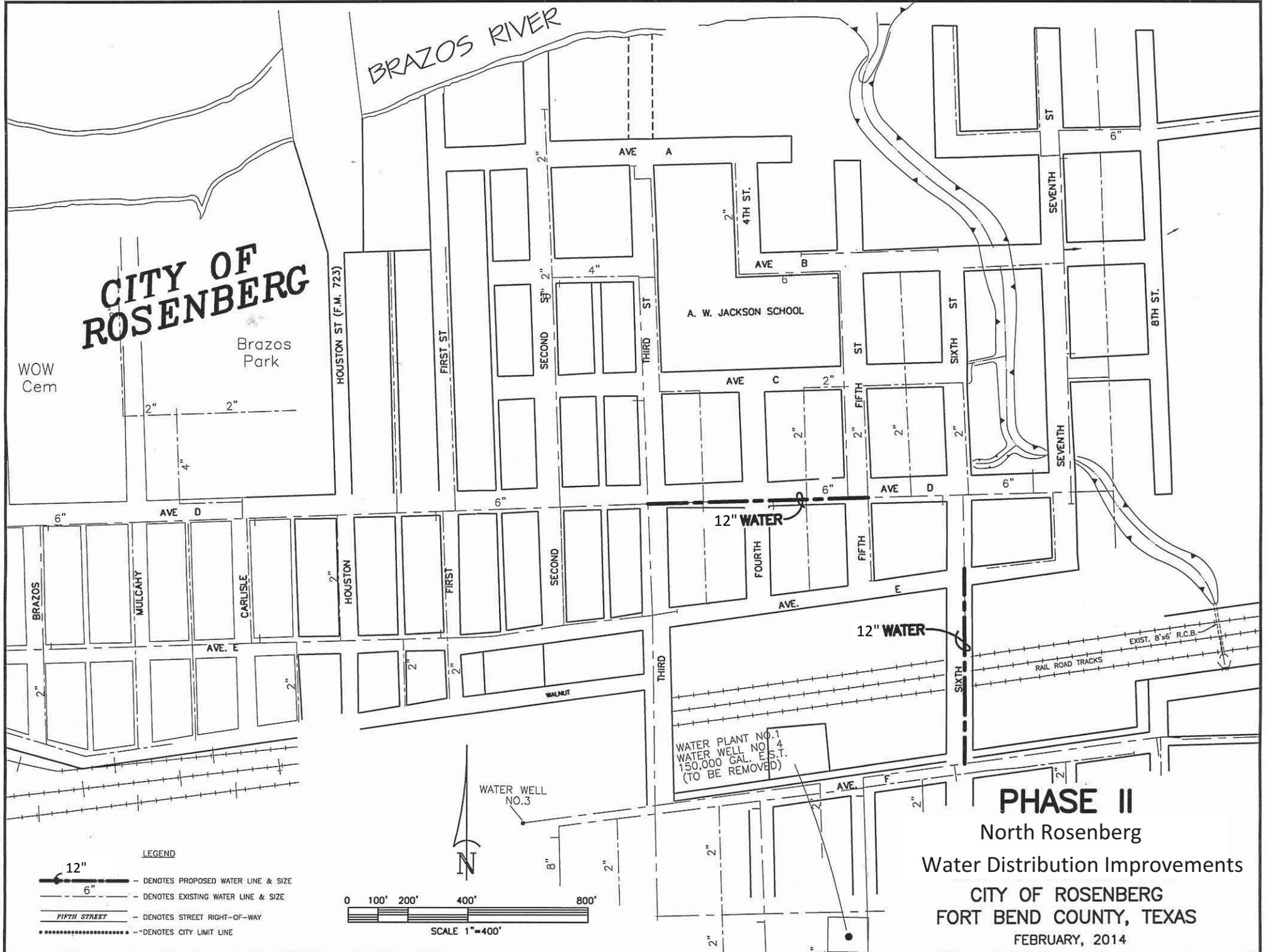
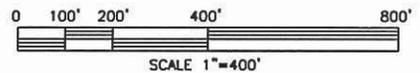
Water Distribution Improvements

CITY OF ROSENBERG
 FORT BEND COUNTY, TEXAS

FEBRUARY, 2014

LEGEND

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



RESOLUTION NO. R-1766

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT AN APPLICATION TO THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND FOR NORTH ROSENBERG WATER DISTRIBUTION IMPROVEMENTS – PHASE II FOR APPROXIMATELY \$210,000.00.

* * * * *

WHEREAS, the City Council of the City of Rosenberg desires to address concerns and improve water distribution to our residents within the original Townsite area of the City of Rosenberg founded 130 years ago; and,

WHEREAS, the City Council of the City of Rosenberg has determined that there are deficiencies with regard to an aging and undersized infrastructure system within the described area; and,

WHEREAS, this problem has persisted and has increasingly become problematic over the years; and,

WHEREAS, the City Council of the City of Rosenberg has recognized the need for residents in this area to receive improved water service and are resolved to address the health and safety concerns of Rosenberg citizens; now, therefore,

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

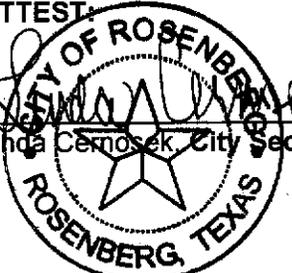
Section 1. That the City Council of the City of Rosenberg approves the submission of the application to the Community Development Block Grant Fund for the provision of funding to provide continued improved utilities to the entire northern portion of the City through the NORTH ROSENBERG WATER DISTRIBUTION IMPROVEMENTS – PHASE II; and request that funds be granted to the City through the Fort Bend County Community Development Block Grant Fund.

Section 2. That the City Council of the City of Rosenberg hereby designates the City Manager to execute and submit an application, and/or any and all necessary documents, to the Community Development Block Grant Fund for NORTH ROSENBERG WATER DISTRIBUTION IMPROVEMENTS – PHASE II consistent with this Resolution.

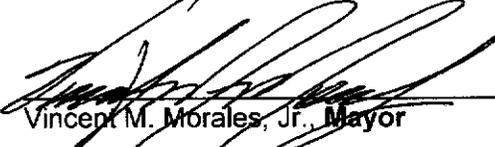
PASSED AND APPROVED by a vote of at least five (5) members of the governing body of the City of Rosenberg voting in favor thereof in full compliance with the provisions of Section 3.10 of the Charter of the City of Rosenberg on this, the 13th day of March 2014.

ATTEST:


Linda Cernosek, City Secretary



APPROVED:


Vincent M. Morales, Jr., Mayor

of certain crimes.

The City applied for and received grant funding under the Victim of Crime Act (VOCA) to provide for a full time Crime Victim Advocate under the 2013 grant program year. This grant application will continue to fund this position and would provide eighty percent (80%) funding. A twenty percent (20%) match would be required from the City under this grant program. If awarded, this continuation grant would begin on September 01, 2014, and ending August 31, 2015. If approved, this will be the third year we have received this award.

Staff recommends approval of Resolution No. R-1761 which will finalize the grant application process and designate the City Manager as the authorized official to accept the award and execute any and all necessary documentation related thereto.

Action: Councilor McConathy made a motion, seconded by Councilor Grigar to approve the Consent Agenda Items A through E. The motion carried by a unanimous vote.

REGULAR AGENDA

2. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1766, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT AN APPLICATION TO THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND FOR NORTH ROSENBERG WATER DISTRIBUTION IMPROVEMENTS - PHASE II FOR APPROXIMATELY \$210,000.00.**

Executive Summary: Community Development Block Grant (CDBG) requests are being accepted by Fort Bend County Community Development for the HUD program year 2014. Staff is requesting City Council's approval to pursue the construction and completion of water line infrastructure improvements to serve the north side of Rosenberg. This proposed project will be Phase II of a water infrastructure project originally approved by CDBG for funding in 2005 to improve potable water service to the north side of Rosenberg. This rehabilitation project will offer relief of a long-standing deficiency in the City's infrastructure. The project must be located within a designated area that meets the low to moderate income level criteria based on the 2000 Census data. The 2010 Census data has not yet been incorporated into the CDBG Program but the County will forward the applicable data when available.

The application will include a request for CDBG funding for approximately \$210,000.00. The application will indicate a proposed local match of 10% for construction contingency and the City will pay for engineering. If the application is approved for funding, the local matching funds would be included in a future budget. Requests must be submitted no later than March 21, 2014. Staff recommends approval of the project application submission as proposed in Resolution No. R-1766.

Key discussion points:

- John Maresh, Assistant City Manager for Public Services read the Executive Summary regarding Resolution No. R-1766.
- Councilor Benton asked specifically which streets this project will cover.
- John Maresh explained this phase of the project would be a waterline replacement starting at Avenue F heading north; cross under both railroad lines that would go to Avenue E and perhaps up to Avenue D if funding allows and a section on Avenue D from 3rd Street to 5th Street.

Action: Councilor Benton made a motion, seconded by Councilor McConathy to approve Resolution No. R-1766, a Resolution authorizing the City Manager to execute and submit an application to the Community Development Block Grant Fund for North Rosenberg Water Distribution Improvements - Phase II for approximately \$210,000.00. The motion carried by a unanimous vote.

3. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1767, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A PROPOSAL FOR ENGINEERING AND SURVEYING SERVICES FOR LIFT STATION NO. 11 REPLACEMENT, BY AND BETWEEN THE CITY AND JONES AND CARTER, INC., IN THE AMOUNT OF \$160,000.00.**

Executive Summary: During the January 28, 2014, City Council Workshop, staff provided information



CITY COUNCIL COMMUNICATION

December 02, 2014

ITEM #	ITEM TITLE
3	Resolution No. R-1880 – North Side Water Line Improvements Phase II - Project Engineering Services Agreement

ITEM/MOTION

Consideration of and action on Resolution No. R-1880, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Contract for Engineering Services for the Community Development Block Grant funded North Side Water Line Improvements - Phase II, by and between the City and Kelly R. Kaluza and Associates, Inc., in the amount of \$39,900.00.

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

Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

- Yes No N/A

Source of Funds:

216-1900-540-7031

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

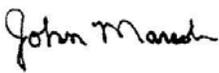
SUPPORTING DOCUMENTS:

1. Resolution No. R-1880
2. Peña Memorandum – 11-14-14

MUD #: N/A

APPROVALS

Submitted by:


Assistant City Manager
of Public Services

Reviewed by:

- Exec. Dir. of Administrative Services 
- Asst. City Manager of Public Services
- City Attorney
- City Engineer
- Project Director 

Approved for Submittal to City Council:


Robert Gracia
City Manager

EXECUTIVE SUMMARY

The CDBG program is administered through the Fort Bend County Community Development Department on an annual basis to qualified organizations and municipalities. The City received CDBG funding from Fort Bend County for Phase II of this water line project to serve the north side of Rosenberg. The City match is to provide for engineering services and a portion of the construction costs. CDBG engineering procurement guidelines are followed in the selection process. The scope of engineering services is better described on the attached memorandum.

The City issued a Request for Qualifications (RFQ) for engineering services on this project. Advertisements were placed in the local newspaper and posted on the City website. Statements of Qualifications (SOQs) were received from three (3) engineering firms by the Wednesday, November 05, 2014 deadline. The proposal was received by staff and a checklist was used to ensure all CDBG criteria were met. Using the checklist, the review is based on (1) the firm's familiarity with the project scope, (2) qualifications and experience of the team representatives to be assigned to this project; and (3) previous experience on projects with similar scope. Based on this review, staff recommends Kelly R. Kaluza & Associates, Inc., based on their first hand experience and knowledge of the proposed project. Kelly R. Kaluza & Associates, Inc., has previously been selected for engineering services on prior CDBG projects for the City.

Staff recommends approval of Resolution No. R-1880, a Resolution authorizing the City Manager to execute a Contract for Engineering Services for the CDBG Phase II Water Line Improvements Project, by and between the City and Kelly R. Kaluza and Associates, Inc., in the amount of \$39,900.00. A copy of the Agreement is attached to Resolution No. R-1880 as Exhibit "A".

RESOLUTION NO. R-1880

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 CONTRACT FOR ENGINEERING SERVICES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDED NORTH SIDE WATER LINE IMPROVEMENTS - PHASE II, BY AND BETWEEN THE CITY OF ROSENBERG, TEXAS, AND KELLY R. KALUZA AND ASSOCIATES, INC., IN THE AMOUNT OF \$39,900.00.

* * * * *

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

Section 1. The City Manager is hereby authorized to execute a Contract for Engineering Services (Contract), by and between the City of Rosenberg, Texas, and Kelly R. Kaluza and Associates, Inc., for the CDBG North Side Water Line Improvements Phase II in the amount of \$ 39,900.00.

Section 2. A copy of said Contract 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**

STATE OF TEXAS §

COUNTY OF FORT BEND §

NOVEMBER 19, 2014

**CONTRACT FOR ENGINEERING SERVICES FOR THE
COMMUNITY DEVELOPMENT BLOCK GRANT
FOR PHASE II
NORTH ROSENBERG WATER DISTRIBUTION IMPROVEMENTS
CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS**

THIS AGREEMENT, entered into as of this _____ day of _____, 2014, by and between the City of Rosenberg, Texas, hereinafter called "CITY", and Kelly R. Kaluza & Associates, Inc., hereinafter called "ENGINEER".

The Parties hereto do mutually agree as follows:

**ARTICLE I
SCOPE OF WORK**

The scope of work is set forth in Attachment "A", attached hereto and made a part of this contract. Deviations from the scope of work may be authorized from time to time by CITY by prior written authorization.

**ARTICLE II
SCHEDULE OF WORK**

The ENGINEER agrees to begin work immediately upon execution of this contract and to proceed diligently with said work to completion, as described in Attachment "A".

No work will begin without written authorization from the CITY or its representatives.

**ARTICLE III
COMPENSATION**

For and in consideration of the work performed hereunder, the CITY agrees to compensate the ENGINEER on a monthly basis. On or about the fifth day of each month, the ENGINEER will submit to the CITY an invoice for services performed by the ENGINEER during the previous month. Terms of each invoice shall be Net 30 Days. Compensation for services of ENGINEER will be as set forth in Attachment "A". The ENGINEER will provide the CITY with a monthly completion estimate to support requests for payment. The ENGINEER will make every effort to satisfy the time constraints of the project in the

completion of this work.

ARTICLE IV
TERMINATION

Either party may terminate this contract upon giving written notice to the other party at least ten (10) days prior to the date of termination. In the event of termination, the ENGINEER shall deliver to the CITY all finished or unfinished plans, documents, data, studies, surveys, drawings, maps, models, photographs, etc., prepared by the ENGINEER under this contract. The ENGINEER shall be entitled to receive just and equitable compensation for any work satisfactorily completed in accordance with the provisions of this agreement prior to termination. If the ENGINEER has completed the preliminary, design, surveying, acquisition, or construction phase prior to termination, he will be entitled to the fee stipulated in the fee distribution under the delineation of Basic Services in the Scope of Work detailed on Attachment "A" of this contract. If termination should occur prior to completion of one of the phases of engineering services (preliminary, design, surveying, acquisition or construction), the ENGINEER will be reimbursed for his work under that particular phase under the terms of the "Additional Services" described hereinafter, and Attachment "B", Standard Rate Schedule for Engineering Services.

ARTICLE V
PROGRESS REPORTS

If requested by the CITY, the ENGINEER shall submit monthly progress reports and attend progress meetings as scheduled by the CITY and as detailed in the Scope of Work. Each report shall outline work accomplished and special problems or delays encountered during the previous report period and the planned work activities and special problems or delays anticipated for the next report period.

ARTICLE VI
INDEPENDENT CONTRACTOR

In the performance of work or services hereunder, the ENGINEER shall be deemed an independent contractor, and any of its employees performing work required hereunder shall be deemed solely employees of the ENGINEER, or its subcontractors where permitted.

ARTICLE VII
INSURANCE

ENGINEER agrees to furnish, if requested by the CITY, a certificate reflecting their coverage by workmen's compensation insurance, and public liability insurance for bodily injury and property damage in amounts and with carriers satisfactory to the CITY and agrees that such coverage shall be maintained during the term of this contract. ENGINEER shall be responsible for determining that its subcontractors, where permitted, likewise carry and maintain adequate insurance coverages.

ARTICLE VIII
LIABILITY

ENGINEER agrees to indemnify and hold the CITY harmless from each and every claim, suit, judgement, or damage to or from injury or death of any person or persons, caused by or arising out of or in connection with the operations of ENGINEER and its subcontractors, where permitted, under this agreement, except as same may be due to the negligence of the CITY.

ARTICLE IX
SUBCONTRACTS

In fulfilling its duties pursuant to this contract, ENGINEER may subcontract to individuals, corporations, organizations, governments or governmental subdivisions or agencies, partnerships, associations, or other legal entities. Such subcontracts will be entered into only with written approval from the CITY.

ARTICLE X
TRANSFER OF INTEREST

Neither the CITY nor ENGINEER may assign or transfer their individual interest in the contract without the written consent of the other party. The CITY and ENGINEER each binds itself and its successors and assigns to the other party with respect to all covenants to this contract. Nothing herein is to be construed as creating a personal liability on the part of any officer or agent of any public body which may be a party hereto.

ARTICLE XI
AUDITS AND RECORDS

At any time during normal business hours and as often as the CITY may deem necessary, the ENGINEER shall make available to representatives of the CITY for examination all of its records with respect to all matters covered by this contract and will permit representatives of CITY to audit, examine, and make excerpts or transcripts from such records and to make audits of all contracts, invoices, materials, payrolls, records of personnel, conditions of employment and other data relating to all matters covered by this contract, for a period of three (3) years from the date of final settlement or for such other longer period, if any, as is required by applicable statute or lawful requirement.

ARTICLE XII
OWNERSHIP DOCUMENTS

Original finished or unfinished plans, documents, data, field notes, studies, surveys, drawings, maps, models, reports, photographs, etc., developed in connection with the services performed hereunder belong to, and remain the property of, the CITY.

ARTICLE XIII
EQUAL EMPLOYMENT OPPORTUNITY

During the performance of this contract, ENGINEER agrees as follows:

- (a) ENGINEER will not discriminate against any employee or applicant for employment because of race, creed, sex, color, or national origin. ENGINEER will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, sex, color, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. ENGINEER agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the CITY setting forth the provisions of this non-discrimination clause.
- (b) ENGINEER will, in all solicitation or advertisement for employees placed by or on behalf of ENGINEER, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex, or national origin.
- (c) ENGINEER will cause the foregoing provisions to be inserted in all subcontracts for any work covered by this contract so that such provisions will be binding upon each subcontractor, provided that the foregoing provisions shall not apply to contracts or subcontracts for standard commercial supplies or raw materials.
- (d) ENGINEER will include the provisions a. through c. in every subcontract or purchase order unless exempted.

ARTICLE XIV
CIVIL RIGHTS ACT OF 1964

Under Title VI of the Civil Rights Act of 1964, no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

ARTICLE XV
SECTION 109 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974

No person in the United States shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title.

ARTICLE XVI
SECTION "3" COMPLIANCE IN THE PROVISION OF TRAINING
EMPLOYMENT AND BUSINESS OPPORTUNITIES

- (a) The work to be performed under this contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the project.
- (b) The parties to this contract will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 C.F.R. 235, and all applicable rules and orders of the Department issued thereunder prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
- (c) The contractor will send to each labor organization or representative of workers with which he/she has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his/her commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
- (d) The contractor will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 C.F.R. Part 135. The contractor will not subcontract with any subcontractor where it has been found in violation of regulations under 24 C.F.R. Part 135 and will not let any subcontract unless the subcontractor has first approved it with a preliminary statement of ability to comply with the requirements of these regulations.
- (e) Compliance with the provisions of Section 3, the regulations set forth in 24 C.F.R. part 135, and all applicable rules and orders of the Department issued hereunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors and assigns to those sanctions specified by the grant or loan agreement or contract through which federal assistance is provided, and to such sanctions as are specified by 24 C.F.R. Part 135.

ARTICLE XVII
SECTION 503 HANDICAPPED (IF \$2,500 OR OVER) AFFIRMATIVE ACTION
FOR HANDICAPPED WORKERS

- (a) ENGINEER will not discriminate against any employee or applicant for employment because of physical or mental handicap in regard to any position for which the employee or applicant for employment is qualified. ENGINEER agrees to take affirmative action to employ, advance in employment and otherwise treat qualified handicapped individuals without discrimination based upon their physical or mental handicap in all employment practices such as the following: Employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
- (b) ENGINEER agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.
- (c) In the event of the ENGINEER's non-compliance with the requirements of this clause, actions for non-compliance may be taken in accordance with the rules, regulations, and relevant orders of the Secretary of Labor pursuant to the Act.
- (d) ENGINEER agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Director, provided by or through the contracting officer. Such notices shall state the ENGINEER's obligation under the law to take affirmative action to employ and advance in employment qualified handicapped employees and applicants for employment, and the rights of applicants and employees.
- (e) ENGINEER will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the contractor is bound by the terms of Section 503 of Rehabilitation Act of 1973, and is committed to take affirmative action to employ and advance in employment physically and mentally handicapped individuals.
- (f) ENGINEER will include the provisions of this clause in every subcontract or purchase order of \$2,500 or more unless exempted by rules, regulations, or orders of the Secretary issued pursuant to Section 503 of the Act, so that such provisions will be binding upon each subcontractor with respect to any subcontract or purchase order as the Director of the Office of Federal Contract Compliance Programs may direct to enforce such provisions, including action for non-compliance.

ARTICLE XVIII

A. INTEREST OF MEMBERS OF CITY

No member of the governing body of the CITY and no other officer, employee, or agent of the CITY who exercises any functions or responsibilities in connection with the planning and

carrying out of the program, shall have any personal financial interest, direct or indirect, in this contract and the ENGINEER shall take appropriate steps to assure compliance.

B. INTEREST OF OTHER LOCAL PUBLIC OFFICIALS

No member of the governing body of the locality and no other public official of such locality, who exercised any functions or responsibilities in connection with the planning and carrying out of the program, shall have any personal financial interest, direct or indirect, in this contract; and ENGINEER shall take appropriate steps to assure compliance.

C. INTEREST OF ENGINEER AND EMPLOYEES

ENGINEER covenants that he/she presently has no interest and shall not acquire interest, direct or indirect, in the study area or any parcels therein or any other interest which would conflict in any manner or degree with the performance of his/her services hereunder. ENGINEER further covenants that in the performance of this contract, no person having any such interest shall be employed.

**ARTICLE XIX
MAILING ADDRESSES**

All notices and communications under this contract to be mailed or delivered to CITY shall be sent to the address of the CITY as follows, unless and until ENGINEER is otherwise notified:

MS. MELISSA PEÑA
CITY OF ROSENBERG
POST OFFICE BOX 32
ROSENBERG, TEXAS 77471

All notices and communications under this contract to be mailed or delivered to ENGINEER shall be sent to the address of ENGINEER as follows, unless and until CITY is otherwise notified:

MR. LLARANCE L. TURNER., PRESIDENT
KELLY R. KALUZA & ASSOCIATES, INC.
3014 AVENUE I
ROSENBERG, TEXAS 77471

Any notices and communications required to be given in writing by one party to the other shall be considered as having been given to the addressee on the date the notice or communication is posted by the sending party.

ARTICLE XX

CONTRACT AMENDMENTS

The parties hereto, without invalidating this contract, may alter or amend this contract upon advance written agreement of the parties, approved by the CITY.

ARTICLE XXI MISCELLANEOUS PROVISIONS

- (a) This agreement shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Fort Bend County, Texas.
- (b) This agreement shall be binding upon and enure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors, and assigns where permitted by this agreement.
- (c) In case one or more of the provisions contained in this agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof, and this agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
- (d) Findings Confidential: All of the reports, information, data, etc., prepared or assembled by the ENGINEER under this contract are confidential and the ENGINEER agrees that they shall not be made available to any individual or organization without prior written approval of the CITY.
- (e) Copyright: No report, map, or other documents produced in whole or in part under this contract shall be the subject of an application for copyright by or on behalf of the ENGINEER.
- (f) Compliance with Local Laws: ENGINEER shall comply with all applicable laws, ordinances and codes of the State and local governments, and the ENGINEER shall save the CITY harmless with respect to any damages arising from any tort done in performing any work embraced by the contract.
- (g) Compliance with Certification for Contracts, Grants, Loans and Cooperative Agreements: ENGINEER shall comply with this document which is attached hereto and made a part hereof as Attachment "C".
- (h) This Agreement is subject to the provisions of the Texas Prompt Payment Act, Texas Government Code Ch. 2251.
- (i) This Agreement is intended for the benefit of the parties to this Agreement only, and this Agreement shall not be construed to grant any benefits or rights to any persons other than the City of Rosenberg and Kelly R. Kaluza & Associates, Inc.

EXECUTED in multiple counterparts, each of which is deemed to be an original and as of the day and date first written in this contract.

CITY OF ROSENBERG

BY: _____

TITLE: _____

DATE: _____

ATTEST:

KELLY R. KALUZA & ASSOCIATES, INC.

BY: Llarance L Turner
Llarance L. Turner, President

DATE: 11-19-2014

ATTACHMENT "A"
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
FOR PHASE II
NORTH ROSENBERG WATER DISTRIBUTION IMPROVEMENTS
CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS

SCOPE OF WORK FOR PROFESSIONAL ENGINEERING AND SURVEYING SERVICES
FOR THE CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS

The following scope of work consists of the Professional Engineering Services to be provided to the City of Rosenberg, hereinafter called "CITY", by Kelly R. Kaluza & Associates, Inc., hereinafter called "ENGINEER".

Scope of Work - Basic Services

Engineering and surveying services for the project are summarized as follows:

A. Preliminary and Engineering Design Phase

Prepare preliminary and final design plans and specifications. The expected work tasks are as follows:

- (1) Prepare preliminary engineering design memorandum.
 - Define the service area to be included in the project.
 - Review project alternatives and phasing of construction work.
 - Establish preliminary design requirements for the proposed facilities.
 - Prepare estimate of construction costs for the project.

- (2) Prepare final construction plans and technical specifications.
 - Prepare construction plans including the following sheets:
 - Title/Cover Sheet
 - Overall Layouts
 - Plan and Profiles for Water Lines
 - Construction Details

 - Prepare technical specifications for proposed facilities including:
 - Excavation
 - Water Line Distribution System
 - Service Connections
 - Pavement Repairs
 - Utility Line Adjustment
 - Bore & Jack Encasement Pipe

- (3) Submit construction plans and specifications to Texas Commission on Environmental Quality, Railroad Companies, Fort Bend County and the City of Rosenberg for approval.
- (4) Prepare a final estimate of the most probable cost for the project.
- (5) Prepare the construction bid package including:
 - Notice to Bidders
 - Instruction and Information to Bidders
 - Bid Proposal
 - Standard Form of Agreement
 - Bond Forms
 - General Conditions
 - Special Conditions
 - Technical Specifications
 - Construction Plans

B. Construction Phase

- (1) Assist the City of Rosenberg in the bidding process.
 - Advertisement of bids.
 - Pre-bid conference.
 - Opening and tabulating bids.
 - Evaluation of construction bids received.
- (2) Assist in preparation of formal Contract Documents between the City of Rosenberg and the successful construction bidder.
- (3) Make periodic visits to the Project to observe progress and quality of the work being performed. Construction observation reports to accompany monthly invoices.
- (4) Consult with the Owner during construction including:
 - Issue all instructions to the Contractor.
 - Prepare and issue routine Change Orders to the Contractor upon review and approval by the City.
 - Review project submittals.
 - Review monthly and final estimate for payment by the City of Rosenberg.
 - Conduct a final inspection of the Project with the City of Rosenberg and submit recommendations regarding the Project status.

C. Surveying and Reimbursement of Reproduction Costs

- (1) Survey the proposed project site and alignments.
 - Establish horizontal and vertical control in the field.
 - Locate, in the field, all existing features and properties related to proposed project site and alignments.
 - Prepare a strip map, on plan and profile sheets, showing existing features and properties.
 - Prepare field note descriptions and survey plat of proposed easements, if necessary.
- (2) Provide (10) full size copies of plans and contract documents to the City of Rosenberg during the bidding process and contract preparation along with two (2) half-size sets of the plans to Public Works for their use.

D. Record Drawing Construction Plans

- Preparation of record drawing construction plans upon completion of construction work.

Additional Services

If authorized in writing by CITY, ENGINEER will furnish the following Additional Services that are not considered a normal or customary part of the Scope of Work. Additional Services shall be paid for on an hourly basis at the rate shown in the Schedule of Hourly Rates by Personnel Classification (Attachment "B"). Separate budgets will be established for any Additional Services authorized by the CITY.

NO ADDITIONAL SERVICES ARE ANTICIPATED FOR THIS PROJECT AT THIS TIME.

1. Services resulting from significant changes in the general scope of the project.
2. Revisions to previously approved plans, reports, studies, or other project documents.
3. New and/or additional acquisition activities resulting from unknown needs prior to project initiation, site changes, and/or condemnation proceedings.
4. Assistance to the CITY as an expert witness in any litigation with third parties, arising from the development or construction of the project, including preparation of engineering data and reports.
5. Services after issuance of Certificate of Completion, and any other special or miscellaneous assignments specifically authorized by the CITY.

Schedule

Preparation of the plans and specifications for the project is anticipated to take one-hundred twenty (120) days.

Bid and contract phase activities are estimated to take two (2) months, once approval to proceed with bid advertisement is received.

Schedule for Construction Phase activities will be dictated by the construction contractor's schedule.

Compensation

Engineering and surveying services to be provided under this contract shall be compensated as outlined below.

I. Phase II - North Rosenberg Water Distribution Improvements

(A)	Preliminary and Engineering Design Phase -	\$27,000.00
(B)	Construction Phase -	\$ 7,300.00
(C)	Surveying and Reimbursement of Reproduction Cost -	\$ 4,400.00
(D)	Record Drawing Construction Plans -	\$ 1,200.00

	GRAND TOTAL =	\$39,900.00

ENGINEER will invoice CITY on a monthly basis for services rendered during the preceding month. Invoices will be based on the ENGINEER's estimate of percentage completion to date of invoice.

CITY agrees to remit ENGINEER's invoices in full within thirty (30) days of receipt.

Attachment "B"

SCHEDULE OF HOURLY CHARGES BY PERSONNEL CLASSIFICATION
Effective June, 2013

KELLY R. KALUZA & ASSOCIATES, INC.
CONSULTING ENGINEERS, SURVEYORS, AND PLANNERS

The charges for professional Engineering, Surveying, and Drafting services are based on the following daily or hourly rates:

ENGINEERING, SURVEYING, AND DRAFTING

Principal.....	\$ 175.00/Hour
Sr. Project Manager.....	\$ 150.00/Hour
Project Manager.....	\$ 145.00/Hour
Survey Manager.....	\$ 140.00/Hour
Project Engineer.....	\$ 110.00/Hour
Project Surveyor.....	\$ 90.00/Hour
Sr. Designer.....	\$ 90.00/Hour
Designer.....	\$ 80.00/Hour
CAD Technician.....	\$ 70.00/Hour
Contract Coordinator.....	\$ 65.00/Hour
Secretarial.....	\$ 60.00/Hour
Field Party (2 Men).....	\$ 120.00/Hour
Field Party (3 Men).....	\$ 140.00/Hour
Field Party (4 Men).....	\$ 150.00/Hour
Construction Observation.....	\$ 750.00/Day

ADDITIONAL EXPENSES

1. Reproduction Work - At prevailing commercial rate.
2. Field Note Descriptions - \$70.00/Set.
3. ATV Rental - \$115.00/Day.
4. Other Consultants - At cost plus 10% for handling.
5. All Other Expenses - At cost plus 10% for handling.
6. Global Positioning System (GPS) Surveying an additional charge of \$25.00 per hour will be charged for equipment.

KELLY R. KALUZA & ASSOCIATES, INC.
Consulting Engineers & Surveyors
Engineering Firm No. F-1339 Surveying Firm No. 10010000
3014 Avenue I, Rosenberg, Texas 77471
Phone: (281) 341-0808
Fax: (281) 341-6333

Rates Subject to Change

06/13

Attachment "C"

**Certification for Contracts, Grants, Loans
and Cooperative Agreements**

The undersigned certifies, to the best of his or her knowledge and belief that:

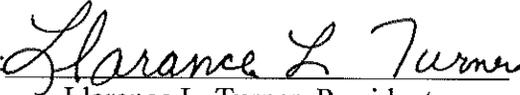
(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making for entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

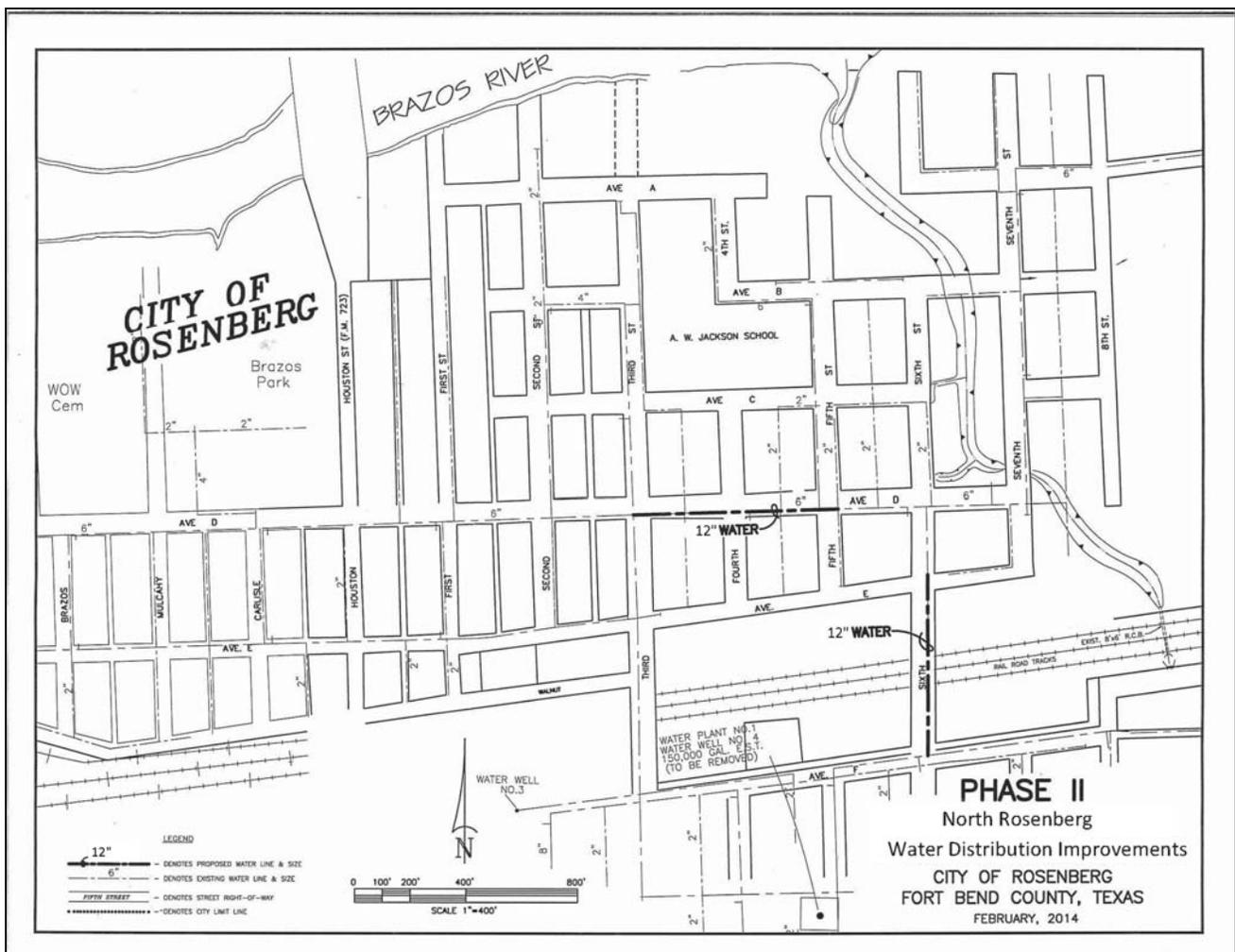
Executed this 19 date of November, 2014.

By: 
Llarance L. Turner, President

Covered Action: Community Development Block Grant for Phase II - North Rosenberg Water Distribution Improvements, City of Rosenberg, Fort Bend County, Texas

To: John Maresh, Assistant City Manager of Public Services
From: Melissa Peña, Project Director
Date: November 14, 2014
Re: North Side Water Line Improvements – Phase II
Engineering Consultant Services

The City of Rosenberg (City) issued an RFQ for an engineering consultant to prepare engineering drawings and specifications for the North Side Water Line Improvements Project – Phase II. The engineering consultant will determine all existing conditions such as easements, prepare preliminary drawings (with cost estimates) for approval, prepare all drawings and documents for bidding and construction, and coordinate the process with the City and the Fort Bend County Community Development Department. The U.S. Government through the Community Development Block Grant Program (CDBG) provides construction funds for this project with a match from the City for engineering and a portion of the construction. The City will administer the design and construction. The selected engineer will be required to assist the City of Rosenberg in refining the scope of work for Phase II. The City submitted the proposed work for Phase II within the area approved and described on the map below for CDBG funding. This work must fall within the approved CDBG project area bounded by 8th Street to the east, the flood plain line along the river to the north, Elm Street to the west and Walnut Street to the south to receive funding.





CITY COUNCIL COMMUNICATION

December 02, 2014

ITEM #	ITEM TITLE
4	Resolution No. R-1883 - Awarding Bid No. 2014-21 for Construction of the 2014 Sanitary Sewer Pipebursting Project

ITEM/MOTION

Consideration of and action on Resolution No. R-1883, a Resolution awarding Bid No. 2014-21 for construction of the 2014 Sanitary Sewer Pipebursting Project; and, authorizing the City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same.

FINANCIAL SUMMARY	ELECTION DISTRICT
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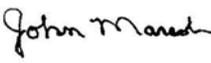
Annualized Dollars:	Budgeted:	<input checked="" type="checkbox"/> District 1
<input checked="" type="checkbox"/> One-time	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> District 2
<input type="checkbox"/> Recurring	Source of Funds:	<input checked="" type="checkbox"/> District 3
<input type="checkbox"/> N/A	423-0000-550-7032	<input type="checkbox"/> District 4
	CP 1410	<input type="checkbox"/> City-wide
		<input type="checkbox"/> N/A

SUPPORTING DOCUMENTS:

MUD #: N/A

1. Bid Summary Form
2. Proposal
3. Kaluza Correspondence – 11-19-14
4. Resolution No. R-1883
5. Project Location Map
6. Resolution No. R-1801 – 06-17-14
7. City Council Meeting Minute Excerpt – 06-17-14

APPROVALS

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

EXECUTIVE SUMMARY

Bids were received on Wednesday, November 19, 2014, for the 2014 Sanitary Sewer Pipebursting Project (Project). A total of three (3) bids were opened and tabulated as indicated on the attached bid summary form.

Staff recommends Bid No. 2014-21 be awarded to PM Construction and Rehab, LLC, for the Base Bid and Alternate Bids No. 1 and No. 2 in the total amount of \$2,570,570.00. The attached correspondence from Kelly R. Kaluza, Project Engineer, recommends same. Should the bid be awarded as recommended, the proposal from PM Construction and Rehab, LLC, will be attached and serve as Exhibit "A" to Resolution No. R-1883. The contract time is 305 calendar days.

This Project is included in the FY2015 Capital Improvement Plan approved by City Council on June 17, 2014.

Staff recommends approval of Resolution No. R-1883 which will award Bid No. 2014-21 and provide authorization for the City Manager to negotiate and execute all required documents necessary to facilitate the Agreement.

BID SUMMARY
Bid No. 2014-21
Sanitary Sewer Pipebursting Project

Contractor	Base Bid Amount	Alt. Bid 1 Amount	Alt. Bid 2 Amount	Total Amount Bid	Total No. Working Days
PM Construction & Rehab, LLC	\$2,061,787.46	\$393,130.30	\$115,652.24	\$2,570,570.00	305
Horseshoe Construction	\$2,437,730.00	\$410,655.00	\$127,874.00	\$2,973,259.00	300
Lopez Utilities Contractors	\$3,176,905.00	\$552,275.00	\$178,520.00	\$3,907,700.00	365

**CITY OF ROSENBERG
SANITARY SEWER PIPE BURSTING
FORT BEND COUNTY, TEXAS
BID PROPOSAL**

PM

CITY OF ROSENBERG BID NUMBER 2014-21

TO: The Honorable Mayor Vincent M. Morales, Jr.
City of Rosenberg
Post Office Box 32
Rosenberg, Texas 77471

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

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

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

**CITY OF ROSENBERG
SANITARY SEWER PIPE BURSTING
FORT BEND COUNTY, TEXAS
BID FORM**

CITY OF ROSENBERG BID NUMBER 2014-21

ITEM DESCRIPTION AND UNIT PRICE WRITTEN IN WORDS	ESTIMATED QUANTITIES	UNIT	UNIT PRICE	TOTAL PRICE BID
1. <u>BASE BID</u>				
1. PRECONSTRUCTION CLEANING AND TELEVISIONING OF EXISTING SANITARY SEWER LINE. COMPLETE AND IN PLACE FOR <u>Three</u> DOLLARS & <u>Zero</u> CENTS	17,340	L.F.	\$ <u>3.00</u>	\$ <u>52,020.00</u>
2. POINT REPAIR INCLUDING PROTRUDING SERVICE LINE TAPS (ALL DEPTHS) INCLUDING EXCAVATION, SEWER FLOW CONTROL, INSTALLATION, BACKFILL AND SITE RESTORATION. COMPLETE AND IN PLACE FOR <u>Fifty</u> DOLLARS & <u>Zero</u> CENTS	80	EACH	\$ <u>50.00</u>	\$ <u>4,000.00</u>
3. 30" SANITARY SEWER REHABILITATION BY PIPE BURSTING METHOD (ALL DEPTHS) REPLACING 27" CLAY SEWER WITH 30" HIGH DENSITY POLYETHYLENE PIPE SDR-19. COMPLETE AND IN PLACE FOR <u>Three Hundred</u> DOLLARS & <u>Zero</u> CENTS	1,150	L.F.	\$ <u>300.00</u>	\$ <u>345,000.00</u>

**CITY OF ROSENBERG
SANITARY SEWER PIPE BURSTING
FORT BEND COUNTY, TEXAS
BID FORM**

ITEM DESCRIPTION AND UNIT PRICE WRITTEN IN WORDS	ESTIMATED QUANTITIES	UNIT	UNIT PRICE	TOTAL PRICE BID
4. 24" SANITARY SEWER REHABILITATION BY PIPE BURSTING METHOD (ALL DEPTHS) REPLACING 24" CLAY SEWER WITH 24" HIGH DENSITY POLYETHYLENE PIPE SDR-19. COMPLETE AND IN PLACE FOR <u>Two Hundred</u> DOLLARS & <u>Zero</u> CENTS	1,390	L.F.	\$ 200.00	\$ 278,000.00
5. 20" SANITARY SEWER REHABILITATION BY PIPE BURSTING METHOD (ALL DEPTHS) REPLACING 18" CLAY SEWER WITH 20" HIGH DENSITY POLYETHYLENE PIPE SDR-19. COMPLETE AND IN PLACE FOR <u>Two Hundred</u> DOLLARS & <u>Zero</u> CENTS	200	L.F.	\$ 200.00	\$ 40,000.00
6. 18" P.V.C. SANITARY SEWER PIPE, SDR-26 (10' TO 12' DEPTH) CLASS "A" BEDDING AND BACKFILL. COMPLETE AND IN PLACE FOR <u>One Hundred Seventy</u> DOLLARS & <u>Zero</u> CENTS	60	L.F.	\$ 170.00	\$ 10,200.00

**CITY OF ROSENBERG
SANITARY SEWER PIPE BURSTING
FORT BEND COUNTY, TEXAS
BID FORM**

ITEM DESCRIPTION AND UNIT PRICE WRITTEN IN WORDS	ESTIMATED QUANTITIES	UNIT	UNIT PRICE	TOTAL PRICE BID
7. 16" SANITARY SEWER REHABILITATION BY PIPE BURSTING METHOD (ALL DEPTHS) REPLACING 12" CLAY SEWER WITH 16" HIGH DENSITY POLYETHYLENE PIPE SDR-19. COMPLETE AND IN PLACE FOR <u>Ninety</u> DOLLARS & <u>Zero</u> CENTS	1,400	L.F.	\$ <u>90.00</u>	\$ <u>126,000.00</u>
8. 15" P.V.C. SANITARY SEWER PIPE, SDR-26 (ALL DEPTHS) CLASS "A" BEDDING AND BACKFILL, COMPLETE AND IN PLACE FOR <u>One Hundred Sixty</u> DOLLARS & <u>Zero</u> CENTS	390	L.F.	\$ <u>160.00</u>	\$ <u>62,400.00</u>
9. 12" SANITARY SEWER REHABILITATION BY PIPE BURSTING METHOD (ALL DEPTHS) REPLACING 12" CLAY SEWER WITH 12" HIGH DENSITY POLYETHYLENE PIPE SDR-19. COMPLETE AND IN PLACE FOR <u>Fifty One</u> DOLLARS & <u>Zero</u> CENTS	4,400	L.F.	\$ <u>51.00</u>	\$ <u>224,400.00</u>

**CITY OF ROSENBERG
SANITARY SEWER PIPE BURSTING
FORT BEND COUNTY, TEXAS
BID FORM**

ITEM DESCRIPTION AND UNIT PRICE WRITTEN IN WORDS	ESTIMATED QUANTITIES	UNIT	UNIT PRICE	TOTAL PRICE BID
10. 8" SANITARY SEWER REHABILITATION BY PIPE BURSTING METHOD (ALL DEPTHS) REPLACING 6" AND 8" CLAY SEWER WITH 8" HIGH DENSITY POLYETHYLENE PIPE SDR-19. COMPLETE AND IN PLACE FOR <u>Thirty Two</u> DOLLARS & <u>Zero</u> CENTS	8,800	L.F.	\$ <u>32.00</u>	\$ <u>281,600.00</u>
11. 10" P.V.C. SANITARY SEWER PIPE, SDR-26 (12' TO 14' DEPTH) CLASS "A-A" BEDDING AND BACKFILL. COMPLETE AND IN PLACE FOR <u>One Hundred Fifty</u> DOLLARS & <u>Zero</u> CENTS	40	L.F.	\$ <u>150.00</u>	\$ <u>6,000.00</u>
12. 8" P.V.C. SANITARY SEWER PIPE, SDR-26 (12' TO 14' DEPTH) CLASS "A-A" BEDDING AND BACKFILL. COMPLETE AND IN PLACE FOR <u>One Hundred Fifty</u> DOLLARS & <u>Zero</u> CENTS	20	L.F.	\$ <u>150.00</u>	\$ <u>3,000.00</u>
13. 8" P.V.C. SANITARY SEWER PIPE, SDR-26 (10' TO 12' DEPTH) CLASS "A-A" BEDDING AND BACKFILL. COMPLETE AND IN PLACE FOR <u>One Hundred Fifty</u> DOLLARS & <u>Zero</u> CENTS	40	L.F.	\$ <u>150.00</u>	\$ <u>6,000.00</u>

**CITY OF ROSENBERG
SANITARY SEWER PIPE BURSTING
FORT BEND COUNTY, TEXAS
BID FORM**

ITEM DESCRIPTION AND UNIT PRICE WRITTEN IN WORDS	ESTIMATED QUANTITIES	UNIT	UNIT PRICE	TOTAL PRICE BID
14. 4" P.V.C. SANITARY SEWER SERVICE LINE. COMPLETE AND IN PLACE FOR <u>Thirty</u> DOLLARS & <u>Zero</u> CENTS	125	L.F.	\$ <u>30.00</u>	\$ <u>3,750.00</u>
15. TRENCH SAFETY FOR SANITARY SEWER LINE EXCAVATION IN ACCORDANCE WITH O.S.H.A. STANDARDS AT ALL REQUIRED LOCATIONS. COMPLETE AND IN PLACE FOR <u>Zero</u> DOLLARS & <u>One</u> CENTS	2,350	L.F.	\$ <u>0.01</u>	\$ <u>23.50</u>
16. POST CONSTRUCTION CLEANING AND TELEVISIONING OF COMPLETED SANITARY SEWER. COMPLETE AND IN PLACE FOR <u>One</u> DOLLARS & <u>Fifty</u> CENTS	17,340	L.F.	\$ <u>1.50</u>	\$ <u>26,010.00</u>
17. REMOVE AND DISPOSE OF EXISTING MANHOLE. COMPLETE AND IN PLACE FOR <u>One Thousand Two Hundred Fifty</u> DOLLARS & <u>Zero</u> CENTS	1	EACH	\$ <u>1,250.00</u>	\$ <u>1,250.00</u>
18. REMOVE AND DISPOSE OF EXISTING MAINLINE CLEANOUT. COMPLETE AND IN PLACE FOR <u>Five Hundred</u> DOLLARS & <u>Zero</u> CENTS	15	EACH	\$ <u>500.00</u>	\$ <u>7,500.00</u>

**CITY OF ROSENBERG
SANITARY SEWER PIPE BURSTING
FORT BEND COUNTY, TEXAS
BID FORM**

ITEM DESCRIPTION AND UNIT PRICE WRITTEN IN WORDS	ESTIMATED QUANTITIES	UNIT	UNIT PRICE	TOTAL PRICE BID
19. NEW STANDARD SANITARY SEWER MANHOLE. COMPLETE AND IN PLACE FOR <u>Four Thousand</u> DOLLARS & <u>Zero</u> CENTS	13	EACH	\$ 4,000.00	\$ 52,000.00
20. EXTRA DEPTH FOR SANITARY SEWER MANHOLES OVER 8' DEPTH. COMPLETE AND IN PLACE FOR <u>Three Hundred Twenty Five</u> DOLLARS & <u>Zero</u> CENTS	50	VERT. FT.	\$ 325.00	\$ 16,250.00
21. SANITARY SEWER MANHOLE DROP. COMPLETE AND IN PLACE FOR <u>Four Thousand Five Hundred</u> DOLLARS & <u>Zero</u> CENTS	2	EACH	\$ 4,500.00	\$ 9,000.00
22. MANHOLE INFLOW PREVENTION INSERT. COMPLETE AND IN PLACE FOR <u>One Hundred Twenty Five</u> DOLLARS & <u>Zero</u> CENTS	62	EACH	\$ 125.00	\$ 7,750.00
23. SANITARY SEWER MAINLINE CLEANOUT IN WHEEL PATH. COMPLETE AND IN PLACE FOR <u>Nine Hundred</u> DOLLARS & <u>Zero</u> CENTS	14	EACH	\$ 900.00	\$ 12,600.00

**CITY OF ROSENBERG
SANITARY SEWER PIPE BURSTING
FORT BEND COUNTY, TEXAS
BID FORM**

ITEM DESCRIPTION AND UNIT PRICE WRITTEN IN WORDS	ESTIMATED QUANTITIES	UNIT	UNIT PRICE	TOTAL PRICE BID
24. REHABILITATION OF EXISTING BRICK SANITARY SEWER MANHOLES; INCLUDE CLEANING, PREPARATION, MORTAR REPAIR AND SEALING THE INTERIOR OF MANHOLE ALONG THE ENTIRE DEPTH WITH AN APPLICATION OF SPECTRASHIELD OR APPROVED EQUAL COATING; REPLACE RING AND COVER, COMPLETE AND IN PLACE FOR <u>Two Hundred Fifty Five</u> DOLLARS & <u>Zero</u> CENTS	530	VERT. FT.	\$ <u>255.00</u>	\$ <u>135,150.00</u>
25. CONNECT NEW 30" SANITARY SEWER TO EXISTING SANITARY SEWER MANHOLE. COMPLETE AND IN PLACE FOR <u>One Hundred</u> DOLLARS & <u>Zero</u> CENTS	8	EACH	\$ <u>100.00</u>	\$ <u>800.00</u>
26. CONNECT NEW 24" SANITARY SEWER TO EXISTING SANITARY SEWER MANHOLE. COMPLETE AND IN PLACE FOR <u>One Hundred</u> DOLLARS & <u>Zero</u> CENTS	6	EACH	\$ <u>100.00</u>	\$ <u>600.00</u>
27. CONNECT NEW 20" SANITARY SEWER TO EXISTING SANITARY SEWER MANHOLE. COMPLETE AND IN PLACE FOR <u>One Hundred</u> DOLLARS & <u>Zero</u> CENTS	2	EACH	\$ <u>100.00</u>	\$ <u>200.00</u>

**CITY OF ROSENBERG
SANITARY SEWER PIPE BURSTING
FORT BEND COUNTY, TEXAS
BID FORM**

ITEM DESCRIPTION AND UNIT PRICE WRITTEN IN WORDS	ESTIMATED QUANTITIES	UNIT	UNIT PRICE	TOTAL PRICE BID
28. CONNECT NEW 18" SANITARY SEWER TO EXISTING SANITARY SEWER MANHOLE. COMPLETE AND IN PLACE FOR <u>One Hundred</u> DOLLARS & <u>Zero</u> CENTS	2	EACH	\$ <u>100.00</u>	\$ <u>200.00</u>
29. CONNECT NEW 16" SANITARY SEWER TO EXISTING SANITARY SEWER MANHOLE. COMPLETE AND IN PLACE FOR <u>One Hundred</u> DOLLARS & <u>Zero</u> CENTS	7	EACH	\$ <u>100.00</u>	\$ <u>700.00</u>
30. CONNECT NEW 15" SANITARY SEWER TO EXISTING SANITARY SEWER MANHOLE. COMPLETE AND IN PLACE FOR <u>One Hundred</u> DOLLARS & <u>Zero</u> CENTS	4	EACH	\$ <u>100.00</u>	\$ <u>400.00</u>
31. CONNECT NEW 12" SANITARY SEWER TO EXISTING SANITARY SEWER MANHOLE. COMPLETE AND IN PLACE FOR <u>One Hundred</u> DOLLARS & <u>Zero</u> CENTS	13	EACH	\$ <u>100.00</u>	\$ <u>1,300.00</u>
32. CONNECT NEW 10" SANITARY SEWER TO EXISTING SANITARY SEWER MANHOLE. COMPLETE AND IN PLACE FOR <u>One Hundred</u> DOLLARS & <u>Zero</u> CENTS	1	EACH	\$ <u>100.00</u>	\$ <u>100.00</u>

**CITY OF ROSENBERG
SANITARY SEWER PIPE BURSTING
FORT BEND COUNTY, TEXAS
BID FORM**

ITEM DESCRIPTION AND UNIT PRICE WRITTEN IN WORDS	ESTIMATED QUANTITIES	UNIT	UNIT PRICE	TOTAL PRICE BID
33. CONNECT NEW 10" SANITARY SEWER TO EXISTING 10" SANITARY SEWER. COMPLETE AND IN PLACE FOR <u>One Hundred</u> DOLLARS & <u>Zero</u> CENTS	1	EACH	\$ <u>100.00</u>	\$ <u>100.00</u>
34. CONNECT NEW 8" SANITARY SEWER TO EXISTING SANITARY SEWER MANHOLE. COMPLETE AND IN PLACE FOR <u>One Hundred</u> DOLLARS & <u>Zero</u> CENTS	52	EACH	\$ <u>100.00</u>	\$ <u>5,200.00</u>
35. CONNECT NEW 8" SANITARY SEWER TO EXISTING 8" SANITARY SEWER. COMPLETE AND IN PLACE FOR <u>One Hundred</u> DOLLARS & <u>Zero</u> CENTS	1	EACH	\$ <u>100.00</u>	\$ <u>100.00</u>
36. CONNECT NEW 8" SANITARY SEWER TO EXISTING 6" SANITARY SEWER. COMPLETE AND IN PLACE FOR <u>One Hundred</u> DOLLARS & <u>Zero</u> CENTS	1	EACH	\$ <u>100.00</u>	\$ <u>100.00</u>
37. SAWCUT, REMOVE AND REPLACE EXISTING ASPHALT PAVING AND BASE (TxDOT SPEC). COMPLETE AND IN PLACE FOR <u>Eighty</u> DOLLARS & <u>Zero</u> CENTS	40	SQ.YD.	\$ <u>80.00</u>	\$ <u>3,200.00</u>

**CITY OF ROSENBERG
SANITARY SEWER PIPE BURSTING
FORT BEND COUNTY, TEXAS
BID FORM**

ITEM DESCRIPTION AND UNIT PRICE WRITTEN IN WORDS	ESTIMATED QUANTITIES UNIT	UNIT PRICE	TOTAL PRICE BID
38. SAWCUT, REMOVE AND REPLACE EXISTING ASPHALT PAVING AND BASE. COMPLETE AND IN PLACE FOR <u>Sixty</u> DOLLARS & <u>Zero</u> CENTS	880 SQ.YD.	\$ <u>60.00</u>	\$ <u>52,800.00</u>
39. SAWCUT, REMOVE AND REPLACE EXISTING CONCRETE PAVEMENT. COMPLETE AND IN PLACE FOR <u>One Hundred Ten</u> DOLLARS & <u>Zero</u> CENTS	70 SQ.YD.	\$ <u>110.00</u>	\$ <u>7,700.00</u>
40. SHORT SANITARY SEWER SERVICE ASSEMBLY INCLUDING CONNECTION TO MAIN. COMPLETE AND IN PLACE FOR <u>Four Hundred Twenty Five</u> DOLLARS & <u>Zero</u> CENTS	130 EACH	\$ <u>425.00</u>	\$ <u>55,250.00</u>
41. LONG SANITARY SEWER SERVICE ASSEMBLY INCLUDING CONNECTION TO MAIN. COMPLETE AND IN PLACE FOR <u>Six Hundred Twenty Five</u> DOLLARS & <u>Zero</u> CENTS	16 EACH	\$ <u>625.00</u>	\$ <u>10,000.00</u>

**CITY OF ROSENBERG
SANITARY SEWER PIPE BURSTING
FORT BEND COUNTY, TEXAS
BID FORM**

ITEM DESCRIPTION AND UNIT PRICE WRITTEN IN WORDS	ESTIMATED QUANTITIES	UNIT	UNIT PRICE	TOTAL PRICE BID
42. REPLACE AND RECONNECT NEW P.V.C. SANITARY SEWER SERVICE LINE TO EXISTING SANITARY SEWER SERVICE IN ALLEYS AND UTILITY EASEMENTS INCLUDING INSTALLING SANITARY SEWER CLEANOUT AT RIGHT-OF-WAY LINE. COMPLETE AND IN PLACE FOR <u>Five Hundred</u> DOLLARS & <u>Zero</u> CENTS	146	EACH	\$ <u>500.00</u>	\$ <u>73,000.00</u>
43. PLUG AND ABANDON EXISTING SANITARY SEWER. COMPLETE AND IN PLACE FOR <u>Six Hundred Twenty Five</u> DOLLARS & <u>Zero</u> CENTS	4	EACH	\$ <u>625.00</u>	\$ <u>2,500.00</u>
44. FURNISH, INSTALL AND MAINTAIN BY-PASS PUMPING EQUIPMENT, PIPING AND ACCESSORIES NEEDED FOR REHABILITATION OF EXISTING SANITARY SEWER INCLUDING ON-SITE RESTORATION. COMPLETE AND IN PLACE FOR <u>Twenty Five Thousand</u> DOLLARS & <u>Zero</u> CENTS	1	L.S.	\$ <u>25,000.00</u>	\$ <u>25,000.00</u>
45. CONTRACTOR MOBILIZATION. COMPLETE AND IN PLACE FOR <u>Seven Thousand</u> DOLLARS & <u>Zero</u> CENTS	1	L.S.	\$ <u>7,000.00</u>	\$ <u>7,000.00</u>

**CITY OF ROSENBERG
SANITARY SEWER PIPE BURSTING
FORT BEND COUNTY, TEXAS
BID FORM**

ITEM DESCRIPTION AND UNIT PRICE WRITTEN IN WORDS	ESTIMATED QUANTITIES	UNIT	UNIT PRICE	TOTAL PRICE BID
46. PROVIDE BONDS, INSURANCE, AND MISCELLANEOUS IN ACCORDANCE WITH CONTRACT DOCUMENTS. COMPLETE AND IN PLACE FOR <u>Seventy One Thousand</u> DOLLARS & <u>Zero</u> CENTS	1	L.S.	\$ <u>71,000.00</u>	\$ <u>71,000.00</u>
47. PROVIDE INSURANCE AND FEES FOR WORK IN TWO RAILROADS. COMPLETE AND IN PLACE FOR <u>Twenty Five Thousand</u> DOLLARS & <u>Zero</u> CENTS	1	L.S.	\$ <u>25,000.00</u>	\$ <u>25,000.00</u>
48. FURNISH AND MAINTAIN SIGNAGE, FLAGMEN, TRAFFIC CONTROL AND DETOUR PLANS FOR LANE CLOSURES AND OTHER WARNING DEVICES IN ACCORDANCE WITH MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES. COMPLETE AND IN PLACE FOR <u>Three Thousand Six Hundred Thirty Three</u> DOLLARS & <u>Ninety Six</u> CENTS	1	L.S.	\$ <u>3,633.96</u>	\$ <u>3,633.96</u>
49. HYDROMULCH SEEDING IN ACCORDANCE WITH CITY OF ROSENBERG CRITERIA; WATER UNTIL VEGETATION ESTABLISHMENT. COMPLETE AND IN PLACE FOR <u>Four</u> DOLLARS & <u>Zero</u> CENTS	1,000	S.Y.	\$ <u>4.00</u>	\$ <u>4,000.00</u>

**CITY OF ROSENBERG
SANITARY SEWER PIPE BURSTING
FORT BEND COUNTY, TEXAS
BID FORM**

ITEM DESCRIPTION AND UNIT PRICE WRITTEN IN WORDS	ESTIMATED QUANTITIES	UNIT	UNIT PRICE	TOTAL PRICE BID
50. CONSTRUCTION STAKING, COMPLETE AND IN PLACE FOR <u>TWO THOUSAND</u> DOLLARS & <u>NO</u> CENTS	1	BUD.	\$ <u>2,000.00</u>	\$ <u>2,000.00</u>

I. TOTAL AMOUNT OF BASE BID = \$ 2,061,787.46

TOTAL NUMBER OF CALENDAR DAYS
TO COMPLETE BASE BID = 215 CALENDAR DAYS
(CONTRACTOR TO SPECIFY)

**CITY OF ROSENBERG
SANITARY SEWER PIPE BURSTING
FORT BEND COUNTY, TEXAS
BID FORM**

ITEM DESCRIPTION AND UNIT PRICE WRITTEN IN WORDS	ESTIMATED QUANTITIES	UNIT	UNIT PRICE	TOTAL PRICE BID
II. <u>ALTERNATE BID NO. 1</u>				
A1. PRECONSTRUCTION CLEANING AND TELEVISIONING OF EXISTING SANITARY SEWER LINE. COMPLETE AND IN PLACE FOR <u>Three</u> DOLLARS & <u>Zero</u> CENTS	5,200	L.F.	\$ <u>3.00</u>	\$ <u>15,600.00</u>
A2. POINT REPAIR INCLUDING PROTRUDING SERVICE LINE TAPS (ALL DEPTHS) INCLUDING EXCAVATION, SEWER FLOW CONTROL, INSTALLATION, BACKFILL AND SITE RESTORATION. COMPLETE AND IN PLACE FOR <u>Fifty</u> DOLLARS & <u>Zero</u> CENTS	19	EACH	\$ <u>50.00</u>	\$ <u>950.00</u>
A3. 10" SANITARY SEWER REHABILITATION BY PIPE BURSTING METHOD (ALL DEPTHS) REPLACING 8" AND 10" CLAY SEWER WITH 10" HIGH DENSITY POLYETHYLENE PIPE SDR-19. COMPLETE AND IN PLACE FOR <u>Forty</u> DOLLARS & <u>Zero</u> CENTS	1,000	L.F.	\$ <u>40.00</u>	\$ <u>40,000.00</u>

**CITY OF ROSENBERG
SANITARY SEWER PIPE BURSTING
FORT BEND COUNTY, TEXAS
BID FORM**

ITEM DESCRIPTION AND UNIT PRICE WRITTEN IN WORDS	ESTIMATED QUANTITIES	UNIT	UNIT PRICE	TOTAL PRICE BID
A4. 8" SANITARY SEWER REHABILITATION BY PIPE BURSTING METHOD (ALL DEPTHS) REPLACING 6" AND 8" CLAY SEWER WITH 8" HIGH DENSITY POLYETHYLENE PIPE SDR-19. COMPLETE AND IN PLACE FOR <u>Twenty Eight</u> DOLLARS & <u>Zero</u> CENTS	4,200	L.F.	\$ <u>28.00</u>	\$ <u>117,600.00</u>
A5. TRENCH SAFETY FOR SANITARY SEWER LINE EXCAVATION IN ACCORDANCE WITH O.S.H.A. STANDARDS AT ALL REQUIRED LOCATIONS. COMPLETE AND IN PLACE FOR <u>Zero</u> DOLLARS & <u>One</u> CENTS	530	L.F.	\$ <u>0.01</u>	\$ <u>5.30</u>
A6. POST CONSTRUCTION CLEANING AND TELEVISIONING OF COMPLETED SANITARY SEWER. COMPLETE AND IN PLACE FOR <u>One</u> DOLLARS & <u>Fifty</u> CENTS	5,200	L.F.	\$ <u>1.50</u>	\$ <u>7,800.00</u>
A7. REMOVE AND DISPOSE OF EXISTING MANHOLE. COMPLETE AND IN PLACE FOR <u>One Thousand Two Hundred Fifty</u> DOLLARS & <u>Zero</u> CENTS	1	EACH	\$ <u>1,250.00</u>	\$ <u>1,250.00</u>

**CITY OF ROSENBERG
SANITARY SEWER PIPE BURSTING
FORT BEND COUNTY, TEXAS
BID FORM**

ITEM DESCRIPTION AND UNIT PRICE WRITTEN IN WORDS	ESTIMATED QUANTITIES	UNIT	UNIT PRICE	TOTAL PRICE BID
A8. REMOVE AND DISPOSE OF EXISTING MAINLINE CLEANOUT. COMPLETE AND IN PLACE FOR <u>Five Hundred</u> DOLLARS & <u>Zero</u> CENTS	4	EACH	\$ <u>500.00</u>	\$ <u>2,000.00</u>
A9. NEW STANDARD SANITARY SEWER MANHOLE. COMPLETE AND IN PLACE FOR <u>Four Thousand</u> DOLLARS & <u>Zero</u> CENTS	3	EACH	\$ <u>4,000.00</u>	\$ <u>12,000.00</u>
A10. MANHOLE INFLOW PREVENTION INSERT. COMPLETE AND IN PLACE FOR <u>One Hundred Twenty Five</u> DOLLARS & <u>Zero</u> CENTS	17	EACH	\$ <u>125.00</u>	\$ <u>2,125.00</u>
A11. SANITARY SEWER MAINLINE CLEANOUT IN WHEEL PATH. COMPLETE AND IN PLACE FOR <u>Nine Hundred</u> DOLLARS & <u>Zero</u> CENTS	4	EACH	\$ <u>900.00</u>	\$ <u>3,600.00</u>

**CITY OF ROSENBERG
SANITARY SEWER PIPE BURSTING
FORT BEND COUNTY, TEXAS
BID FORM**

ITEM DESCRIPTION AND UNIT PRICE WRITTEN IN WORDS	ESTIMATED QUANTITIES	UNIT	UNIT PRICE	TOTAL PRICE BID
<p>A12. REHABILITATION OF EXISTING BRICK SANITARY SEWER MANHOLES; INCLUDE CLEANING, PREPARATION, MORTAR REPAIR AND SEALING THE INTERIOR OF MANHOLE ALONG THE ENTIRE DEPTH WITH AN APPLICATION OF SPECTRASHIELD OR APPROVED EQUAL COATING; REPLACE RING AND COVER. COMPLETE AND IN PLACE FOR <u>Two Hundred Fifty Five</u> DOLLARS & <u>Zero</u> CENTS</p>	120	VERT. FT.	\$ <u>255.00</u>	\$ <u>30,600.00</u>
<p>A13. CONNECT NEW 10" SANITARY SEWER TO EXISTING SANITARY SEWER MANHOLE. COMPLETE AND IN PLACE FOR <u>One Hundred</u> DOLLARS & <u>Zero</u> CENTS</p>	8	EACH	\$ <u>100.00</u>	\$ <u>800.00</u>
<p>A14. CONNECT NEW 8" SANITARY SEWER TO EXISTING SANITARY SEWER MANHOLE. COMPLETE AND IN PLACE FOR <u>One Hundred</u> DOLLARS & <u>Zero</u> CENTS</p>	14	EACH	\$ <u>100.00</u>	\$ <u>1,400.00</u>
<p>A15. SAWCUT, REMOVE AND REPLACE EXISTING ASPHALT PAVING AND BASE (TxDOT SPEC). COMPLETE AND IN PLACE FOR <u>Eighty</u> DOLLARS & <u>Zero</u> CENTS</p>	270	SQ.YD.	\$ <u>80.00</u>	\$ <u>21,600.00</u>

**CITY OF ROSENBERG
SANITARY SEWER PIPE BURSTING
FORT BEND COUNTY, TEXAS
BID FORM**

ITEM DESCRIPTION AND UNIT PRICE WRITTEN IN WORDS	ESTIMATED QUANTITIES	UNIT	UNIT PRICE	TOTAL PRICE BID
A16. SAWCUT, REMOVE AND REPLACE EXISTING ASPHALT PAVING AND BASE. COMPLETE AND IN PLACE FOR <u>Sixty</u> DOLLARS & <u>Zero</u> CENTS	500	SQ.YD.	\$ 60.00	\$ 30,000.00
A17. SHORT SANITARY SEWER SERVICE ASSEMBLY INCLUDING CONNECTION TO MAIN. COMPLETE AND IN PLACE FOR <u>Four Hundred Twenty Five</u> DOLLARS & <u>Zero</u> CENTS	46	EACH	\$ 425.00	\$ 19,550.00
A18. LONG SANITARY SEWER SERVICE ASSEMBLY INCLUDING CONNECTION TO MAIN. COMPLETE AND IN PLACE FOR <u>Six Hundred Twenty Five</u> DOLLARS & <u>Zero</u> CENTS	50	EACH	\$ 625.00	\$ 31,250.00
A19. REPLACE AND RECONNECT NEW P.V.C. SANITARY SEWER SERVICE LINE TO EXISTING SANITARY SEWER SERVICE IN ALLEYS AND UTILITY EASEMENTS INCLUDING INSTALLING SANITARY SEWER CLEANOUT AT RIGHT-OF-WAY LINE. COMPLETE AND IN PLACE FOR <u>Five Hundred</u> DOLLARS & <u>Zero</u> CENTS	96	EACH	\$ 500.00	\$ 48,000.00

**CITY OF ROSENBERG
SANITARY SEWER PIPE BURSTING
FORT BEND COUNTY, TEXAS
BID FORM**

ITEM DESCRIPTION AND UNIT PRICE WRITTEN IN WORDS	ESTIMATED QUANTITIES	UNIT	UNIT PRICE	TOTAL PRICE BID
A20. CONTRACTOR MOBILIZATION. COMPLETE AND IN PLACE FOR <u>One Thousand Five Hundred</u> DOLLARS & <u>Zero</u> CENTS	1	L.S.	\$ <u>1,500.00</u>	\$ <u>1,500.00</u>
A21. PROVIDE BONDS, INSURANCE, AND MISCELLANEOUS IN ACCORDANCE WITH CONTRACT DOCUMENTS. COMPLETE AND IN PLACE FOR <u>Five Thousand</u> DOLLARS & <u>Zero</u> CENTS	1	L.S.	\$ <u>5,000.00</u>	\$ <u>5,000.00</u>
A22. FURNISH AND MAINTAIN SIGNAGE, FLAGMEN, TRAFFIC CONTROL AND DETOUR PLANS FOR LANE CLOSURES AND OTHER WARNING DEVICES IN ACCORDANCE WITH MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES. COMPLETE AND IN PLACE FOR <u>Five Hundred</u> DOLLARS & <u>Zero</u> CENTS	1	L.S.	\$ <u>500.00</u>	\$ <u>500.00</u>

II. TOTAL AMOUNT OF ALTERNATE BID NO. 1 = \$ 393,130.30

TOTAL NUMBER OF CALENDAR DAYS
TO COMPLETE ALTERNATE BID NO. 1 = 60 CALENDAR DAYS
(CONTRACTOR TO SPECIFY)

**CITY OF ROSENBERG
SANITARY SEWER PIPE BURSTING
FORT BEND COUNTY, TEXAS
BID FORM**

ITEM DESCRIPTION AND UNIT PRICE WRITTEN IN WORDS	ESTIMATED QUANTITIES	UNIT	UNIT PRICE	TOTAL PRICE BID
III. <u>ALTERNATE BID NO. 2</u>				
A1. PRECONSTRUCTION CLEANING AND TELEVISIONING OF EXISTING SANITARY SEWER LINE. COMPLETE AND IN PLACE FOR <u>Three</u> DOLLARS & <u>Zero</u> CENTS	1,700	L.F.	\$ <u>3.00</u>	\$ <u>5,100.00</u>
A2. POINT REPAIR INCLUDING PROTRUDING SERVICE LINE TAPS (ALL DEPTHS) INCLUDING EXCAVATION, SEWER FLOW CONTROL, INSTALLATION, BACKFILL AND SITE RESTORATION. COMPLETE AND IN PLACE FOR <u>Fifty</u> DOLLARS & <u>Zero</u> CENTS	12	EACH	\$ <u>50.00</u>	\$ <u>600.00</u>
A3. 8" SANITARY SEWER REHABILITATION BY PIPE BURSTING METHOD (ALL DEPTHS) REPLACING 6" AND 8" CLAY SEWER WITH 8" HIGH DENSITY POLYETHYLENE PIPE SDR-19. COMPLETE AND IN PLACE FOR <u>Twenty Eight</u> DOLLARS & <u>Zero</u> CENTS	1,700	L.F.	\$ <u>28.00</u>	\$ <u>47,600.00</u>

**CITY OF ROSENBERG
SANITARY SEWER PIPE BURSTING
FORT BEND COUNTY, TEXAS
BID FORM**

ITEM DESCRIPTION AND UNIT PRICE WRITTEN IN WORDS	ESTIMATED QUANTITIES	UNIT	UNIT PRICE	TOTAL PRICE BID
A4. TRENCH SAFETY FOR SANITARY SEWER LINE EXCAVATION IN ACCORDANCE WITH O.S.H.A. STANDARDS AT ALL REQUIRED LOCATIONS. COMPLETE AND IN PLACE FOR <u>Zero</u> DOLLARS & <u>One</u> CENTS	224	L.F.	\$ <u>0.01</u>	\$ <u>2.24</u>
A5. POST CONSTRUCTION CLEANING AND TELEVISIONING OF COMPLETED SANITARY SEWER. COMPLETE AND IN PLACE FOR <u>One</u> DOLLARS & <u>Fifty</u> CENTS	1,700	L.F	\$ <u>1.50</u>	\$ <u>2,550.00</u>
A6. REMOVE AND DISPOSE OF EXISTING MAINLINE CLEANOUT. COMPLETE AND IN PLACE FOR <u>Five Hundred</u> DOLLARS & <u>Zero</u> CENTS	2	EACH	\$ <u>500.00</u>	\$ <u>1,000.00</u>
A7. MANHOLE INFLOW PREVENTION INSERT. COMPLETE AND IN PLACE FOR <u>One Hundred Twenty Five</u> DOLLARS & <u>Zero</u> CENTS	6	EACH	\$ <u>125.00</u>	\$ <u>750.00</u>
A8. SANITARY SEWER MAINLINE CLEANOUT IN WHEEL PATH. COMPLETE AND IN PLACE FOR <u>Nine Hundred</u> DOLLARS & <u>Zero</u> CENTS	2	EACH	\$ <u>900.00</u>	\$ <u>1,800.00</u>

**CITY OF ROSENBERG
SANITARY SEWER PIPE BURSTING
FORT BEND COUNTY, TEXAS
BID FORM**

ITEM DESCRIPTION AND UNIT PRICE WRITTEN IN WORDS	ESTIMATED QUANTITIES	UNIT	UNIT PRICE	TOTAL PRICE BID
A9. REHABILITATION OF EXISTING BRICK SANITARY SEWER MANHOLES; INCLUDE CLEANING, PREPARATION, MORTAR REPAIR AND SEALING THE INTERIOR OF MANHOLE ALONG THE ENTIRE DEPTH WITH AN APPLICATION OF SPECTRASHIELD OR APPROVED EQUAL COATING; REPLACE RING AND COVER. COMPLETE AND IN PLACE FOR <u>Two Hundred Fifty Five</u> DOLLARS & <u>Zero</u> CENTS	40	VERT. FT.	\$ <u>255.00</u>	\$ <u>10,200.00</u>
A10. CONNECT NEW 8" SANITARY SEWER TO EXISTING SANITARY SEWER MANHOLE. COMPLETE AND IN PLACE FOR <u>One Hundred</u> DOLLARS & <u>Zero</u> CENTS	12	EACH	\$ <u>100.00</u>	\$ <u>1,200.00</u>
A11. SAWCUT, REMOVE AND REPLACE EXISTING ASPHALT PAVING AND BASE. COMPLETE AND IN PLACE FOR <u>Sixty</u> DOLLARS & <u>Zero</u> CENTS	120	SQ.YD.	\$ <u>60.00</u>	\$ <u>7,200.00</u>
A12. SHORT SANITARY SEWER SERVICE ASSEMBLY INCLUDING CONNECTION TO MAIN. COMPLETE AND IN PLACE FOR <u>Four Hundred Twenty Five</u> DOLLARS & <u>Zero</u> CENTS	23	EACH	\$ <u>425.00</u>	\$ <u>9,775.00</u>

**CITY OF ROSENBERG
SANITARY SEWER PIPE BURSTING
FORT BEND COUNTY, TEXAS
BID FORM**

ITEM DESCRIPTION AND UNIT PRICE WRITTEN IN WORDS	ESTIMATED QUANTITIES	UNIT	UNIT PRICE	TOTAL PRICE BID
A13. LONG SANITARY SEWER SERVICE ASSEMBLY INCLUDING CONNECTION TO MAIN. COMPLETE AND IN PLACE FOR <u>Six Hundred Twenty Five</u> DOLLARS & <u>Zero</u> CENTS	11	EACH	\$ <u>625.00</u>	\$ <u>6,875.00</u>
A14. REPLACE AND RECONNECT NEW P.V.C. SANITARY SEWER SERVICE LINE TO EXISTING SANITARY SEWER SERVICE IN ALLEYS AND UTILITY EASEMENTS INCLUDING INSTALLING SANITARY SEWER CLEANOUT AT RIGHT-OF-WAY LINE. COMPLETE AND IN PLACE FOR <u>Five Hundred</u> DOLLARS & <u>Zero</u> CENTS	34	EACH	\$ <u>500.00</u>	\$ <u>17,000.00</u>
A15. CONTRACTOR MOBILIZATION. COMPLETE AND IN PLACE FOR <u>One Thousand Five Hundred</u> DOLLARS & <u>Zero</u> CENTS	1	L.S.	\$ <u>1,500.00</u>	\$ <u>1,500.00</u>
A16. PROVIDE BONDS, INSURANCE, AND MISCELLANEOUS IN ACCORDANCE WITH CONTRACT DOCUMENTS. COMPLETE AND IN PLACE FOR <u>Two Thousand</u> DOLLARS & <u>Zero</u> CENTS	1	L.S.	\$ <u>2,000.00</u>	\$ <u>2,000.00</u>

**CITY OF ROSENBERG
SANITARY SEWER PIPE BURSTING
FORT BEND COUNTY, TEXAS
BID FORM**

ITEM DESCRIPTION AND UNIT PRICE WRITTEN IN WORDS	ESTIMATED QUANTITIES	UNIT	UNIT PRICE	TOTAL PRICE BID
A17. FURNISH AND MAINTAIN SIGNAGE, FLAGMEN, TRAFFIC CONTROL AND DETOUR PLANS FOR LANE CLOSURES AND OTHER WARNING DEVICES IN ACCORDANCE WITH MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES, COMPLETE AND IN PLACE FOR <u>Five Hundred</u> DOLLARS & <u>Zero</u> CENTS	1	L.S.	\$ <u>500.00</u>	\$ <u>500.00</u>

III. TOTAL AMOUNT OF ALTERNATE BID NO. 2 = \$ 115,652.24

TOTAL NUMBER OF CALENDAR DAYS
TO COMPLETE ALTERNATE BID NO. 2 = 30 CALENDAR DAYS
(CONTRACTOR TO SPECIFY)

SUMMARY OF BIDS

I. TOTAL AMOUNT FOR BASE BID = \$ 2,061,787.46

II. TOTAL AMOUNT FOR ALTERNATE BID NO. 1 = \$ 393,130.30

III. TOTAL AMOUNT FOR ALTERNATE BID NO. 2 = \$ 115,652.24

TOTAL AMOUNT BID = \$ 2,570,570.00

TOTAL NUMBER OF CALENDAR DAYS TO
COMPLETE ENTIRE PROJECT = 305 CALENDAR DAYS
(CONTRACTOR TO SPECIFY)

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

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

1. Addendum 1 (November 13, 2014) 
2. _____

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

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

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

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

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

DATE: November 19, 2014

BIDDER: PM Construction & Rehab, LLC

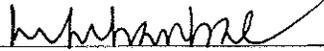
Company's Name

ATTEST/SEAL

(If a corporation):

WITNESS

(If not a corporation):

BY: 

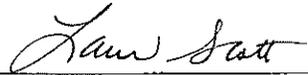
Signature

Bac Ong

Printed or Typed Name

General Manager

Title

BY: 

131 N. Richey

Street Address

NAME: Laura Scott

Pasadena, TX 77506

City, State & Zip Code

TITLE: Contracts Admin. Assistant

832-252-4800

Area Code and Phone Number

KELLY R. KALUZA & ASSOCIATES, INC.

Consulting Engineers & Surveyors

Engineering Firm No. F-1339

Surveying Firm No. 10010000

3014 Avenue I, Rosenberg, Texas 77471

(281) 341-0808 ■ FAX (281) 341-6333

November 19, 2014

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

RE: Engineer's Recommendation of Award of Construction Contract for Sanitary Sewer Pipe Bursting, City of Rosenberg, Fort Bend County, Texas

Dear Ms. Peña:

Construction bids were received and formally opened at 10:00 a.m. on Wednesday, November 19, 2014 for the above referenced project. A total of three (3) construction bids were received and opened.

Enclosed for your review, file, and distribution are ten (10) copies of the bid spreadsheet tabulating the construction bids received. A summary of the bids with the Base Bid amount, Base Bid with Alternate Bids No. 1 and No. 2, and the number of calendar days for the project are as follows:

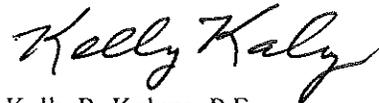
<u>Contractor</u>	<u>Total Amt. Base Bid</u>	<u>Total Amt. Alt. Bid No. 1</u>	<u>Total Amt. Alt. Bid No. 2</u>	<u>Total Amt. Base Bid & Alt. Bids</u>	<u>Total # Calendar Days w/ Alternates</u>
PM Construction & Rehab	\$2,061,787.46	\$393,130.30	\$115,652.24	\$2,570,570.00	305
Horseshoe Construction, Inc.	\$2,437,730.00	\$410,655.00	\$127,874.00	\$2,973,259.00	300
Lopez Utilities Contractors	\$3,176,905.00	\$552,275.00	\$178,520.00	\$3,907,700.00	365

The bids were checked for completeness and mathematical errors. PM Construction & Rehab, LLC was low bidder for the project. We have worked with PM Construction & Rehab, LLC on other projects, and find them competent to complete the project.

We are recommending that the City of Rosenberg accept the construction bids received on the project and enter into a construction contract with PM Construction & Rehab, LLC for the Base Bid and Alternate Bids No. 1 and No. 2 in the amount of \$2,570,570.00. If you have any questions, please contact me.

Sincerely,

KELLY R. KALUZA & ASSOCIATES, INC.



Kelly R. Kaluza, P.E.
Project Engineer

KRK/msg
Enclosures

cc: John Maresh, Assistant City Manager
PM Construction & Rehab, LLC

RESOLUTION NO. R-1883

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AWARDED BID NO. 2014-21 FOR CONSTRUCTION OF THE 2014 SANITARY SEWER PIPEBURSTING PROJECT; AND, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY OF ROSENBERG, TEXAS, APPROPRIATE DOCUMENTS AND/OR AGREEMENTS REGARDING SAME.

* * * * *

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

Section 1. The approval and award of Bid No. 2014-21 to _____, in the amount of \$_____ for construction of the 2014 Sanitary Sewer Pipebursting Project.

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

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

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

ATTEST:

APPROVED:

Linda Cernosek, TRMC, **City Secretary**

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



Kelly R. Kaluza & Associates, Inc. 3014 Avenue 1, Rosenberg, Texas 77471
 Surveying Firm No. 10010000
 February 20, 2014 10:55:23 AM
 See also drawings:

**SANITARY SEWER
 IMPROVEMENTS**
CITY OF ROSENBERG
FORT BEND COUNTY, TEXAS
 FEBRUARY, 2014

**Kelly R. Kaluza
 & Associates, Inc.**
 CONSULTING ENGINEERS & SURVEYORS
 ENGINEERING FIRM No. F-1339
 SURVEYING FIRM No. 10010000
 3014 AVENUE 1
 ROSENBERG, TEXAS 77471
 PH. 281.341.0806 FAX. 281.341.6333

RESOLUTION NO. R-1801

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

* * * * *

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

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

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

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

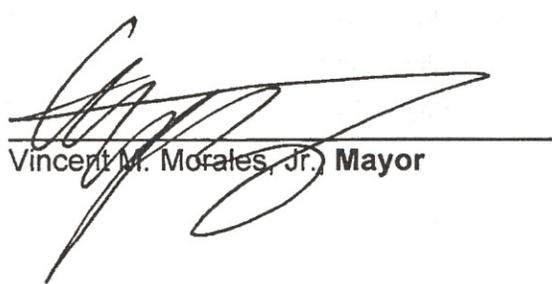
Section 1. City Council hereby approves the FY2015 Capital Improvements Plan for the City of Rosenberg which is attached hereto as Exhibit "A" and made a part hereof for all purposes.

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

ATTEST:


Linda Cernosek, City Secretary

APPROVED:


Vincent M. Morales, Jr., Mayor



FY2015 CAPITAL IMPROVEMENT PROJECTS

GENERAL/STREETS AND DRAINAGE PROJECTS

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

WATER AND WASTEWATER PROJECTS

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

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

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

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

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

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

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

Key discussion points:

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

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

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

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

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

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

Key discussion points:

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

Questions:

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

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

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

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

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

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

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

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

Key discussion points:

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

Questions:

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



CITY COUNCIL COMMUNICATION

December 02, 2014

ITEM #	ITEM TITLE
5	Resolution No. R-1876 – Designating H-GAC Representative and Alternate

ITEM/MOTION

Consideration of and action on Resolution No. R-1876, a Resolution designating a representative and an official alternate to the Houston-Galveston Area Council (H-GAC) General Assembly for the Year 2015.

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-1876
2. Steele Correspondence – 11-07-14

APPROVALS

Submitted by:**Vincent M. Morales, Jr./lc**Vincent M. Morales, Jr.
Mayor**Reviewed by:**

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

Approved for Submittal to City Council:Robert Gracia
City Manager

EXECUTIVE SUMMARY

The Houston-Galveston Area Council (H-GAC) has requested the City's appointment of representatives to the H-GAC's 2015 General Assembly by January 01, 2015. Councilor McConathy and Mayor Morales currently serve as Rosenberg's representatives to the Assembly. The proposed Resolution No. R-1876 will designate the 2015 Representative and Official Alternate to serve in these positions. Attached for your review is a copy of the letter of request from H-GAC and the proposed Resolution designating the City's representatives.

RESOLUTION NO. R-1876

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, DESIGNATING A REPRESENTATIVE AND AN OFFICIAL ALTERNATE TO THE HOUSTON-GALVESTON AREA COUNCIL GENERAL ASSEMBLY FOR THE YEAR 2015.

* * * * *

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

Section 1. That _____ is hereby designated as the City's Representative to the General Assembly of the Houston-Galveston Area Council for the year 2015.

Section 2. That _____ is hereby designated as the City's Official Alternate authorized to serve as the voting delegate should the hereinabove named Representative become ineligible, or should he/she resign.

Section 3. That the Executive Director of the Houston-Galveston Area Council shall be notified of the hereinabove named Representative and Alternate.

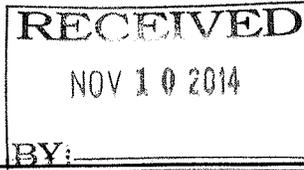
PASSED, APPROVED, AND RESOLVED this _____ day of _____ 2014.

ATTEST:

APPROVED:

Linda Cernosek, TRMC
City Secretary

Vincent M. Morales, Jr.
Mayor



Houston-Galveston Area Council

Office of the Executive Director

November 7, 2014

The Honorable Vincent M. Morales, Jr.
Mayor
City of Rosenberg
PO Box 32
Rosenberg, TX 77471

Dear Mayor Morales:

I am writing regarding the appointment of City of Rosenberg's representative to H-GAC's 2015 General Assembly and Board of Directors.

H-GAC's Bylaws authorize each member city with a population of at least 25,000 but not in excess of 99,999 according to the last preceding Federal Census (2010) to select one member of its governing body as its representative and one member of its governing body as an alternate to the H-GAC General Assembly.

H-GAC's Bylaws also stipulate that your Board of Directors representative shall be the General Assembly delegate. Therefore, the official chosen to serve as the General Assembly representative will also be designated to serve on H-GAC's Board of Directors.

I have enclosed the appropriate form for your convenience.

The 2015 designated representatives begin their terms of office at the first of January 2015.

If more information concerning General Assembly and Board of Directors membership would be useful, please contact me or Rick Guerrero at 713-993-4598. Thanks for your help in selecting H-GAC's 2015 General Assembly and Board of Directors.

Sincerely,

Jack Steele

JS/kam

Enclosure
cc: City Secretary





CITY COUNCIL COMMUNICATION

December 02, 2014

ITEM #	ITEM TITLE
6	Ordinance No. 2014-45 - "Curb Painting" Ordinance

ITEM/MOTION

Consideration of and action on Ordinance No. 2014-45, an Ordinance amending the Code of Ordinances by amending Chapter 6. Building and Building Regulations, Article XIII. Sign Regulations, Section 6-367, providing regulations regarding painting of street numbers on City curbs; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; providing for severability; and providing an effective date.

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

Annualized Dollars:

- One-time
- Recurring
- N/A

Budgeted:

- Yes No N/A

Source of Funds: N/A

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

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

1. Ordinance No. 2014-45
2. City Council Meeting Draft Minute Excerpt – 10-21-14
3. City Council Meeting Minute Excerpt – 08-26-14
4. City Council Meeting Minute Excerpt – 04-22-14
5. City Council Meeting Minute Excerpt – 04-01-14

APPROVALS

Submitted by:**Scott M. Tschirhart/r1**

Scott M. Tschirhart
City Attorney

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

Regulations regarding painting of street numbers on City curbs was discussed at the April 01, 2014, April 22, 2014, August 26, 2014, and October 21, 2014 City Council Meetings. As requested by City Council, Ordinance No. 2014-45 establishes regulations regarding the painting of street numbers on City curbs and limits any decoration to include only the Texas state flag.

Staff recommends approval of Ordinance No. 2014-45 as presented.

ORDINANCE NO. 2014-45

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROSENBERG, TEXAS, AMENDING CHAPTER 6. BUILDING AND BUILDING REGULATIONS, ARTICLE XIII. SIGN REGULATIONS, SECTION 6-367, PROVIDING REGULATIONS REGARDING PAINTING OF STREET NUMBERS ON CITY CURBS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Rosenberg, Texas finds that the painting of reflective address numbers on City owned curbs in front of resident's home is beneficial and assist emergency services in quickly and safely locating callers; and

WHEREAS, the City Council of the City of Rosenberg, Texas, has determined and finds that a uniform set of regulations is needed to ensure that all curb painting is done in a manner consistent with the purposes of a painting address numbers on City curbs; and

WHEREAS, the City Council of the City of Rosenberg, Texas, finds that Chapter 6 requires amending to achieve a uniform set of regulations for curb painting; now, therefore,

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

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

Section 2. That the Code of Ordinances of the City of Rosenberg is hereby amended by deleting from Chapter 6, Article XIII, Section 6-367 by deleting paragraphs two (2) and three (3) and replacing said paragraphs with the following:

“Sec. 6-367. – Painting street numbers on city curbs.

- (a) The public works director or his designee is hereby authorized to issue a permit for limited periods of time, not exceeding ninety (90) days, stated in the permit, authorizing the permittee to paint street numbers, according to the specific standards set forth below, on the City curb showing the correct street number of abutting property. Such permit shall be expressly conditioned upon the permittee's obtaining the consent of the abutting property owner before painting the address applicable to such abutting property, and such permit shall be revocable by the public works director or his designee upon violation of this section. Prior to issuance of a permit hereunder, a permittee shall be required to pay a permit fee

of twenty-five dollars (\$25.00). A property owner may paint street numbers on the City curb abutting his or her private property in accordance with specifications hereinafter provided, but shall be exempt from the requirement of obtaining a permit and payment of the twenty-five dollar (\$25.00) permit fee.

(b) All street numbers shall be painted in the following manner:

- 1) Street numbers shall be in a block numbering style;
- 2) Four (4) inches in height;
- 3) Width shall be in proportion to the height or approximately two and one-half (2 1/2) inches in width;
- 4) A one inch distance shall be maintained between figures;
- 5) Painted in reflective paint with black numbers on a white background;
- 6) Background shall be rectangular in shape and shall not exceed more than one (1) inch above and below the numbers and not more than two (2) inches on each side; and
- 7) Rectangular background shall be no more than twenty (20) inches in length.

(c) The use of the Texas flag is permitted under the following conditions:

- 1) Red and blue portions of the flag shall not be painted in reflective paint;
- 2) The white portion of the flag shall be in painted in reflective paint;
- 3) The house number shall be painted in the reflective white portion of the flag; and
- 4) All size, width and placement of the numbers shall be consistent with section (b) listed above.

(d) Painted street numbers, including flags and other symbols, existing on City curbs on the date of adoption of this section as amended, nonconforming to the requirements as amended, shall not be permitted. If a City curb is painted in violation of this section, the property owner shall have ninety (90) days to remove such painting. If a property owner fails to remove the curb painting in violation of this section with the ninety-day time period specified above, then the property owner will be in violation of this section and the City may take any necessary action to remove the curb painting in violation of this section.”

Section 3. All ordinances or parts inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 4. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it

shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Rosenberg, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

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

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

ATTEST:

APPROVED:

Linda Cernosek, **City Secretary**

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

APPROVED AS TO FORM:

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

REGULAR AGENDA

2. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2014-41, AN ORDINANCE AUTHORIZING AND ORDERING THE ISSUANCE OF THE CITY OF ROSENBERG, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2014A; AWARDED THE SALE THEREOF; AND CONTAINING MATTERS INCIDENT THERETO.**

Executive Summary: On September 16, 2014, City Council adopted Resolution No. R-1849 authorizing publication of Notice of Intention to issue Certificates of Obligation, in an aggregate principal amount not to exceed \$3,200,000 for improvements to Airport Avenue, Bryan Road and utility adjustments to Avenue H and Avenue I. The notice was published on September 19, 2014, and September 26, 2014, as required, with an amount not to exceed \$3,200,000.00. There has been no presentation of a petition by the citizens to call an election to approve the issuance of \$3,200,000.00 in Certificates of Obligation for improvements to the proposed projects, and to pay the costs incurred in connection with the issuance of the Certificates.

Ordinance No. 2014-41 authorizes the issuance of the Certificates and approves the results of the bidding process and sale of the Certificates. The Ordinance also sets forth the procedures for the finalization of the sale and delivery of the proceeds to the City. Joe Morrow of First Southwest Company and Marcus Deitz with Fulbright & Jaworski LLP, representing the City as Bond Counsel, were present at the meeting to review the results of the sale with City Council.

Staff recommends approval of Ordinance No. 2014-41, an Ordinance authorizing and ordering the issuance of the City of Rosenberg, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2014A; awarding the sale thereof; and containing matters incident thereto.

Key discussion points:

- Joyce Vasut, Executive Director of Administrative Services read the Executive Summary.
- Joe Morrow of First Southwest Company provided an update of the results of the sale.

Questions:

Q: What is the breakdown for the \$3.2 million? Some is for Bryan Road and Airport Road.

A: We are still working on the numbers. Staff wants to make sure the amounts we need for Airport Road are still working on the agreements with Fort Bend County on the Avenue H and Avenue I project. That will allow Council to approve the exact breakdown.

Q: Is \$10M the cap the City can borrow each year?

A: Yes.

Q: Can we get the estimates on Airport Road?

A: That will be brought back to the November 18th Council meeting.

Action: Councilor Barta made a motion, seconded by Councilor McConathy to approve Ordinance No. 2014-41, an Ordinance authorizing and ordering the issuance of the City of Rosenberg, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2014A; awarding the sale thereof; and containing matters incident thereto. The motion carried by a unanimous vote.

3. **REVIEW AND DISCUSS PROPOSED AMENDMENTS TO SECTION 6-367 OF THE CODE OF ORDINANCES PROVIDING RULES AND REGULATIONS GOVERNING THE PAINTING OF STREET NUMBERS ON CURBS, AND TAKE ACTION AS NECESSARY.**

Executive Summary: On April 01, 2014, April 22, 2014, and August 26, 2014, City Council held discussions regarding the potential of amending the City's curb-painting regulations to include the Texas flag.

This item has been added to the Agenda to offer City Council the opportunity to discuss the potential amendment of the rules and regulations governing the painting of street numbers on curbs. A copy of the current Code Section 6-367 was included in the agenda packet for information and review.

Fire Chief Wade Goates will present examples of the Texas flags for City Council's discussion and consideration.

Key discussion points:

- Wade Goates, Fire Chief provided various examples showing visibility of numbers.
- A brief discussion was held by Council.

Action: Councilor Benton made a motion, seconded by Councilor McConathy to approve modification of Ordinance No. 2011-07 to keep the same size numbers and add the Texas Flag leaving the remainder of the Ordinance as it is. The motion carried by a unanimous vote.

4. **REVIEW AND DISCUSS PROPOSED OFF-SITE LOCATION VISIT BY ROSENBERG CITY COUNCIL TO TOUR CERTAIN SITES, NAMELY TELFAIR LOFTS LOCATED AT 7500 BRANFORD PLACE, SUGAR LAND, TEXAS, AND IMPERIAL BALLPARK LOFTS, 2 STADIUM DRIVE, SUGAR LAND, TEXAS, AND TAKE ACTION AS NECESSARY.**

Executive Summary: This item has been included on the Agenda to offer City Council an opportunity to consider a potential off-site location visit to view certain types of development projects that may prove to be of interest to City Council. The projects are located in Sugar Land -- one is a development near Constellation Field and the other is located in Telfair off of US 59.

Key discussion points:

- Councilor Benton asked Council Members for input regarding a proposed off-site visit to tour certain sites, namely Telfair Lofts at 7500 Branford Place in Sugar Land, Texas. He would like to take the trip and those specifically who had concern with the developer last month.
- Councilor McConathy clarified she did not have an issue with the product, only the number of stories with the development.

Action: Councilor Benton made a motion, seconded by Councilor Grigar to coordinate either independently or as a partial group to look at these products to fit into this area. **The motion carried by a vote of 6 to 1 as follows: Yeses: Mayor Morales, Councilors Benton, Pena, Euton, Grigar and Barta. No: Councilor McConathy.**

5. **REVIEW AND DISCUSS PROPOSED OFF-SITE LOCATION VISIT BY ROSENBERG CITY COUNCIL TO TOUR A CERTAIN SITE, NAMELY THE BRAZOSPORT WATER AUTHORITY SURFACE WATER TREATMENT PLANT FACILITY GENERALLY LOCATED AT 1251 FM 2004, LAKE JACKSON, TEXAS, AND TAKE ACTION AS NECESSARY.**

Executive Summary: This item has been included on the Agenda to offer City Council an opportunity to consider a potential off-site location visit to the Brazosport Water Authority Surface Water Treatment Plant located in Lake Jackson.

Key discussion points:

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

Action: Councilor Barta made a motion, seconded by Councilor McConathy to approve a proposed off-site location visit by Rosenberg City Council to tour a certain site, namely the Brazosport Water Authority Surface Water Treatment Plant Facility generally located at 1251 FM 2004, Lake Jackson, Texas, and take action as necessary. The motion carried by a unanimous vote.

6. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1864, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AN INTERLOCAL AND COOPERATIVE PURCHASING PROGRAM CONTRACT, BY AND BETWEEN THE CITY AND THE HARRIS COUNTY DEPARTMENT OF EDUCATION.**

Executive Summary: The Technology Department is working closely with Dahill, a Xerox Company, to provide the most efficient and cost effective document management program for the City. Dahill has proposed a copier solution that will provide a better service at a reduced cost. The solution proposed by Dahill includes authorizing a new contract for copier services. However, the contract that Dahill is offering requires that the City participate in the Harris County Department of Education (HCDE) Interlocal and Cooperative Purchasing Program.

This Cooperative Purchasing Program allows the City to purchase goods and services through quality, competitively bid contracts. The City may become a member of this purchasing cooperative at no cost to the City, and use the HCDE awarded contracts thereby saving time and money while expanding the City's purchasing capabilities.

The HCDE Interlocal and Cooperative Purchasing Program Contract was included as Exhibit "A" to Resolution No. R-1864. Staff recommends approval of Resolution No. R-1864 as presented.

- Robert Gracia stated staff will check on that.
- No action was taken on the item.

3. **REVIEW AND DISCUSS CITY COUNCIL STAGGERED TERMS AND THE ORDER OF POSITIONS FOR ELECTION, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: This Agenda item was requested to provide City Council an opportunity to discuss staggered terms and the order of positions for election for the Mayor and Council Members.

Key discussion points:

- Councilor Benton stated his concern is eventual lower voter turnout with the way these staggered terms are setup now. He thinks it would be beneficial when we go through this process to look at that. He feels it would be beneficial to have at least one at-large position in every election. It would be good to have a committee of citizens look at this and make suggestions.
- Scott Tschirhart stated he was asked to research this and check on how it came to be that an ordinance had changed the charter. In looking at Ordinance 2013-10 this is Proposition 2. Staff provided Council a copy. On the second page under Proposition 2 you see the caption that appeared on the charter election and underneath you see what the strikeout would have been changing Section C and what was added to Section C. This is what was approved by the voters. This was done by Ordinance on February 19, 2013 to be set before the voters in the 2013 May election.
- Councilor Benton stated for clarification the verbiage in C was not on the ballot. He said it was not approved by the voters but the Proposition was.
- Scott Tschirhart stated that is correct. The Proposition was approved by the voters.
- Mayor Morales stated the information was out there to the voters prior to the Proposition.
- Scott Tschirhart stated when the Proposition was passed that carried over and was placed into the Charter. The language is identical to what was in Proposition 2 that came out of this particular ordinance. That is why there is a reference to the Ordinance in the Charter. The Ordinance didn't modify the Charter it was the will of the voters that modified the Charter.
- Mayor Morales stated we would have to devise a plan because in 2015 it will be three at-large positions for two years and the districts for one year.
- Scott Tschirhart said it would be a complex way of going about it but we could figure out a way to do it. An elected official doesn't have a property right in their elected office so we don't have those kinds of issues to deal with. If we wanted to change that around and take at-large positions, it would be a complicated process because you would have to setup some at large positions with staggered to make it work out, but it can be done.
- Mayor Morales stated that all of Sugar Land's At-Large positions are at one time and then the districts at another time. He does not have a problem with it but how do you derive that?
- Scott Tschirhart stated we need to consider how this affects us from potential litigation standpoint from the Voting Rights Act because we had to go to geographical districts for that purpose. That analysis will have to be a part of this program because we don't want to draw another voting rights suit.
- Mayor Morales stated he had to deal with LULAC on this last staggered terms. We would have to involve LULAC as well in this. A lot of this was based on what they wanted too.
- Mayor Morales stated we have a request for three year terms with a limit of six years and wanting to move an at-large position into the staggering mix and engage LULAC in this entire process.
- Councilor Euton stated if we mix it she would suggest that District 1 be moved with the mayor and at-large because they had the lowest percentage of voter turn out.
- Mayor Morales stated that is a good suggestion.
- Scott Tschirhart stated they can start on it but it is not something that he can come back to Council with until another workshop and not at the next Council meeting.
- No action was taken on the item.

4. **REVIEW AND DISCUSS PROPOSED AMENDMENTS TO SECTION 6-367 OF THE CODE OF ORDINANCES PROVIDING RULES AND REGULATIONS GOVERNING THE PAINTING OF STREET NUMBERS ON CURBS, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: On April 01, 2014, and April 22, 2014, City Council held discussions regarding the potential of amending the City's curb-painting regulations to include the Texas flag.

This item has been added to the Agenda to offer City Council the opportunity to discuss the potential amendment of the rules and regulations governing the painting of street numbers on curbs. You will find a copy of the current Code Section 6-367 which was included in the agenda packet.

Key discussion points:

- Councilor McConathy stated this was an item previously discussed and we reached a consensus that this was something we should bring back after budget discussions. We are talking about amending the current ordinance to include the painting of the Texas flag. She requested that the Attorney look at this because there was an opinion formed before and she wanted to make sure we were not violating anybody's first amendment rights.
- Scott Tschirhart explained the first amendment analysis is somewhat complex because there are varying levels. In this particular case, the City owns the curb. The City can send its message on the curb without having to worry too much about a first amendment issue unless the City were to decide to put a cross or other religious symbol. We can't endorse a particular religion or faith. In the case of placing a Texas flag on the City's curb in that it really doesn't implicate a first amendment issue because it is not taking a stance on something that is discriminatory. We all live in Texas. We could take the City seal and put it on the curb. However; he understands the former City Attorney's issue with allowing flags. If we were to allow different flags on there you are creating at that point not a speech that belongs to the City but you opening up a public forum. When you open up a public forum then you implicate first amendment issues and everybody gets to have their speech in there.
- A few years ago in Amarillo, Texas they decided they wanted to put advertising on patrol cars much like you see in NASCAR. The problem is when you open up a public forum like that you can't restrict any legal product from using that forum when it is a public property such as a patrol car or in this case a curb. We don't want to open it up for advertising because then you can't restrict what was put on there. If Council decides they want to put a flag on the curb and it doesn't interfere with any public safety issue, there is no reason the Council can't do that as long as it is the City's speech and we don't open it up to a public forum.
- Discussion was held regarding the painting of the Texas flag with the numbers on the curb. Council needs to define what will be allowed without giving any options. If option are allowed it opens it up to a public forum.
- After discussion, Wade Goates, Fire Chief volunteered to design the Texas flag with numbers for Council to view. The design will be brought back to Council for review and discussion.
- No action was taken on the item.

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

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

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

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

Key discussion points:

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

Questions/Comments:

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

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

Q: Will upsizing those lines help our rating?

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

Key discussion points:

- Councilor Benton had the item placed on the agenda for consideration and discussion.
- A brief discussion was held on the item.
- Councilor Grigar stated the item needs to be taken to the Planning Commission for discussion.
- Mayor Morales stated there is a concern with this but not to the degree of over restricting the neighborhood. He agrees the item needs to be taken to the Planning Commission.
- The general consensus of Council was to have the Planning Commission review.
- No action was taken on the item.

8. **REVIEW AND DISCUSS PROPOSED AMENDMENT TO SECTION 6-367 OF THE CODE OF ORDINANCES PROVIDING RULES AND REGULATIONS GOVERNING THE PAINTING OF STREET NUMBERS ON CURBS, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**
Executive Summary: On April 01, 2014, City Council held discussions regarding the potential of amending the City's curb-painting regulations to include the Texas flag.

This item has been added to the agenda to offer City Council the opportunity to discuss the potential amendment of the rules and regulations governing the painting of street numbers on curbs. A copy of the current Code Section 6-367 was attached in the agenda packet.

Key discussion points:

- Councilor Benton placed the item on the agenda for consideration and discussion.
- Discussion was held and concerns expressed regarding the size of lettering and restriction to only the Texas flag.
- Lora Lenzsch reiterated the fact that it is unconstitutional to restrict it to the Texas flag. You cannot hold people criminally liable for painting other flags. The County Attorney would have to seek an Attorney General opinion on this.
- Councilor Grigar stated his intention was for staff to research it to see what kind of situation we are looking at. He expressed concern that the item was brought back by a Council Member and no backup provided. He would like to leave the ordinance the way it is currently.
- Mayor Morales stated the general consensus of Council is for staff to bring the item back with the Austin ordinance criteria. We can review this potential ordinance again after the budget process.
- No action was taken on the item.

9. **ADJOURNMENT.**

There being no further business Mayor Morales adjourned the meeting at 9:40 p.m.


Linda Cernosek, TRMC, City Secretary

- Mayor Morales stated a format needs to be established. He feels like we have a committee setup with committee members that work with our Finance Director. This needs to be treated like any other committee and others could apply for it.
- Robert Gracia, City Manager suggested that Council may want to consider the number of volunteers and setup guidelines and accept applications and go through an interview process.
- No action was taken on the item.

9. REVIEW AND DISCUSS PROPOSED AMENDMENTS TO SECTION 6-367 OF THE CODE OF ORDINANCES PROVIDING RULES AND REGULATIONS GOVERNING THE PAINTING OF STREET NUMBERS ON CURBS, AND TAKE ACTION AS NECESSARY.

Executive Summary: This item has been added to the Agenda to offer City Council the opportunity to discuss the potential amendment of the rules and regulations governing the painting of street numbers on curbs. You will find a copy of the current Code Section 6-367 attached for your information and review.

Key discussion points:

- Councilor Benton asked for Council input amending the ordinance to allow the painting of the Texas flag on curbs.
- Mayor Morales asked about the Home Owners' Associations (HOA's).
- Tonya Palmer, Building Official stated curb painting is enforced by the City not the HOA's.
- Lora Lenzsch, City Attorney pointed out that when you start carving out areas and colleges, etc., you are regulating signage and you are treading on a tight rope. You cannot say only the Texas flag is allowed. People are very creative and they come up with other types of signage.
- Councilor McConathy stated if the numbers are clearly painted for first responders she can support it. She is in favor of the Texas flag.
- Councilor Bolf agreed she can support the Texas flag if it is clearly marked for first responders but no murals all the way down the curb.
- Councilor Grigar stated with this ordinance if you painted the Texas flag and address would it be in compliance with the ordinance? With the specifications in our City Code for the lettering, there would not be room left to paint the Texas flag.
- Councilor Euton asked if someone wanted to paint on the driveway would it be in violation of the code.
- Travis Tanner, Executive Director of Community Development stated this ordinance applies to city curb only. He is not aware of any rules but it would probably fall under the HOA.
- Wade Goates, Fire Chief stated he does not have a problem with the Texas flag but from first responders point he would caution about night reflection. Our main concern is visibility and we want the numbers clear with a white background with reflective material.
- Dallis Warren, Police Chief reiterated the need for the numbers to be clear for visibility.
- Mayor Morales stated the numbers need to be where they are today regarding size. There needs to be some design graphics on this.
- Councilor Euton stated this needs to be discussed at a workshop. The ones out there now may not be in compliance with the ordinance.
- The item will be brought back to a workshop.
- No action was taken on the item.

10. CONSIDER MOTION TO ADJOURN FOR EXECUTIVE SESSION.

Action: Councilor Benton made a motion, seconded by Councilor McConathy to adjourn for Executive Session at 7:03 p.m. The motion carried by a unanimous vote of those present.

11. HOLD EXECUTIVE SESSION TO DELIBERATE THE POTENTIAL PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY PURSUANT TO SECTION 551.072 OF THE TEXAS GOVERNMENT CODE; AND, TO DELIBERATE THE EMPLOYMENT, EVALUATION AND

ITEM 7

Hold Executive Session for consultation with Attorney to receive legal advice regarding the alternate water supply project with Brazosport Water Authority pursuant to Section 551.071; to deliberate the purchase, exchange, lease, or value of real property pursuant to Section 551.072; and, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal for the positions of City Manager and Secretary III pursuant to Section 551.074 of the Texas Government Code.

ITEM 8

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



CITY COUNCIL COMMUNICATION

December 02, 2014

ITEM #	ITEM TITLE
9	Resolution No. R-1884 – Water Supply Agreement

ITEM/MOTION

Consideration of and action on Resolution No. R-1884, a Resolution authorizing the Mayor to execute, for and on behalf of the City, a Water Supply Agreement, by and between the City and Brazosport Water Authority to supply a potable water source.

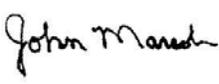
FINANCIAL SUMMARY	ELECTION DISTRICT
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Annualized Dollars:	Budgeted:	<input type="checkbox"/> District 1
<input type="checkbox"/> One-time	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/>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

SUPPORTING DOCUMENTS: **MUD #:** ETJ MUDs

1. Resolution No. R-1884 – Exhibit “A” to be provided under separate confidential cover
2. Resolution No. R-1869 – 10-21-14
3. Resolution No. R-1844 – 08-19-14
4. City Council Meeting Minute Excerpt – 10-21-14
5. City Council Meeting Minute Excerpt – 08-19-14

APPROVALS

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

EXECUTIVE SUMMARY

This item has been added to the agenda to offer City Council the opportunity to consider action on a Water Supply Agreement (Agreement) with the Brazosport Water Authority. The Agreement would provide an alternative potable water supply to the City that satisfies the Fort Bend Subsidence District (District) Regulatory Plan requirements. The City is mandated to comply with the requirement to reduce groundwater withdrawals by thirty percent (30%) on or before, October 01, 2016.

A copy of the Agreement is being provided to City Council under separate cover.

During the discussion of this Agenda item, staff will be providing a recommendation regarding approval of Resolution No. R-1884 as presented, authorizing the Mayor to execute a Water Supply Agreement by and between the City and Brazosport Water Authority to supply a potable water supply.

RESOLUTION NO. R-1884

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE, FOR AND ON BEHALF OF THE CITY OF ROSENBERG, TEXAS, A WATER SUPPLY AGREEMENT, BY AND BETWEEN THE CITY OF ROSENBERG, TEXAS, AND BRAZOSPORT WATER AUTHORITY TO SUPPLY A POTABLE WATER SOURCE.

* * * * *

WHEREAS, the City Council recognizes the importance of compliance with Fort Bend Subsidence District regulatory requirements regarding the implementation of groundwater reduction; and,

WHEREAS, the City Council has been committed to address said regulatory requirements related to the limitation of groundwater production; and,

WHEREAS, the Groundwater Reduction Plan Amendment identifying the Brazosport Water Authority as the source of alternative surface water supply to meet the unfunded mandate to reduce groundwater withdrawal by thirty percent (30%) by October 01, 2016, was approved by the Fort Bend Subsidence District Board of Directors on September 19, 2014, and subsequently ratified by the City Council of Rosenberg on September 19, 2014, and subsequently ratified by the City Council of Rosenberg by the passage of Resolution No. R-1869 on October 21, 2014; and,

WHEREAS, the City Council and Brazosport Water Authority entered into a Letter of Intent to negotiate a Water Supply Contract for supply of potable water; now, therefore,

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

Section 1. The City Council of the City of Rosenberg hereby authorizes the Mayor to execute a Water Supply Agreement (Agreement) to supply a potable water source.

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

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

ATTEST:

APPROVED:

Linda Cernosek, **CITY SECRETARY**

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

RESOLUTION NO. R-1869

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, RATIFYING AN AMENDED GROUNDWATER REDUCTION PLAN (GRP) REGARDING CONVERSION TO AN ALTERNATIVE WATER SOURCE AS APPROVED BY THE FORT BEND SUBSIDENCE DISTRICT.

* * * * *

WHEREAS, the City Council recognizes the importance of compliance with regulatory requirements regarding the implementation of groundwater reduction; and,

WHEREAS, the City Council has been committed to address said regulatory requirements related to the limitation of groundwater production; and,

WHEREAS, compliance requirements necessitated the preparation and submission of a Groundwater Reduction Plan (GRP) to the Fort Bend Subsidence District; and,

WHEREAS, on November 05, 2013, the City Council authorized the preparation and submission of an amended GRP to the Fort Bend Subsidence District; and,

WHEREAS, an Amendment identifying the Brazosport Water Authority as the source of alternative surface water supply to meet the mandate to reduce groundwater withdrawal by thirty percent (30%) by October 01, 2016, was prepared; and,

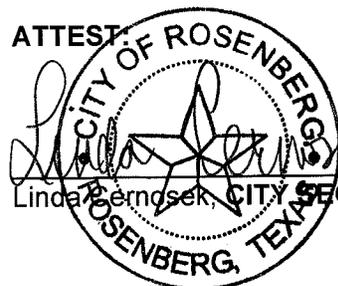
WHEREAS, the Amendment to said GRP was submitted on August 21, 2014, and subsequently approved by the Fort Bend Subsidence District Board of Directors on September 19, 2014; now, therefore,

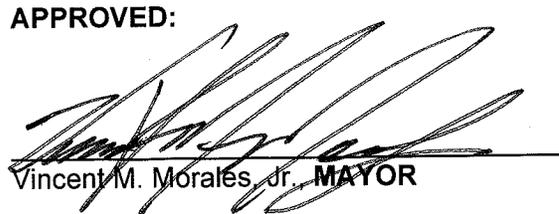
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROSENBERG:

Section 1. The City Council of the City of Rosenberg hereby ratifies the City's Amended GRP, as submitted and approved by the Fort Bend Subsidence District Board of Directors.

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

PASSED, APPROVED, AND RESOLVED this 21st day of October 2014.

ATTEST:

Linda Gernosek, CITY SECRETARY

APPROVED:

Vincent M. Morales, Jr. MAYOR



6415 Reading Road
Rosenberg, Texas 77471-5655

TEL 281 342 2033
FAX 281 232 9909

ROSENBERG	AUSTIN
SAN ANTONIO	DALLAS
THE WOODLANDS	HOUSTON
BRYAN/COLLEGE STATION	BRENHAM
	GREENSPRING

September 12, 2014

Texas Board of Professional Engineers Registration No. F-439

Mr. Michael J. Turco
General Manager
Fort Bend Subsidence District
Post Office Box 427
Richmond, Texas 77469-0427

Reference: Amended Groundwater Reduction Plan Submittal
City of Rosenberg

Dear Mr. Turco:

We are pleased to submit this revised amendment to the Groundwater Reduction Plan on behalf of the City of Rosenberg, Quadvest, L.P. (Bridlewood Estates), Fort Bend County Municipal Utility District No. 5, Fort Bend County Municipal Utility District No. 155, Fort Bend County Municipal Utility District No. 162, and Fort Bend County Freshwater Supply District No. 2 for your consideration and certification by the Fort Bend Subsidence District Board of Directors. The amendment provides the details for the required 30% conversion to an alternate water supply beginning in October 2016.

If you have any questions, do not hesitate to contact the undersigned, or Mr. John Maresh, Assistant City Manager, City of Rosenberg (832-595-3310).



Sincerely,

Charles A. Kalkomey, P.E.
Texas Registration No. 46208

CAK/mon
GRP Amendment Cover Letter 091214.doc

cc: Mr. John Maresh, Assistant City Manager, City of Rosenberg

**CITY OF ROSENBERG
AMENDED GROUNDWATER REDUCTION PLAN
FORT BEND COUNTY SUBSIDENCE DISTRICT**

SECTION 1 – INTRODUCTION

The City of Rosenberg (City) currently has an approved Groundwater Reduction Plan (GRP) to comply with the Fort Bend Subsidence District's requirements for partial conversion of groundwater to an alternate source of water. The Fort Bend Subsidence District (FBSD) requires well permittees with a total water demand in excess of ten (10) million gallons per year to convert 30% of their groundwater usage to an alternate source by 2016, with 60% conversion by 2025.

The purpose of this report is to present an amendment to the City's GRP. This amendment provides for a timely conversion to an alternate water source which projects to be a more reliable and less costly option for the City and its water users.

SECTION 2 – WATER DEMAND PROJECTIONS

The GRP Participants involved in this amendment have not changed from the current approved GRP. No additional participants have been added. The water demand projections within the current GRP had projected an aggressive increase in demands based on the development trends in place at that time. However, those increased demands did not occur in 2011 and 2012. The amended projected demands were adjusted for that change in development and modified to reflect the development trends currently underway. Potential additional GRP Participants considered in the current GRP remain in the amended water demand projections with an adjustment in time.

Based on these factors, the projected alternate water source demands for the 30% reduction and the future 60% reduction did not alter the proposed 3.0 MGD alternate water source demand between 2016 and 2024 and the proposed 6.5 MGD alternate water source demand between 2025 and 2050.

SECTION 3 – PLANS FOR WATER REDUCTION

This section details the plan for conversion to an alternate water source. The plan includes the use of raw water from the Brazos River treated to drinking water standards and the construction of certain water system improvements by the City and others.

A. Surface Water Source

The City is in negotiations with the BWA for the sale and transport of treated surface water to the City. The basic terms of the agreement and contract for the sale of the water have been established. The BWA is obtaining approval from the current contractual users of BWA to finalize the agreement and contract with the City. It is anticipated that this agreement and contract will be executed by the BWA and the City no later than December 31, 2014.

The BWA has water rights to the Brazos River both in the name of BWA and Dow Chemical. Dow Chemical owns and operates the pump stations and storage reservoirs that supply the untreated water to BWA. By contract, Dow Chemical must maintain a thirty (30) day supply of water in

their reservoirs to fulfill the surface water supply contracts held by BWA. The additional amount of water necessary to supply the City their contracted amount will also be stored within Dow's reservoirs through said contract.

In addition, the City has 4,500 acre feet per year of water contracted from the Brazos River Authority (BRA). This amount of water is adequate to address the City's needs until 2025. Should there be an issue with the BWA having the available surface water to provide for the City's demands, the water the City has contracted from the BRA will be available for use.

B. Surface Water Contract

As previously stated, the City is in the final stages of negotiating a surface water contract with the BWA. This contract would provide three (3) million gallons per day (MGD) of treated surface water to the City.

Under an agreement with the BWA, the City will retain its contracted raw water rights with the BRA. This annual water amount can be utilized with the contract.

On August 19, 2014, the City passed Resolution No. R-1844 authorizing the execution of a Letter of Intent (LOI), by and between the City and the Brazosport Water Authority. A copy of the executed LOI is attached hereto as Attachment "A".

C. Surface Water Treatment Plant

The BWA currently operates a surface water treatment plant at its site in Lake Jackson. The BWA currently has water supply contracts to produce 9.33 million gallons per day (MGD). (Attachment "C", Item 1) The plant currently is rated for and has the ability to produce a maximum of 17.5 MGD. (Attachment "C", Item 2) Therefore, the existing plant has the necessary capacity to provide the City with 3.0 MGD without additional improvements.

D. City Water Distribution System Analysis

This amended GRP will continue to be based on the City being the only planned user of the alternate water supply to meet the requirements of the City and the GRP participants. Therefore, the anticipated alternate water distribution and usage is based solely on the City's distribution system and usage.

The average daily flow (ADF) and peak hour demands have not significantly changed from those presented in the currently approved GRP.

E. Water Distribution System Model

The water system model was reviewed to reflect the additional system improvements that would be necessary to utilize the alternate water source from the BWA. The data contained within the currently approved GRP is still appropriate for planning purposes.

F. Proposed Water Plant and Distribution System Improvements

The City has completed construction of some of the required water system improvements that are included in the currently approved GRP. The Spur 529 Water Line Extension was completed and placed into operation in 2012. The SCADA system has been installed at all of the water plants, and has been operational since 2013. The expansion to Water Plant No. 5 has been completed and is awaiting final approval from the Texas Commission on Environmental Quality (TCEQ) to become operational.

The City is currently in design of a 16-inch water line along F.M. Highway 2977 between August Green Boulevard and Bryan Road. This will complete a water loop in the southeast portion of the City.

In 2015, the City will construct a 1,000,000 gallon elevated storage tank in the vicinity of Water Plant No. 6. This storage tank will provide not only system storage but will assist in operation of Water Plant No. 6.

In order to efficiently distribute the water, the City will also construct a water plant near the intersection of A. Meyer Road and Burdett Road. This plant will receive the surface water from the BWA, store it at this site, and then distribute the water to the City's system. Currently, this proposed plant would include 1.5 million gallons of ground storage, 4-1,500 gallon per minute booster pumps, a control building, generator, and disinfection equipment. The BWA meter would also be located at this plant site. The estimated cost of this water plant is \$3,022,000.

Along with the construction of this new water plant, the City will construct a 20-inch water line from the plant site to the intersection of A. Meyers Road and Benton Road. The construction of a 16-inch water line will also be necessary from A. Meyers Road, south along the future location of Benton Road, and then along Irby Cobb Boulevard to connect to an existing 16-inch water line.

As originally planned, the existing water plants will require conversion from chlorine gas to chloramines. This will be the last phase of the City's distribution system improvements prior to receiving surface water.

The improvements for 2025 as presented in the currently approved GRP are still appropriate for planning purposes. Depending on the identification of the additional alternate water source for 2025, there may be minor adjustments as necessary to accommodate the selected source.

G. BWA System Improvements

Although not necessary to provide the proposed contracted amount of surface water to the City, the BWA is undertaking a plant expansion project. This work will significantly upgrade the plant's electrical equipment and on-site treated water storage capacity.

In order to deliver surface water to the City, a 32 mile long transmission pipeline will be constructed from a BWA pumping facility in Angleton northwesterly to the City's proposed water plant on A. Myers Road. (Attachment "C", Item 3) This pipeline would vary from a 42-inch line to a 24-inch line. The current pipeline routing is also shown in Attachment "C".

This pipeline would initially serve the Texas Department of Criminal Justice (TDCJ) Ramsey Complex (2 MGD) and the TDCJ Darrington Unit (0.76 MGD). (Attachment "C", Item 4) The BWA will start design of the transmission line in 2014, including a routing study, with construction starting in 2015.

Within the BWA's proposed improvements to their water system are improvements to the Angleton pump station. A 5 million gallon storage tank and booster pumps will provide a station capacity of 7.2 MGD. These improvements are included in the currently planned BWA projected bond sales. Construction will start in 2015. (Attachment "C", Item 5)

H. Improvements for 2025

Generally, the improvements listed for 2025 in the current GRP are still applicable. The additional alternate water supply required for the 2025 conversion could come from the BWA. The City is investigating additional options for the 2025 conversion should water rights within the Brazos River not be available.

Should the additional alternate water supply for 2025 come from the BWA, the A. Meyers Road water plant will have land available for additional ground storage and pumps.

SECTION 4 – FUNDING

The projected costs to the City for the improvements necessary to meet the 30% reduction in ground water pumpage are included in the Implementation Schedule in Exhibit "B". These capital costs total \$11,352,000, which are considerably less than the costs projected in the current GRP. The City will continue to finance these City internal water system improvements through the City's ad valorem tax rate, Certificates of Obligation, and Revenue Bonds. The City has been collecting GRP pumping fees from water users through the City's water rates. These fees have provided the City with cash reserves that will assist in funding some of the scheduled GRP improvements without the City incurring additional debt.

The BWA will finance the improvements for which they are responsible through revenue bonds supported by user rates. The BWA anticipates utilizing Texas Water Development Board funds when possible.

SECTION 5 – ADDITIONAL CONSIDERATIONS

A. Water Reuse

The City has continued to expand its Water Reuse program since 2009. In early 2014, the reuse system was again expanded to serve Terry High School athletic fields. Further expansion of the system will include extensions to additional school district sites, a planned business park, and master planned communities.

B. Plan for Water Source Interruption

Should the City be delayed in meeting the required conversion date of September 2016, there are conversion credits available to the City. Both the reuse credits discussed above and the Waterwise program credits can be utilized to meet FBSD requirements.

Once the City begins receiving surface water, the planned conversion amount of 3 MGD will also produce over-conversion credits until 2024. All of these credits will allow the City to maintain compliance with the FBSD requirements during extreme droughts and during those periods of time when the Brazos River water is not acceptable for use as a drinking water source.

C. Plan for Change in Development Patterns

The City has completed the installation of new water meters described in the currently approved GRP. These meters have produced more accurate usage data and have allowed the City to geographically track water usage through their GIS capabilities. This will continue to allow the City to make future adjustments if necessary to the projected demands throughout the service area.

SECTION 6 – SUMMARY

The City of Rosenberg has been actively preparing for the FBSD conversion required in 2016. Conversion credits are being accumulated daily, and have been since 2009. The City has also continued its support of the Waterwise program.

The City secured BRA water rights sufficient to meet the City's conversion requirements through 2024. A number of the planned water system improvements identified in the current GRP have been completed or are currently in design. The remaining improvements are planned for completion within the next two years.

The City anticipates finalizing the contract with the BWA for the supplying of 3 MGD of treated surface water before December 31, 2014. The transmission line design is anticipated to be started by the BWA in October 2014.

An Amended Implementation Schedule is attached hereto as Attachment "B". This schedule shows the completion dates of those GRP projects in place and operational. The schedule also provides the scheduled dates for the completion of the remaining GRP projects.

Attachment "A"

Letter of Intent (LOI) for Supply of Water by Brazosport Water Authority to City of Rosenberg

RESOLUTION NO. R-1844

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF INTENT, BY AND BETWEEN THE CITY OF ROSENBERG, TEXAS, AND BRAZOSPORT WATER AUTHORITY REGARDING AN ALTERNATIVE WATER SUPPLY PROJECT.

* * * * *

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

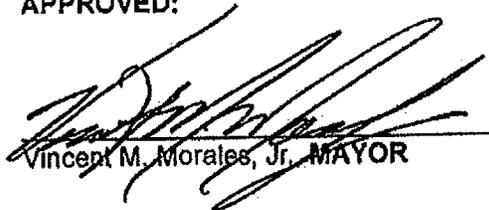
Section 1. The City Council of the City of Rosenberg hereby authorizes the Mayor to execute a Letter of Intent regarding an alternative water supply project, by and between the City of Rosenberg and the Brazosport Water Authority, attached hereto as Exhibit "A" and made a part hereof for all purposes.

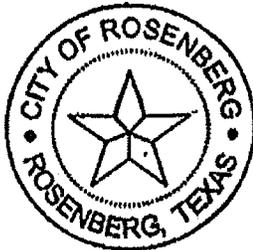
PASSED, APPROVED, AND RESOLVED this 19th day of August 2014.

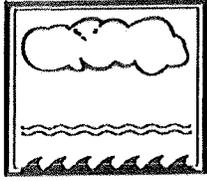
ATTEST:


Linda Cernosek, CITY SECRETARY

APPROVED:


Vincent M. Morales, Jr., MAYOR





BRAZOSPORT WATER AUTHORITY

MEMBER CITIES

ANGLETON

BRAZORIA

CLUTE

FREEMONT

LAKE JACKSON

OYSTER CREEK

RICHWOOD

August 15, 2014

City of Rosenberg
Attn: Mr. Vincent Morales, Mayor
2110 4th Street
Rosenberg, Texas 77471

Re: Letter of Intent for Supply of Water by Brazosport Water Authority to City of Rosenberg

Dear Mr. Morales:

On behalf of the Brazosport Water Authority ("BWA"), allow this to serve as a letter of intent for BWA to supply water to the City of Rosenberg ("Rosenberg"). I request you present this letter to your City Council for approval and execution. The term "Parties" herein shall refer to BWA and Rosenberg.

BWA staff, legal counsel, engineering and financial advisors have already invested relatively significant resources into this potential project and will continue to do so moving forward. This includes meetings with the staff of BWA member cities and a special meeting on July 16, 2014, with the staff of all BWA member cities to discuss the logistics of the project and the potential benefit to the member cities. The special meeting included a presentation by Allen Woelke of CDM Smith.

In the coming weeks, BWA representatives and staff will be making additional presentations of this project to the City Councils comprising the BWA member cities. Concurrently with those presentations, BWA bond counsel and financial advisor will continue their ongoing communication with the Texas Water Development Board regarding the issuance of approximately \$43,500,000.00 in bonds necessary to fund this project. BWA general counsel will also be providing Rosenberg's attorney a draft of the proposed contract.

I include this information to communicate the priority and resources BWA has allocated towards this potential project. BWA understands the deadline imposed on Rosenberg to obtain an alternative source of potable water. While BWA cannot provide a guaranty water can be delivered by the deadline imposed on Rosenberg due to the innumerable factors and variables attendant with such projects, BWA is willing to take reasonable action to complete the project as soon as practicable and without exposing BWA or its member cities to liability resulting from any failure to provide water by the deadline imposed on Rosenberg.

1. **Purpose of Letter of Intent:** The Parties intend for this Letter of Intent to continue

negotiations for the sale of potable water to Rosenberg and justify the expense of resources that will accompany logistical planning and formal contract negotiation. This Letter of Intent is merely a guide to the preparation of a mutually satisfactory agreement. Unless specifically set forth herein to the contrary, this document shall in no way be binding on either party or require the Parties to enter into a formal contract.

2. **Deadline for Proceeding with Water Supply Contract:** The following provisions in this section shall represent binding and enforceable agreements of the parties:

- a. The Parties agree that either party may unilaterally terminate this Letter of Intent and the potential water supply contract for any reason by October 8, 2014, upon written notice to the other party.
- b. In the event a majority in number and a majority in interest of the BWA member cities fail to approve a bond resolution authorizing the indebtedness necessary to construct the improvements necessary to supply potable water to Rosenberg by October 8, 2014, this Letter of Intent and the potential water supply contract either party may terminate this agreement upon written notice to the other party.
- c. In the event BWA is unable to secure the issuance of bonds necessary to financing this project for any reason by December 1, 2014, this Letter of Intent and the potential water supply contract either party may terminate this agreement upon written notice to the other party.
- d. In the event Rosenberg chooses to terminate this Letter of Intent and the potential water supply contract by October 8, 2014, Rosenberg shall reimburse BWA its reasonable and necessary expenses incurred in this project from June 3, 2014 to the date of termination, including but not limited to attorney's fees, alignment study fees, engineering fees, surveying fees and associated expenses. BWA will provide reasonable substantiation of any such expenses in which reimbursement is sought. BWA will notify Rosenberg of the alignment study fees.

3. **Proposed Terms Contract for Supply of Water:** The proposed water supply contract will include provisions covering at least the following subjects, which specific language shall be subject to further negotiation of the Parties:

- a. **Conditions Precedent.** The water supply contract will contain a condition precedent to the enforceability of the water supply contract requiring the approval of the bond resolution by a majority in number and majority in interest of the BWA member cities and issuance of said bonds.

The parties will continue discussion and negotiation regarding the requirement that BWA and TDCJ enter into an agreement for the sale of water to the Ramsey Complex & Darrington Units and whether this should be a condition precedent to a contract with Rosenberg.

- b. **Non-Guaranty of Timely Completion.** The BWA board understands and acknowledges Rosenberg has a deadline to have an alternative supply of water. While BWA will continue to act diligently and in good faith to timely complete this project, there are innumerable factors that may preclude or impede the timely

completion of this project due to no fault of BWA, including but not limited to the following potential issues: failure of BWA member cities to approve a bond resolution and other matters related to the issuance of bonds; environmental; obtaining right of ways, including condemnation proceedings; discovery of artifacts invoking the National Historic Preservation Act of 1966, the Antiquities Code of Texas or similar law protecting the discovery of artifacts; labor disputes, work slowdowns and stoppages, orders by any Court or administrative agency; acts of God and other acts of force majeure; failure or denial of any permitting required by any governmental authority; failure of any contractor or subcontractor to timely complete the scope of work; and any other act beyond the reasonable control of the Parties.

BWA will agree to impose and include deadlines within contracts with all contractors and subcontractors; however, ultimately BWA will not be liable to Rosenberg for any failure to timely complete the project. It is critical and material to BWA that there is no potential liability to BWA for any failure to timely complete this project, which will be acknowledged in the water supply contract. BWA will act diligently and in good faith to timely complete this project. Rosenberg is under a deadline to have an alternative source of potable water which may or may not be feasible in light of the innumerable variables that may occur during the course of constructing approximately 32 miles of pipeline.

BWA will require contractors to pay liquidated damages for failure to timely complete the project in a reasonable amount and if, as and when BWA receives liquidated damages from contractor, BWA shall remit the liquidated damages to Rosenberg to the extent Rosenberg has been damaged.

- c. Non-Participating Customer. Rosenberg would be a non-participating customer, meaning it will not have a representative on the BWA board.
- d. Pipeline Construction and Ownership. BWA will construct and own the pipeline and all other improvements necessary to deliver water to Rosenberg. The cost of the pipeline will be borne equally by all BWA customers, participating and non-participating alike.
- e. Term of Contract. The term of the contract will run concurrently with the term of the bonds issued to construct the improvements necessary to deliver water to Rosenberg and thereafter until the payment in full of the principal, premium, if any, and interest and related fees of said bonds. Thereafter, the contract may continue annually so long as Rosenberg continues to pay for the contract quantity of water.
- f. Take or Pay Contract of Potable Water. BWA will agree to provide a contract quantity of potable water to Rosenberg, and Rosenberg will enter into a *take or pay contract* meaning it will pay for the contract quantity of potable water each month whether actually used or not. The water will be of a quality conforming to

the standards of the Texas Department of Health and the Texas Commission on Environmental Quality.

- g. Proposed Rate and Payment. Rosenberg will agree to pay \$0.18 more than the BWA participating customers per 1,000 gallons of water at the contract quantity of three (3) million gallons of water per day. Rosenberg will pay for its contract quantity of water on a monthly basis. The parties may mutually agree to supply an additional contract quantity of water and subject to availability.

As with all BWA customers, the rate includes an operational cost and capital cost (i.e. debt service of bonds). Each year and prior to the fiscal year, BWA prepares a budget that will itemize estimates of all capital costs and operational costs, which may increase the rate per 1,000 gallons equally for all BWA customers.

- h. Commencement of Payments. Rosenberg will begin payment on the capital cost one month after a water supply contract is signed, which amount will increase after the bonds for this project have been issued. Rosenberg will begin payment of the operational costs upon substantial completion of the pipeline unless bond covenants require payments earlier.
- i. Water Conservation and Drought Contingency. The Parties will acknowledge and agree to take actions necessary to carry out water conservation and the terms of the BWA Drought Contingency Plan, as it currently exists and hereafter amended.
- j. Rosenberg's Waste Water. BWA would like to discuss Rosenberg's waste water discharge; specifically, the prospect of providing a raw water source for Rosenberg through a bed and bank permit.
- k. Rosenberg Oversize Rights. Rosenberg will have the right to oversize the pipeline at its own cost and related facilities and if Rosenberg oversizes the pipeline, Rosenberg will have the exclusive right to the use of the additional capacity provided by the oversizing.
- l. Not Exclusive. BWA acknowledges that it will not be Rosenberg's exclusive source of water or additional water.
- m. Additional Water. BWA, based on the availability water, will agree to sell additional water to Rosenberg if and when needed so long as the contract is in effect.

These items are certainly not all of the terms to be included in a water supply contract, but they do represent several terms the BWA board sees as integral. In the coming weeks, BWA general counsel will prepare a draft contract for your review and BWA bond counsel and financial advisor will continue their ongoing preparation of information required by the Texas Water

Development Board for issuance of bonds or other bond issuing agencies.

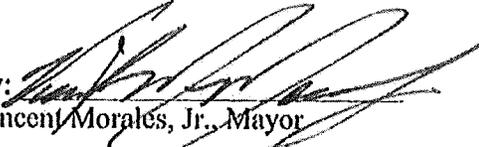
If Rosenberg is in agreement with the terms of this Letter of Intent, including the binding provisions in Section 2: Deadline of October 8th, please indicate same by signing and returning at your earliest convenience. Should you have any questions, do not hesitate to communicate with BWA staff or legal counsel.

BRAZOSPORT WATER AUTHORITY


By: Juan Longoria, President

AGREED to and ACCEPTED on this the 19th day of August, 2014.

CITY OF ROSENBERG

By: 
Vincent Morales, Jr., Mayor

Attachment "B"

Amended City of Rosenberg Surface Water Supply Implementation Schedule

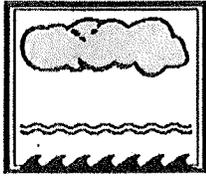
**AMENDED CITY OF ROSENBERG
SURFACE WATER SUPPLY IMPLEMENTATION SCHEDULE**

September 12, 2014

Year Scheduled	Year Completed	Responsible Entity	Description	City Project Cost
N/A	2009	City	Construct Reuse System for WWTP2	
N/A	2011	City	Reuse System for Seabourne Creek Park	
2012	2012	City	Secure Water Transmission Line Easements	
2012	2012	City	Spur 529 Water Line Extension	
N/A	2012	City	Construct Reuse System for WWTP1A	
2012	2013	City	SCADA System	
N/A	2014	City	Construct Reuse System to LCISD Terry High Campus	
2012	2014	City	500,000 Gallon Ground Storage Tank, and 2-1,500 GPM Booster Pumps at Plant No 5	
2014	2014	City	1,800 GPM Well at Plant No 5	
2014		BWA/City	Execute Surface Water Supply Contract -- BWA	
2014		City	FM 2977 Water Line Extension	\$827,000
2014		BWA	Start Design of Transmission Water Transmission Line and Angelton Pump Station Expansion	
2015		BWA	Start Construction of Water Transmission Line and Angelton Pump Station Expansion	
2015		City	Start Construction of Plant No. 7 -- A. Meyers Road and	\$3,022,000
2015		City	1,000,000 Gallon Elevated Storage Tank -- Plant No. 6	\$3,300,000
2015		City	700,000 Gallon Ground Storage Tank at Plant No. 6	\$1,600,000
2015		City	A. Meyers Road 20-inch Water Line	\$1,088,000
2015		City	Benton Road/Irby Cobb Blvd. 16-inch Water Line	\$345,000
2016		City	Existing Water Plant Chloramine Conversions	\$1,170,000
2016		BWA/City	Produce Surface Water -- 30% Conversion	

Attachment "C"

Brazosport Water Authority September 11, 2014 Additional Information Letter



BRAZOSPORT WATER AUTHORITY

MEMBER CITIES:

ANGLETON

BRAZORIA

CLUTE

FREEPORT

LAKE JACKSON

OYSTER CREEK

RICHWOOD

September 11, 2014

City of Rosenberg
Attn: John Maresh
2110 4th Street
Rosenberg, Texas 77471

RE: Additional Information for Rosenberg GRP

Hello Mr. Maresh,

Below are the responses to the additional information requested for the Rosenberg GRP.

1. State what your current contract commitments are on a daily basis.

Brazosport Water Authority is under contract currently to supply customers 9.33 million gallons of water per day.

2. State what the total average daily capacity of the treatment plant is.

The Brazosport Water Authority treatment plant in Lake Jackson has a current TCEQ rating for water production of 17.5 million gallons per day.

3. Information on the pipeline, including a proposed route, line size, costs. The route should stop at the intersection of Burdett Road and A. Meyer Road. The last section of the pipeline should be a 24-in line, as Rosenberg would pay for the upsizing.

The potential route of the pipeline to serve the TDCJ Ramsey Complex, the TDCJ Darrington Unit and the City of Rosenberg is shown on the attached figure. The pipeline along this potential route consists of 36,220 lf of 42-in line, 40,520 lf of 30-in line and 95,740 lf of 24-in line. The 42-in and 30-in lines are in compliance with the recommended alternative contained in the TWDB funded Brazoria County Regional Water Facility Master Plan. The 24-in line is proposed to serve the City of Rosenberg. The total cost of the pipeline is \$40,255,000 which includes 15% for professional services and a 20% contingency. A drawing is attached.

4. List other users on this pipeline along with their demand.

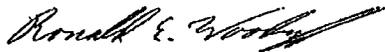
The two customers on the proposed BWA pipeline north of Angleton in addition to the City of Rosenberg (3 mgd) are the TDCJ Ramsey Complex (2mgd) which includes Ramsey, Terrell, & Stringfellow Units and the TDCJ Darrington Unit (0.76 mgd).

5. Information on the Angleton pump station. We need the storage and pumping capacity at this location. Also, if there are improvements that must be made to this station that are necessary for serving Rosenberg, then these improvements need to be identified along with their costs. If there are costs, are they a part of your current bond program?

The storage tank and pump station in Angleton to serve the BWA pipeline north of Angleton are both proposed facilities. The proposed ground storage tank has a capacity of 5 MG. The proposed pump station has a capacity of 7.2 mgd. Both of these facilities have been included in the capital cost estimates presented to the City of Rosenberg and reviewed by its engineer.

Please let us know if we can be of any further assistance.

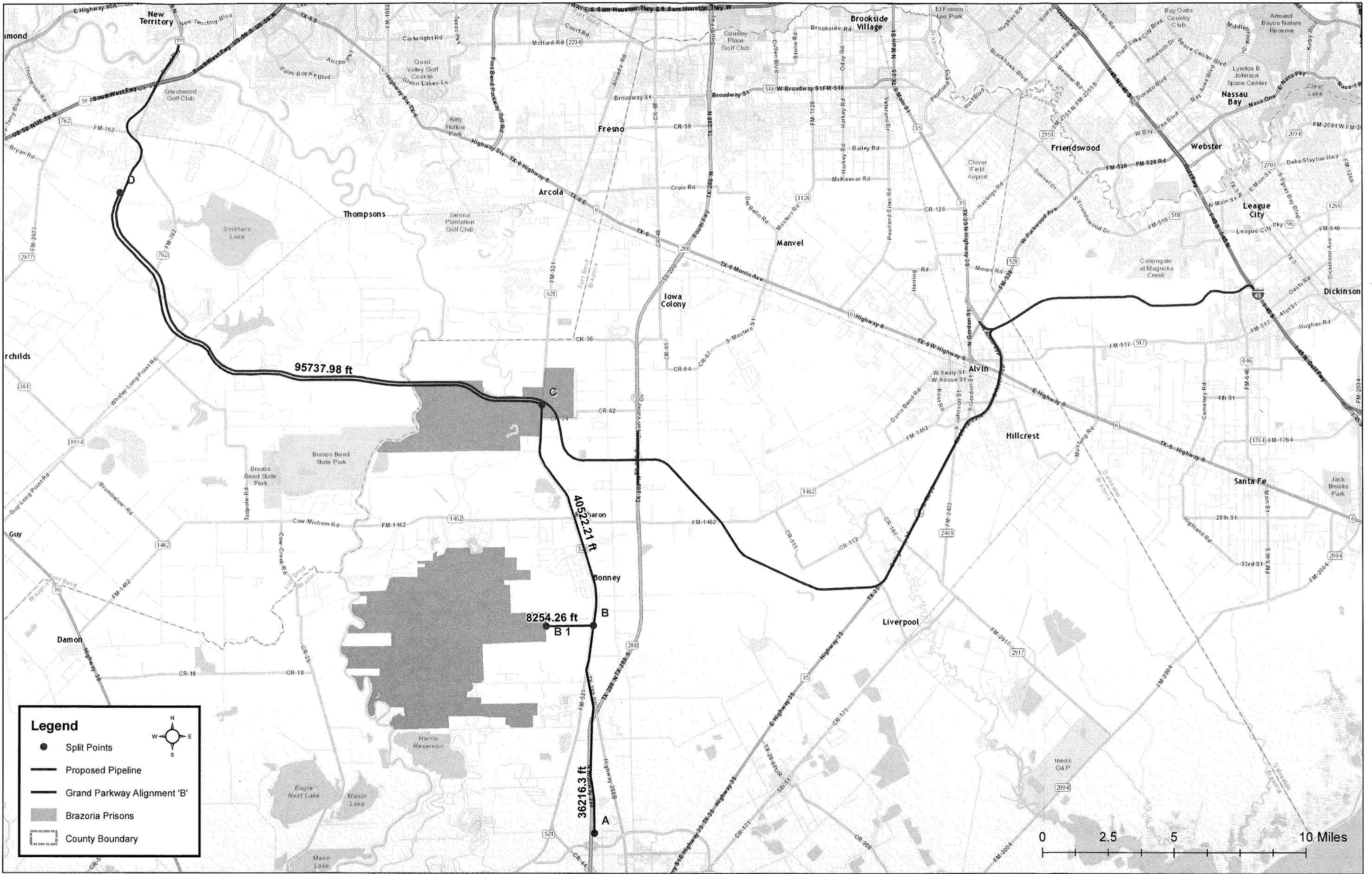
Thank you,



Ronald Woodruff
General Manager
Brazosport Water Authority
rwoodruff@bwawater.org

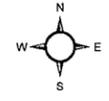
Cc: Charles A. Kalkomey & File

Enclosure: Map of Route



Legend

- Split Points
- Proposed Pipeline
- Grand Parkway Alignment 'B'
- Brazoria Prisons
- County Boundary



RESOLUTION NO. R-1844

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF INTENT, BY AND BETWEEN THE CITY OF ROSENBERG, TEXAS, AND BRAZOSPORT WATER AUTHORITY REGARDING AN ALTERNATIVE WATER SUPPLY PROJECT.

* * * * *

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

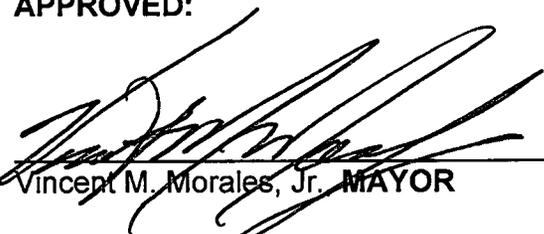
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PASSED, APPROVED, AND RESOLVED this 19th day of August 2014.

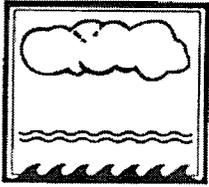
ATTEST:


Linda Cernosek, CITY SECRETARY

APPROVED:


Vincent M. Morales, Jr. MAYOR





**BRAZOSPORT
WATER
AUTHORITY**

MEMBER CITIES

ANGLETON

BRAZORIA

CLUTE

FREEPORT

LAKE JACKSON

OYSTER CREEK

RICHWOOD

August 15, 2014

City of Rosenberg
Attn: Mr. Vincent Morales, Mayor
2110 4th Street
Rosenberg, Texas 77471

Re: Letter of Intent for Supply of Water by Brazosport Water Authority to City of Rosenberg

Dear Mr. Morales:

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BWA staff, legal counsel, engineering and financial advisors have already invested relatively significant resources into this potential project and will continue to do so moving forward. This includes meetings with the staff of BWA member cities and a special meeting on July 16, 2014, with the staff of all BWA member cities to discuss the logistics of the project and the potential benefit to the member cities. The special meeting included a presentation by Allen Woelke of CDM Smith.

In the coming weeks, BWA representatives and staff will be making additional presentations of this project to the City Councils comprising the BWA member cities. Concurrently with those presentations, BWA bond counsel and financial advisor will continue their ongoing communication with the Texas Water Development Board regarding the issuance of approximately \$43,500,000.00 in bonds necessary to fund this project. BWA general counsel will also be providing Rosenberg's attorney a draft of the proposed contract.

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The parties will continue discussion and negotiation regarding the requirement that BWA and TDCJ enter into an agreement for the sale of water to the Ramsey Complex & Darrington Units and whether this should be a condition precedent to a contract with Rosenberg.

- b. *Non-Guaranty of Timely Completion.* The BWA board understands and

acknowledges Rosenberg has a deadline to have an alternative supply of water. While BWA will continue to act diligently and in good faith to timely complete this project, there are innumerable factors that may preclude or impede the timely completion of this project due to no fault of BWA, including but not limited to the following potential issues: failure of BWA member cities to approve a bond resolution and other matters related to the issuance of bonds; environmental; obtaining right of ways, including condemnation proceedings; discovery of artifacts invoking the National Historic Preservation Act of 1966, the Antiquities Code of Texas or similar law protecting the discovery of artifacts; labor disputes, work slowdowns and stoppages, orders by any Court or administrative agency; acts of God and other acts of force majeure; failure or denial of any permitting required by any governmental authority; failure of any contractor or subcontractor to timely complete the scope of work; and any other act beyond the reasonable control of the Parties.

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- g. Proposed Rate and Payment. Rosenberg will agree to pay \$0.18 more than the BWA participating customers per 1,000 gallons of water at the contract quantity of three (3) million gallons of water per day. Rosenberg will pay for its contract quantity of water on a monthly basis. The parties may mutually agree to supply an additional contract quantity of water and subject to availability.

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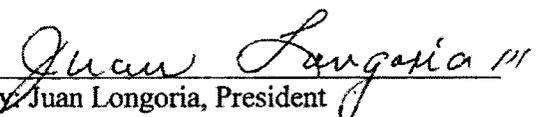
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If Rosenberg is in agreement with the terms of this Letter of Intent, including the binding provisions in Section 2: Deadline of October 8th, please indicate same by signing and returning at your earliest convenience. Should you have any questions, do not hesitate to communicate with BWA staff or legal counsel.

BRAZOSPORT WATER AUTHORITY


By Juan Longoria, President

AGREED to and ACCEPTED on this the ___ day of _____, 2014.

CITY OF ROSENBERG

By: _____
Vincent Morales, Jr., Mayor

CONSENT AGENDA

1. REVIEW OF CONSENT AGENDA.

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

- A. **CONSIDERATION OF AND ACTION ON SPECIAL MEETING MINUTES FOR AUGUST 09, 2014, SPECIAL WORKSHOP MEETING MINUTES FOR AUGUST 09, 2014, JOINT CITY COUNCIL AND ROSENBERG DEVELOPMENT CORPORATION MEETING MINUTES FOR AUGUST 14, 2014, SPECIAL MEETING MINUTES FOR AUGUST 26, 2014, WORKSHOP MEETING MINUTES FOR AUGUST 26, 2014, REGULAR MEETING MINUTES FOR SEPTEMBER 02, 2014, AND REGULAR MEETING MINUTES FOR SEPTEMBER 16, 2014.**
- B. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2014-40, AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY DELETING ALL OF SECTION 28-41 (B) AND (D), STOP SIGNS DESIGNATED, OF ARTICLE II, DIVISION 2 OF CHAPTER 28, STOP STREETS, AND SUBSTITUTING THEREFOR A NEW SECTION 28-41 (B) AND (D) OF ARTICLE II, DIVISION 2 OF CHAPTER 28 THEREOF; PROVIDING FOR A FOUR-WAY STOP AT THE INTERSECTION OF AVENUE G AND 8TH STREET; PROVIDING A PENALTY IN AN AMOUNT OF NOT LESS THAN \$1.00 OR MORE THAN \$200.00 FOR VIOLATION OF ANY PROVISION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Executive Summary: Staff recently received information from the Police Department Traffic Investigator, regarding a pattern of crashes having occurred at the intersection of Avenue G and 8th Street. A review of records identified a total of three (3) traffic crashes at this intersection over the most recent three (3) year period, all of which have occurred since October 2013. The intersection currently functions as a two-way stop, with 8th Street stopping and Avenue G being non-controlled. The recommendation is to make this a four (4) way stop intersection due to the documented number of traffic crashes that have occurred at the intersection.

Staff has prepared an Ordinance that deletes the above listed intersection from the two-way stop sign designations and will add said intersection to the four-way stop sign designations.

Staff recommends approval of Ordinance No. 2014-40 as presented.

- C. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1869, A RESOLUTION RATIFYING AN AMENDED GROUNDWATER REDUCTION PLAN (GRP) REGARDING CONVERSION TO AN ALTERNATIVE WATER SOURCE AS APPROVED BY THE FORT BEND SUBSIDENCE DISTRICT.**

Executive Summary: During the regular City Council Meeting on November 05, 2013, City Council took action authorizing the preparation and submission of an amended Groundwater Reduction Plan (GRP) to the Fort Bend Subsidence District (FBSD). The GRP Amendment was submitted on August 21, 2014, and subsequently approved by the FBSD Board of Directors on September 19, 2014. The Amendment identifies the Brazosport Water Authority (BWA) as the source of alternative water supply that will be used to satisfy the FBSD unfunded mandate to reduce groundwater withdrawal by thirty percent (30%) beginning in FBSD permit year October 01, 2016. A copy of the Amendment was included as Exhibit "A" to Resolution No. R-1869. The amended GRP also includes a schedule/timeline for various Capital Projects that the City must construct within the timeline in order to prevent disincentive fee penalties from the FBSD.

Staff recommends approval of Resolution No. R-1869 as presented.

- D. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1831, A RESOLUTION AWARDDING BID NO. 2014-13, FOR PARKS GROUNDS MAINTENANCE SERVICES; AND, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, A GENERAL SERVICES CONTRACT RELATED THERETO, AND/OR ALL NECESSARY DOCUMENTATION REGARDING SAME.**

Executive Summary: On Wednesday, September 17, 2014, bids were received and opened for the City of Rosenberg (City) Parks Grounds Maintenance Contract. A total of two (2) bids were

Center Replat of Commercial Reserve "A-2".

- G. **CONSIDERATION OF AND ACTION ON A FINAL PLAT OF SUMMER LAKES SECTION EIGHT, BEING A SUBDIVISION OF 8.574 ACRES OUT OF THE W.M. LUSK SURVEY, A-276 AND THE JANE LONG LEAGUE, A-55, IN THE CITY OF ROSENBERG, IN FORT BEND COUNTY, TEXAS (FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 144); 36 LOTS, 2 BLOCKS, 1 RESERVE (0.5214 ACRE).**

Executive Summary: The Final Plat of Summer Lakes Section Eight is located off of Lake Commons and Blue Lake Drives in the south central portion of the Summer Lakes development. The Plat consists of 8.574 acres, 36 residential lots, and one (1) reserve containing 0.5 acres.

All proposed lots are a minimum of sixty feet (60') in width as measured at the front building line. The Plat complies with the Development Agreement and approved Land Plan for Fort Bend County MUD No. 144. The Land Plan identifies the area of the Plat as single-family residential development. The Development Agreement calls for a minimum lot width of fifty feet (50') and minimum size of 6,000 square feet. All proposed lots meet these requirements.

The Preliminary Plat of Summer Lakes Section Eight was approved by the Planning Commission on June 18, 2014, and the Final Plat was recommended for approval on September 17, 2014. The Final Plat is not in conflict with any applicable regulations, with the approved Preliminary Plat, or with the Development Agreement for Fort Bend County MUD No. 144. Staff recommends approval of the Final Plat of Summer Lakes Section Eight.

- H. **CONSIDERATION OF AND ACTION ON A FINAL PLAT OF SUMMER PARK SECTION TWO, BEING A SUBDIVISION OF 16.498 ACRES OUT OF THE ROBERT E. HANDY SURVEY, A-187, IN THE CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS (FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 144); 64 LOTS, 3 BLOCKS, 3 RESERVES (0.6726 ACRE).**

Executive Summary: The Final Plat of Summer Park Section Two is located off of Park Place Boulevard in the southwest portion of the Summer Park development. The Plat consists of 16.498 acres, 64 residential lots, and three (3) reserves containing 0.67 acres.

All proposed lots are a minimum of sixty feet (60') in width as measured at the front building line. The Plat complies with the Development Agreement and approved Land Plan for Fort Bend County MUD No. 144. The Land Plan identifies the area of the plat as single-family residential development. The Development Agreement calls for a minimum lot width of fifty feet (50') and minimum size of 6,000 square feet. All proposed lots meet these requirements.

The Planning Commission approved the Preliminary Plat of this subdivision on June 18, 2014, and recommended approval of the Final Plat on September 17, 2014. The Final Plat is not in conflict with any applicable regulations, with the approved Preliminary Plat, or with the Development Agreement for Fort Bend County MUD No. 144. Staff recommends approval of the Final Plat of Summer Park Section Two.

- I. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1866, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AMENDMENT 3 TO: SECURITY SERVICES CONTRACT BETWEEN LAMAR CONSOLIDATED INDEPENDENT SCHOOL DISTRICT AND THE CITY OF ROSENBERG FOR POLICE SERVICES PROVIDED BY ROSENBERG POLICE OFFICERS.**

Executive Summary: Amendment 3 to the Security Services Contract (Contract) with Lamar Consolidated Independent School District (LCISD) is to provide for two additional one-year extensions to the current Contract.

This Contract automatically renewed, effective September 01, 2014, and shall expire on August 31, 2015. LCISD and the City of Rosenberg may, upon mutual consent, extend the Contract for two (2) additional one-year periods upon written request of the City of Rosenberg Police Department presented prior to the expiration of the Contract.

Amendment 3 is included at Exhibit "A" to Resolution No. R-1866. Staff recommends approval of Resolution No. R-1866 as presented.

Action: Councilor Benton made a motion, seconded by Councilor McConathy to approve all items (Items A-I) on the Consent Agenda. The motion carried by a unanimous vote.

reassignment, duties, discipline, or dismissal of the Presiding Judge of the Municipal Court pursuant to Section 551.074 of the Texas Government Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ITEM 10

Announcements.

ITEM 11

Adjournment.