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, March 18, 2014

TIME: 7:00 p.m.

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

PURPOSE: Regular City Council Meeting, agenda as follows:

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

Call to order: City Hall Council Chamber

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

Presentation of Proclamation Recognizing March 2014 as Intellectual Disability Awareness Month in the City of Rosenberg. (Vincent M. Morales, Jr., Mayor)

Presentation of Proclamation Recognizing April 2014 as Keep America Beautiful Month in the City of Rosenberg. (Vincent M. Morales, Jr., Mayor)

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

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

CONSENT AGENDA

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

   A. Consideration of and action on Regular Meeting Minutes for February 18, 2014, Workshop Meeting Minutes for February 25, 2014, and Special Meeting Minutes for March 03, 2014. (Cernosek)

   B. Consideration of and action on a Short Form Final Plat of Lamar CISD Elementary School No. 23; 0 lots, 1 block, 1 reserve; being 14.26 acres in the Robert E. Handy Survey, Abstract 187, City of Rosenberg, Fort Bend County, Texas. (Tanner)

   C. Consideration of and action on a Short Form Final Plat of Myska Corner, 2 lots, 1 block, 0 reserves, being a replat of Lot 6 and the east 85 feet of Lot 5, Block 2, Louis Polka Subdivision (Volume 241, Page 631, D.R.F.B.C.T.) in the Henry Scott League, Abstract 83, City of Rosenberg, Fort Bend County, Texas. (Tanner)

   D. Consideration of and action on a Final Plat of the Reserve at Brazos Town Center Section Three, a 17.5794 acre tract of land being a partial replat of Reserve "H", Block 4, the Villages at Rosenberg (Slide No. 1945 A&B; F.B.C.P.R.) conveyed to Figure Four Partners, Ltd. (F.B.C.C.F. No. 2013159055) in the Jane H. Long League, Abstract No. 55, and in the Simon Jones Survey, Abstract No. 271, City of Rosenberg, Fort Bend County, Texas; 2 reserves, 62 lots, 3 blocks. (Tanner)

E. Consideration of and action on Resolution No. R-1761, a Resolution authorizing the Rosenberg Police Department's submission of an application for the Victims of Crime Act (VOCA) formula grant for the position of Crime Victim Liaison, and authorizing the City Manager to execute all necessary documentation regarding same. (Warren)

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. (Maresh)

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. (Maresh)

4. Consideration of and action on Resolution No. R-1768, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Contract for Engineering Services for Sanitary Sewer Pipe Bursting Project for engineering and surveying services for the FY2014 Sanitary Sewer Pipe Bursting Project, by and between the City and Kelly R. Kaluza and Associates, Inc., in the amount of $369,400.00. (Maresh)

5. Consideration of and action on Resolution No. R-1770, a Resolution regarding the Guidelines and Criteria, Grant Application and Application for Appeal Request for the City of Rosenberg Business Assistance Grant Program. (Kanak)

6. Consideration of and action on Resolution No. R-1763, a Resolution authorizing the use of Rosenberg Development Corporation funds for park improvements in the amount of $47,720.00 as recommended by the Rosenberg Development Corporation and the Parks and Recreation Board. (McCarthy)

7. Consideration of and action on Ordinance No. 2014-13, an Ordinance amending the Code of Ordinances by deleting Sections 23-27, 23-29, and 23-31 of Article II of Chapter 23 thereof and substituting therefor new Sections 23-27, 23-29, and 23-31; providing for curbside solid waste collection, guidelines for solid waste and/or recycling carts, and establishing specific times for the placement of said carts out for service; and providing for severability. (Trinker)

8. Consider motion to adjourn for Executive Session.

9. Hold Executive Session to consult with City Attorney to receive legal advice on legal matters pursuant to Section 551.071 of the Texas Government Code; for deliberations regarding the potential purchase, exchange, lease, or value of real property pursuant to Section 551.072 of the Texas Government Code; and, for deliberations regarding personnel matters, to deliberate the appointment and employment of Police Chief as authorized by Section 551.074 of the Texas Government Code.

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

11. Announcements.

12. 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.

Presentation of a Proclamation Proclaiming March 2014 as Intellectual Disability Awareness Month in the City of Rosenberg.

PROCLAIMING MARCH 2014 AS INTELLECTUAL DISABILITY AWARENESS MONTH IN THE CITY OF ROSENBERG

Whereas, March is recognized as Intellectual Disability Awareness Month—a month set aside to focus on the abilities and needs of people with Intellectual Disabilities, their quality of life and the prevention of this condition; and

Whereas, in Texas, Intellectual Disability is defined as a usually permanent condition originating sometime between birth and the age of 18. The person's general intellectual functioning is significantly below average (IQ 70 or below) and his/her behavior does not meet the level of personal independence and social responsibility expected of the person's age and culture; and

Whereas, Intellectual Disability is found among all races and cultures. An estimated 3% of the population has Intellectual Disability and/or developmental disability; and

Whereas, people with Intellectual Disabilities experience emotions common to all human beings: joy, sadness, anger, boredom, interest. They can learn, adjust socially and benefit from appropriate education, training, personal care and opportunity to work; and

Whereas, JADE Quality Care, Inc., will be honoring Intellectual Disability Awareness Month by presenting a Developmental Disability and Intellectual Disability Awareness Walk on Saturday, March 24, 2012, from 8:00 a.m. to 1:00 p.m. at Seabourne Creek Nature Park in Rosenberg, Texas. This event has been created to promote public awareness of Intellectual Disabilities and help educate the community about the unique needs that affect people with Intellectual Disabilities. The 2012 theme for the walk is "Breaking Down the Boundaries" emphasizing the human need of quality relationships among the target population. Gail Spell, Director of Texana Early Childhood Intervention Program-Project Grow and Erika Clark, Case Coordinator of JADE Quality Care, Inc. Home and Community-Based Program, will speak after the walk on the needs of the developmental and intellectual disability population.

Now, Therefore, I, Vincent M. Morales, Jr., Mayor of the City of Rosenberg, proclaim the month of March 2014, as **"INTELLECTUAL DISABILITY AWARENESS MONTH"** in the City of Rosenberg in observance of the promotion of public awareness of Intellectual Disabilities and help educate the community about the unique needs that affect people with Intellectual Disabilities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official Seal of the City of Rosenberg to be affixed this the 18th day of March, 2014.

Vincent M. Morales, Jr., Mayor

Presentation of a Proclamation Recognizing April 2014 as Keep America Beautiful Month in the City of Rosenberg.

PROCLAMATION RECOGNIZING APRIL 2014 AS KEEP AMERICA BEAUTIFUL MONTH IN THE CITY OF ROSENBERG

WHEREAS, the City of Rosenberg is proud of its natural resources and its neighborhoods and seeks to protect and improve our community through the action of citizens, schools, government, and businesses working together; and,

WHEREAS, the City Council of the City of Rosenberg has recognized the important commitment to improve American communities through litter prevention, beautification and solid waste management initiatives, and are committed to help spread the word about the importance of volunteerism and motivate everyone in our communities to become stewards of the environment.

NOW, THEREFORE, I, Vincent M. Morales, Jr., do hereby proclaim the month of April 2014 as Keep America Beautiful month and call upon our citizens to join in activities that promote responsible environmental stewardship and help us renew our commitment to building a better world today and for future generations.

In witness whereof, I have set my hand and caused the Official Seal of the City of Rosenberg to be affixed, this the 18th day of March, in the year 2014.

Vincent M. Morales, Jr.

General Comments from the Audience:

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

Comments from the Audience for Consent and Regular Agenda Items:

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

ITEM 1

Review of Consent Agenda.

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

ITEM A

Minutes:

1. **Regular City Council Meeting Minutes – February 18, 2014**
2. **City Council Workshop Meeting Minutes – February 25, 2014**
3. **Special City Council Meeting Minutes – March 03, 2014**

REGULAR COUNCIL MEETING MINUTES
DRAFT

On this the 18th day of February, 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 Bolf	Councilor, District 4

STAFF PRESENT

Robert Gracia	City Manager
Linda Cernosek	City Secretary
John Maresh	Assistant City Manager for Public Services
Jeff Trinker	Executive Director of Support Services
Lora Lenzsch	City Attorney
Charles Kalkomey	City Engineer
Joyce Vasut	Executive Director for Administrative Services
Rachelle Kanak	Interim Economic Development Director
Tracie Dunn	Police Lieutenant
Wade Goates	Fire Chief
Travis Tanner	Executive Director of Community Development
Darren McCarthy	Parks and Recreation Director
Lydia Acosta	Recreation Programs Coordinator
Angela Fritz	Communications Director
Tommy Havelka	Police Officer
Kelly Kuresch	Police Officer
Kaye Supak	Executive Assistant

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

INVOCATION AND PLEDGE OF ALLEGIANCE.
Mayor Pro Tem McConathy gave the invocation and led the pledge of allegiance to the flag.

PRESENTATION OF CERTIFICATE OF RECOGNITION TO ANTHONY RAY BECERRA FOR THE UNSUNG HERO AWARD.
Mayor Morales presented a Certificate of Recognition to Anthony Ray Becerra for the Unsung Hero Award. Mr. Becerra and all Image Committee Members present at the meeting joined the Mayor at the podium for the presentation. The Image Committee honored Mr. Becerra with an award.

GENERAL COMMENTS FROM THE AUDIENCE.
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The following speakers addressed Council:

- ***Marcus Schulte, 2212 Shady Oaks Lane, Rosenberg distributed a copy to Council.***
- On February 5th I received an email from my lawyer, David Showalter. He is the lawyer we used on our condemnation proceedings on Hartledge Road. He asked me if I knew anything about Rosenberg's claim for taxes they were filing on us. I didn't have a clue what he was talking about. You now have a copy of what I received so you know what I'm talking about.
- I originally thought this had to be a mistake. Rosenberg filed a tax lien for 2014 taxes on our land and building. We had just paid 2013 taxes and 2014 taxes are not due until next year. I didn't get mad then because I knew it was just a mistake. My thought Rosenberg would admit their mistake and take care of it. I should have known better. Your lawyers were concerned we may not pay taxes on approximately 4 acres of land TxDOT condemned. They obviously didn't check to see we had already settled. Rosenberg filed a tax lien on our remaining acreage and building because your lawyers felt we may not pay taxes on the condemned land. I don't know the exact amount we're talking about here but I doubt we're even talking about $200 in taxes because this was ag exempt. The $28,000 figure you see on Rosenberg' claim for taxes would have been correct if our building was being taken. But it is not.
- So, I have some questions. Does Rosenberg care we have been paying tax on our business for the past 31 years and never been late? Does Rosenberg care we have had million dollar positive impacts on this county for over 20 years? Does Rosenberg care we have never once asked for tax breaks, development agreements or help from anyone? Does Rosenberg care I have to spend my time and my money figuring out what is going on and hiring a lawyer to respond to this BS? Does Rosenberg care I have to hire a title company to insure this lien has been removed? I'm currently waiting on the results for that. Does Rosenberg care that in America we are suppose to be considered innocent until proven guilty? I can see filing a tax lien if we did not pay our taxes. There is no excuse for filing a tax lien because Rosenberg feels we may not pay our next year's taxes. I know three of you were not on Council during the annexation proceedings. They were nothing more than a taxation and power grab by the majority of the old City Council. I also know two of you voted against annexing our area. I can only ask that the five of you strive to severely limit the power of Rosenberg to abuse its residents and businesses. You have the power to keep Rosenberg in check. Thank you.
- ***Fran Naylor, 1424 Callendar Street, Rosenberg.***
- I'm talking to you today about the one way streets and I didn't want this to fall under the discussion having to do with the election. I first want to say that when this project was first brought to Council many, many years ago it was not brought to us as a project being presented by TxDOT. There wasn't any real discussion. At the time I got off of Council which was shortly after that, I had no idea this thing was still in the works and then it popped up again ten years later. I don't think the community was informed enough of what was going on through this whole process.
- I want to say there are comments going around that people that don't agree with the one way project don't support the City and the City's growth. And that is not true. I care very much about the City and I know the people that have called me and talked to me they care about the City. This is a huge change. It is not putting stop signs somewhere. It's going to change the whole face of our main street area. A lot of information is stated that Stafford has this and oh how wonderful it was. I used to live in Stafford when I was about 19 and the main street of Stafford consisted of a bar, restaurant, gas station, post office and a hardware store. There were no houses on the main thoroughfare. Where TxDOT came through and made the one way streets there was 90 on this side and 90 on that side and the space in between spanned just several lots and it did not have an impact on the community. Probably you pass through Stafford not knowing you were in Stafford and as Stafford grew out and the road was split the houses came. There were never any homes or neighborhoods involved in the division of Stafford. I want you all to think really long and hard because there is nothing to say that once this is done it won't hurt the City or help the City but it will make it a mess for a lot of people. Thank you.

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 JANUARY 21, 2014, AND WORKSHOP MEETING MINUTES FOR JANUARY 28, 2014.**

B. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1750, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A PROPERTY DISPOSITION SERVICE AGREEMENT FOR PROFESSIONAL AUCTION SERVICES, BY AND BETWEEN THE CITY AND PROPERTYROOM.COM.**
Executive Summary: The City Secretary and the Police Department are requesting approval to enter into an Agreement with PropertyRoom.com to hold a City-wide auction to retire surplus equipment, confiscated items, and other salvaged property. The auction will be on-line and the PropertyRoom.com will be the on-line auction service.

The City has utilized PropertyRoom.com for auction services for the past year and, overall, has been satisfied with the service provided.

The City Secretary recommends approval of Resolution No. R-1750, authorizing the City Manager to execute an Agreement for on-line auction services with PropertyRoom.com for a one-year term.

C. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1748, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AN AGREEMENT FOR VIDEO STREAMING SERVICES, BY AND BETWEEN THE CITY AND SWAGIT PRODUCTIONS, LLC, FOR VIDEO RECORDING AND STREAMING OF CITY COUNCIL MEETINGS, IN THE BASE AMOUNT OF $6,719 FOR CAPITAL EQUIPMENT PURCHASE OF STREAMING VIDEO HARDWARE, $24,453 FOR CAPITAL EQUIPMENT PURCHASE OF COSMOS BROADCAST SYSTEM, AND $1,135 A MONTH FOR AN INITIAL TERM OF ONE YEAR FOR STREAMING VIDEO MONTHLY MANAGED SERVICES.**
Executive Summary: Resolution No. R-1748 is presented for City Council's consideration to authorize the City Manager to execute an Agreement for Video Streaming Services with Swagit Productions, LLC, to provide video recording and streaming of City Council Meetings as reviewed by City Council at the January 21, 2014 City Council Meeting.

The Agreement, as detailed in Exhibit "A" to Resolution No. R-1748, includes: $6,719 for video recording and streaming equipment and $24,453 for installation of the Cosmos Broadcast System which will be funded via the Public, Education, Government Capital Fund (PEG Fund), and $1,135 a month ($13,620 per year) for on-demand, live video streaming and remote-switching to be funded through the General Fund.

Staff recommends approval of Resolution No. R-1748 authorizing the City Manager to execute an Agreement for Video Streaming Services with Swagit Productions, LLC.

D. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2014-09, AN ORDINANCE GRANTING CONSENT TO THE FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 159 FOR THE SALE AND ISSUANCE OF UNLIMITED TAX BONDS, SERIES 2014, IN AN AMOUNT NOT TO EXCEED $2,700,000.**

Executive Summary: Fort Bend County Municipal Utility District No. 159 (MUD No. 159) is located southeast of US 59 with one (1) tract bounded by Spacek Road to the east and US 59 to the north. The other tract is bounded by Bryan Road to the south and Spacek Road to the east. The entire District lies within the corporate boundaries of the City of Rosenberg. The development is identified as Oaks of Rosenberg subdivision.

The City consented to the creation of MUD No. 159 on May 17, 2005, through Ordinance No. 2005-10. Water Supply and Wastewater Services and Development Agreements between the City, Perry Homes, and US59/Reading 108 GP, Ltd., were executed on May 17, 2005. MUD No. 159 contains approximately 148 acres.

This will be the second bond sale for MUD No. 159. The first bond sale was approved under Ordinance No. 2011-23 on September 20, 2011.

Much of the submission documentation provided by MUD No. 159 for this proposed sale, such as the TCEQ application, the Bond Order authorizing the Issuance of Bonds by MUD No. 159, the Preliminary Official Statement/Notice of Sale, Resolution Authorizing the Issuance of Bonds by MUD No. 159, Cash Flow Analysis, Debt Fund Schedule, Summary of Costs, along with additional minute excerpts and related Ordinances are available for review in the City Secretary's Office.

Staff has reviewed the documentation and found it to be in compliance with applicable City ordinances. Staff is recommending approval of Ordinance No. 2014-09, thus consenting to the sale of the Unlimited Tax Bonds, Series 2014, in an amount not to exceed $2,700,000.

E. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1757, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A LEASE EXTENSION ON CITY-OWNED PROPERTY FOR HAY PRODUCTION, BY AND BETWEEN THE CITY AND P. F. VACEK, JR., FOR A TWO-YEAR TERM.**

Executive Summary: As discussed at the January 28, 2014 City Council Workshop, the Lease of Real Property for Hay Production (Lease) includes approximately 209 acres of open acreage. The annual Lease payment generates a positive cash flow of $3,858.60. Based on the current right-of-way mowing contract rate for open acreage ($17.50/acre X 6 mowing cycles), it would cost the City approximately $21,945.00 per year to keep the property mowed if it were not leased for hay production. The initial two-year Lease will expire on April 01, 2014. The Lease does provide the City with the option to extend for two (2) additional one-year terms. The present "Lessee" is Pete F. Vacek, Jr., and he has abided by the terms of the Lease and staff has not encountered any issues or problems during the past two (2) years.

Staff is recommending approval of Resolution No. R-1757, which provides for a two-year Lease Extension for Pete F. Vacek, Jr., until April 01, 2016, in the amount of $3,858.60 per year. A copy of said Lease Extension is attached to Resolution No. R-1757 as Exhibit "A".

F. **CONSIDERATION OF AND ACTION ON QUARTERLY FINANCIAL REPORT AND QUARTERLY INVESTMENT REPORT FOR QUARTER ENDING DECEMBER 31, 2013.**

Executive Summary: Overall, the financial status of the City is stable. Most funds have positive variances when compared to budget and prior year actual. The largest revenues of sales tax and property tax are positive when compared to budget and expenses which are within the 25% benchmark for the first quarter of FY2014.

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

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

G. **CONSIDERATION OF AND ACTION ON AUTHORIZATION TO OFFER FOR SALE A PROPOSED LIST OF SURPLUS RADIO EQUIPMENT ITEMS.**

Executive Summary: In December 2012, City Council authorized the City-wide replacement of all radio equipment that had met and/or exceeded its useful life. All radio equipment on the list, included in the agenda packet, has exceeded its useful life; staff recommends the sale or disposal of all surplus radio equipment.

For City Council's consideration, staff has provided a list of items to be offered for sale or disposed of as retired surplus equipment.

Staff recommends approval of the surplus list as presented.

Mayor Morales announced that Item C will be moved to the Regular Agenda as Item 2A.

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

REGULAR AGENDA

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

CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1748, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AN AGREEMENT FOR VIDEO STREAMING SERVICES, BY AND BETWEEN THE CITY AND SWAGIT PRODUCTIONS, LLC, FOR VIDEO RECORDING AND STREAMING OF CITY COUNCIL MEETINGS, IN THE BASE AMOUNT OF $6,719 FOR CAPITAL EQUIPMENT PURCHASE OF STREAMING VIDEO HARDWARE, $24,453 FOR CAPITAL EQUIPMENT PURCHASE OF COSMOS BROADCAST SYSTEM, AND $1,135 A MONTH FOR AN INITIAL TERM OF ONE YEAR FOR STREAMING VIDEO MONTHLY MANAGED SERVICES.

Executive Summary: Resolution No. R-1748 is presented for City Council's consideration to authorize the City Manager to execute an Agreement for Video Streaming Services with Swagit Productions, LLC, to provide video recording and streaming of City Council Meetings as reviewed by City Council at the January 21, 2014 City Council Meeting.

The Agreement, as detailed in Exhibit "A" to Resolution No. R-1748, includes: $6,719 for video recording and streaming equipment and $24,453 for installation of the Cosmos Broadcast System which will be funded via the Public, Education, Government Capital Fund (PEG Fund), and $1,135 a month ($13,620 per year) for on-demand, live video streaming and remote-switching to be funded through the General Fund.

Staff recommends approval of Resolution No. R-1748 authorizing the City Manager to execute an Agreement for Video Streaming Services with Swagit Productions, LLC.

Key discussion points:

- Angela Fritz, Communications Director gave an overview of the item.

Questions/Comments:

- Councilor McConathy referenced Section 3.6 and 3.7 and asked once we start broadcasting and video streaming will we insure and test the equipment prior to the video of our Council meetings to insure everything is working. Based on what she read they are not responsible if it

doesn't work.

- Angela Fritz stated certainly we will test. There will be a lot of testing before we go live.
- Councilor Grigar referenced the warranty and asked if the software is independent to any operating system or does it rely on the City's operating system such as Windows 7 or Vista. Who determines when this needs to be upgraded?
- Angela Fritz stated there are different parts to this software. Some is proprietary to the recording system and some to the backend system on the municipal channel broadcasting part. The part that talks to the recording equipment that actually is streaming it to where it is produced, which is offsite. It then comes back and talks to the municipal channel software. The agreement for the municipal channel is separate from this. It includes maintenance and we have budgeted for on-going maintenance and upgrades related to that.
- The streaming portion, which is the monthly portion here, Streaming Monthly Managed Services has to keep it up to date because that is what allows them to control it remotely. She will check to see if it is included.
- Councilor Grigar referenced Video Streaming Monthly Managed Services and stated up to forty meetings per year. We have thirty-five regular meetings so does that leave five special meetings?
- Angela Fritz stated that was the package that fit our Council meetings.

Action: Councilor McConathy made a motion, seconded by Councilor Grigar to approve Resolution No. R-1748, a Resolution authorizing the City Manager to execute, for and on behalf of the City, an Agreement for Video Streaming Services, by and between the City and Swagit Productions, LLC, for video recording and streaming of City Council meetings, in the base amount of $6,719 for capital equipment purchase of streaming video hardware, $24,453 for capital equipment purchase of Cosmos Broadcast System, and $1,135 a month for an initial term of one year for Streaming Video Monthly Managed Services. The motion carried by a unanimous vote.

2. CONSIDERATION OF AND ACTION ON A SECOND READING OF ORDINANCE NO. 2014-05, 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 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; AND PROVIDING FOR SEVERABILITY.

Executive Summary: During the January 21, 2014 meeting, City Council discussed the proposed installation of four-way stop signs at the intersection of Avenue L and Millie Street. City Council did take action directing the installation of four-way stop signs at this intersection.

Staff has prepared an Ordinance that deletes the above listed intersection from the two-way stop sign designations and adds said intersection to the four-way stop sign designations. This Ordinance was initially considered at the February 04, 2014 City Council Meeting where it was approved by a vote of four (4) to three (3). Pursuant to Section 3.10 of the City Charter, a second reading of the Ordinance is required without an affirmative vote of five (5) Council members.

Staff recommends approval of Ordinance No. 2014-05 as presented on this second reading.

Key discussion points:

- John Maresh, Assistant City Manager gave an overview of the item regarding Ordinance No. 2014-05.

Action: Councilor Benton made a motion, seconded by Councilor McConathy to approve a second reading of Ordinance No. 2014-05, 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 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; and providing for severability. ***The motion carried by a vote of 5 to 2 as follows: Yeses: Councilors Benton, McConathy, Pena, Euton and Bolf. Noes: Mayor Morales and Councilor Grigar.***

3. RECEIVE PUBLIC COMMENT FROM FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 162 REGARDING THE INCREASE IN MONTHLY FIRE PROTECTION FEE PURSUANT TO THE RESTATED AND AMENDED FIRE PROTECTION AGREEMENT.

Executive Summary: The Board of Directors for Municipal Utility District No. 162 (MUD No. 162) has requested an Agenda item to address City Council regarding the Restated and Amended Fire Protection Agreement (2012) as it relates to Resolution No. R-1701, which extended the compliance deadline for the provision of fire services to September 30, 2016.

Key discussion points:

- Lora Lenzsch stated we received a request from MUD 162 to speak to Council regarding the Fire Service Agreement.
- ***Gary Braxton, 2410 Canon Hall Court, Richmond, Texas addressed Council.***
- I am the President of Fort Bend MUD 162. In 2008 the City and Fort Bend MUD 162 discussed fire protection in the ETJ MUDs. At the time, Mr. Hamlett, who is no longer aboard, told the district we had to join the fire fee agreement or the residents would not be protected. Our Board of Directors and residents understood that if we did not enter into this agreement we would not have fire protection. Mr. Hamlett made sure we understood this was a fairness argument and everyone that received fire protection should pay for it. After much discussion the Board decided to partner with the City because we wanted fire protection and believed that the City would not provide free fire protection. The City has raised the fire fee as stated in the argument from $11.00 to $20.00 effective this January. Because the City is continuing to provide free protection to the residents of the ETJ that do not pay a fire fee to the City, the residents of MUD 162, are subsidizing and essentially paying for those residents and their protection.
- Fort Bend MUD 162 understands the need and requirement for the City to provide this service please do not be mistaken. We understand this is a very important and every resident should be able to have that necessary service.
- What Fort Bend MUD 162 is requesting to the City to freeze the fire fee at $17.00 and not increase the fire fee this year. Instead for the City to work to make sure all residents that are receiving protection are paying for it. That seems reasonable.
- The reason Fort Bend MUD 162 partnered with the City was that we were under that understanding. I have 268 signatures supporting our position. We will be happy to provide you with copies if you need them.
- Again, in closing we are not asking for free fire protection we are just asking that it remain at $17.00 and for those getting free fire protection pay for it. Thank you very much for your consideration.
- Mayor Morales stated there is no action on the item at this time.
- Councilor Benton stated if there was no action and no comment how did this item get on this agenda and was approved by the City Manager. What was the purpose of allowing that item on the agenda?
- Lora Lenzsch, City Attorney stated that we brought to the Council's attention that the MUD wanted to address the Council regarding this item. Last month it was on the agenda and there was a miscommunication to time and date so we gave them the courtesy of putting it back on the agenda.
- Councilor Benton asked why it got on last month's agenda. What do you want Council to do with that?
- Lora Lenzsch stated they just wanted the opportunity to address Council as they just did.
- Councilor Benton asked if that is how items get on the agendas here because there have been items that other Councilors have tried to get on agendas that have not been able to.
- Robert Gracia, City Manager stated that is not a fair statement because on his watch when

Council Members ask for items to be placed on the agenda they have been placed.

- Councilor Benton stated since it is on the agenda the law provides that we can discuss these issues.
- Mayor Morales asked if there was any discussion from Council.
- Councilor Benton stated they asked for a freeze of a cost for their MUD due to us.
- Councilor Benton stated he will address this item with the City Attorney later.
- No action was taken on the item.

4. CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1753, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, BUDGET AMENDMENT 14-07 IN THE AMOUNT OF $11,469.15, FOR THE ANNUAL SUMMER PARK OWNER'S ASSOCIATION ASSESSMENT FEES.

Executive Summary: Budget Amendment 14-07, in the amount of $11,469.15, is presented to allocate funding for the annual Summer Park Property Owner's Association Assessment Fees. The Summer Park Property Owner's Association Fees are fees assessed to the Fire Station No. 3 tract. The total amount of the annual assessment on this tract is $11,469.15 ($11,045.20 for the Land Area Assessment and $423.95 for the Tract Use Assessment).

City Council discussed this item at the February 04, 2014, City Council Meeting and requested staff to prepare a budget adjustment as presented.

Budget Amendment 14-07 is included as Exhibit "A" to Resolution No. R-1753 to fund the annual Summer Park Property Owner's Association Assessment Fees for Fiscal Year 2014.

Key discussion points:

- Joyce Vasut, Executive Director for Administrative Services read the Executive Summary regarding Resolution No. R-1753.
- Since this item was not brought to our attention and included during the 2014 budget presentations and preparations she recommended that the Budget Amendment not be approved.

Action: Councilor Benton made a motion, seconded by Councilor Grigar to not approve the Annual Summer Park Owner's Association Assessment Fees per staff's recommendation. The motion carried by a unanimous vote.

5. CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1754, A RESOLUTION REGARDING THE FINANCIAL MANAGEMENT POLICIES OF THE CITY OF ROSENBERG.

Executive Summary: The City's existing Financial Management Goals and Objectives were approved by City Council in 2002. The goals and objectives state that they should be reviewed annually by the Finance/Audit Committee and any proposed changes shall be approved by City Council. Attached you will find a redlined copy of the original Financial Management Goals and Objectives as approved by the City Council in 2002.

The Finance/Audit Committee reviewed the revised policies on January 29, 2014, and recommended a few additional changes. These changes are included in the redlined copy of the policies.

Resolution No. R-1754 was prepared for City Council to consider and formally adopt the amended policies. The Finance/Audit Committee and City staff both recommend approval of Resolution No. R-1754, thereby adopting the proposed changes to the Financial Management Policies.

Key discussion points:

- Joyce Vasut gave an overview of the item regarding Resolution No. R-1754.

Action: Councilor McConathy made a motion, seconded by Councilor Euton to approve Resolution No. R-1754, a Resolution regarding the Financial Management Policies of the City of Rosenberg. The motion carried by a unanimous vote.

6. CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1755, A RESOLUTION REGARDING A FUNDING ARRANGEMENT BY AND BETWEEN THE CITY OF ROSENBERG AND THE ROSENBERG DEVELOPMENT CORPORATION FOR THE INFRASTRUCTURE IMPROVEMENTS TO SERVE THE ROSENBERG BUSINESS PARK.

Executive Summary: On February 05, 2013, the Rosenberg City Council approved Resolution No. R-1613, authorizing the City Manager to negotiate and execute a Development Agreement (Agreement), by and among the City, Rosenberg Development Corporation (RDC) and Rosenberg Business Park, Ltd., for the development of the Rosenberg Business Park.

Per this Agreement, the City and RDC will construct the public improvements which include the water distribution system, sanitary sewer, storm sewer drainage, paving improvements, installation of natural gas lines and electrical services. These improvements have been divided into two (2) phases, with Phase I estimated at $3,478,300 and Phase II estimated at $1,700,000. The City and RDC will each fund fifty percent (50%) of the improvements. The RDC had agreed to advance their funding and has also agreed to advance the City's portion.

At the November 14, 2013 RDC Board meeting, the Board agreed to propose a request to City Council to lower the debt the RDC owes the City in return for funding the City's portion of the Rosenberg Business Park. This option was presented to the Finance /Audit Committee on January 29, 2014. The RDC's Debt Schedule is proposed to be decreased each year based on the anticipated new property taxes created by the Rosenberg Business Park until the City's portion of the advance funding is repaid. The Rosenberg Business Park Financial Analysis included in the agenda packet summarizes the estimated amount of property taxes to be collected based on building projections.

The Finance/Audit Committee reviewed the funding option as presented and recommends approval of this option. The RDC will consider a Resolution regarding same at the regularly scheduled RDC meeting on February 13, 2014. The Finance/Audit Committee and City staff recommend approval of Resolution No. R-1755.

Key discussion points:

- Joyce Vasut read the Executive Summary regarding R-1755.

Questions/Comments:

- Councilor Benton stated he is optimistic about this project but he has some concerns and stated we will have over $5 million of City money in this property. He wants to make sure our interests are secured in the event it doesn't work out. What can we do to protect our investment in the event of a foreclosure of the developer?
- Another concern is the amount of flexibility we are giving the developer in the project regarding architectural standards and the lack of input we would have on the project.
- Mayor Morales stated it is not $5 million for the first phase it is $3.5 million.
- Joyce Vasut stated the first phase is $3.4 million and the second phase is $1.7 million.
- Councilor Benton stated if you look at it amortized over twenty years that is scary.
- Joyce Vasut stated this is coming from RDC's cash reserves and it would not be amortized. We are paying RDC back over an eleven year period. The schedule is fixed and is the fixed amount we will reduce RDC's debt each year based on how much property tax revenue we anticipate will come in. RDC is funding that for us with no interest.
- Mayor Morales stated we have an agreement in place and Councilor Benton, in due respect, if you research Fuller Development they are a very quality company. We have worked on this for two years and we did not make this decision over night. We need to understand there is an agreement in place. It is a good investment for the tax payers because we are not giving them money to build buildings. We are putting it into infrastructure.
- Councilor Benton asked what we can do to secure our investment through a deed of trust.
- Lora Lenzsch, City Attorney stated she would have to check into it.
- Joyce Vasut stated the first phase is going to be installed. The actual agreement has been in

place a year stating that this will be done and that RDC and City will pay their portions. That was passed last February. The item tonight is to present to Council how the City will fund their portion without issuing certificates of obligation. We found an alternative way to finance this where we do not have to pay interest and get our portion complete we have committed to in this agreement.

- Councilor Benton asked if this is approved tonight, can we get something to more secure our investment and can we assert ourselves to make sure we have some architectural input in this agreement and if we don't can we back out of the agreement?
- Joyce Vasut stated she understands there are some deed restrictions that have been drafted by the developer and those were presented at RDC but the actual agreement states that the City Council is the one to approve that and it will come to Council in the future.
- Tonight we are asking to approve the City's fifty percent (50%) we are already obligated to according to the agreement passed last year.
- Mayor Morales stated it gets the business park going. The actual standards will come back for approval to Council. There are guidelines already in place.
- Councilor Benton stated if we approve this tonight to go to this phase, he would like to secure our investment with something other than just an agreement with the developer.
- Mayor Morales stated it is the same type of agreement we have done with other developers such as Brazos Town Center and Aldi.
- Councilor Pena stated in RDC they went over this project in detail. As Rachel Kanak, Interim Economic Development Director, can tell you we are in dire need of a business park in our area. People are looking for that type of facility. It will make us more attractive to businesses. The developer putting in the business park gave their overview of why the deeds were written as they were. He brought in many of the parks they have built and they have a very good history of great business parks all over the City of Houston and other areas. He felt comfortable with them and they did a very good presentation. Discussion was held on what changes business parks. It is a phasing project and the economy is another item that can play into the picture. RDC looked at it very hard and hopefully this is going through and we can move forward on this business park which is needed.
- Councilor Benton asked if a real estate attorney has reviewed the agreement.
- Lora Lenzsch stated this agreement was drafted with the previous Director of the Economic Development, Matt Fielder and they negotiated with a real estate attorney Jeanne McDonald..
- Councilor Benton stated the developer will come on his behalf.
- Councilor Pena stated he understands that but he has a history of working with this developer. They built a couple of business parks for this developer and they are very successful. The façade of the buildings is very well studied. They don't build something that will not be presentable to future businesses. They were very adamant about how the signage will be put up and how they will control it. They are a controlling development group and they will be good to work with from his past experience.
- Councilor Benton stated if this is approved tonight we will have the opportunity to shape the architectural standards.
- Mayor Morales stated that is in the process of being finalized and then that will come to Council for review and approval. We are not doing anything different than we have done with any other development corporation.
- Councilor Grigar stated it is not being paid for with bonds, this is cash money and our return on it will be good. The developer said there is great interest in this business park already. The business park in Missouri City has taken off very well. This is the first of our kind and he sees the good in it. This can be a model for expansion or other business parks.
- Councilor Euton started she has had some citizens contact her about this because they were confused. This is something that has been previously approved by Council and we are only dealing with the funding tonight. She congratulated staff for a very creative way to fund this without any debt and no issue of debt. It is very good that RDC has offered to pay our part and come up with a schedule where it will not impact the City based on the property taxes which shows a lot of forethought to make sure the City is not hurt and RDC will benefit too.

Action: Councilor Bolf made a motion, seconded by Councilor Euton to approve Resolution No. R-1755, a Resolution regarding a funding arrangement by and between the City of Rosenberg and the Rosenberg Development Corporation for the infrastructure improvements to serve the Rosenberg Business Park. The motion carried by a unanimous vote.

7. CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1756, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, BUDGET AMENDMENT 14-08 IN THE AMOUNT OF $44,538.81, TO FUND A CHANGE ORDER AS APPROVED BY THE ROSENBERG DEVELOPMENT CORPORATION FOR THE SEATEX/STATE HIGHWAY 36 DRAINAGE PROJECT.

Executive Summary: At the November 14, 2013 Rosenberg Development Corporation (RDC) meeting, a change order for the Seatex/State Highway 36 Drainage Project was considered by the Board. The purpose of the change order is to fund additional work to hand-dig a section around a previously unknown telecommunications cable in the project area. The change order was approved by the RDC.

Budget Amendment 14-08, in the amount of $44,538.81, is presented to allow for the transfer of $44,538.81 from the Rosenberg Development Corporation (RDC) Fund Balance to the RDC Projects Fund to provide funding for the change order for the Seatex/State Highway 36 Drainage Project.

Based on governmental accounting standards, the $44,538.81 is included twice in the total budget adjustment amount since it is considered both a transfer expense to the RDC Fund and a capital expense to the RDC Projects Fund.

Budget Amendment 14-08 is included as Exhibit "A" to Resolution No. R-1756. Staff recommends approval of Resolution No. R-1756 as presented.

Key discussion points:

- Joyce Vasut gave an overview of the item regarding Resolution No. R-1756.

Acton: Councilor McConathy made a motion, seconded by Councilor Grigar to approve Resolution No. R-1756, a Resolution authorizing the City Manager to execute, for and on behalf of the City, Budget Amendment 14-08 in the amount of $44,538.81, to fund a change order as approved by the Rosenberg Development Corporation for the Seatex/State Highway 36 Drainage Project. The motion carried by a unanimous vote.

8. CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1758, A RESOLUTION AWARDING A BID FOR THE JULY 04, 2014, FAMILY 4TH CELEBRATION FIREWORKS DISPLAY; AND, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, AN AGREEMENT, AND/OR ALL NECESSARY DOCUMENTATION REGARDING SAME.

Executive Summary: A Request for Written Quotations was posted to state-licensed pyrotechnic companies on January 10, 2014, and distributed to sixteen (16) pyrotechnics providers. Potential providers were asked to submit pricing for one (1) year along with two (2) optional one-year extensions, should the City decide to use the same company for consecutive years. Staff received five (5) written quotations and five (5) no-bids. The proposals received are summarized in the bid summary form included in the agenda packet.

Staff has reviewed the proposals and bidder qualifications and recommends acceptance of the bid from the Texas-based company providing the best show for the value over three (3) years, Pyro Shows of Texas, Inc. (Pyro Shows). Pyro Show's quote for the first year and the two (2) optional one-year extensions is $30,000 per year, representing a cumulative three-year total of $90,000. Although Pyro Show's cost in the first year is $1,552 higher than the lowest bid, the company's pre-bid site visit, combined with a substantial shell count and higher numbers of medium and large shells, represents the high-quality fireworks show that the community has come to expect. Evaluating the cost over three (3) years, Pyro Show's cumulative total would be within the City's budget for a pyrotechnic display.

Pyro Shows offered eight (8) municipal and civic organizations as references. Of the agencies contacted, all

reported multiple years using the company, quality pyrotechnic shows and professional customer service.

Staff recommends approval of Resolution No. R-1758, a Resolution awarding a bid for the July 04, 2014, Family 4th Celebration fireworks display; and, authorizing the City Manager to negotiate and execute, for and on behalf of the City, an Agreement, and/or all necessary documentation regarding same. Should City Council award the bid as recommended, the proposal will serve as Exhibit "A" to Resolution No. R-1758.

Key discussion points:

- Lydia Acosta, Recreation Programs Coordinator read the Executive Summary regarding Resolution No. R-1758.

Questions/Comments:

- Councilor Euton asked if this is the same company that did this last year.
- Lydia Acosta stated no. They did not bid. They were not on the list this year and they did not receive an RFQ.

Action: Councilor McConathy made a motion, seconded by Councilor Grigar to approve Resolution No. R-1758, a Resolution awarding a bid for the July 04, 2014, Family 4th Celebration fireworks display; and, authorizing the City Manager to negotiate and execute, for and on behalf of the City, an Agreement, and/or all necessary documentation regarding same. The motion carried by a unanimous vote.

9. CONSIDERATION OF AND ACTION ON A PROPOSAL TO COMBINE THE SPECIAL EVENTS COMMITTEE AND PARKS AND RECREATION BOARD.

Executive Summary: To eliminate redundancies, staff presented to the Parks and Recreation Board (Board) a proposal to combine the Rosenberg Special Events Committee with the Board. This would eliminate the Rosenberg Special Events Committee. After reviewing the proposal, the Board unanimously approved the proposal.

Per Ordinance, the Board can have as few as seven (7) members and as many as thirteen (13) members. The proposed combination would create a Board of ten (10) members. If the proposal is approved, staff anticipates combining the Special Events Committee with the Board for the regularly scheduled Parks and Recreation Board meeting on March 27, 2014.

Staff recommends combining the Rosenberg Special Events Committee with the Parks and Recreation Board and eliminating the Rosenberg Special Events Committee.

Key discussion points:

- Darren McCarthy, Parks and Recreation Director read the Executive Summary regarding the item.

Questions/Comments:

- Councilor Euton stated it is a logical request and she would support it.
- Councilor Benton asked what the members want.
- Councilor Bolf stated she is liaison to both committees and a lot of the members are on both committees and it is a lot of duplication. It is double work for Darren McCarthy and Lydia Acosta. It makes sense to consolidate them.
- Councilor Grigar stated it is reasonable to him.
- Councilor Euton asked if staff anticipates any problem with being ten members instead of an odd number. Do we need to get one more member?
- Darren McCarthy stated at this time there is a member who is border line on whether or not she will be able to continue. Ideally it is better with odd members.

Action: Councilor McConathy made a motion, seconded by Councilor Bolf to approve a proposal to combine the Special Events Committee and Parks and Recreation Board. The motion carried by a unanimous vote.

10. CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2014-10, AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY DELETING ARTICLES I, II, AND III OF CHAPTER 12 AND SUBSTITUTIN-G THEREFOR NEW ARTICLES I, II, AND III OF CHAPTER 12 THEREOF; PROVIDING FOR GENERAL DEFINITIONS AND GUIDELINES FOR FLOOD PREVENTION AND CONTROL, ADMINISTRATIVE PROCEDURES, AND PROVISIONS FOR FLOOD HAZARD REDUCTION; PROVIDING A PENALTY NOT TO EXCEED $500 FOR VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

Executive Summary: The Flood Insurance Rate Maps (FIRMs) for Fort Bend County and all incorporated areas within the County has been updated and reissued by the Federal Emergency Management Agency (FEMA). The primary changes in the maps were based on modifications to the Brazos River flows and improved terrain mapping with LiDAR elevations. This resulted in an increase in the Base Flood Elevations (BFEs) along the Brazos River, generally increasing the width of the floodplain along the Brazos River. Within the City, the improved terrain mapping resulted in removal of a large portion of Cambridge Village from the floodplain.

These new FIRMs have an effective date of April 04, 2014. Therefore, Chapter 12 of the Code of Ordinances needs to be updated to adopt these new maps.

In addition, Chapter 12 has been amended to be in agreement with our design standards which require that structures in a regulatory floodplain be elevated to twelve (12) inches above the BFE. There are additional “housekeeping” revisions to Chapter 12 within the Texas Water Development Board sample ordinance that are included in this amended Ordinance such as updated and additional definitions.

Staff recommends approval of Ordinance No. 2014-10 as presented.

Key discussion points:

- Charles Kalkomey, City Engineer gave an overview of the item regarding Ordinance No. 2014-10. There has been an ordinance on the books for several years and this is an update to that ordinance.
- The flood plain maps have been revised based on the different flow value for the Brazos River as well as improve modeling of the terrain from LiDAR information.
- Lora Lenzsch stated the preamble mistakenly placed a penalty of $500.00 when in fact, since we have a code, we reference 1-13. The revised recommended preamble leaves the word providing a penalty but deletes that section regarding $500.00.

Questions/Comments:

- Mayor Morales asked if the penalty is being taken out.
- Lora Lenzsch stated just in the preamble. On the last page of the Ordinance, Section 4 (Page 21) is the penalty provision which is how it is written in all of the City ordinances which references our penalty provision in our Code.

Action: Councilor McConathy made a motion, seconded by Councilor Euton to approve Ordinance No. 2014-10, an Ordinance amending the Code of Ordinances by deleting Articles I, II, and III of Chapter 12 and substituting therefor new Articles I, II, and III of Chapter 12 thereof; providing for general definitions and guidelines for flood prevention and control, administrative procedures, and provisions for flood hazard reduction; providing a penalty not to exceed $500 for violation of any provision hereof; and providing for severability. The motion carried by a unanimous vote.

11. CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2014-08, AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY AMENDING SUBSECTIONS (A)(4) AND (A)(7) AND BY ADDING NEW SUBSECTIONS (A)(8), (A)(9) AND (A)(10) TO SECTION 6-362.2 OF ARTICLE XIII OF CHAPTER 6 THEREOF, PROVIDING FOR EXPANDED BOUNDARIES OF SIGN DISTRICT “B”; BY

ADDING A NEW SECTION 6-362.3 OF ARTICLE XIII OF CHAPTER 6 THEREOF, ESTABLISHING SIGN DISTRICT "C" AND REGULATIONS FOR SIGN DISTRICT "C"; BY ADDING A NEW SECTION 6-362.4 OF ARTICLE XIII OF CHAPTER 6 THEREOF, ESTABLISHING A SIGN DISTRICT MAP; PROVIDING A PENALTY IN AN AMOUNT AS PROVIDED IN SECTION 1-13 OF THIS CODE FOR VIOLATION OF ANY PROVISION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

Executive Summary: Freestanding sign regulations for height and area for Avenues H and I and State Highway 36 (between I-69/U.S. 59 and Avenue H) have been discussed in two (2) previous City Council Workshop meetings: once on September 24, 2013, and again on November 26, 2013. In the most recent discussion on November 26, 2013, staff presented options for sign regulations for these corridors to City Council. The most agreed-upon option involved designating the eastern parts of Avenues H and I as being included in previously-approved Sign District "B." These parts of the corridors have larger properties that could accommodate the larger signage allowed in District "B" (maximum of 16-foot/120 square foot single-tenant signs and 24-foot/320 square foot multi-tenant signs). Staff recommended that should City Council choose this option, the dividing lines for larger signage would be Miles and Mahlmann Streets. This was due to the larger properties and shopping centers mostly being located to the east of these streets. There was subsequent discussion and potential agreement on the dividing line being moved to the west to 8th Street with the exception properties located on the south side of Avenue I, which should have smaller signage due to more residences being located in the area.

Staff has prepared an Ordinance amendment that we believe most reflects the discussion and consensus of City Council on November 26, 2013. It can be summarized as follows:

Key discussion points:

- Travis Tanner, Executive Director of Community Development stated this item was discussed at the November, 2013 Workshop Meeting. There was a consensus at that time that we divide Avenues H and I in terms of signage at 8th Street with the exception of the south side of Avenue I which has more residential development. A map and Ordinance were included in the agenda packet.
- The map was reviewed and the areas were pointed out where larger signage is allowed and areas where it will be more restricted. Because we divided some of the streets up for some of the corridors it was important to include this map in the ordinance to avoid any confusion with developers and contractors.

Questions/Comments:

- Councilor Euton asked if there is any height limitation on the base of the sign that it has to be so tall before the sign starts.
- Travis Tanner stated this restricts the overall height and the overall size of the sign. The ordinance has limitations for visibility.
- Councilor Euton stated the sign committee had a recommendation that the bottom of the sign would begin at 7 feet and then up from there. She personally likes the 7 feet clearance because it provides visibility in areas and are not inhibited at intersections. Because of the 7 feet clearance their signs were taller to allow for that. She likes what the sign committee recommended because of the clearance and sight and heights. She would support this ordinance because it is better than what we have but she prefers what the sign committee recommended.
- Councilor Pena stated staff has worked hard on this and it has been to Council several times. He saw a copy of the original ordinance committee and it was extensive. He agreed with Councilor Euton this is better than what we have.
- Councilor Grigar thanked staff's patience in this as it has been long overdue and he thanked the committee members as well. It is time to move forward on this and he is glad to see we finally came to an agreement. Some of this is in line with Richmond's standards.
- Councilor Bolf asked how much different is this one than the sign committee's? Why did staff

not take their recommendation?

- Travis Tanner stated staff was directed to go with smaller signage. The City has been coordinating with the City of Richmond on sign sizes and heights in areas with the intent that once we adopt these regulations the Management District will turn over that regulation to the City. What is before Council represents a compromise between their standards which are very restrictive and some sign committee's recommendations at that time.
- Councilor Grigar stated he is glad to see the map was included in the ordinance for developers or general public.
- Councilor Benton stated this is an improvement and we are close but he has some concerns. He is glad Avenue I has been split north and south with smaller signs in the neighborhood than larger signs.
- Councilor McConathy thanked Travis Tanner for his patience. We are so close but she suggested the item be brought back to a workshop to tweak it. There were some items added that were not there previously such as the maximum size per individual tenant shall be 60 square feet and that is in a multi-tenant sign. That was not discussed before. She does not see the discussion taking much time but she would like it brought back to a workshop.
- Mayor Morales stated he thought that was discussed in the workshop.
- Travis Tanner stated the reason for the individual tenant sizes is that is how we have done all of the districts. We did a maximum size for the single tenant signs and the multi-tenant signs per tenant size has been the same as the maximum per single tenant signs. That is how we did all of the other districts and we stayed consistent with that.
- Councilor Benton expressed some concern regarding the multi-tenant signs per tenant size.
- Travis Tanner stated the point is to keep people from abusing the multi-tenant sign. If you have a multi-tenant and you have 100 square feet single tenant space and you have a small amount left over for others. That is the reasoning behind that.
- Some Council members requested to bring the item back to a workshop to review the multi-tenant size, amount per tenant, visibility setback and measurement.
- Lora Lenzsch stated to address Councilor Euton's concerns regarding the measurement for the base and monument signs. There is an entire section in the ordinance that deals with how to measure the height at the base or below. It gives direction for monument signs.

Action: Councilor Benton made a motion, seconded by Councilor Bolf to table Ordinance No. 2014-08, an Ordinance amending the Code of Ordinances by amending subsections (a)(4) and (a)(7) and by adding new subsections (a)(8), (a)(9) and (a)(10) to Section 6-362.2 of Article XIII of Chapter 6 thereof, providing for expanded boundaries of Sign District "B"; by adding a new Section 6-362.3 of Article XIII of Chapter 6 thereof, establishing Sign District "C" and regulations for Sign District "C"; by adding a new Section 6-362.4 of Article XIII of Chapter 6 thereof, establishing a Sign District map; providing a penalty in an amount as provided in Section 1-13 of this Code for violation of any provision hereof; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; and providing for severability***. The motion carried by a vote of 5 to 2 as follows: Yeses: Councilors Benton, McConathy, Pena, Euton and Bolf. Noes: Mayor Morales and Councilor Grigar.***

12. CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2014-04, AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 10, 2014, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS, FOR ADOPTION OR REJECTION, A PROPOSED ORDINANCE AND/OR RESOLUTION PROHIBITING THE CITY FROM DONATING SPECIFIED REAL PROPERTY FOR THE "ONE-WAY PAIRS" PROJECT; AND MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION.

Executive Summary: Ordinance No. 2014-04 is an Ordinance ordering a Special Election to be held on May 10, 2014.

The purpose of Ordinance No. 2014-04 is to submit to the qualified voters, for adoption or rejection, a proposed ordinance and/or resolution prohibiting the City from donating specified land to TXDOT (Texas Department of Transportation) or any other person or entity for the "One-Way Pairs" Project, per a petition received by the citizens of the City of Rosenberg on December 06, 2013, and making provisions for the

conduct of the election.

Staff recommends approval of Ordinance No. 2014-04 as presented.

Five speakers addressed Council regarding the item, as follows:

- ***Commissioner Morrison, Fort Bend County Commissioner Precinct 1,*** thanked Council for allowing him to speak. I come to speak tonight to my constituents' in Rosenberg about the proposed May election. The petition that will call for the election was probably signed by many people in this room. The ballot language is what is going to control the election and the ballot election says, "The City of Rosenberg shall not donate to any person or entity, including TxDOT, the real property owned by the City and located in Rosenberg, Texas between Avenue H and Avenue I and Damon and Louise Streets for the roadway project known as the One-Way Pairs Project. The property may only be sold in the future for fair market value as determined by an independent appraisal".
- What this election is about really is summed up in the last sentence of that language and that is Rosenberg doesn't want to give this property away and that is reasonable. Times are tough and they would like to be paid for it by TxDOT. Rosenberg wants to get fair market value from the property.
- I have spoken to everybody here on Council, the Mayor and to Councilor Member Benton for a long time and I have spoken to each of you others maybe a shorter period of time. Once I spoke to you and once I read the language and figured out what the election was going to be about, I called TxDOT and negotiated with them to see if I could get TxDOT to purchase that property and I have been successful in that. I got TxDOT to purchase the property and TxDOT has agreed to purchase the property at a fair market value as determined by an independent appraiser. So, the signers of the petition have won, they won, they don't need an election. There does not have to be an election. The money for the election can be spent on other needs of the City. The amount of money that TxDOT will pay you back can be spent on other needs for the City so there is no need for an election. And, I don't want the people of Rosenberg to be misled. I very much appreciate Mrs. Naylor because she came up her before this item and said she was against it. But, I don't want the people to be misled by the election because the election is not about stopping the project. That's not what it's about. If you were told that and signed the petition then you were misled. I don't want the voters to be misled if this is placed on the ballot and the voters are asked to vote on it when TxDOT is going to be paid and then the voters will be misled again. If the voters are told this is going to stop the project at the election, then they will be misled again and I don't want the voters to be misled. I support this project. It is going to improve safety, it will reduce congestion and equally as important we all pay gasoline taxes here when we fill up our car in Rosenberg. That money goes to build roads and so our tax money is coming back to Rosenberg to build this road and if we let this project go then it will go to Wharton or Harris County or some other county and our tax dollars will go to pay for roads somewhere else. Let's not mislead these voters, let's vote no on this deal and get on down the road and get this built.
- ***Sergio Villagomez, 1119 5th Street, Rosenberg, Texas.***
- I want to thank all of you for being very considerate and open minded about the whole role of a petition, what it takes to get a petition done, all the hard work and extra time. I'm not retired I don't have all day long to sit and do nothing. I work three jobs so I really do appreciate you considering the fact and let this petition do its thing and let the process be done like a normal process should.
- My biggest thing is that everybody is entitled to their own opinion, everybody. But, what I do not like is when people feel they can put words in your mouth and tell other people things that supposedly I said or another person said because it is just like that gentleman before me said it is misleading. Everybody knows that I was the one who started the petition. I was the one who put the ad in the paper. I feel very strong about this project I feel very passionate about it and I do agree with the people that disagreed about the petition. You have every right to feel that way and I respect your decision and I respect your right and it ends right there. So if you and I disagree on something that should be end of it. You shouldn't go to a person's workplace or feed tales to other people and have them believe what is really going on. If there is a problem

two adults can talk about it civilly, you don't have to go and put words in other peoples' mouths. I felt very, very disrespected about some of the things that were mentioned about me but that is neither here nor there. I want to tell you I appreciate you for what you did to allow this petition to be open for discussion and to vote in favor of the petition. For those again who didn't vote in that favor, no hard feelings or grudges. You have performed wonderful things in the past that I was in agreement on. There's no bumping heads there. It's where the bumping comes to where there's a problem. There is nothing wrong with two people disagreeing on something and it should stay at that. It would be real nice in writing what that gentleman just said about TxDOT paying us. I'm going to do some research and look into that. If and when that is out for the public to see I feel that we should hold this election and let the election process handle its business. Let's go at it from here. I appreciate your time very much. Thank you.

- ***Mike Parsons, 2635 Sequoia, Rosenberg, Texas***
- First of all I understood what Commissioner Morrison said. My talk is kind of mute. Quite frankly it appears that the election is a mute point. There will be no donation. Actually it never was a donation. I think it was clearly defined with City Council that this was a barter that would cover the ten percent cost that the City owes TxDOT when they do work within the City. Any thought of continuing this election in my opinion, would be somewhat of a oxymoron. Regardless of the ending of the petition the property would not be donated to TxDOT one way or another because TxDOT is going to buy the property pretty much what the petition says at fair market value. I don't think we should be defined as oxymorons. It would be in effect deemed an election for no purpose which as a group of people who try to display conservative fiscal policy. It would be just a flushing whatever the cost of an election is. Somebody suggested it would be about $10,000 down the commode. One other comment, and this goes to comments earlier, I don't look as Stafford as my view of one-way pairs. I look at a much bigger project of much more size. Although Stafford works pretty good with the one-way pairs and that's the City of Houston. As we all know, anybody who has travelled in Houston knows that the downtown streets are a series of one-way pairs. And, on that series of one-way pairs that I drive often you can make 8 to 10 blocks as long as you drive the speed limit – 30 miles an hour without having to stop. There are instances of one-way pairs in congested areas that work very well. Thank you for allowing me to comment.
- **Fran Naylor, 1424 Callender Street, Rosenberg.**
- Thank you for letting me come up again. I will talk about this election and we need this election. We were cheated out of this election when this discussion began and as I stated before this is a huge impact on our community. If we have the election and the majority of people vote for it then so be it and if not TxDOT still has to pave Avenue H and Avenue I. Those are their roads and they are in need of repair and nobody's going to steal our money and go send it to somebody else and we're going to get ripped off and paid for it. This is the fair thing to do. We had a number of people that signed a petition. Now do the honorable thing and carry through with this election. Thank you.
- ***Carlos Garcia, 2003 Briar Lane, Richmond, Texas – 3501 Avenue H, Rosenberg, Texas.***
- Good evening Council, good evening Mayor. I'd like to give you a government 101 definition. Initiative – an initiative is a right and procedure by which citizens can propose a law by petition. This is not a law and assured submission to the electorate.
- Referendum – the submission of a proposed public measure or actual statute to direct popular vote. This is not a statute. A statute is a law enacted by legislature. You are the legislature. A legislature is a body of people empowered to make laws. And your City Council, you are authorized to make ordinances and laws but this is not a statute or law.
- Now I will read something from TML the Texas Municipal League. This is not legislation it is only a public opinion poll in my terms. And I have talked to a lot of people and they said the same thing. It is a public opinion poll. This is what the TML website says – Cities sometimes ask whether a non-binding election referendum may be placed on an official election ballot. The Secretary of State believes the answer is no and cites attorney general opinions LO94-091 – 1994 and H425 – 1974 for that conclusion. And, it states in fact placing an non-authorized proposition on a ballot may be considered a misappropriation of public funds. The public cannot do anything with this. You are going to have to come back and vote on these

resolutions. Now what part of these resolutions are we going to single out. It is spaghetti. We got all kinds of things here. Interlocal agreements with Fort Bend County for Mobility Bond Issue, resolutions. You have four or five pages of these. So, in short this is really only a public opinion poll. We can't vote on those. We have already voted on it seven years ago. Thank you.

Key discussion points:

- Mayor Morales stated for clarification Council is voting on an Ordinance that is calling for a Special Election on whether the voters should adopt or reject a proposed Resolution prohibiting the City from donating specified real property for the "One-Way Pairs" Project. This Ordinance is all about the property and in due respect he wishes Mr. Villagomez would have been here. The Commissioner would not have come up here and said what he said if that is not something he already negotiated with TxDOT. I just don't believe that.
- Councilor McConathy stated she stands by her previous vote and I will support the Special Election.
- Councilor Benton supports the election.
- Councilor Bolf stated she knows people on both sides of this subject. The people came and wanted an election and she thinks they were cheated four years ago out of this major project. We need to take it to the people for the vote.
- Councilor Grigar stated he stands by his previous vote.
- Councilor Pena stated he has heard a lot that the public was not properly informed in the past. He thinks there has been an outcry and the people were not given the opportunity the first time. It is not like this will be a dead end street. It is changing the total infrastructure of the City itself. The people should have the opportunity to vote anytime and it should be our direction to give it to them. That is important and we need to have more intervention with folks. As the Mayor said before, it has nothing to do with the pairing. The pairing to my knowledge is a done deal. All we are talking about is a piece of property. If it does cost the $7,000 for a special election, so be it. The people want to speak, give the right to speak.
- Councilor Euton stated our legal counsel advised us when we first looked at this petition that it was a valid petition. Basing our decision on that, the voters should be given their due process. We do not have a contract or a firm offer from TxDOT that would nullify that so this needs to be put the ballot. If TxDOT would come forward and have a contract in place today then we could possibly postpone this. The petition was valid. We need to stand and uphold the due process that the people that signed this petition did. It is a principal. We can't just step on people even if they don't understand. We need to educate them. It may come out that TxDOT gets this free of charge and as Mr. Parsons said this was supposed to be part of our down payment on the right-of-way. It was a barter exchange originally. We do need to honor the petitioners since they did put forth something valid and have the election.
- Mayor Morales stated based on what he heard tonight he cannot in good conscience go with this because basically we will spend tax payer money on something that the state is willing to reimburse us on. And, if someone comes to me, as Councilor Bolf said, there are some that say don't give it away, but if they find out that the City is getting reimbursed, he could not in good conscience tell them we wanted to go forward with an election cost that we don't really need.

Action: Councilor Benton made a motion, seconded by Councilor McConathy to approve Ordinance No. 2014-04, an Ordinance ordering a Special Election to be held on May 10, 2014, for the purpose of submitting to the qualified voters, for adoption or rejection, a proposed ordinance and/or resolution prohibiting the City from donating specified real property for the "one-way pairs" project; and making provisions for the conduct of the election. ***The motion carried by a vote of 5 to 2 as follows: Yeses: Councilors Benton, McConathy, Pena, Euton and Bolf. Noes: Mayor Morales and Councilor Grigar.***

13. CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1752, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, FOR AND ON BEHALF OF THE CITY, A JOINT ELECTION AGREEMENT AND CONTRACT FOR ELECTION

SERVICES FOR THE 2014 SPECIAL ELECTION, BY AND BETWEEN THE CITY AND FORT BEND COUNTY, TEXAS.

Executive Summary: Resolution No. R-1752 is a Resolution authorizing the Mayor to execute and the City Secretary to attest the 2014 Joint Election Agreement and Contract for Election Services (Contract) by and between the City and Fort Bend County, Texas.

This Contract with Fort Bend County provides for the Fort Bend County Elections Administrator to coordinate, supervise, and handle all aspects of administering the May 10, 2014 City of Rosenberg Special Municipal Election.

According to the Contract, the City will pay Fort Bend County for equipment, supplies, services and administrative costs related to the May 10, 2014 Special Election. The Elections Administrator will serve as the Administrator for the Election, but the City will remain responsible for the lawful conduct of the Election. The Elections Administrator will provide advisory services in connection with decisions to be made and actions to be taken by the officers of the City. The Early Voting Schedule is attached as Attachment "B" and the Election Day polling places are attached as Attachment "A" to the Contract.

The City Secretary recommends approval of Resolution No. R-1752 as presented.

Key discussion points:

- Linda Cernosek, City Secretary read the Executive Summary regarding Resolution No. R-1752.
- Councilor Benton stated he wants to make sure we get the early voting schedule and locations right on this so we don't have any problems later. For the public's information, this will be an election at the same time that the Election Administration Office is holding other municipal elections all over the County. We are not taking the total cost of this election with the Elections Administrator as it could have been.
- He referenced Exhibit B and asked if everybody is OK with the hours.
- Mayor Morales stated this is standard. Lora Lenzsch stated this is from the County and is a joint election.
- Councilor Benton stated in the past didn't the City have some discretion on the hours.
- Linda Cernosek stated we do if we have an officer's election. This entails so many different entities and this has been revised three times.

Action: Councilor Benton made a motion, seconded by Councilor McConathy to approve Resolution No. R-1752, a Resolution authorizing the Mayor to execute and the City Secretary to attest, for and on behalf of the City, a Joint Election Agreement and Contract for Election Services for the 2014 Special Election, by and between the City and Fort Bend County, Texas. ***The motion carried by a vote of 5 to 2 as follows: Yeses: Councilors Benton, McConathy, Pena, Euton and Bolf. Noes: Mayor Morales and Councilor Grigar.***

14. ANNOUNCEMENTS.

There were no announcements.

15. ADJOURNMENT.

There being no further business Mayor Morales adjourned the meeting at 8:48 p.m.

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Linda Cernosek, TRMC, City Secretary

CITY COUNCIL WORKSHOP MEETING MINUTES
DRAFT

On this the 25th day of February, 2014, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Special Session, in the Rosenberg City Hall Council Chamber, located at 2110 4th Street, Rosenberg, Texas.

PRESENT

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

STAFF PRESENT

John Maresh	Assistant City Manager for Public Services
Christine Krahn	Acting City Secretary
Jeff Trinker	Executive Director of Support Services
Lora Lenzsch	City Attorney
Joyce Vasut	Executive Director for Administrative Services
Rachelle Kanak	Interim Economic Development Director
Dallis Warren	Interim Police Chief
Wade Goates	Fire Chief
Lisa Olmeda	Human Resources Director
Travis Tanner	Executive Director of Community Development
Angela Fritz	Communications Director
Tommy Havelka	Police Officer
John Johnson	Police Officer
Kaye Supak	Executive Assistant

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

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

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

AGENDA

1. **REVIEW AND DISCUSS PROPOSED REVISIONS TO PART II, CHAPTER 3. ALCOHOLIC BEVERAGES, SECTION 3-3 OF THE CODE OF ORDINANCES, ENTITLED "OPEN CONTAINERS AND CONSUMPTION OF ALCOHOLIC BEVERAGES PROHIBITED IN CERTAIN PUBLIC PLACES", AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: Section 3-3 of the Code of Ordinances (Code) prohibits open containers and the consumption of alcoholic beverages in certain public places, including within the Rosenberg Central Business District (Downtown District). The Code states that an offense has been committed if one possesses an open container of or consumes an alcoholic beverage within the Downtown District.

In 2013, the area known as the Downtown District was designated as one of only twenty-four (24) cultural districts in the State of Texas and the only cultural district in Fort Bend County. Building on this cultural district designation, the Downtown District community hosts events centered around varying arts programs, and the District holds approximately one (1) large event each year which requires a special events permit from the City of Rosenberg.

The proposed revisions would make it a defense to prosecution to consume alcoholic beverages in the Downtown District during a permitted special event. The proposed language requires that any alcohol consumed within the

confines of the special event must be purchased at the event, not leave the event, and not be in a glass container.

Should City Council approve of this change to allow for alcoholic beverage consumption in the Downtown District during a permitted special event, staff will return with an Ordinance amendment for same on a future Agenda. Staff seeks City Council's direction on the proposed revisions.

Key discussion points:

- Rachelle Kanak, Interim Economic Development Director read the Executive Summary regarding the item.
- A brief discussion was held and Council was in favor of the change. The general consensus of Council was to direct staff to move forward with preparing an amendment to the Ordinance and bring it back to Council.
- No action was taken on the item.

2. **REVIEW AND DISCUSS PROPOSED REVISIONS TO THE AVENUE H BUSINESS ASSISTANCE GRANT PROGRAM, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: The Avenue H Business Assistance Grant Program (Program) was presented to City Council on November 23, 2010, and at City Council's direction, staff submitted Resolution No. R-1288 on February 15, 2011, for approval of the guidelines, criteria, and applications for the Avenue H Business Assistance Grant Review Committee.

The Program was developed to support businesses located on Avenue H only, and is a reimbursable grant for exterior improvements such as façade, landscaping, and signage. The grant is a 50-50 match, up to $2,500.00.

Through a 380 Grant Program, the City budgeted $100,000 for the Program in FY 2011 with a suggested allocation of $25,000 per year for four (4) years, or until the all funds were awarded. In FY 2011, $38 was awarded. In FY 2012, $18,693 was awarded. In FY 2013, and year to date FY 2014, no awards have been granted. A total of $18,731 has been awarded since the Program's beginning in 2011.

At City Council's direction from the November 26, 2013 Workshop, staff has revamped the Program, opening it up to all Rosenberg businesses, not just those businesses on Avenue H. The proposed Program, renamed the Business Assistance Grant Program, has been slightly modified to include a scoring system, which weights Avenue H businesses favorably. It also creates a formalized committee review structure. The revised Grant Review Committee (Committee) structure is a proposed five (5) member Committee comprised of a representative from City Council, the Image Committee, the Planning Commission, the Rosenberg Development Corporation, and the West Fort Bend Management District. The Economic Development Director is the proposed staff liaison to the Committee. The proposed Program remains a reimbursable grant program, with a 50-50 match, up to $2,500.00.

Should City Council want to open the proposed Program up geographically, but not necessarily to all types of properties, the following could be considered:

- A maximum acreage, such as one (1) acre properties with existing improvements.

It should be noted that, whether there are additional restrictions on the proposed Program or not, projects would still be subject to review by the Committee, which could determine if the project meets the intent of the proposed Program.

Should City Council approve of the revisions, staff will bring an Ordinance Amendment forward for consideration on a future Agenda.

Key discussion points:

- Rachelle Kanak, Interim Economic Development Director read the Executive Summary regarding the proposed revisions to the Avenue H Business Assistance Grant Program.
- The item was opened for discussion.
- Councilor Euton stated she likes the idea of opening the program up to all businesses throughout the City. Is there the option for an appeal?
- Rachelle Kanak stated it is presently not in the plan but could be included.
- Councilor Pena thanked staff for their work on the plan.
- Councilor Grigar agreed with expanding the program. He would like to see the amount increased and suggested an amount up to $7,500 to $10,000. The present $2,500 amount does not allow for much improvement. He suggested tweaking the program as we go along.
- Councilor Bolf liked the idea of expanding the program and including an appeal process in the program.

- Councilor Benton stated he could support an increase in the amount but expressed concern with the ability to control paint colors, etc.
- Rachelle Kanak stated the plan is reviewed and the Committee is not obligated to fund it even if it meets the criteria so this gives some leeway.
- Councilor Bolf asked how the program is marketed.
- Rachelle Kanak stated she was not here when the program was put together but businesses were visited by Economic Development staff personally. That is a great way to get started. Any program is only as good as how many people benefit from it. We would want to look at doing something more comprehensive because we can re-launch the program. We have a lot of partnerships in the City that could help us with that.
- Jeff Trinker, Executive Director of Support Services explained that he and Matt Fielder were in Economic Development when the program began. A flyer was created and was passed out in person to everybody on Avenue H. They were made aware of the program. The $2,500 limit was an issue from comments received.
- Councilor McConathy agreed with the tweaking of the program along with the idea of raising the amount. She referenced Item J regarding landscaping and "warranted" created some concern especially when we have had years of drought or ice and cold. She would like to see verbiage that addresses Mother Nature's impact on the landscaping. Unless a landscaper is being used you cannot get that warranty that the trees and shrubbery will last a year.
- Mayor Morales suggested adding it needs to be irrigated if it will be warranted. He has noticed that some businesses put landscaping in and there is no maintenance to it. If we put money towards landscaping it needs to have some type of mechanism to irrigate it. He would like to find a way to make sure maintenance is done on the landscape.
- Councilor McConathy stated she doesn't think there should be an irrigation requirement but there has to be some verbiage that it has to be maintained.
- Rachelle Kanak stated staff will work to come up with appropriate language.
- Councilor McConathy referenced K, Page 2 – two qualified contractors or suppliers as in the case of painting or landscaping. What are you looking for here? Are you looking for something to determine the value? A lot of these businesses will be doing the labor themselves then they will go wholesale or retail.
- Rachelle Kanak stated the labor is defined in L. But we can't count that as part of the cost. We want to see how much money you actually spent to determine the value.
- Councilor McConathy referenced Page 4 – regarding the Chart at the bottom – bullet point – paint chips, then it follows, sign materials, landscaping materials are submitted with an application and final project reflects what was submitted and approved. If you are doing the work yourself what will the Committee be looking for in terms of sign materials?
- Rachelle Kanak stated something to indicate what it will look like. All paperwork has to be submitted before you begin any work. When they review it they want to know what they are approving. You can be fairly lenient with that depending on what kind of work is being done but something that indicates the final product.
- Mayor Morales referenced the landscaping and stated you could take the landscaping out and maybe it should not be part of the match. If we invested the dollars and they did not maintain it, even if we put a clause in it has to be maintained and they don't do it what recourse do we have? He thinks signage, structure, and paint should be included but remove the landscape.
- Councilor Euton suggested "landscaping only considered if irrigated". That way they could do the landscaping if they wanted to.
- Mayor Morales stated we could add a clause "irrigated and maintained". We have seen guidelines that require particular items to keep it maintained for warranty.
- Councilor McConathy agreed with that. Then the person wanting the landscaping renovation would know upfront irrigation will be a requirement. In the history of this program have there been any criteria or guidelines that have hindered people from qualifying for projects other than the $2,500.
- Rachelle Kanak stated not that she knows about. The guidelines were not the concern it was more the amount of $2,500 and also that a lot of the buildings are not being utilized by the owners. Those were the two issues she was aware of.
- Jeff Trinker stated most of those that applied were granted the funds. There were one or two who expressed interest and meetings were held and they never submitted the applications. The Committee historically has been very accommodating in terms of working with business owners to come up with a project that meets the standards. They were looking for reasons to help the businesses.
- Mayor Morales stated he was on the Committee before being on Council and there was one incident of a paving structural problem and the Committee wanted to make sure they didn't end up with the same potholes as before. That was resolved and then they decided not to do it.

- Jeff Trinker stated there were two paving projects, one of which went through. The shopping center where the Radio Shack is located, was a paving project successfully completed. There was another business that wanted to do a paving project but there were heavy trucks on their driveway and the asphalt would not hold up to that. The other project was a self storage project with metal doors and they had problems getting the paint to stick
- Mayor Morales stated we have $100,000 allocated for this program.
- Rachelle Kanak stated there is $82,000 left.
- Mayor Morales stated if Council would want to increase it that would make a difference. From the comments received, people would probably be more willing to apply. He asked staff what they might want Council to consider.
- Rachelle Kanak stated $10,000 would give someone the opportunity to do something significant and the buildings and areas need fairly major revitalization and it would have more impact.
- Councilor Grigar agreed.
- The general consensus of Council was to have staff move forward with the $10,000 match.
- No action was taken on the item.

3. **REVIEW AND DISCUSS STREET SWEEPING, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**
Executive Summary: This item has been included to allow City Council an opportunity to discuss street sweeping services and to direct staff as necessary.

Key discussion points:

- Councilor Benton stated he has received a lot of feedback from citizens regarding the quality we are getting from the current street sweeping contractor. There are complaints about dust, not being dependable and not doing a very good job. In looking at the contract he feels they have breached their contract. He suggested that the City rent or purchase equipment and the service be provided by City staff.
- He asked John Maresh, Assistant City Manager of Public Services what kind of feedback he has received.
- John Maresh stated complaints received through the Citizens Relations desk have been minimal.
- Jeff Trinker, Executive Director of Support Services stated there was one complaint from a citizen that was upset the sweepers did not come when they said they would.
- Councilor Bolf stated she does not know if the City has looked at getting a machine in the past but all these factors need to be looked at. There have been issues and we need to get something done.
- Mayor Morales asked if the contractor has been notified. We need to look at another contractor and see how that works. In the long run it saves the City money.
- John Maresh stated yes. A lot has been weather related and we have tried to keep them to Thursday and Friday. This week they are trying to catch up. Regardless of who the contractor is when the weather is inclement we will still have these issues to deal with and if the weather is bad we get farther behind.
- Councilor Benton stated we would have a lot more flexibility with our own equipment.
- Councilor McConathy stated the contract defines to go one direction and to use adequate water. That may be causing the dust issue and they may not be following the contract.
- Jeff Trinker provided pricing for the rental and/or purchase of equipment including the personnel, benefits, fuel and maintenance costs.
- Councilor Benton stated he has checked pricing and he does not agree that personnel cost should be included as we could use current employees. This is an item he would like to discuss in the budget meetings for comparisons in using a contractor and renting and/or purchasing equipment.
- John Maresh stated this equipment is sophisticated and personnel has to be trained and may require a CDL operator. It takes skill to operate.
- Councilor Pena asked if this is the same contractor we had previously. The other contractor did a better job.
- John Maresh stated it is a different contractor and there is a provision in the contract to terminate the contract for convenience. We could do that and try another contractor on a month-to-month basis until another is found.
- Councilor Grigar stated he has not received any complaints but he has a complaint about people who do not bag the leaves and then put them in the gutter. He has seen this occur and has pictures. This is not right.
- Mayor Morales encouraged all of Council to send any complaints to Karyn Zwahr, Citizens Relations. She tracks all complaints. You can email or call in the complaint.
- Based on the discussion by Council, the consensus is to cancel the current contract and hire a

contractor on a month to month basis until a new contractor is found.

- No action was taken on the item.

4. **CONSIDER MOTION TO ADJOURN FOR EXECUTIVE SESSION.**
Action: Councilor McConathy made a motion, seconded by Councilor Bolf to adjourn for Executive Session. The motion carried by a unanimous vote.

5. **HOLD EXECUTIVE SESSION TO CONSULT WITH CITY ATTORNEY TO RECEIVE LEGAL ADVICE ON LEGAL MATTERS PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE.**
An Executive Session was held to consult with City Attorney to receive legal advice on legal matters pursuant to Section 551.071 of the Texas Government Code.

6. **ADJOURN EXECUTIVE SESSION, RECONVENE INTO WORKSHOP SESSION, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF AS A RESULT OF EXECUTIVE SESSION.**
Mayor Morales adjourned the Executive Session and reconvened into Regular Session at 7:13 p.m.
No action was taken as a result of Executive Session.

7. **ADJOURNMENT.**
There being no further business Mayor Morales adjourned the meeting at 7:13 p.m.

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Linda Cernosek, TRMC, City Secretary

CITY OF ROSENBERG
SPECIAL COUNCIL MEETING MINUTES
DRAFT

On this the 3rd day of March, 2014, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Special Session, in the Rosenberg City Hall Council Chamber, located at 2110 4th Street, Rosenberg, Texas.

PRESENT

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

STAFF PRESENT

Robert Gracia	City Manager
Linda Cernosek	City Secretary
Angela Fritz	Communications Director
Dallis Warren	Interim Police Chief
Lisa Olmeda	Human Resources Director
Tommy Havelka	Police Officer
Kaye Supak	Executive Assistant
Aaron Slater	Police Department
Ariel Soltura	Police Department
Brian Baker	Police Department
Joseph Henry	Police Department
Jasmine Roberts	Police Department
Danielle Delgado	Police Department
Erik Marmol	Police Department
Shane Macha	Police Department
Taylor Surratt	Police Department
Bruce Gilbert	Police Chaplain

Call to Order.
Mayor Morales called the meeting to order at 6:02 p.m.

AGENDA

1. **CONSIDER MOTION TO ADJOURN FOR EXECUTIVE SESSION.**
   Action: Councilor Benton made a motion, seconded by Councilor McConathy to adjourn for Executive Session. The motion carried by a unanimous vote.

2. **HOLD EXECUTIVE SESSION TO DELIBERATE THE APPOINTMENT AND EMPLOYMENT OF POLICE CHIEF PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE.**
   An Executive Session was held to deliberate the appointment and employment of Police Chief pursuant to Section 551.074 of the Texas Government Code.

3. **ADJOURN EXECUTIVE SESSION, RECONVENE INTO SPECIAL SESSION, AND TAKE ACTION AS NECESSARY AS A RESULT OF EXECUTIVE SESSION.**
   Mayor Morales adjourned the Executive Session and reconvened into Special Session at 7:23 p.m. There was no action taken as a result of the Executive Session.

4. **ADJOURNMENT.**
   There being no further business, Mayor Morales adjourned the Special Session at 7:24 p.m.

_____
Linda Cernosek, TRMC, City Secretary

CITY COUNCIL COMMUNICATION

March 18, 2014

ITEM #	ITEM TITLE
B	**Short Form Final Plat of Lamar CISD Elementary School No. 23**

ITEM/MOTION

Consideration of and action on a Short Form Final Plat of Lamar CISD Elementary School No. 23; 0 lots, 1 block, 1 reserve; being 14.26 acres in the Robert E. Handy Survey, Abstract 187, City of Rosenberg, Fort Bend County, Texas.

FINANCIAL SUMMARY

Annualized Dollars:

[ ] One-time
[ ] Recurring
[X] N/A

Budgeted:

[ ] Yes [ ] No [X] N/A

Source of Funds: N/A

ELECTION DISTRICT

[ ] District 1
[ ] District 2
[ ] District 3
[X] District 4
[ ] City-wide
[ ] N/A

MUD #: 144 (Summer Lakes/Waterford Park)

SUPPORTING DOCUMENTS:

1. Short Form Final Plat of Lamar CISD Elementary School No. 23
2. Land Use and Parcel Plan for Summer Lakes/Waterford Park (MUD No. 144 PUD)
3. Planning Commission Meeting Draft Minute Excerpt – 02-26-14

APPROVALS

Submitted by:

Travis Tanner

Travis Tanner, AICP
Executive Director
Community Development

Reviewed by:

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

Approved for Submittal to City Council:

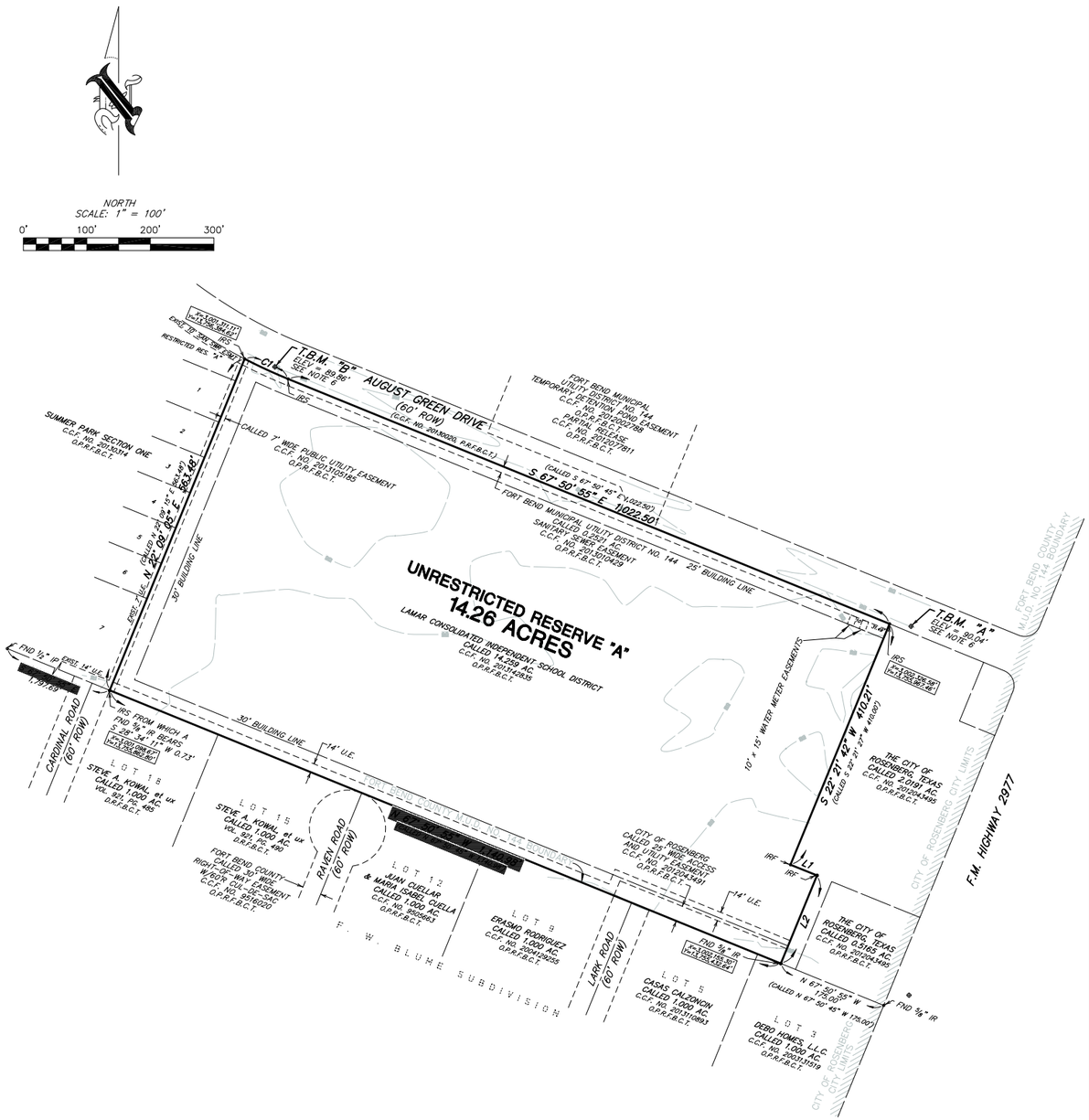
Robert Gracia
City Manager

EXECUTIVE SUMMARY

The Short Form Final Plat of Lamar CISD Elementary School No. 23 fronts on the south side of August Green Drive, west of FM 2977 and adjoining the site of the City's Fire Station No. 3, currently under construction. It is located within the City Limits and in Fort Bend County Municipal Utility District No. 144 (MUD No. 144). The Plat consists of one (1) reserve and 14.26 acres.

Because the Plat has only one (1) reserve and does not require the dedication or alteration of any streets, it meets the criteria for a short form final plat under the "Subdivision" Ordinance. This essentially means that a Preliminary Plat did not have to be submitted. The proposed Plat is consistent with the approved Land Plan for Summer Lakes and Waterford Park, which calls for commercial development of this tract (as opposed to residential).

The proposed Short Form Final Plat is not in conflict with the "Subdivision" Ordinance, the approved Land Plan, or with the Development Agreement for MUD No. 144. The Planning Commission recommended approval to City Council of this Plat on February 26, 2014. There being no further issues, staff recommends approval of the Short Form Final Plat of Lamar CISD Elementary School No. 23.



LEGEND

These standard symbols will be found in the drawing.

IRF – FND 5/8" IR W/CAP "EHRA"
IRS – SET 5/8" IR W/CAP "KALKOMEY SURVEYING"

LINE	BEARING	DISTANCE
L1	S 68°17'16" E	45.05'
	(CALLED S 67°50'45" E 45.00')	
L2	S 22°21'07" W	150.00'
	(CALLED S 22°21'07" W 150.00')	

CURVE	DELTA	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	05°16'48"	820.00'	75.57'	S 65°12'31" E	75.54'
	(CALLED 05°16'49")	(CALLED 820.00')	(CALLED 75.57')	(CALLED S 65°12'21" E 75.54')	

State of Texas
County of Fort Bend

We, Michael Richard, President, and Karen Mendoza, Secretary, being officers of Lamar Independent School District, owner of a 14.26 acre tract of land described in the foregoing map of LAMAR CISD ELEMENTARY SCHOOL NO 23 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.

FURTHER, Owners do hereby dedicate for public utility purposes an unobstructed aerial easement five (5) feet in width from a place twenty (20) feet above the ground level upward, located adjacent to all public utility easements shown on the attached plat.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat 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.

IN TESTIMONY WHEREOF, Lamar Consolidated Independent School District, has caused these presents to be signed by Michael Richard, its President hereunto authorized, attested by Karen Mendoza, its Secretary, this ____ day of _____, 2014.

Lamar Consolidated Independent School District

By: _____ Attest:_____
Michael Richard, President Karen Mendoza, Secretary

BEFORE ME, the undersigned authority, on this day personally appeared Michael Richard, as President, Lamar Consolidated Independent School District Board of Trustees, 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 set forth.

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

_____
Notary Public in and for the State of Texas

BEFORE ME, the undersigned authority, on this day personally appeared Karen Mendoza, as Secretary, Lamar Consolidated Independent School District Board of Trustees, 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 set forth.

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

_____
Notary Public in and for the State of Texas

This is to certify that the City Council of the City of Rosenberg, Texas has approved this plat and subdivision of the LAMAR CISD ELEMENTARY SCHOOL NO 23, in conformance with the laws of the State of Texas and the ordinances of the City of Rosenberg as shown hereon and authorized the recording of this plat

this ____ day of _____, 2014.

_____ _____
Vincent M. Morales, Jr., Mayor Linda Cernosek, Secretary

This is to certify that the City Planning Commission of the City of Rosenberg, Texas, has approved this plat and subdivision of the LAMAR CISD ELEMENTARY SCHOOL NO 23, in conformance with the laws of the State of Texas and the ordinances of the City of Rosenberg as shown hereon and authorized the recording of

this plat this ____ day of _____, 2014.

_____
Pete Pavlovksy, Chair

_____
Wayne Poldrack, Secretary

I, Dianne Wilson, County Clerk in and for Fort Bend County, hereby certify that the foregoing instrument with its certificate of authentication was filed for recordation in my office on

_____, 2014 at _____ o'clock ___ m. in Plat No.

_____ of the Plat Records of Fort Bend County for said county.
Witness my hand and seal of office, at Rosenberg, Texas, the day and date last above written.

_____
Dianne Wilson, County Clerk
Fort Bend County, Texas

_____
Deputy

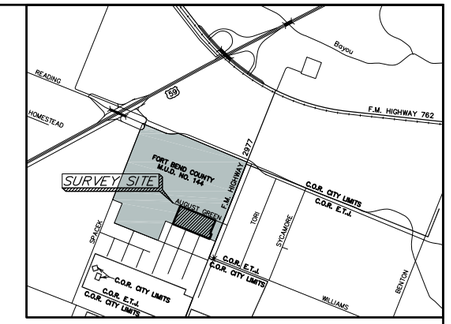
I, Chris D. Kalkomey, am authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature and other points of reference have been marked with iron pipes having a minimum outside diameter of five-eighths (5/8) inch and length of not less than three (3) feet.

_____
Chris D. Kalkomey, Registered Professional Land Surveyor
Texas Registration No. 5869

OWNER:
LAMAR CONSOLIDATED INDEPENDENT SCHOOL DISTRICT
3911 AVENUE I
ROSENBERG, TEXAS 77471
(281) 341-3100

PLAT BY:
CHARLIE KALKOMEY Surveying, Inc. Land Surveyors
6415 READING ROAD
ROSENBERG, TX 77471-5655
(281) 342-2033 FAX: (281) 232-9909

ENGINEER:
PBK
TX FIRM- F-3709
11 GREENWAY PLAZA, 22nd FLOOR
HOUSTON, TX 77046
(713) 965-0608 FAX: (713) 961-4571
TOLL FREE: 1-(800)-938-7272



VICINITY MAP KEY MAP: 605
(SCALE: 1" = 2,000') (PANEL "Z")

GENERAL NOTES:

1. This tract lies within Zone "X" of the Flood Insurance Rate Map, Community No. 480232, Map Numbers 48157C0245L & 48157C0265L, Panels 0245 & 0265, Suffix "L" with a date of April 2, 2104, for Fort Bend County, Texas and incorporated areas. Zone "X" is defined as areas determined to be outside the 0.2% annual chance floodplain.

   This flood statement does not imply that the property or structures thereon will be free from flooding or flood damage. On rare occasions floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.

   The location of the flood zone lines shown hereon were determined by scaling from said FIRM map. The actual location as determined by elevation contours may differ. Charlie Kalkomey Surveying, Inc. assumes no liability as to the accuracy of the location of the flood zone limits.

2. All visible easements and easements of records affecting these tracts as reflected upon title report from Fidelity National Title Insurance Co., G.F. Number 5225001108, dated January 26, 2014, shown hereon. Surveyor has relied upon the above-mentioned title commitment, with regard to any easements, setbacks, restrictions, or rights-of-way affecting the subject property. No additional research regarding the existence of easements, setbacks, restrictions, rights-of-way, or other matters of record, has been performed by the surveyor.

3. Bearings and coordinates are based upon the Texas Coordinate System, South Central Zone, NAD83, based upon GPS observations of City of Rosenberg monument RS09.

4. Elevations shown hereon based upon GPS observations of City of Rosenberg Control Monument RS09, Elevation 94.82' (NAVD88).

5. The coordinates shown hereon are Texas State Plane Coordinates, South Central Zone (NAD83) and may be brought to surface by applying the following combined scale factor of 0.99986920.

6. Temporary Benchmark "A" being a cut "X" in a concrete inlet. Located along the Southwest curb of August Green Drive, and the Northeast line of a called 2.0191 acre tract recorded in C.C.F. No. 2012043495, O.P.R.F.B.C.T. Elevation = 90.04' (NAVD88).

   Temporary Benchmark "B" being a cut "X" in a concrete inlet. Located along the Southwest curb of August Green Drive, and being ±1,082 feet Northwest of TBM "A". Elevation = 89.86' (NAVD88).

7. This plat was prepared to meet City of Rosenberg and Fort Bend County requirements.

8. This survey does not provide any determination concerning wetlands, fault lines, toxic waste or any other environmental issues. Such matters should be directed by the client or prospective purchaser to an expert consultant.

9. The drainage system for this subdivision is designed in accordance with the Fort Bend County Drainage Criteria Manuel 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 of the drainage facility. All property is required to drain into the drainage easements through an approved drainage structure.

11. Site plans shall be submitted to the City of Rosenberg for staff review and approval prior to construction. Driveway requirements for the locations, widths and offset, from an intersection and any existing driveways or proposed driveways, shall conform to the design standards of the City of Rosenberg.

12. There are no pipelines or pipeline easements on this tract except as shown hereon.

13. This tract lies wholly within Fort Bend County, Lamar Consolidated Independent School District, the City of Rosenberg, and Fort Bend County M.U.D. No. 144.

14. 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.

15. This tract is located in Lighting Zone #3.

16. Five-eights inch (5/8") 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.

17. The top of all floor slabs shall be a minimum of 91.8' above mean sea level. The top of slab elevation at any point on the perimeter of the slab shall not be less than eighteen (18) inches above natural ground.

18. B.L. indicates building line; U.E. indicates utility easement; STM. S.E. indicates storm sewer easement; W.L.E. indicates water line easement; S.S.E. indicates sanitary sewer easement; H.L. & P.E. indicates Houston Lighting & Power easement; D.E. indicates drainage easement; P.L. indicates property line.

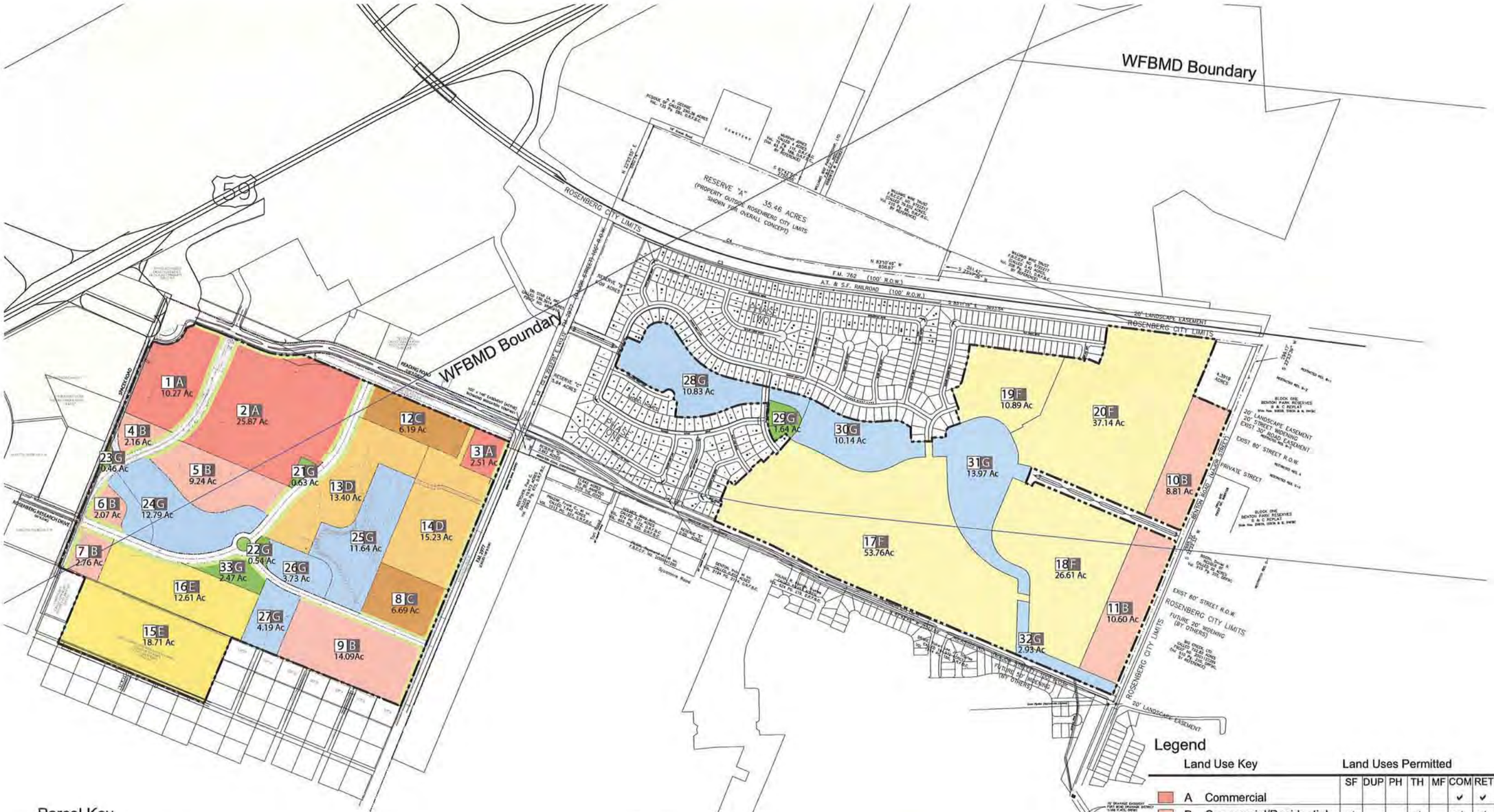
19. Elevations used for delineating contour lines are based upon U.S.C.&G.S. datum, NAVD88.

20. Sidewalks shall be built of caused to be built through restrictive covenants within all road right-of-ways dedicated to the public.

LAMAR CISD ELEMENTARY SCHOOL NO 23

0 LOTS, 1 BLOCK, 1 RESERVE
BEING 14.26 ACRES IN THE
ROBERT E. HANDY SURVEY, ABSTRACT 187
CITY OF ROSENBERG
FORT BEND COUNTY, TEXAS
JANUARY 31, 2014

CHARLIE KALKOMEY Surveying, Inc. Land Surveyors
SINCE 1979
6415 Reading Road Rosenberg, Texas 77471-5655
281 342-2033 281 232-9909 (Fax)
a Jones & Carter Company
Austin • Brenham • Bryan • Dallas • Houston
Rosenberg • San Antonio • The Woodlands



Parcel Key

27 G — Parcel Number / Land Use Key

Legend

Land Use Key		Land Uses Permitted										Tract Area
		SF	DUP	PH	TH	MF	COM	RET	CH	SCH	OPF*	
A	Commercial						✓	✓	✓	✓	✓	38.65
B	Commercial/Residential	✓			✓		✓	✓	✓	✓	✓	49.74
C	Multi-family/Commercial	✓				✓	✓		✓	✓	✓	12.90
D	Multi-family/Residential	✓		✓	✓	✓			✓	✓	✓	28.63
E	Residential	✓	✓	✓	✓				✓	✓	✓	31.32
F	Residential	✓		✓					✓	✓	✓	128.40
G	Park Space/Detention								✓	✓	✓	75.96
												365.60 Acres

* OPF- Other public city, county, state & federal facilities
CH-Church
SCH-School

Land Use & Parcel Plan: Exhibit B

SLA Studio • Land
Land Planning • LandscapeArchitecture

0 200 400 800 ft
the original scale is 1"= 400'

north arrow

Fort Bend County Municipal Utility District No. 144 PUD
SYI902
April 8, 2010
Revised June 23, 2010
July 22, 2010

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Chairperson Pavlovsky inquired where the waterlines are located.
- Mr. Tanner indicated the waterlines on the map and stated that waterline easements would be needed in order to connect to the infrastructure and Irby Cobb Boulevard. It would loop the waterlines.
- Commissioner Parsons inquired about the 20-foot transmission easement.
- Mr. Tanner stated that he believes that is for a pipeline.
- Commissioner Parsons stated that he assumes there will be full disclosure to the people buying those lots that the pipeline exists.
- Mr. Tanner replied that he suspects that would be the reason the pipeline was kept away from the lots with a landscape reserve between.
- Commissioner Poldrack inquired if there are any regulations requiring a certain distance between a residence and a pipeline, dependent on what is flowing through the pipeline.
- Mr. Tanner replied that he does not believe so and the only buffer would be that easement. He would think the pipeline would run in the center of that easement and the remaining easement provides the buffer.
- Commissioner Poldrack inquired if there are any building requirements calling for a specific setback from building near the pipelines.
- Mr. Tanner replied that he does not believe so. Just about every subdivision has this issue as the pipelines preexist the development.
- Chairperson Pavlovsky stated that pipeline easements are all over.
- Mr. Tanner replied that they put these easements in landscape reserves so they do not intersect with lots.

Action Taken: Commissioner Casias moved, seconded by Commissioner Urbish, to approve the 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. The motion carried unanimously.

5. CONSIDERATION OF AND ACTION ON A SHORT FORM FINAL PLAT OF LAMAR CISD ELEMENTARY SCHOOL NO. 23; 0 LOTS, 1 BLOCK, 1 RESERVE; BEING 14.26 ACRES IN THE ROBERT E. HANDY SURVEY, ABSTRACT 187, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS.

Executive Summary: The Short Form Final Plat of Lamar CISD Elementary School No. 23 fronts on the south side of August Green Drive, west of FM 2977 and adjoining the site of the City's Fire Station No. 3, currently under construction. It is located within the City Limits and in Fort Bend County MUD No. 144. The Plat consists of one (1) reserve and 14.26 acres.

Because the Plat has only one (1) reserve and does not require the dedication or alteration of any streets, it meets the criteria for a short form final plat under the "Subdivision" Ordinance. This essentially means that a Preliminary Plat did not have to be submitted. The proposed Plat is consistent with the approved Land Plan for Summer Lakes and Waterford Park, which calls for commercial development of this tract (as opposed to residential).

The proposed Short Form Final Plat is not in conflict with the "Subdivision" Ordinance, the approved Land Plan, or with the Development Agreement for MUD No. 144. That being said, staff recommends that the Planning Commission recommend approval to City Council of the Short Form Final Plat of Lamar CISD Elementary School No. 23.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Parsons inquired when they plan to build the school.
- Mr. Tanner replied that he expects it would be within the next year and a half as opposed to next fall.

Action Taken: Commissioner Parsons moved, seconded by Commissioner Poldrack, to recommend approval to City Council of the Short Form Final Plat of Lamar CISD Elementary School No. 23; 0 lots, 1 block, 1 reserve; being 14.26 acres in the Robert E. Handy Survey, Abstract 187, City of Rosenberg, Fort

Bend County, Texas. The motion carried unanimously.

6. HOLD PUBLIC HEARING ON A SHORT FORM FINAL PLAT OF MYSKA CORNER, 2 LOTS, 1 BLOCK, 0 RESERVES, BEING A REPLAT OF LOT 6 AND THE EAST 85 FEET OF LOT 5, BLOCK 2, LOUIS POLKA SUBDIVISION (VOLUME 241, PAGE 631, D.R.F.B.C.T.) IN THE HENRY SCOTT LEAGUE, ABSTRACT 83, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS.

Executive Summary: The Short Form Final Plat of Myska Corner is located at the northeast corner of 4th Street and Bernie Avenue. It is a replat of Lot 6 and part of Lot 5 of Block 2 of the Louis Polka Subdivision. The subdivision was originally platted in 1947.

Because it is a replat, a public hearing is required per the "Subdivision" Ordinance and Chapter 212 of the Texas Local Government Code. Therefore a public hearing should be held. Staff has no recommendation for this item.

Chairperson Pavlovsky opened the public hearing at 6:14 p.m. After three calls for speakers, no one stepped forward. Chairperson Pavlovsky closed the public hearing at 6:14 p.m.

7. CONSIDERATION OF AND ACTION ON A SHORT FORM FINAL PLAT OF MYSKA CORNER, 2 LOTS, 1 BLOCK, 0 RESERVES, BEING A REPLAT OF LOT 6 AND THE EAST 85 FEET OF LOT 5, BLOCK 2, LOUIS POLKA SUBDIVISION (VOLUME 241, PAGE 631, D.R.F.B.C.T.) IN THE HENRY SCOTT LEAGUE, ABSTRACT 83, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS.

Executive Summary: As discussed in the previous Agenda item, the Short Form Final Plat of Myska Corner is located at the northeast corner of 4th Street and Bernie Avenue. It is a replat of Lot 6 and part of Lot 5 of Block 2 of Louis Polka Subdivision. The subdivision was originally platted in 1947.

The Plat proposes to formally plat two (2) residential lots that were already subdivided by metes and bounds in 1972. There is no net increase in the number of units as there is already a residence on proposed Lot 1 and an existing mobile home on Lot 2. The proposed lots meet all the requirements for lot size, building lines, etc., as set forth in the "Subdivision" Ordinance. The Plat also does not render the remainder of Lot 5 out of compliance with any requirements. There is an existing residence on Lot 5 as well.

The Plat meets the criteria for a Short Form Final Plat based on the number of lots and no streets being created or altered. Therefore a preliminary plat submittal was not required. The Short Form Final Plat is not in conflict with any of the applicable regulations. Staff recommends that the Planning Commission recommend approval to City Council of the Short Form Final Plat of Myska Corner.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Parsons inquired what in on the property now.
- Mr. Tanner replied there is a residence on both Lots 1 and 2. They have been configured this way for sometime but has never been formally platted.
- Chairperson Pavlovsky inquired if Lot 2 has access.
- Mr. Tanner replied that it has access to Bernie. The existing house on Lot 1 fronts on 4th Street and the residence on Lot 2 fronts on Bernie.

Action Taken: Commissioner Parsons moved, seconded by Commissioner Poldrack, to recommend approval to City Council of the Short Form Final Plat of Myska Corner, 2 lots, 1 block, 0 reserves, being a replat of Lot 6 and the east 85 feet of Lot 5, Block 2, Louis Polka Subdivision (Volume 241, Page 631, D.R.F.B.C.T.) in the Henry Scott League, Abstract 83, City of Rosenberg, Fort Bend County, Texas.

8. CONSIDERATION OF AND ACTION ON THE FINAL PLAT OF OUR LADY OF GUADALUPE CATHOLIC CHURCH, A SUBDIVISION OF 4.6750 ACRES, OR 203,644 SQUARE FEET OF LAND, BEING A PARTIAL REPLAT OF LOTS 1-8, 11-16 AND A PORTION OF LOTS 9 & 10, BLOCK 8, LOTS 10-16 AND PORTIONS OF LOTS 5-8, BLOCK 5, KAFFENBERGER ADDITION, RECORDED UNDER VOLUME 6, PAGE 16, PLAT RECORDS OF FORT BEND COUNTY, IN THE HENRY SCOTT LEAGUE, ABSTRACT NO. 83, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS; 1 BLOCK, 2 RESERVES, 0 LOTS.

CITY COUNCIL COMMUNICATION

March 18, 2014

ITEM #	ITEM TITLE
C	**Short Form Final Plat of Myska Corner**

ITEM/MOTION

Consideration of and action on a Short Form Final Plat of Myska Corner, 2 lots, 1 block, 0 reserves, being a replat of Lot 6 and the east 85 feet of Lot 5, Block 2, Louis Polka Subdivision (Volume 241, Page 631, D.R.F.B.C.T.) in the Henry Scott League, Abstract 83, City of Rosenberg, Fort Bend County, Texas.

FINANCIAL SUMMARY

Annualized Dollars:

[ ] One-time
[ ] Recurring
[X] N/A

Budgeted:

[ ] Yes [ ] No [X] N/A

Source of Funds: N/A

ELECTION DISTRICT

[ ] District 1
[ ] District 2
[X] District 3
[ ] District 4
[ ] City-wide
[ ] N/A

MUD #: N/A

SUPPORTING DOCUMENTS:

1. Short Form Final Plat of Myska Corner
2. Planning Commission Meeting Draft Minute Excerpt – 02-26-14

APPROVALS

Submitted by:

Travis Tanner

Travis Tanner, AICP
Executive Director
Community Development

Reviewed by:

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

Approved for Submittal to City Council:

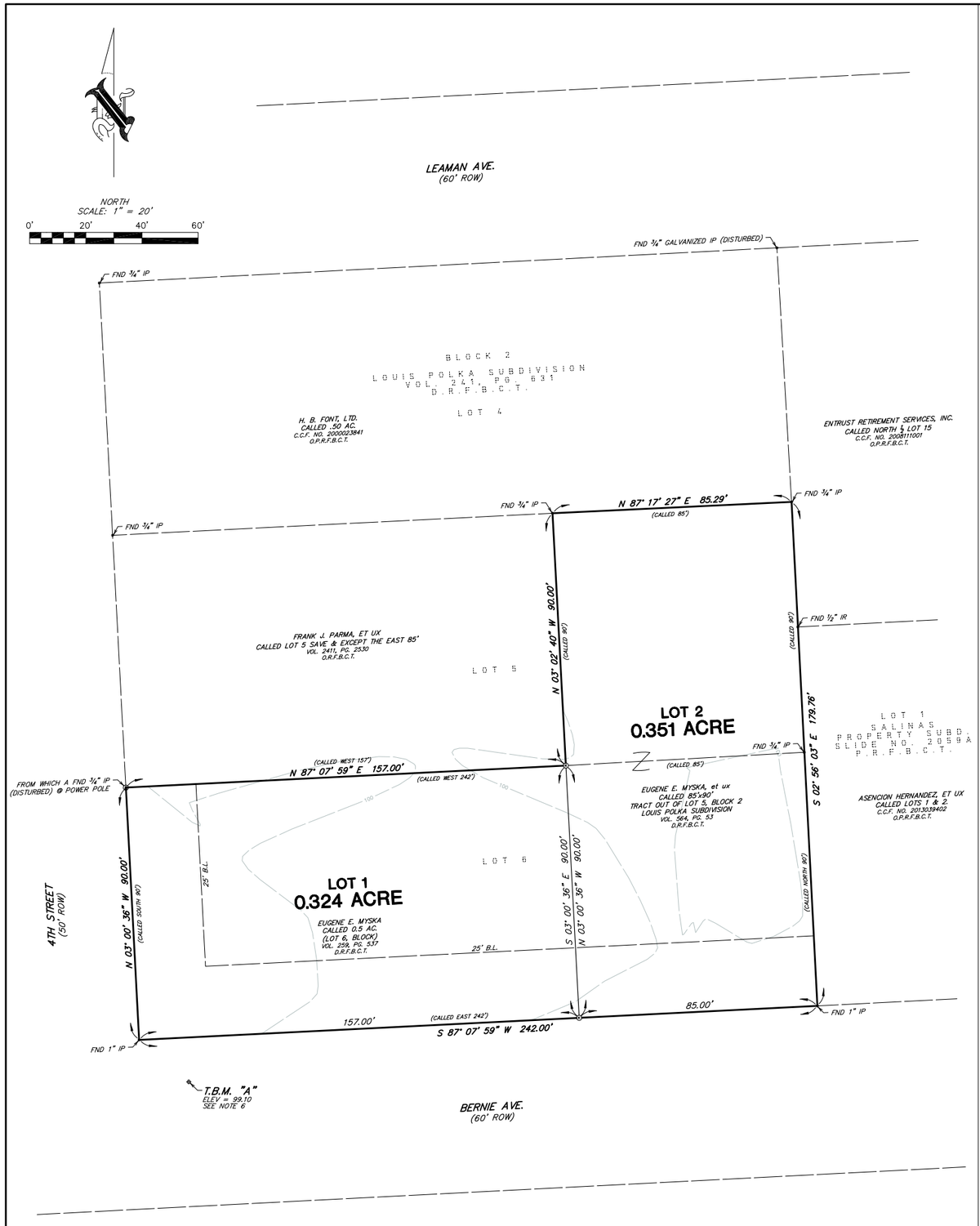
Robert Gracia
City Manager

EXECUTIVE SUMMARY

The Short Form Final Plat of Myska Corner is located at the northeast corner of 4th Street and Bernie Avenue. It is a replat of Lot 6 and part of Lot 5 of Block 2 of Louis Polka Subdivision. The subdivision was originally platted in 1947.

The Plat proposes to formally plat two (2) residential lots that were already subdivided by metes and bounds in 1972. There is no net increase in the number of units as there is already a residence on proposed Lot 1 and an existing mobile home on Lot 2. The proposed lots meet all the requirements for lot size, building lines, etc., as set forth in the "Subdivision" Ordinance. The Plat also does not render the remainder of Lot 5 out of compliance with any requirements. There is an existing residence on Lot 5 as well.

The Plat meets the criteria for a Short Form Final Plat based on the number of lots and no streets being created or altered. Therefore a preliminary plat submittal was not required. The Short Form Final Plat is not in conflict with any of the applicable regulations. Because this is a replat, per State law and the "Subdivision" Ordinance, a public hearing was held at the February 26, 2014 Planning Commission meeting. There were no comments from the public. The Planning Commission subsequently recommended approval of the Plat to City Council. Staff recommends approval of the Short Form Final Plat of Myska Corner.



State of Texas
County of Fort Bend

We, Glen Allen Myska, agent for Eugene E. Myska, Owner, and Brenda Dresner, agent for Dorothy W. Myska, Owner, of a 0.675 acre tract of land described in the foregoing map of MYSKA CORNER do hereby make and establish said subdivision and development replat of said property according to all lines, dedications, restrictions and notations on said maps or plat.

FURTHER, Owners do hereby dedicate for public utility purposes an unobstructed aerial easement five (5) feet in width from a place twenty (20) feet above the ground level upward, located adjacent to all public utility easements shown on the attached plat.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat 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 it is the owner of all property immediately adjacent to the boundaries of the attached plat where public utility easements are to be established outside the boundaries of the attached plat and does hereby dedicate to the use of the public forever all public utility easements shown in said adjacent acreage.

WITNESS our hand in the city of Rosenberg, Fort Bend County, Texas, this ___ day of _____, 2014.

By: _____
Glen Allen Myska, agent for
Eugene E. Myska, Owner

By: _____
Brenda Dresner, agent for
Dorothy W. Myska, Owner

BEFORE ME, the undersigned authority, on this day personally appeared Glen Allen Myska, agent for Eugene E. Myska, 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 set forth.

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

_____
Notary Public in and for the State of Texas

BEFORE ME, the undersigned authority, on this day personally appeared Brenda Dresner, agent for Dorothy W. Myska, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and considerations therein set forth.

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

_____
Notary Public in and for the State of Texas

This is to certify that the City Council of the City of Rosenberg, Texas has approved this replat and subdivision of MYSKA CORNER, 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 replat

this ___ day of _____, 2014.

_____
Vincent M. Morales, Jr., Mayor

_____
Linda Cernosek, Secretary

This is to certify that the City Planning Commission of the City of Rosenberg, Texas, has approved this replat and subdivision of MYSKA CORNER, 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 replat this ___ day of _____, 2014.

_____
Pete Pavlovsky, Director

_____
Wayne Poldrack, Secretary

I, Dianne Wilson, County Clerk in and for Fort Bend County, hereby certify that the foregoing instrument with its certificate of authentication was filed for recordation in my office on

_____, 2014 at _____ o'clock __, m. in Plat No.

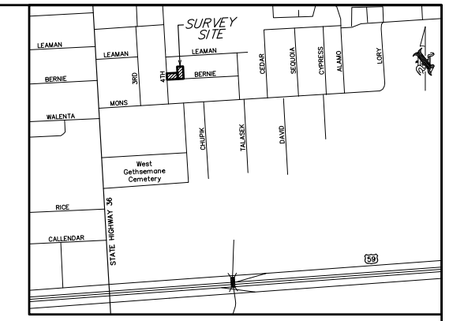
_____ of the Plat Records of Fort Bend County for said county.
Witness my hand and seal of office, at Rosenberg, Texas, the day and date last above written.

_____
Dianne Wilson, County Clerk
Fort Bend County, Texas

_____
Deputy

I, Chris D. Kalkomey, 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 correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature and other points of reference have been marked with iron pipes having a minimum outside diameter of five-eights (5/8) inch and length of not less than three (3) feet.

_____
Chris D. Kalkomey, Registered Professional Land Surveyor
Texas Registration No. 5869



VICINITY MAP (SCALE: 1" = 1,000') KEY MAP: 604 (PANEL "V")

GENERAL NOTES:

1. This tract lies within Zone "X" of the Flood Insurance Rate Map, Community No. 480232, Map Number 48157C0245L, Panel 0245, Suffix "L" with a date of April 2, 2014, for Fort Bend County, Texas and incorporated areas.
Zone "X" is defined as areas determined to be outside the 0.2% annual chance floodplain.

This flood statement does not imply that the property or structures thereon will be free from flooding or flood damage. On rare occasions floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.

The location of the flood zone lines shown hereon were determined by scaling from said FIRM map. The actual location as determined by elevation contours may differ. Charlie Kalkomey Surveying, Inc. assumes no liability as to the accuracy of the location of the flood zone limits.

2. All visible easements and easements of records affecting these tracts as reflected upon title report from Stewart Title Co. G.F. Number 1315741513, dated January 27, 2014, shown hereon. Surveyor has relied upon the above-mentioned title report, with regard to any easements, setbacks, restrictions, or rights-of-way affecting the subject property. No additional research regarding the existence of easements, setbacks, restrictions, rights-of-way, or other matters of record, has been performed by the surveyor.

3. Bearings and coordinates are based upon the Texas Coordinate System, South Central Zone, NAD83, based upon GPS observations of City of Rosenberg monument RS03.

4. Elevations shown hereon on are based on City of Rosenberg monument RS03, located at Rosenberg City Hall with a published elevation of 99.61', (NAVD88).

5. The coordinates shown hereon are Texas State Plane Coordinates, South Central Zone (NAD83) and may be brought to surface by applying the following combined scale factor of 0.99986920.

6. Temporary Benchmark "A" being a cut "X". Located in the top of a concrete inlet. Elevation = 99.10' (NAVD88).

7. This plat was prepared to meet City of Rosenberg and Fort Bend County requirements.

8. This survey does not provide any determination concerning wetlands, fault lines, toxic waste or any other environmental issues. Such matters should be directed by the client or prospective purchaser to an expert consultant.

9. The drainage system for this subdivision is designed in accordance with the Fort Bend County Drainage Criteria Manuel which allows street ponding with intense rainfall events.

10. B.L. indicates building line; U.E. indicates utility easement; STM. S.E. indicates storm sewer easement; W.L.E. indicates water line easement; S.S.E. indicates sanitary sewer easement; H.L. & P.E. indicates Houston Lighting & Power easement; D.E. indicates drainage easement; P.L. indicates property line.

11. All lots shall have a minimum of five (5) foot side building line.

12. There are no pipelines or pipeline easements on this tract except as shown hereon.

13. This tract lies wholly within Fort Bend County, Lamar Consolidated Independent School District, and the City of Rosenberg.

14. 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.

15. This tract is located in Lighting Zone #3.

16. Five-eights inch (5/8") 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.

17. The top of all floor slabs shall be a minimum of 101.5' above mean sea level. The top of slab elevation at any point on the perimeter of the slab shall not be less than eighteen (18) inches above natural ground.

THE PURPOSE OF THIS REPLAT IS TO DIVIDE A PORTION OF LOT 5 AND ALL OF LOT 6 OF LOUIS POLKA SUBDIVISION INTO TWO SEPARATE LOTS

MYSKA CORNER

2 LOTS, 1 BLOCK, 0 RESERVES
BEING A REPLAT OF LOT 6 AND THE EAST 85 FEET
OF LOT 5, BLOCK 2, LOUIS POLKA SUBDIVISION
(VOLUME 241, PAGE, 631, D.R.F.B.C.T.)
IN THE HENRY SCOTT LEAGUE, ABSTRACT 83
CITY OF ROSENBERG
FORT BEND COUNTY, TEXAS
JANUARY 31, 2014

OWNERS:
EUGENE & DOROTHY MYSKA
2604 LAZY LANE
ROSENBERG, TEXAS 77471
(713) 516-6545

PLAT BY:
CHARLIE KALKOMEY Surveying, Inc. Land Surveyors
6415 READING ROAD
ROSENBERG, TX 77471-5655
(281) 342-2033 FAX: (281) 232-9909

CHARLIE KALKOMEY Surveying, Inc. Land Surveyors
6415 Reading Road Rosenberg, Texas 77471-5655
281 342-2033 281 232-9909 (Fax)
a Jones & Carter Company
Austin * Brenham * Bryan * Dallas * Houston
Rosenberg * San Antonio * The Woodlands

Bend County, Texas. The motion carried unanimously.

6. HOLD PUBLIC HEARING ON A SHORT FORM FINAL PLAT OF MYSKA CORNER, 2 LOTS, 1 BLOCK, 0 RESERVES, BEING A REPLAT OF LOT 6 AND THE EAST 85 FEET OF LOT 5, BLOCK 2, LOUIS POLKA SUBDIVISION (VOLUME 241, PAGE 631, D.R.F.B.C.T.) IN THE HENRY SCOTT LEAGUE, ABSTRACT 83, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS.

Executive Summary: The Short Form Final Plat of Myska Corner is located at the northeast corner of 4th Street and Bernie Avenue. It is a replat of Lot 6 and part of Lot 5 of Block 2 of the Louis Polka Subdivision. The subdivision was originally platted in 1947.

Because it is a replat, a public hearing is required per the "Subdivision" Ordinance and Chapter 212 of the Texas Local Government Code. Therefore a public hearing should be held. Staff has no recommendation for this item.

Chairperson Pavlovsky opened the public hearing at 6:14 p.m. After three calls for speakers, no one stepped forward. Chairperson Pavlovsky closed the public hearing at 6:14 p.m.

7. CONSIDERATION OF AND ACTION ON A SHORT FORM FINAL PLAT OF MYSKA CORNER, 2 LOTS, 1 BLOCK, 0 RESERVES, BEING A REPLAT OF LOT 6 AND THE EAST 85 FEET OF LOT 5, BLOCK 2, LOUIS POLKA SUBDIVISION (VOLUME 241, PAGE 631, D.R.F.B.C.T.) IN THE HENRY SCOTT LEAGUE, ABSTRACT 83, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS.

Executive Summary: As discussed in the previous Agenda item, the Short Form Final Plat of Myska Corner is located at the northeast corner of 4th Street and Bernie Avenue. It is a replat of Lot 6 and part of Lot 5 of Block 2 of Louis Polka Subdivision. The subdivision was originally platted in 1947.

The Plat proposes to formally plat two (2) residential lots that were already subdivided by metes and bounds in 1972. There is no net increase in the number of units as there is already a residence on proposed Lot 1 and an existing mobile home on Lot 2. The proposed lots meet all the requirements for lot size, building lines, etc., as set forth in the "Subdivision" Ordinance. The Plat also does not render the remainder of Lot 5 out of compliance with any requirements. There is an existing residence on Lot 5 as well.

The Plat meets the criteria for a Short Form Final Plat based on the number of lots and no streets being created or altered. Therefore a preliminary plat submittal was not required. The Short Form Final Plat is not in conflict with any of the applicable regulations. Staff recommends that the Planning Commission recommend approval to City Council of the Short Form Final Plat of Myska Corner.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Parsons inquired what in on the property now.
- Mr. Tanner replied there is a residence on both Lots 1 and 2. They have been configured this way for sometime but has never been formally platted.
- Chairperson Pavlovsky inquired if Lot 2 has access.
- Mr. Tanner replied that it has access to Bernie. The existing house on Lot 1 fronts on 4th Street and the residence on Lot 2 fronts on Bernie.

Action Taken: Commissioner Parsons moved, seconded by Commissioner Poldrack, to recommend approval to City Council of the Short Form Final Plat of Myska Corner, 2 lots, 1 block, 0 reserves, being a replat of Lot 6 and the east 85 feet of Lot 5, Block 2, Louis Polka Subdivision (Volume 241, Page 631, D.R.F.B.C.T.) in the Henry Scott League, Abstract 83, City of Rosenberg, Fort Bend County, Texas.

8. CONSIDERATION OF AND ACTION ON THE FINAL PLAT OF OUR LADY OF GUADALUPE CATHOLIC CHURCH, A SUBDIVISION OF 4.6750 ACRES, OR 203,644 SQUARE FEET OF LAND, BEING A PARTIAL REPLAT OF LOTS 1-8, 11-16 AND A PORTION OF LOTS 9 & 10, BLOCK 8, LOTS 10-16 AND PORTIONS OF LOTS 5-8, BLOCK 5, KAFFENBERGER ADDITION, RECORDED UNDER VOLUME 6, PAGE 16, PLAT RECORDS OF FORT BEND COUNTY, IN THE HENRY SCOTT LEAGUE, ABSTRACT NO. 83, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS; 1 BLOCK, 2 RESERVES, 0 LOTS.

CITY COUNCIL COMMUNICATION

March 18, 2014

ITEM #	ITEM TITLE
D	**Final Plat of the Reserve at Brazos Town Center Section Three**

ITEM/MOTION

Consideration of and action on a Final Plat of the Reserve at Brazos Town Center Section Three, a 17.5794 acre tract of land being a partial replat of Reserve "H", Block 4, the Villages at Rosenberg (Slide No. 1945 A&B; F.B.C.P.R.) conveyed to Figure Four Partners, Ltd. (F.B.C.C.F. No. 2013159055) in the Jane H. Long League, Abstract No. 55, and in the Simon Jones Survey, Abstract No. 271, City of Rosenberg, Fort Bend County, Texas; 2 reserves, 62 lots, 3 blocks.

FINANCIAL SUMMARY

Annualized Dollars:

[ ] One-time
[ ] Recurring
[X] N/A

Budgeted:

[ ] Yes [ ] No [X] N/A

Source of Funds: N/A

ELECTION DISTRICT

[ ] District 1
[ ] District 2
[ ] District 3
[X] District 4
[ ] City-wide
[ ] N/A

MUD #: 167 (Brazos Town Center)

SUPPORTING DOCUMENTS:

1. Final Plat of the Reserve at Brazos Town Center Section Three
2. Land Plan for the Reserve at Brazos Town Center – 12-18-13
3. Planning Commission Meeting Draft Minute Excerpt – 02-26-14
4. Planning Commission Meeting Minute Excerpt – 01-22-14

APPROVALS

Submitted by:

Travis Tanner

Travis Tanner, AICP
Executive Director
Community Development

Reviewed by:

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

Approved for Submittal to City Council:

Robert Gracia
City Manager

EXECUTIVE SUMMARY

The Final Plat of the Reserve at Brazos Town Center Section Three is located on the north side of Town Center Boulevard near its intersection with Vista Drive. It is within the City Limits and in Fort Bend County Municipal Utility District No. 167 (MUD No. 167). The Plat consists of 17.58 acres, sixty-two (62) residential lots, and two (2) reserves. The Land Plan was amended on December 18, 2013, to allow the proposed fifty-foot (50') lots on the tract. Conditions for the approval of the 50' lots were as follows:

- Minimum house size of 1,650 square feet
- Minimum of fifty-one percent (51%) masonry exterior

The above conditions are noted on the Plat. The Preliminary Plat of this subdivision was approved by the Planning Commission on January 22, 2014. The proposed Final Plat is consistent with the approved Preliminary Plat. Because it is a replat, in accordance with the "Subdivision" Ordinance and state law, a public hearing was held at the February 26, 2014 Planning Commission meeting. There were no comments from the public. The Plat not being in conflict with any regulations, the Planning Commission subsequently recommended approval of the Plat to City Council. Staff recommends approval of the Final Plat of the Reserve at Brazos Town Center Section Three.

STATE OF TEXAS
COUNTY OF FORT BEND

WE, FIGURE FOUR PARTNERS, LTD., A TEXAS LIMITED PARTNERSHIP, ACTING BY AND THROUGH GERALD W. NOTEBOOM, SENIOR EXECUTIVE VICE PRESIDENT OF PSWA, INC, A TEXAS CORPORATION, ITS SOLE GENERAL PARTNER, HEREINAFTER REFERRED TO AS OWNERS OF THE 17.5794 ACRE TRACT, DESCRIBED IN THE ABOVE AND FOREGOING MAP OF **THE RESERVE AT BRAZOS TOWN CENTER SECTION THREE**, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION AND DEVELOPMENT PLAT OF SAID PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID MAP 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 SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL SEVEN AND ONE-HALF FEET (7'-6"), FROM A PLANE SIXTEEN FEET (16' 0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO BOTH SIDES (ONLY ON ONE SIDE IF A PERIMETER EASEMENT) 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, EXCEPT ON PERIMETER EASEMENTS WHERE IT TOTALS TWENTY-TWO AND ONE-HALF FEET (22' 6") IN WIDTH.

FURTHER, OWNERS 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, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE RESTRICTED TO PROVIDE THAT DRAINAGE STRUCTURES UNDER DRIVEWAYS SHALL HAVE A NET DRAINAGE OPENING AREA OF SUFFICIENT SIZE TO PERMIT THE FREE FLOW OF WATER WITHOUT BACKWATER AND IN NO INSTANCE HAVE A DRAINAGE OPENING OF LESS THAN THREE (3) SQUARE FEET (24" DIAMETER).

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT 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, PLANTING 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.

WE FURTHER ACKNOWLEDGE THAT THE DEDICATIONS AND/OR EXACTIONS MADE HEREIN ARE PROPORTIONAL TO THE IMPACT OF THE SUBDIVISION UPON THE PUBLIC SERVICES REQUIRED IN ORDER THAT THE DEVELOPMENT WILL CONFORM WITH THE PRESENT AND FUTURE GROWTH NEEDS OF THE CITY AND THE COUNTY; WE, OUR SUCCESSORS AND ASSIGNS HEREBY WAIVE ANY CLAIM, DAMAGE, OR CAUSE OF ACTION THAT WE MAY HAVE AS A RESULT OF THE DEDICATION OR EXACTIONS MADE HEREIN.

IN TESTIMONY WHEREOF, FIGURE FOUR PARTNERS, LTD., A TEXAS LIMITED PARTNERSHIP, HAS CAUSED THESE PRESENTS TO BE SIGNED BY

GERALD W. NOTEBOOM, SENIOR EXECUTIVE VICE PRESIDENT OF PSWA, INC., A TEXAS CORPORATION AND ATTESTED BY ______________________

THEREUNTO AUTHORIZED, THIS ______ DAY OF ______________, 2014.

FIGURE FOUR PARTNERS, LTD., A TEXAS LIMITED PARTNERSHIP

BY: PSWA, INC., A TEXAS CORPORATION,
ITS SOLE GENERAL PARNTER

BY: ______________________________
GERALD W. NOTEBOOM, SENIOR EXECUTIVE VICE PRESIDENT

ATTEST: ______________________________

____
PRINT NAME AND TITLE

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED GERALD W. NOTEBOOM, SENIOR EXECUTIVE VICE PRESIDENT OF PSWA, INC., A TEXAS CORPORATION, THE SOLE GENERAL PARTNER OF FIGURE FOUR PARTNERS, LTD., A TEXAS LIMITED PARTNERSHIP, 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 AS THE ACT AND DEED OF SAID COMPANY.

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

____
NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

MY COMMISSION EXPIRES: ______________

NOTES:

1.) B.L. INDICATES BUILDING LINE; U.E. INDICATES UTILITY EASEMENT; STM. S.E. INDICATES STORM SEWER EASEMENT; W.L.E. INDICATES WATER LINE EASEMENT; S.S.E. INDICATES SANITARY SEWER EASEMENT; H.L. & P.E. INDICATES HOUSTON LIGHTING AND POWER EASEMENT; P.L. INDICATES PROPERTY LINE.

2.) BENCHMARK:
CITY OF ROSENBERG MARKER NO. 32 (RS 32) IS LOCATED AT THE CORNER OF A TYPE "C" INLET ON THE NORTH SIDE OF TOWN CENTER BOULEVARD, APPROXIMATELY 372 FEET SOUTHEAST OF VISTA DRIVE.
ELEVATION=91.15' (NAVD 1988, 2001 ADJUSTMENT)

3.) A CITY OF ROSENBERG BENCHMARK WILL BE SET AFTER STREETS ARE INSTALLED. A BENCHMARK FORM WILL BE SUBMITTED TO THE CITY FOR APPROVAL.

4.) ELEVATIONS USED FOR DELINEATING CONTOUR LINES ARE BASED UPON CITY OF ROSENBERG MARKER NO. RS 32.

5.) THIS PLAT WAS PREPARED TO MEET CITY OF ROSENBERG AND FORT BEND COUNTY REQUIREMENTS.

6.) THIS PLAT WAS PREPARED FROM INFORMATION FURNISHED BY EXECUTIVE TITLE COMPANY, EFFECTIVE DATE JANUARY 9, 2014. THE SURVEYOR HAS NOT ABSTRACTED THE SUBJECT PROPERTY.

7.) THIS PLAT LIES WHOLLY WITHIN THE MUNICIPAL UTILITY DISTRICT NO. 167, FORT BEND SUBSIDENCE DISTRICT, FORT BEND COUNTY DRAINAGE DISTRICT, THE CITY OF ROSENBERG, FORT BEND COUNTY, AND LAMAR CONSOLIDATED INDEPENDENT SCHOOL DISTRICT.

8.) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP FOR FORT BEND COUNTY, TEXAS AND INCORPORATED AREAS, COMMUNITY PANEL NO. 48157-C-0220J EFFECTIVELY DATED JANUARY 03, 1997, THIS PROPERTY LIES IN ZONE "X", AN AREA NOT CONSIDERED IN THE 500-YR. FLOOD PLAIN.

9.) 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.

10.) THERE IS NO PHYSICAL EVIDENCE OF PIPELINES NOR PIPELINE EASEMENTS REFLECTED IN THE TITLE THAT AFFECT THE LIMITS OF THIS SUBDIVISION.

11.) FIVE-EIGHTHS INCH (5/8") 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.

12.) THE MINIMUM SLAB ELEVATION (FINISHED FLOOR) SHALL BE 92.5' BUT NO LESS THAN 12 INCHES ABOVE THE FLOOD PLAIN ELEVATION, 18 INCHES ABOVE NATURAL GROUND, OR 12 INCHES ABOVE THE TOP OF CURB IN FRONT OF THE PROPERTY, WHICHEVER IS HIGHER.

13.) ALL LOTS SHALL HAVE A MINIMUM OF FIVE (5) FOOT SIDE BUILDING LINE.

14.) THE DRAINAGE SYSTEM FOR THIS SUBDIVISION SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE FORT BEND COUNTY DRAINAGE CRITERIA MANUAL WHICH ALLOWS FOR STREET PONDING DURING INTENSE RAINFALL EVENTS.

15.) THIS PLAT LIES WITHIN FORT BEND LIGHTING ORDINANCE ZONE NO. LZ3.

16.) ALL EASEMENTS ARE CENTERED ON LOT LINES UNLESS OTHERWISE INDICATED.

17.) BEARINGS AND COORDINATES SHOWN HEREON ARE SURFACE COORDINATES BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, (NO. 4204, NAD 83), AS OBTAINED FROM THE CITY OF HOUSTON C.O.R.S. SYSTEM, AND MAY BE CONVERTED TO GRID BY MULTIPLYING BY THE FOLLOWING COMBINED SCALE FACTOR OF 0.99986987372.

18.) A ONE FOOT RESERVE DEDICATED TO THE PUBLIC IN FEE AS A BUFFER SEPARATION BETWEEN THE SIDE OR END OF STREETS WHERE SUCH STREETS ABUT ADJACENT PROPERTY. THE CONDITIONS OF SUCH DEDICATION BEING THAT WHEN 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 REVEST IN THE DEDICATOR, HIS HEIRS, ASSIGNS, OR SUCCESSORS.

19.) SIDEWALKS SHALL BE BUILT THROUGH RESTRICTIVE COVENANTS WITHIN ALL ROAD RIGHTS-OF-WAY DEDICATED TO THE PUBLIC.

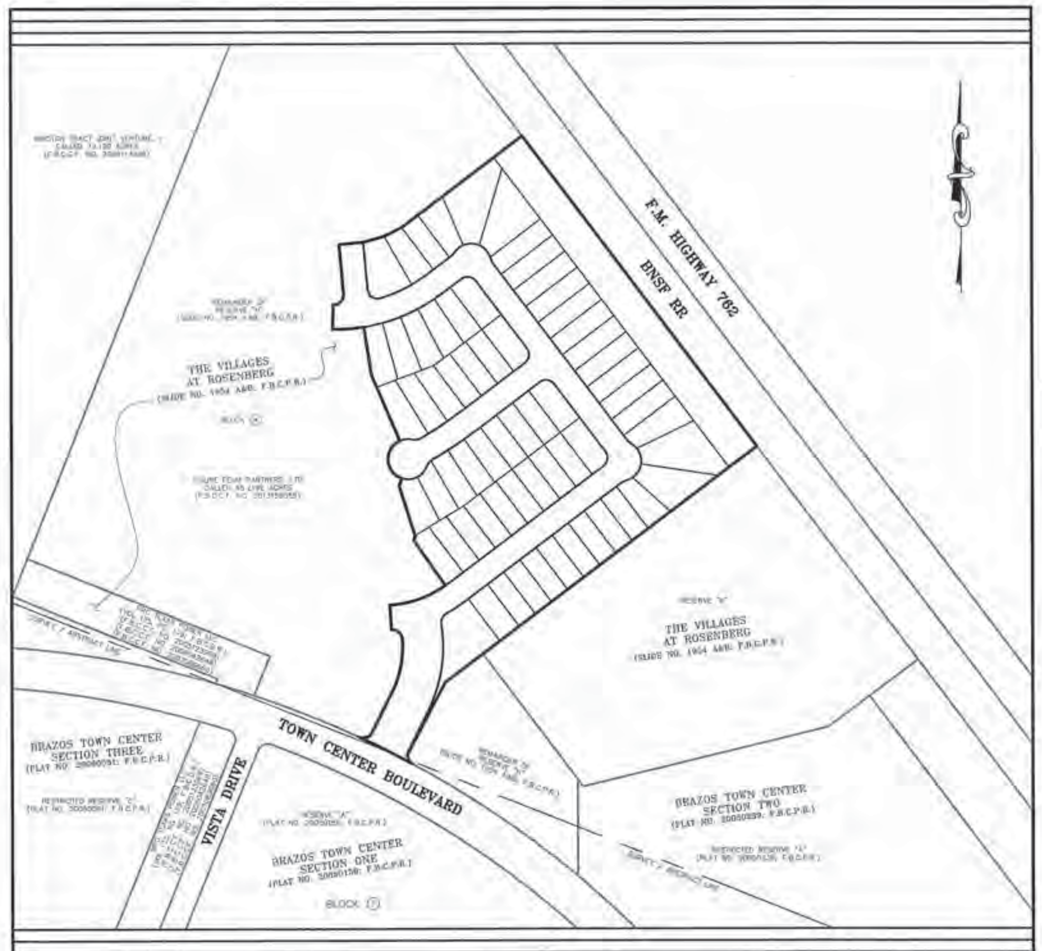
20.) PARTS OF THIS SUBDIVISION ARE SUBJECT TO RESTRICTIVE COVENANTS RECORDED IN SLIDE NOS. 1481B AND 2008A AND IN FORT BEND COUNTY CLERK'S FILE NOS. 9619331, 2005080758, 2005059570, 2006062248, 2011053267, 2011053268, 2007049871, 2011053266, 2011053269 AND 20060172.

21.) SUBJECT TO AGREEMENT FOR UNDERGROUND ELECTRIC SERVICE AS RECORDED UNDER FORT BEND COUNTY CLERK'S FILE NO. 2011104804.

22.) SUBJECT TO TERMS, CONDITIONS, AND STIPULATIONS AS SET FORTH IN FORT BEND COUNTY CLERK'S FILE NOS. 2012019913 AND 2012008900.

23.) THE RESIDENTIAL DWELLINGS SHALL INCORPORATE AT LEAST 51 PERCENT MASONRY EXTERIORS AND BE A MINIMUM OF 1,650 SQUARE FEET IN SIZE.

THE RESERVE AT BRAZOS TOWN CENTER
SECTION THREE



~ *Owner* ~
FIGURE FOUR PARTNERS, LTD.
9000 GULF FREEWAY
HOUSTON, TX 77017
(713) 948-7700

~ *Engineer* ~
DANNENBAUM ENGINEERING CORP
3100 WEST ALABAMA
HOUSTON, TX 77098
(713) 520-9570

~ *Surveyor* ~
TEXAS ENGINEERING AND MAPPING
12810 CENTURY DRIVE
STAFFORD, TEXAS 77477
PHONE: (281) 491-2525 FAX: (281) 491-2535
FIRM REGISTRATION NO.: 10119000
JOB NO. 1000-2

FEBRUARY 7, 2014

REASON FOR REPLAT

TO CREATE 62 LOTS, 3 BLOCKS, AND 2 RESERVES.

VICINITY MAP
NOT TO SCALE KEY MAP 605 Q.R

I, BRIAN NAWARA, 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 CORRECT; WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND; THAT ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE AND OTHER POINTS OF REFERENCE WILL BE MARKED AFTER ROUGH GRADING HAS OCCURED AND PUBLIC ROADS ARE CONSTRUCTED WITH IRON RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN FIVE-EIGHTHS (5/8) INCH AND A LENGTH OF NOT LESS THAN THREE (3) FEET.

____
BRIAN NAWARA
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS NO. 6060

STATE OF TEXAS REGISTERED BRIAN NAWARA 6060 PROFESSIONAL LAND SURVEYOR

THIS IS TO CERTIFY THAT THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, HAS APPROVED THIS PLAT AND SUBDIVISION OF **THE RESERVE AT BRAZOS TOWN CENTER SECTION THREE**, IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF ROSENBERG, AS SHOWN HEREON AND AUTHORIZES THE RECORDING OF THIS PLAT

THIS ______ DAY OF ______________ 2014.

____
VINCENT M. MORALES, JR., MAYOR

____
LINDA CERNOSEK, SECRETARY

THIS IS TO CERTIFY THAT THE PLANNING COMMISSION OF THE CITY OF ROSENBERG, TEXAS, HAS APPROVED THIS PLAT AND SUBDIVISION OF **THE RESERVE AT BRAZOS TOWN CENTER SECTION THREE**, IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF ROSENBERG, AS SHOWN HEREON AND AUTHORIZES THE RECORDING OF THIS PLAT

THIS ______ DAY OF ______________ 2014.

____
PETE PAVLOVSKY, CHAIRPERSON

____
WAYNE POLDRACK, SECRETARY

I, DR. DIANE WILSON, COUNTY CLERK IN AND FOR FORT BEND COUNTY, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORDATION IN MY OFFICE ON ______________ 2014, AT _____ O'CLOCK ___M., IN PLAT NUMBER(S) ______________ OF THE PLAT RECORDS OF SAID COUNTY.

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

BY: ______________________________
DR. DIANE WILSON, COUNTY CLERK
FORT BEND COUNTY, TEXAS

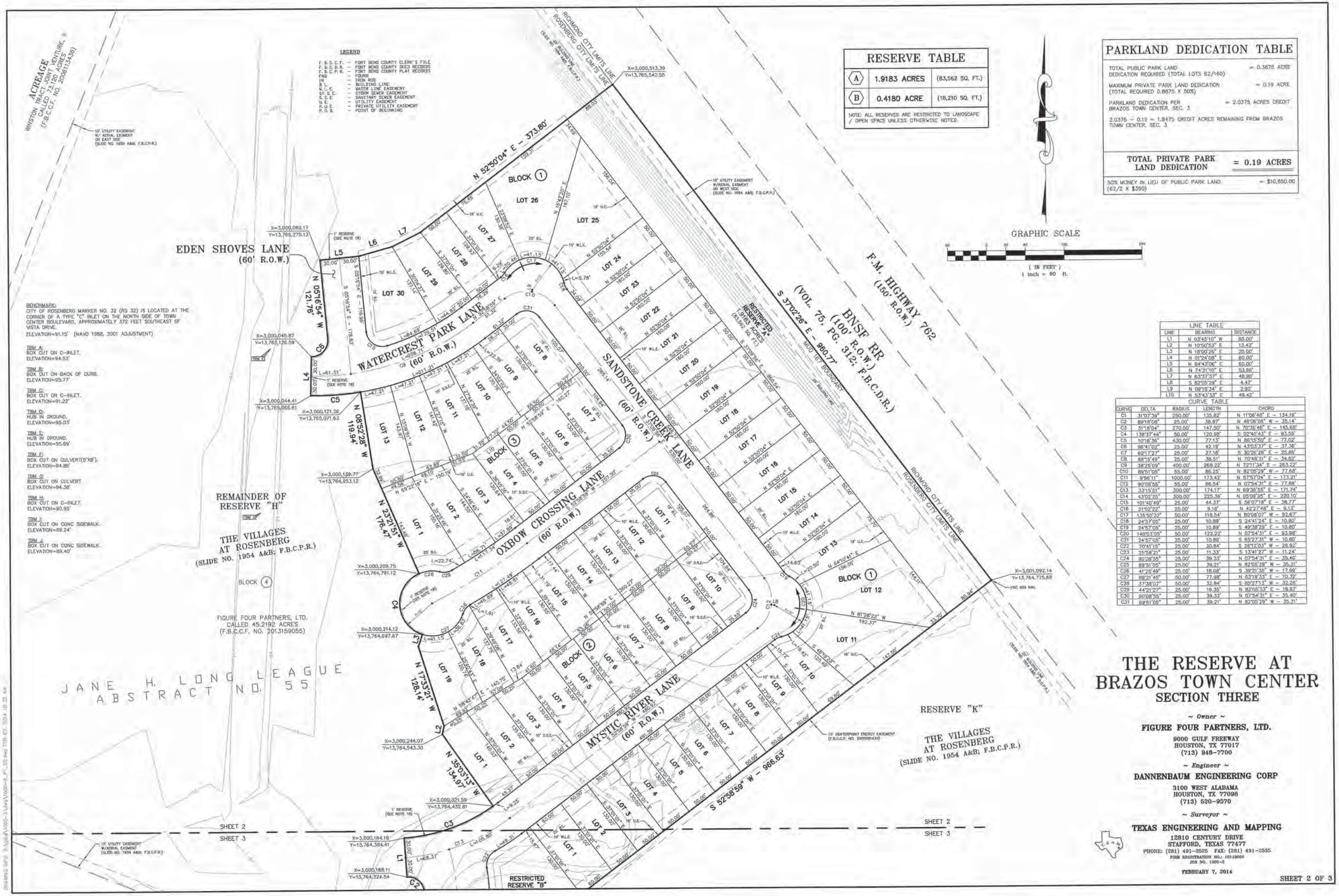
BY: ______________________________
DEPUTY

THE RESERVE AT BRAZOS TOWN CENTER
SECTION THREE

A 17.5794 ACRE TRACT OF LAND
BEING A PARTIAL REPLAT OF RESERVE "H",
BLOCK 4, THE VILLAGES AT ROSENBERG
(SLIDE NO. 1945 A&B; F.B.C.P.R.)
CONVEYED TO FIGURE FOUR PARTNERS, LTD.
(F.B.C.C.F. NO. 2013159055)
IN THE JANE H. LONG LEAGUE, ABSTRACT NO. 55,
AND IN THE SIMON JONES SURVEY, ABSTRACT NO. 271,
CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS

2 RESERVES 62 LOTS 3 BLOCKS

SHEET 1 OF 3



RESERVE TABLE

A	1.9183 ACRES	(83,562 SQ. FT.)
B	0.4180 ACRE	(18,210 SQ. FT.)

NOTE: ALL RESERVES ARE RESTRICTED TO LANDSCAPE / OPEN SPACE UNLESS OTHERWISE NOTED.

PARKLAND DEDICATION TABLE

TOTAL PUBLIC PARK LAND DEDICATION REQUIRED (TOTAL LOTS 62/160)	= 0.3875 ACRE
MAXIMUM PRIVATE PARK LAND DEDICATION (TOTAL REQUIRED 0.8875 X 50%)	= 0.19 ACRE
PARKLAND DEDICATION PER BRAZOS TOWN CENTER, SEC. 3	= 2.0375 ACRES CREDIT
2.0375 – 0.19 = 1.8475 CREDIT ACRES REMAINING FROM BRAZOS TOWN CENTER, SEC. 3	
TOTAL PRIVATE PARK LAND DEDICATION	**= 0.19 ACRES**
50% MONEY IN LIEU OF PUBLIC PARK LAND (62/2 X $350)	= $10,850.00

LEGEND

F.B.C.C.F.	– FORT BEND COUNTY CLERK'S FILE
F.B.D.R.	– FORT BEND COUNTY DEED RECORDS
F.B.C.P.R.	– FORT BEND COUNTY PLAT RECORDS
FND	– FOUND
IR	– IRON ROD
B.L.	– BUILDING LINE
W.L.E.	– WATER LINE EASEMENT
ST.S.E.	– STORM SEWER EASEMENT
S.S.E.	– SANITARY SEWER EASEMENT
U.E.	– UTILITY EASEMENT
P.U.E.	– PRIVATE UTILITY EASEMENT
P.O.B.	– POINT OF BEGINNING

BENCHMARK:
CITY OF ROSENBERG MARKER NO. 32 (RS 32) IS LOCATED AT THE CORNER OF A TYPE "C" INLET ON THE NORTH SIDE OF TOWN CENTER BOULEVARD, APPROXIMATELY 372 FEET SOUTHEAST OF VISTA DRIVE.
ELEVATION=91.15' (NAVD 1988, 2001 ADJUSTMENT)

TBM A:
BOX CUT ON C-INLET.
ELEVATION=94.53'

TBM B:
BOX CUT ON BACK OF CURB.
ELEVATION=95.77'

TBM C:
BOX CUT ON C-INLET.
ELEVATION=91.22'

TBM D:
HUB IN GROUND.
ELEVATION=95.03'

TBM E:
HUB IN GROUND.
ELEVATION=95.69'

TBM F:
BOX CUT ON CULVERT(8'X8').
ELEVATION=94.86'

TBM G:
BOX CUT ON CULVERT
ELEVATION=94.38'

TBM H:
BOX CUT ON C-INLET.
ELEVATION=90.95'

TBM I:
BOX CUT ON CONC SIDEWALK.
ELEVATION=89.24'

TBM J:
BOX CUT ON CONC SIDEWALK.
ELEVATION=89.40'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 03°45'10" W	80.00'
L2	N 10°50'53" E	13.42'
L3	N 18°00'26" E	20.00'
L4	N 01°24'08" E	60.00'
L5	N 84°43'06" E	60.00'
L6	N 74°31'10" E	53.86'
L7	N 63°37'37" E	48.98'
L8	S 82°05'29" E	4.47'
L9	N 09°18'34" E	2.92'
L10	N 53°43'53" E	49.42'

CURVE TABLE				
CURVE	DELTA	RADIUS	LENGTH	CHORD
C1	31°07'39"	250.00'	135.82'	N 11°06'48" E – 134.16'
C2	89°18'08"	25.00'	38.97'	N 49°06'06" W – 35.14'
C3	31°18'04"	270.00'	147.50'	N 70°35'48" E – 145.68'
C4	138°37'44"	50.00'	120.98'	S 02°40'43" E – 93.55'
C5	10°16'36"	430.00'	77.13'	N 86°15'50" E – 77.02'
C6	96°41'02"	25.00'	42.19'	N 43°03'37" E – 37.36'
C7	62°17'27"	25.00'	27.18'	S 30°26'28" E – 25.86'
C8	88°15'49"	25.00'	38.51'	N 70°48'31" E – 34.82'
C9	38°25'09"	400.00'	268.22'	N 72°11'34" E – 263.22'
C10	89°51'05"	55.00'	86.25'	N 82°05'29" W – 77.68'
C11	9°56'11"	1000.00'	173.42'	N 57°57'04" E – 173.21'
C12	90°08'55"	55.00'	86.54'	N 07°54'31" E – 77.88'
C13	33°15'31"	300.00'	174.17'	N 69°36'55" E – 171.74'
C14	43°02'25"	300.00'	225.36'	N 05°06'25" E – 220.10'
C15	101°40'49"	25.00'	44.37'	S 56°07'18" E – 38.77'
C16	21°02'22"	25.00'	9.18'	N 42°27'48" E – 9.13'
C17	135°50'32"	50.00'	118.54'	N 80°08'07" W – 92.67'
C18	24°57'05"	25.00'	10.89'	S 24°41'24" E – 10.80'
C19	24°57'05"	25.00'	10.89'	S 49°38'29" E – 10.80'
C20	140°03'05"	50.00'	122.22'	N 07°54'31" E – 93.98'
C21	24°57'05"	25.00'	10.89'	S 65°27'31" W – 10.80'
C22	70°41'15"	25.00'	30.84'	S 26°12'03" W – 28.92'
C23	25°58'21"	25.00'	11.33'	S 13°41'27" W – 11.24'
C24	90°38'55"	25.00'	39.33'	N 07°54'31" E – 35.40'
C25	89°51'05"	25.00'	39.21'	N 82°05'29" W – 35.31'
C26	41°25'49"	25.00'	18.08'	S 39°21'35" W – 17.69'
C27	89°21'45"	50.00'	77.98'	N 63°19'33" E – 70.32'
C28	37°38'07"	50.00'	32.84'	S 89°27'13" W – 32.26'
C29	44°21'27"	25.00'	19.35'	N 82°05'33" E – 18.87'
C30	90°08'55"	25.00'	39.33'	N 07°54'31" E – 35.40'
C31	89°51'05"	25.00'	39.21'	N 82°05'29" W – 35.31'

THE RESERVE AT BRAZOS TOWN CENTER
SECTION THREE

~ Owner ~

FIGURE FOUR PARTNERS, LTD.
9000 GULF FREEWAY
HOUSTON, TX 77017
(713) 948-7700

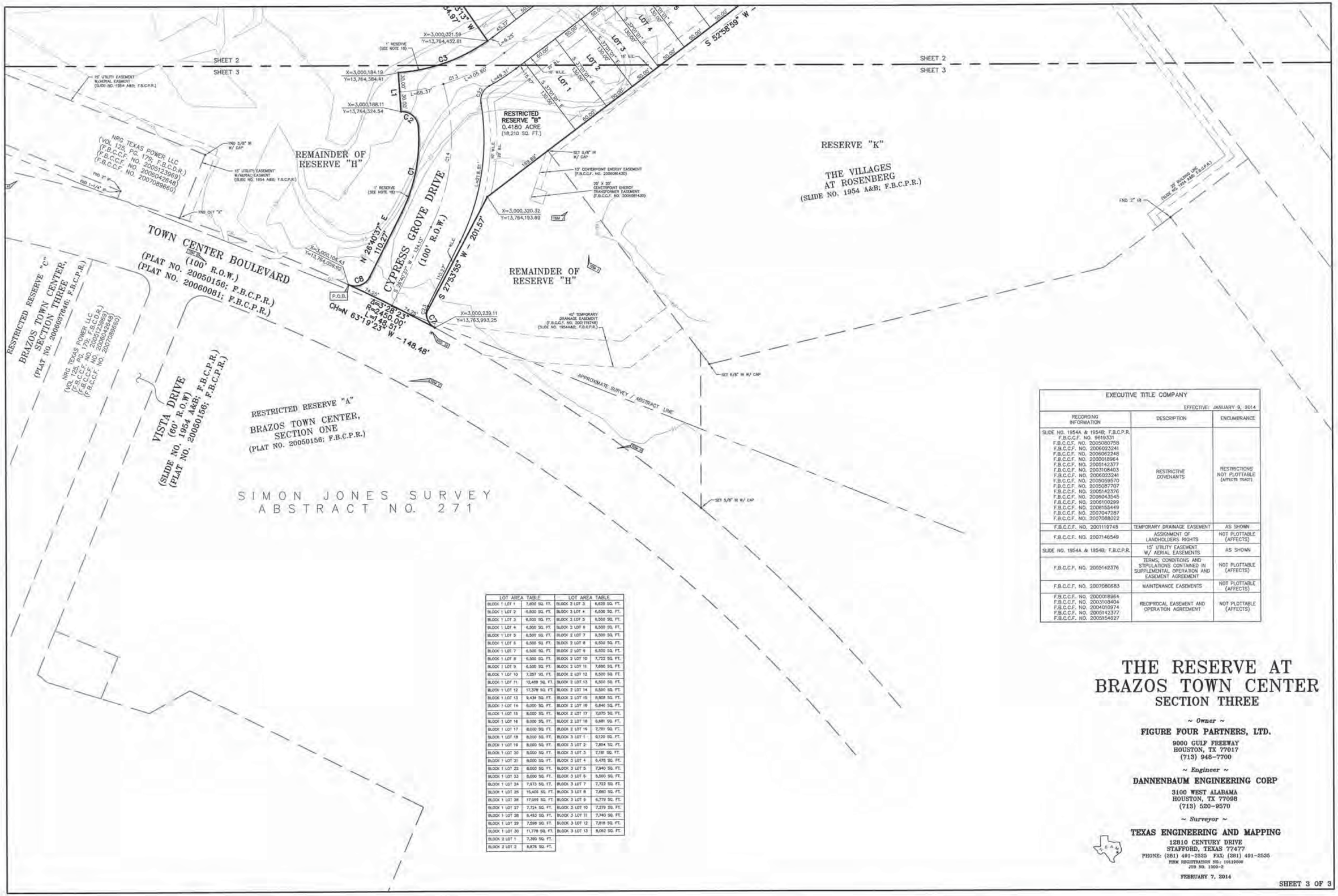
~ Engineer ~

DANNENBAUM ENGINEERING CORP
3100 WEST ALABAMA
HOUSTON, TX 77098
(713) 520-9570

~ Surveyor ~

TEXAS ENGINEERING AND MAPPING
12810 CENTURY DRIVE
STAFFORD, TEXAS 77477
PHONE: (281) 491-2525 FAX: (281) 491-2535
FIRM REGISTRATION NO.: 10119000
JOB NO. 1900-2

FEBRUARY 7, 2014



EXECUTIVE TITLE COMPANY		
EFFECTIVE: JANUARY 9, 2014		
RECORDING INFORMATION	DESCRIPTION	ENCUMBRANCE
SLIDE NO. 1954A & 1954B; F.B.C.P.R. F.B.C.C.F. NO. 9619331 F.B.C.C.F. NO. 2005080758 F.B.C.C.F. NO. 2006023241 F.B.C.C.F. NO. 2006062248 F.B.C.C.F. NO. 2000018964 F.B.C.C.F. NO. 2005142377 F.B.C.C.F. NO. 2003108403 F.B.C.C.F. NO. 2006023241 F.B.C.C.F. NO. 2005059570 F.B.C.C.F. NO. 2005087707 F.B.C.C.F. NO. 2005142376 F.B.C.C.F. NO. 2006043545 F.B.C.C.F. NO. 2006100299 F.B.C.C.F. NO. 2008155449 F.B.C.C.F. NO. 2007047287 F.B.C.C.F. NO. 2007088022	RESTRICTIVE COVENANTS	RESTRICTIONS NOT PLOTTABLE (AFFECTS TRACT).
F.B.C.C.F. NO. 2001119748	TEMPORARY DRAINAGE EASEMENT	AS SHOWN
F.B.C.C.F. NO. 2007146549	ASSIGNMENT OF LANDHOLDERS RIGHTS	NOT PLOTTABLE (AFFECTS)
SLIDE NO. 1954A & 1954B; F.B.C.P.R.	15' UTILITY EASEMENT W/ AERIAL EASEMENTS	AS SHOWN
F.B.C.C.F. NO. 2005142376	TERMS, CONDITIONS AND STIPULATIONS CONTAINED IN SUPPLEMENTAL OPERATION AND EASEMENT AGREEMENT	NOT PLOTTABLE (AFFECTS)
F.B.C.C.F. NO. 2007080683	MAINTENANCE EASEMENTS	NOT PLOTTABLE (AFFECTS)
F.B.C.C.F. NO. 2000018964 F.B.C.C.F. NO. 2003108404 F.B.C.C.F. NO. 2004010974 F.B.C.C.F. NO. 2005142377 F.B.C.C.F. NO. 2005154627	RECIPROCAL EASEMENT AND OPERATION AGREEMENT	NOT PLOTTABLE (AFFECTS)

LOT AREA TABLE		LOT AREA TABLE	
BLOCK 1 LOT 1	7,855 SQ. FT.	BLOCK 2 LOT 3	6,625 SQ. FT.
BLOCK 1 LOT 2	6,500 SQ. FT.	BLOCK 2 LOT 4	6,500 SQ. FT.
BLOCK 1 LOT 3	6,500 SQ. FT.	BLOCK 2 LOT 5	6,500 SQ. FT.
BLOCK 1 LOT 4	6,500 SQ. FT.	BLOCK 2 LOT 6	6,500 SQ. FT.
BLOCK 1 LOT 5	6,500 SQ. FT.	BLOCK 2 LOT 7	6,500 SQ. FT.
BLOCK 1 LOT 6	6,500 SQ. FT.	BLOCK 2 LOT 8	6,500 SQ. FT.
BLOCK 1 LOT 7	6,500 SQ. FT.	BLOCK 2 LOT 9	6,500 SQ. FT.
BLOCK 1 LOT 8	6,500 SQ. FT.	BLOCK 2 LOT 10	7,722 SQ. FT.
BLOCK 1 LOT 9	6,500 SQ. FT.	BLOCK 2 LOT 11	7,690 SQ. FT.
BLOCK 1 LOT 10	7,257 SQ. FT.	BLOCK 2 LOT 12	6,500 SQ. FT.
BLOCK 1 LOT 11	12,489 SQ. FT.	BLOCK 2 LOT 13	6,500 SQ. FT.
BLOCK 1 LOT 12	17,378 SQ. FT.	BLOCK 2 LOT 14	6,500 SQ. FT.
BLOCK 1 LOT 13	9,434 SQ. FT.	BLOCK 2 LOT 15	8,808 SQ. FT.
BLOCK 1 LOT 14	8,000 SQ. FT.	BLOCK 2 LOT 16	6,846 SQ. FT.
BLOCK 1 LOT 15	8,000 SQ. FT.	BLOCK 2 LOT 17	7,075 SQ. FT.
BLOCK 1 LOT 16	8,000 SQ. FT.	BLOCK 2 LOT 18	6,681 SQ. FT.
BLOCK 1 LOT 17	8,000 SQ. FT.	BLOCK 2 LOT 19	7,701 SQ. FT.
BLOCK 1 LOT 18	8,000 SQ. FT.	BLOCK 3 LOT 1	9,120 SQ. FT.
BLOCK 1 LOT 19	8,000 SQ. FT.	BLOCK 3 LOT 2	7,854 SQ. FT.
BLOCK 1 LOT 20	8,000 SQ. FT.	BLOCK 3 LOT 3	7,181 SQ. FT.
BLOCK 1 LOT 21	8,000 SQ. FT.	BLOCK 3 LOT 4	6,478 SQ. FT.
BLOCK 1 LOT 22	8,000 SQ. FT.	BLOCK 3 LOT 5	7,940 SQ. FT.
BLOCK 1 LOT 23	8,000 SQ. FT.	BLOCK 3 LOT 6	8,500 SQ. FT.
BLOCK 1 LOT 24	7,973 SQ. FT.	BLOCK 3 LOT 7	7,722 SQ. FT.
BLOCK 1 LOT 25	15,406 SQ. FT.	BLOCK 3 LOT 8	7,690 SQ. FT.
BLOCK 1 LOT 26	17,058 SQ. FT.	BLOCK 3 LOT 9	6,779 SQ. FT.
BLOCK 1 LOT 27	7,724 SQ. FT.	BLOCK 3 LOT 10	7,279 SQ. FT.
BLOCK 1 LOT 28	6,493 SQ. FT.	BLOCK 3 LOT 11	7,740 SQ. FT.
BLOCK 1 LOT 29	7,598 SQ. FT.	BLOCK 3 LOT 12	7,818 SQ. FT.
BLOCK 1 LOT 30	11,778 SQ. FT.	BLOCK 3 LOT 13	8,092 SQ. FT.
BLOCK 2 LOT 1	7,380 SQ. FT.		
BLOCK 2 LOT 2	8,878 SQ. FT.		

THE RESERVE AT BRAZOS TOWN CENTER
SECTION THREE

~ Owner ~

FIGURE FOUR PARTNERS, LTD.

9000 GULF FREEWAY
HOUSTON, TX 77017
(713) 946-7700

~ Engineer ~

DANNENBAUM ENGINEERING CORP

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STAFFORD, TEXAS 77477
PHONE: (281) 491-2525 FAX: (281) 491-2535
FIRM REGISTRATION NO.: 10119000
JOB NO. 1003-2

FEBRUARY 7, 2014

KERRY R. GILBERT & ASSOCIATES, INC.

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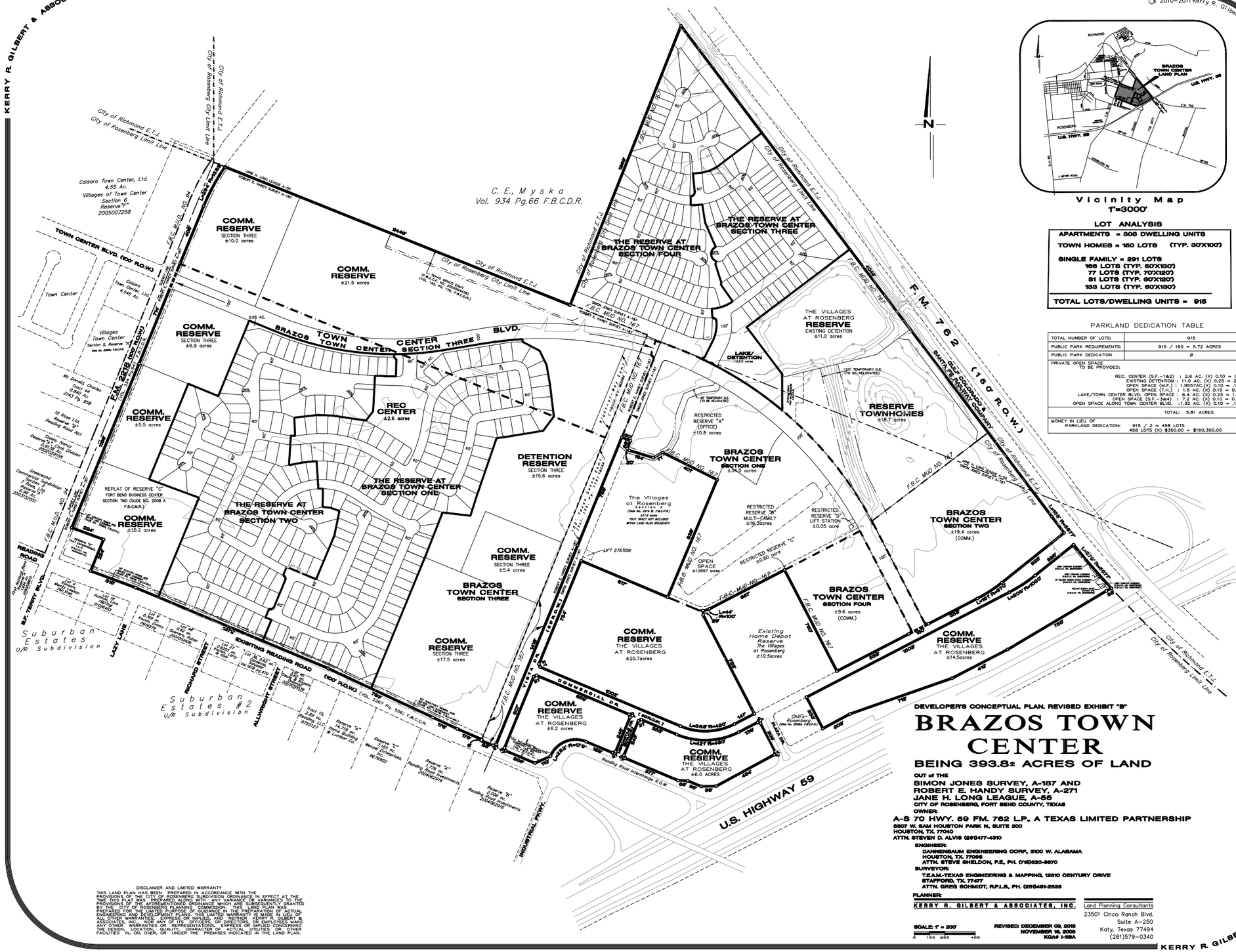


V i c i n i t y M a p
1"=3000'

LOT ANALYSIS

APARTMENTS = 306 DWELLING UNITS	
TOWN HOMES = 150 LOTS	(TYP. 30'X100')
SINGLE FAMILY = 291 LOTS	
168 LOTS (TYP. 50'X130')	
77 LOTS (TYP. 70'X120')	
51 LOTS (TYP. 60'X120')	
133 LOTS (TYP. 60'X130')	
TOTAL LOTS/DWELLING UNITS = 915	

PARKLAND DEDICATION TABLE

TOTAL NUMBER OF LOTS:	915
PUBLIC PARK REQUIREMENTS:	915 / 160 = 5.72 ACRES
PUBLIC PARK DEDICATION	Ø
PRIVATE OPEN SPACE TO BE PROVIDED:	
REC. CENTER (S.F.–1&2)	: 2.6 AC. (X) 0.10 = 0.26 AC.
EXISTING DETENTION	: 11.0 AC. (X) 0.25 = 2.75 AC.
OPEN SPACE (M.F.)	: 1.9557AC.(X) 0.10 = .195 AC.
OPEN SPACE (T.H.)	: 1.5 AC. (X) 0.10 = 0.15 AC.
LAKE/TOWN CENTER BLVD. OPEN SPACE	: 6.4 AC. (X) 0.25 = 1.6 AC.
OPEN SPACE (S.F.–3&4)	: 7.2 AC. (X) 0.10 = 0.72 AC.
OPEN SPACE ALONG TOWN CENTER BLVD.	:1.32 AC. (X) 0.10 = .132 AC.
TOTAL: 5.81 ACRES	
MONEY IN LIEU OF PARKLAND DEDICATION:	915 / 2 = 458 LOTS 458 LOTS (X) $350.00 = $160,300.00

DEVELOPER'S CONCEPTUAL PLAN, REVISED EXHIBIT "B"

BRAZOS TOWN CENTER

BEING 393.8± ACRES OF LAND

OUT OF THE
SIMON JONES SURVEY, A-167 AND
ROBERT E. HANDY SURVEY, A-271
JANE H. LONG LEAGUE, A-55
CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS

OWNER:
A-S 70 HWY. 59 FM. 762 LP., A TEXAS LIMITED PARTNERSHIP
5807 W. SAM HOUSTON PARK N, SUITE 200
HOUSTON, TX. 77040
ATTN. STEVEN D. ALVIS (281)477-4910

ENGINEER:
DANNENBAUM ENGINEERING CORP., 3100 W. ALABAMA
HOUSTON, TX. 77098
ATTN. STEVE SHELDON, P.E., PH. (713)520-9570

SURVEYOR:
T.E.A.M.-TEXAS ENGINEERING & MAPPING, 12810 CENTURY DRIVE
STAFFORD, TX. 77477
ATTN. GREG SCHMIDT, R.P.L.S., PH. (281)491-2525

PLANNER:
KERRY R. GILBERT & ASSOCIATES, INC.

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

SCALE: 1" = 200'
0 100 200 400

REVISED: DECEMBER 09, 2013
NOVEMBER 19, 2008
KGA# I-118A

DISCLAIMER AND LIMITED WARRANTY

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

KERRY R. GILBERT & ASSOCIATES, INC.

Executive Summary: This Plat has been modified by the applicant to include unrestricted reserves as opposed to the reserves previously being restricted to religious uses. The Plat still is not in conflict with any regulations, but due to the change in use, staff believed it was appropriate for it to come before the Planning Commission again.

The Final Plat of Our Lady of Guadalupe Catholic Church consists of 4.6750 acres and two (2) reserves. Approval and subsequent recordation of the Plat would consolidate property owned by the Church and eliminate any potential issues with setbacks from interior property lines. The Plat/Replat also depicts the abandonment of City rights-of-way (the majority of Carlisle Street between Avenues D and E, and the entire alley between Mulcahy and Carlisle) and will facilitate redevelopment of the site with a new sanctuary.

Since the last time the Plat came before the Planning Commission, City Council approved an Ordinance No. 2014-06 on February 04, 2014, abandoning the rights-of-way. Therefore there are no remaining issues with the Plat. Staff recommends that the Planning Commission recommend approval to City Council of the revised Final Plat of Our Lady of Guadalupe Catholic Church.

Key Discussion:

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

Action Taken: Commissioner Parsons moved, seconded by Commissioner Poldrack, to recommend approval to City Council of the Final Plat of Our Lady Of Guadalupe Catholic Church, a subdivision of 4.6750 acres, or 203,644 square feet of land, being a partial replat of Lots 1-8, 11-16 and a portion of Lots 9 & 10, Block 8, Lots 10-16 and portions of Lots 5-8, Block 5, Kaffenberger Addition, recorded under Volume 6, Page 16, Plat Records of Fort Bend County, in the Henry Scott League, Abstract No. 83, City of Rosenberg, Fort Bend County, Texas; 1 block, 2 reserves, 0 lots.

9. HOLD PUBLIC HEARING ON A FINAL PLAT OF THE RESERVE AT BRAZOS TOWN CENTER SECTION THREE, A 17.5794 ACRE TRACT OF LAND BEING A PARTIAL REPLAT OF RESERVE "H", BLOCK 4, THE VILLAGES AT ROSENBERG (SLIDE NO. 1945 A&B; F.B.C.P.R.) CONVEYED TO FIGURE FOUR PARTNERS, LTD. (F.B.C.C.F. NO. 2013159055) IN THE JANE H. LONG LEAGUE, ABSTRACT NO. 55, AND IN THE SIMON JONES SURVEY, ABSTRACT NO. 271, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS; 2 RESERVES, 62 LOTS, 3 BLOCKS.

Executive Summary: The Final Plat of the Reserve at Brazos Town Center Section Three is located on the north side of Town Center Boulevard near its intersection with Vista Drive. The Plat consists of 17.58 acres and sixty-two (62) residential lots. The Land Plan was amended on December 18, 2013, to allow the proposed fifty-foot (50') lots on the tract.

The Plat also constitutes a partial replat of Reserve "H" of Block 4 of the Villages at Rosenberg. With the Land Plan being amended, the Plat is in compliance with all requirements; however, due to it being a replat, a public hearing is required per the Chapter 212 of the Texas Local Government Code and the "Subdivision" Ordinance.

Chairperson Pavlovsky opened the public hearing at 6:21 p.m. After three calls for speakers, no one stepped forward. Chairperson Pavlovsky closed the public hearing at 6:21 p.m.

10. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF THE RESERVE AT BRAZOS TOWN CENTER SECTION THREE, A 17.5794 ACRE TRACT OF LAND BEING A PARTIAL REPLAT OF RESERVE "H", BLOCK 4, THE VILLAGES AT ROSENBERG (SLIDE NO. 1945 A&B; F.B.C.P.R.) CONVEYED TO FIGURE FOUR PARTNERS, LTD. (F.B.C.C.F. NO. 2013159055) IN THE JANE H. LONG LEAGUE, ABSTRACT NO. 55, AND IN THE SIMON JONES SURVEY, ABSTRACT NO. 271, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS; 2 RESERVES, 62 LOTS, 3 BLOCKS.

Executive Summary: The Final Plat of the Reserve at Brazos Town Center Section Three is located on the north side of Town Center Boulevard near its intersection with Vista Drive. It is within the City Limits and in Fort Bend County MUD No. 167. The Plat consists of 17.58 acres, sixty-two (62) residential lots, and two (2) reserves. The Land Plan was amended on December 18, 2013, to allow the proposed fifty-foot (50') lots on the tract. Conditions for the approval of the 50' lots were as follows:

- Minimum house size of 1,650 square feet
- Minimum of fifty-one percent (51%) masonry exterior

The above conditions are noted on the Plat. The Preliminary Plat of this subdivision was approved by the Planning Commission on January 22, 2014. The proposed Final Plat is consistent with the approved Preliminary Plat. That being said, staff recommends that the Planning Commission recommend approval to City Council of the Final Plat of the Reserve at Brazos Town Center Section Three.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Poldrack inquired where the canal easement is located.
- Mr. Tanner replied that it does not go through that development. There is storm sewer planned for the west side of the development.
- Commissioner Poldrack inquired if there are any plans to cover that rice canal.
- Mr. Tanner said he does not believe it is in this plat.
- Commissioner Parsons inquired if this is the same property we discussed in December?
- Mr. Tanner replied yes, the land plan was amended for this section in December and the Preliminary Plat came to you in January.
- Commissioner Casias inquired if there is only one access point for this plat.
- Commissioner Poldrack replied that Cypress Grove appears to be the only access point.
- Mr. Tanner replied that another point of access will be added in Section Four.

Action Taken: Commissioner Parsons moved, seconded by Commissioner Casias, to recommend approval to City Council of the Final Plat of Brazos Town Center Section Three, a 17.5794 acre tract of land being a partial replat of Reserve "H", Block 4, The Villages at Rosenberg (Slide No. 1945 A&B; F.B.C.P.R.) conveyed to Figure Four Partners, Ltd. (F.B.C.C.F. No. 2013159055) in the Jane H. Long League, Abstract No. 55, and in the Simon Jones Survey, Abstract No. 271, City Of Rosenberg, Fort Bend County, Texas; 2 reserves, 62 lots, 3 blocks. The motion carried unanimously.

11. REVIEW AND DISCUSS ORNAMENTAL STREET LIGHT POLICY, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.

Executive Summary: Staff has received an inquiry from the developer of Summer Lakes/Waterford Park (Fort Bend County MUD No. 144) regarding ornamental street lights. They would like to install ornamental street lights, as opposed to the standard "cobra" lights, in the Summer Park portion of the development (the portion of MUD No. 144 south of Reading Road off of August Green Drive). They would also like the City to accept and maintain the street lights as with standards lights.

Currently, per City regulations (Code of Ordinances, Sec. 25-71; and Design Standards, Sec. 2.9), the location of street lighting systems are designed by CenterPoint Energy and approved by the City. The developer pays for the cost of installation of the lights plus three (3) year's maintenance. The developer can install, and the City will accept, standard lights. If the City were to accept non-standard or ornamental lights, it would require more lights to meet the same lighting standards because the ornamental lights are typically smaller. Therefore it would result in greater long-term costs to the City.

For example, in the subdivision for which this item is being discussed (Summer Park Section One), a standard street lighting system would require approximately thirty (30) lights. To utilize ornamental lights and still meet the same lighting standards would require approximately thirty-five (35) lights. If the lights cost approximately $15 per light per month to maintain (a rough estimate), the ornamental lighting system would cost the City an additional $900 annually if the City accepted the system. Under the current City Ordinance, however, there is the option to (1) use standard lighting or (2) have a private system that the Homeowners Association (HOA), not the City, would be responsible for maintaining.

The developer requested that this item be placed on City Council and Planning Commission Agendas to discuss further options whereby the HOA would not have to take on the lighting system in order to have upgraded street lights. There are not numerous examples of other cities' policies addressing this particular issue. Possibly the best example from the research staff conducted was the City of Missouri City, which will enter into an agreement whereby the HOA is responsible for additional ongoing costs

6. **CONSIDERATION OF AND ACTION ON THE PRELIMINARY PLAT OF THE RESERVE AT BRAZOS TOWN CENTER SECTION THREE, BEING 20.2 ACRES OF LAND CONTAINING 62 LOTS (50' X 130' TYP.) AND THREE RESERVES IN THREE BLOCKS OUT OF THE JANE H. LONG LEAGUE SURVEY, A-55, & SIMON JONES SURVEY, A-271, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS.**

Executive Summary: The Preliminary Plat of The Reserve at Brazos Town Center Section Three is located off of Town Center Boulevard, to the north of its intersection with Vista Drive. It is located within the City Limits and in Fort Bend County MUD No. 167. The plat consists of approximately 20.2 acres, with 62 single-family residential lots and three (3) reserves.

The typical lot size for the subdivision is 50 feet in width. This is per the approved Land Plan, as amended on December 18, 2013 (see attached). Per the amended Development Agreement, homes in this subdivision will be a minimum of 51 percent masonry construction.

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

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Poldrack inquired if there has been a change in ownership of that tract of land.
- Mr. Tanner replied that the ownership has changed.
- Commissioner Poldrack inquired if the new owners can "piggy-back" the old plan.
- Mr. Tanner replied that the restrictions run with the land and not changed by ownership.
- Commissioner Parsons stated that this section was previously planned for patio homes. Do we have any idea who the builder is?
- Mr. Tanner replied the builder is Perry Homes.
- Commissioner Parsons inquired what the relative value of each residence will be based on Perry's predictions.
- Mr. Taylor Gunn of 2203 Chelsea Creek Lane, Spring, Texas, stepped forward to address the Commission. Perry is not certain which product will be put out though the ordinance states they must be at least 1,650 square feet and we will definitely be over that. We anticipate a similar product to what is already in Brazos Town Center Section Two. The average should be about 2,400 square feet and $250,000.

Action Taken: Commissioner Parsons moved, seconded by Commissioner Casias to approve the Preliminary Plat of the Reserve at Brazos Town Center Section Three, being 20.2 acres of land containing 62 lots (50' x 130' typ.) and three reserves in three blocks out of the Jane H. Long League Survey, A-55, & Simon Jones Survey, A-271, City of Rosenberg, Fort Bend County, Texas. The motion carried unanimously by those present.

7. **CONSIDERATION OF AND ACTION ON THE FINAL PLAT OF OUR LADY OF GUADALUPE CATHOLIC CHURCH, A SUBDIVISION OF 4.6750 ACRES, OR 203,644 SQUARE FEET OF LAND, BEING A PARTIAL REPLAT OF LOTS 1-8, 11-16 AND A PORTION OF LOTS 9 & 10, BLOCK 8, LOTS 10-16 AND PORTIONS OF LOTS 5-8, BLOCK 5, KAFFENBERGER ADDITION, RECORDED UNDER VOLUME 6, PAGE 16, PLAT RECORDS OF FORT BEND COUNTY, IN THE HENRY SCOTT LEAGUE, ABSTRACT NO. 83, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS; 1 BLOCK, 2 RESERVES, 0 LOTS.**

Executive Summary: The Final Plat of Our Lady of Guadalupe Catholic Church consists of 4.6750 acres and two (2) reserves. Approval and subsequent recordation of the Plat would consolidate property owned by the Church and eliminate any potential issues with setbacks from interior property lines. The Plat/Replat also proposes to abandon City rights-of-way (the majority of Carlisle Street between Avenues D and E, and the entire alley between Mulcahy and Carlisle) and will facilitate redevelopment of the site with a new sanctuary.

If abandoned, the rights-of-way will be replaced by utility easements as shown on the Plat to accommodate

CITY COUNCIL COMMUNICATION

March 18, 2014

ITEM #	ITEM TITLE
E	**Resolution No. R-1761 – Authorizing Application for Victims of Crime Act (VOCA) Formula Grant**

ITEM/MOTION

Consideration of and action on Resolution No. R-1761, a Resolution authorizing the Rosenberg Police Department's submission of an application for the Victims of Crime Act (VOCA) Formula Grant for the position of Crime Victim Liaison; and, authorizing the City Manager to execute all necessary documentation regarding same

FINANCIAL SUMMARY

Annualized Dollars:

[ ] One-time
[ ] Recurring
[X] N/A

Budgeted:

[ ] Yes [ ] No [X] N/A

Source of Funds: N/A

ELECTION DISTRICT

[ ] District 1
[ ] District 2
[ ] District 3
[ ] District 4
[X] City-wide
[ ] N/A

MUD #: N/A

SUPPORTING DOCUMENTS:

1. Resolution No. R-1761
2. Grant Application No. 2566203

APPROVALS

Submitted by:

Dallis Warren
Police Chief

Reviewed by:

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

Approved for Submittal to City Council:

Robert Gracia
City Manager

EXECUTIVE SUMMARY

The Police Department is mandated by state statute to provide services to victims 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.

RESOLUTION NO. R-1761

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AUTHORIZING THE ROSENBERG POLICE DEPARTMENT'S SUBMISSION OF AN APPLICATION FOR THE VICTIMS OF CRIME ACT (VOCA) FORMULA GRANT FOR THE POSITION OF CRIME VICTIM LIAISON, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTATION REGARDING SAME.

* * * * *

WHEREAS, the City Council finds it in the best interest of the citizens of Rosenberg that the Crime Victim Liaison be operated for the 2015 fiscal year; and,

WHEREAS, the City of Rosenberg agrees to provide all applicable matching funds for the said project as required by the Victims of Crime Act (VOCA) Formula Grant Program application; and,

WHEREAS, the City of Rosenberg agrees that in the event of loss or misuse of the Criminal Justice Division funds, the City of Rosenberg, Texas, assures that the funds will be returned to the Criminal Justice Division in full; and,

WHEREAS, the City of Rosenberg, Texas designates the City Manager as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROSENBERG:

Section 1. The City Council hereby approves the submission of a grant application to the Office of the Governor, Criminal Justice Division to assist with funding for the position of Crime Victim Liaison.

Section 2. The City Manager is hereby designated as the authorized official to administer any and all necessary documents related to said grant on behalf of the City of Rosenberg, Texas.

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

Attest:	**Approved:**
_____	_____
Linda Cernosek, TRMC	Vincent M. Morales, Jr.
City Secretary	**Mayor**

Grant No. 2566203

Agency Name: Rosenberg, City of
Grant/App: 2566203 **Start Date:** 9/1/2014 **End Date:** 8/31/2015
Fund Source: VA-Victims of Crime Act Formula Grant Program
Project Title: Crime Victim Advocate
Status: Application - Grant Review **Fund Block:** 2014

Eligibility Information

Your organization's Texas Payee/Taxpayer ID Number:
17460020146005

Application Eligibility Certify:
Created on:2/12/2014 1:23:45 PM By:Tracie Dunn

Profile Information

Applicant Agency Name: Rosenberg, City of
Project Title: Crime Victim Advocate
Division or Unit to Administer the Project: Rosenberg Police Department
Address Line 1: 2120 Fourth St.
Address Line 2:
City/State/Zip: Rosenberg Texas 77471-5124
Start Date: 9/1/2014
End Date: 8/31/2015

Regional Council of Goverments(COG) within the Project's Impact Area: Houston-Galveston Area Council
Headquarter County: Fort Bend
Counties within Project's Impact Area: Fort Bend

Grant Officials:
Authorized Official
User Name: Robert Gracia
Email: robertg@ci.rosenberg.tx.us
Address 1: 2120 Fourth St.
Address 1:
City: Rosenberg, Texas 77471
Phone: 832-595-3710 Other Phone: 832-595-3310
Fax: 832-595-3711
Title: Mr.
Salutation: Chief

Project Director
User Name: Tracie Dunn
Email: traciew@ci.rosenberg.tx.us
Address 1: 2120 4th Street
Address 1:

City: Rosenberg, Texas 77471
Phone: 832-595-3728 Other Phone: 832-595-3720
Fax: 832-595-3721
Title: Ms.
Salutation: Lieutenant

Financial Official
User Name: Lori Dresner
Email: lorid@ci.rosenberg.tx.us
Address 1: PO Box 32
Address 1: 2110 Fourth St.
City: Rosenberg, Texas 77471
Phone: 832-595-3364 Other Phone: 832-595-3350
Fax: 832-595-3333
Title: Ms.
Salutation: Constable

Grant Writer
User Name: Tracie Dunn
Email: traciew@ci.rosenberg.tx.us
Address 1: 2120 4th Street
Address 1:
City: Rosenberg, Texas 77471
Phone: 832-595-3728 Other Phone: 832-595-3720
Fax: 832-595-3721
Title: Ms.
Salutation: Lieutenant

Grant Vendor Information

Organization Type: Unit of Local Government (City, Town, or Village)
Organization Option: applying to provide direct services to victims only
Applicant Agency's State Payee Identification Number (e.g., Federal Employer's Identification (FEI) Number or Vendor ID): 17460020146005
Data Universal Numbering System (DUNS): 053405700

Narrative Information

Primary Mission and Purpose
The purpose of this program is to provide services and assistance directly to victims of crime to speed their recovery and aid them through the criminal justice process. Services may include the following:

- responding to the emotional and physical needs of crime victims;
- assisting victims in stabilizing their lives after a victimization;
- assisting victims to understand and participate in the criminal justice system; and
- providing victims with safety and security.

Funding Levels
The anticipated funding levels for these programs are as follows:

- Minimum Award - $5,000
- Maximum Award – None
- Grantees, other than Native American Tribes, must provide matching funds of at least twenty percent (20%) of total project expenditures. Native American Tribes may be required to provide a five percent (5%) match. This requirement may be met through either cash or in-kind contributions or a combination of both.

For more information regarding grantee match, please click on the **Budget** tab, and then click on the **Source of Match** tab in eGrants.

Note: *If you voluntarily include matching funds that exceed the minimum match requirement, you will be held to that amount throughout the grant period.*

Program Requirements
Preferences
Preference will be given to applicants that provide core services to victims and that promote comprehensive victim restoration while incorporating an emphasis on cultural competency in underserved populations. Applicants are also strongly encouraged to streamline administrative and reporting processes by consolidating grant requests whenever possible in lieu of submitting multiple applications.

Criminal History Reporting
Entities receiving funds from CJD must be located in a county that has an average of 90% or above on both adult and juvenile dispositions entered into the computerized criminal history database maintained by the Texas Department of Public (DPS) Safety as directed in the *Texas Code of Criminal Procedure, Chapter 60*. The disposition completeness percentage is defined as the percentage of arrest charges a county reports to DPS for which a disposition has been subsequently reported and entered into the computerized criminal history system.

Program Emphasis
Applicant agrees to implement comprehensive strategies that are sensitive to the concerns and safety of the victims and hold offenders accountable for their crimes. Applicants must indicate the percentage of their project that benefits Victim Services, Law Enforcement, Prosecution, Courts or other areas. Program emphasis decisions should be made based on the beneficiary of the funded activities. For example, a victim services coalition who provides training to police throughout the state would fall under the “law enforcement” category because the training is to benefit law enforcement.

Indicate the percentage (%) of your project that benefits:

Victim Services – any nonprofit, nongovernmental organization that assists victims.

0
Law Enforcement – any public agency charged with policing functions.

100
Prosecution – any public agency charged with direct responsibility for prosecuting criminal offenders.

0
Court – any civil or criminal court system.

0
Other – any initiative that indirectly affects victims (ex., developing protocols and procedures).

0
Culturally Competent Victim Restoration
Provide information in this section regarding how your organization is culturally competent when providing services to victims. Here are some guidelines to follow: Victim service providers must have the ability to blend cultural knowledge and sensitivity with victim restoration skills for a more effective and culturally appropriate recovery process. Cultural competency occurs when: (1) cultural knowledge, awareness and sensitivity are integrated into action and policy; (2) the service is relevant to the needs of the community and provided by trained staff, board members, and management; and (3) an advocate or organization recognizes each client is different with different needs, feelings, ideas and barriers.

The Victim Advocate meets the needs of the victims by seeking out and attending training throughout the fiscal year. The training includes all aspects of victimization and victimology. This allows the Victim Advocate to meet the culturally diverse population making up Rosenberg, Texas. The Victim Advocate has used her training to offer services and support to help restore normalacy in the victim's llife. For instance, the Victim Advocate is a member of a local organization that discuss issues within Fort Bend and techniques that are designed to give the victim skills to cope and move on from the trauma they have suffered.
Culturally Specific and Underserved Populations
UNDERSERVED POPULATIONS - The term „underserved populations" means populations who face barriers in accessing and using victim services, and includes populations underserved because of geographic location, religion, sexual orientation, gender identity, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General or by the Secretary of Health and Human Services, as appropriate.

CULTURALLY SPECIFIC - The term „culturally specific" means the program is primarily directed toward racial and ethnic minority groups (as defined in section 1707(g) of the Public Health Service Act (42 U.S.C. 300u–6(g)).

The term „racial and ethnic minority group" means American Indians (including Alaska Natives, Eskimos, and Aleuts); Asian Americans; Native Hawaiians and other Pacific Islanders; Blacks; and Hispanics.

The term „Hispanic" means individuals whose origin is Mexican, Puerto Rican, Cuban, Central or South American, or any other Spanish-speaking country.

The organization must do more than merely provide services to an underserved population or culturally specific group; rather, the organization must provide culturally competent services designed to meet the specific needs of the target population in order to justify a **YES** response in the section below.

Does your agency serve culturally specific or underserved populations?
X Yes
_ No

If you answered **YES** to the question above you must explain how in the box below.

The Crime Victim Advocate will work in a collaborative effort with local agencies, including but not limited to the Fort Bend County Sheriff's Office and the area's municipal Law Enforcement agencies, the Fort Bend Count District Attorney's Office and all area non-profit agencies that assist victims of crime such as the Fort Bend Women's Center and the Child Advocates of Fort Bend. All employees of this department received training in cultural sensitivity to recognize and address various backgrounds and provide outreach to those individuals and communities to ensure their needs are addressed and barriers are removed. The organizational goals are to reflect the make-up of the community and to insure that all victims receive the services they are eligible to receive. Policy and procedures are in place to support these goals and remove known barriers that may exist.

Victim Referral Process

Describe how victims are referred to your agency:

Victims are identified from a review of offenses reported to the department.

Services to Victims of Crime

Applicant agrees to provide services to victims of crime which include: responding to the emotional and physical needs of crime victims; assisting victims in stabilizing their lives after victimization; assisting victims to understand and participate in the criminal justice system; and providing victims with safety and security.

Effective Services

Applicant must demonstrate a record of providing effective services to crime victims. If the applicant cannot yet demonstrate a record of providing effective services, the applicant must demonstrate that at least 25 percent of its financial support comes from non-federal sources.

Volunteers

Applicant agrees to use volunteers to support either the project or agency-wide services, unless

CJD determines that a compelling reason exists to waive this requirement.

Community Efforts
Applicant agrees to promote community efforts to aid crime victims. Applicants should promote, within the community, coordinated public and private efforts to aid crime victims. Coordination efforts qualify an organization to receive these funds, but are not activities that can be supported with these funds.

Crime Victims' Compensation
Applicant agrees to assist crime victims in applying for crime victims‟ compensation benefits.

Records
Applicant agrees to maintain daily time and attendance records specifying the time devoted to allowable victim services.

Civil Rights Information
Applicant agrees to maintain statutorily required civil rights statistics on victims served by race, national origin, sex, age, and disability of victims served, within the timeframe established by CJD. This requirement is waived when providing services, such as telephone counseling, where soliciting the information may be inappropriate or offensive to the crime victim.

Victims of Federal Crime
Applicant agrees to provide equal services to victims of federal crime. (Note: Victim of federal crime is a victim of an offense that violates a federal criminal statute or regulation; federal crimes also include crimes that occur in an area where the federal government has jurisdiction, such as Indian reservations, some national parks, some federal buildings, and military installations.)

No Charge
Applicant agrees to provide grant-funded services at no charge to victims of crime. Applicants are also prohibited from billing Crime Victims Compensation, private insurance, Medicaid, or Medicare for services provided using VOCA funds.

Confidentiality
Applicant agrees to maintain the confidentiality of client-counselor information and research data, as required by state and federal law.

Discrimination
Applicant agrees not to discriminate against victims because they disagree with the State's prosecution of the criminal case.

Forensic Medical Examination Payments
Health care facilities shall conduct a forensic medical examination of a victim of an alleged sexual assault if the victim arrived at the facility within 96 hours after the assault occurred and the victim consents to the examination. The victim is not required to participate in the investigation or prosecution of an offense as a condition of receiving a forensic medical

examination, nor pay for the forensic examination or the evidence collection kit. The evidence collection portion of the exam is to be paid by law enforcement per state law. Crime Victim Compensation funds may be used to pay for the medical portion of the exam unless the victim of sexual assault is required to seek reimbursement for the examination from their insurance carrier. If a health care facility does not provide diagnosis or treatment services for sexual assault victims, the facility is required to refer the victim to a facility that provides those services.

Protection Orders
Victims applying for a protective order or their attorney may not bear the costs associated with the filing of an order of protections.

Nondisclosure of Confidential or Private Information
Personally identifying information or individual information collected in connection with services requested, utilized, or denied may not be disclosed; or, reveal individual client information without informed, written, reasonably time-limited consent of the person about whom information is sought. If release of information is compelled by statutory or court mandate, reasonable attempts to provide notice to victims affected by the disclosure of information will be made and steps necessary will be taken to protect the privacy and safety of the persons affected by the release of information.

Civil Rights Liaison
A civil rights liaison who will serve as the grantee's civil rights point of contact and who will be responsible for ensuring that the grantee meets all applicable civil rights requirements must be designated. The designee will act as the grantee's liaison in civil rights matters with CJD and with the federal Office of Justice Programs.

Enter the Name of the Civil Rights Liaison:
Lisa Olmeda
Enter the Address for the Civil Rights Liaison:
2110 Fourth Street Rosenberg, Tx 77471
Enter the Phone Number for the Civil Rights Liaison [(999) 999-9999 x9999]:
832-595-3329
Certification
Each applicant agency must certify to the specific criteria detailed above under **Program Requirements** to be eligible for General Victim Assistance - Direct Services Program Solicitations.

X I certify to all of the above eligibility requirements.

Problem Statement:
Please provide a detailed account in the Problem Statement section of the existing issues your

project will target.
Enter your problem statement:
Without this position, the staffing levels within our department prohibit the proper provision of services to victims of crime, specifically victims who experience violent crimes. Our sworn personnel only provide the victims of crime with the bare minimum requirements mandated in the Code of Criminal Procedure. The end result is a poorly informed victim who does not receive all of the information needed to cope with the physical and emotional trauma of the crime

Supporting Data:
Provide as much supporting data, to include baseline statistics and the sources of your data, which are pertinent to where the grant project is located and/or targeted. Do not use statewide data for a local problem or national data for a statewide problem.
Enter your supporting data:
In calendar year 2011 we had 1,281 reported Part 1 UCR crimes, including Homicides (2); rapes (7) sexual assaults, (28); robberies / aggravated robberies (2), aggravated assaults (26), simple assaults (445), and (150) family violence incidents. This data represents a large number of crime victims deserving appropriate assistance. This data represents a large number of crime victims deserving appropriate assistance. The year ending in 2012, showed an increase in victims as follows: Sexual Assaults increased by 50%; Robberies increased by 19%, and Aggravated Assaults increased by 10%. With the continued growth within and around Rosenberg, Texas, 2013 caused a major shift in some crimes more than others. In general our Part 1 crimes increased by 7%. This included a major increase in Robberies at 63%. Aggravated Assaults showed a small increase (1%). Simple Assaults showed an increase of 19%. Despite the increases in Part 1 crimes, we continue to have increases in Part II crimes to include Injury child/elderly/disabled, larceny, and family violence assaults.

Community Plan:
For projects that have a local or regional impact target area, provide information regarding the community plan need(s) that your project willl address.
Enter your community planning needs:
The Fort Bend Community Plan, revised in 2013, identifies the continued need for victim assistance within all agencies in Fort Bend County on pages 29 thru 59. The plan identified the increase of caseloads along with the growth of the county as the contributing factors for the need for more victim assistance. Therefore, the number of Crime Victim Liaison positions need to be increased proportionately with the increasing referrals and caseloads. The plan discusses the need for programs and victim liaisons for adult and children victims. The Plan, on page 66, notes that there is a shortage of Crime Victim Liaison and Coordinators in the criminal justice area to handle all aspects of the victims' rights from the time of the incident throughout the entire criminal justice process. In all areas of criminal and juvenile justice, the role of a trained victim liaison is invaluable in informing the victim and family of the various proceedings. These areas are discussed in depth on pages 31 and 51. In addition, these crime victim liaisons can be responsible for ensuring that the crime victims receive their financial restitution as ordered by the courts. Funding from this grant directly addresses an identified need in the Plan.

Goal Statement:
Provide a brief description of the overall goals and objectives for this project.

Enter a description for the overall goals and objectives:
The goal of this project is to continue to provide services and support to victims of crime in an effort to meet their physical, emotional, and financial needs – thus facilitating their total recovery and return to normalcy.

Cooperative Working Agreement (CWA):
When a grantee intends to carry out a grant project through cooperating or participating with one or more outside organizations, the grantee must obtain authorized approval signatures on the cooperative working agreement (CWA) from each participating organization. Grantees must maintain on file a signed copy of all cooperative working agreements, and they must submit to CJD a list of each participating organization and a description of the purpose of each **CWA**. Cooperative working agreements do not involve an exchange of funds.

For this project, provide the name of the participating organization(s) and a brief description of the purpose(s) for the **CWA(s)**. You should only provide information here that this project's successful operation is contingent on for the named service or participation from the outside organization.

Note: A **Sample CWA** is available here for your convenience.
Enter your cooperating working agreement(s):
N/A

Continuation Projects:
For continuation projects only, if your current or previous year's project is NOT on schedule in accomplishing the stated objectives, briefly describe the major obstacles preventing your organization from successfully reaching the project objectives as stated within your previous grant application. (Data may be calculated on a pro-rated basis depending on how long the current or previous year's project has been operating.)
Enter your current grant's progress:
Despite a late start in 2013, our project has continued to exceed targeted measures and objectives originally set out.

Project Summary:
Briefly summarize the entire application, including the project's problem statement, supporting data, goal, target group, activities, and objectives. Be sure that the summary is easy to understand by a person not familiar with your project and that you are confident and comfortable with the information if it were to be released under a public information request.
Enter your summary statement for this project:
The Rosenberg Police Department documented approximately 700 victims of crime that required the services of the crime victim advocate in 2011. In 2013, the number of documented victims addressed by the Victim's Liasion was approximately 1,470. Of the 1,470 victims; 32% involved family violence; 22% were property related crimes; 30% involved non-family violence assaults; 9% involved runaways/missing persons; 7% involved child neglect;7% involved sex assaults; 2% involved Aggravated Assault and 2% involved robberies. That data represents a large number of crime victims deserving assistance. The target audience for this project is all crime victims where the venue of the crime is within the city limits of Rosenberg, Tx. This includes

victims of sexual assault, domestic abuse, child abuse, physical assault, robbery, kidnapping, stalking victims and homicide. Activities the Crime Victim Advocate employee engaged during the grant period included: 1. Preliminary contact with all victims of violent crimes - provided information on victim rights 2. Served as a liaison to the criminal justice for the victims, explaining the process and providing information as pertinent 3. Provided victims with referrals to appropriate social service agencies for assistance when appropriate 4. Filed for victim compensation on behalf of victims as appropriate 5. Provided personal contact with the victims by telephone or in person within 24 to 48 hours following initial response to confirm if assistance has been sought or received 6. Responded to crime scenes to provide emergency victim support as appropriate 7. Worked with District Attorney's victim coordinator in provision of services to victims 8. Facilitated victim participation in criminal justice system. The projects objectives/outcomes included compensation awarded, protective orders issued, victim cooperation in prosecution, and victim satisfaction with services rendered. The year ending in 2012 crime statistics, supported the continual need or a Crime Victim Advocate. There was an increase in victims as follows: Sexual Assaults increased by 50%; Robberies increased by 19%, and Aggravated Assaults increased by 10%. With the continued growth within and around Rosenberg, Texas, 2013 caused a major shift in some crimes more than others. In general our Part 1 crimes increased by 7%. This included a major increase in Robberies at 63%. Aggravated Assaults showed a small increase (1%). Simple Assaults showed an increase of 19%. There was a continual increase in Part II crimes regarding injury to child/elderly/disabled, family violence assaults, and larceny cases. As a result, the Vicitm Liaison seved 1,470 victims in 2013 from multiple demographics.

Project Activities Information

Type of Crime Victim

Select the type(s) of crime victim this project targets and provide the percentage of time dedicated to serving each category of crime victim. You may select more than one type; however, the sum of the percentages may not exceed 100%.

Sexual Assault Percentage (%):
15
Domestic Abuse Percentage (%):
20
Child Abuse Percentage (%):
10
DUI / DWI Crashes Percentage (%):
0
Survivors of Homicide Percentage (%):
1
Assault Percentage (%):
19
Adults Molested as Children Percentage (%):
0
Elder Abuse Percentage (%):
0

Robbery Percentage (%):
20
Stalking Percentage (%):
5
Dating/Acquaintance Violence Percentage (%):
10
Human Trafficking Percentage (%):
0

Selected Project Activities:

ACTIVITY	PERCENTAGE:	DESCRIPTION
Crisis Services	80.00	Provide emergency services to all victims during the crisis phase to include: phone and in person accompaniment for medical, law enforcement, legal, shelter, transportation, and assistance with filing crime victim compensation applications.
Protective Order Assistance	20.00	Provide assistance to all victims in completing and applying for protective orders, temporary protective orders, and/or emergency protective orders. Continue to communicate with all victims regarding the status of the protective order and any protective order violations. To be a liaison between all victims and the District Attorney's office during the term of the protective orders.

Geographic Area:
City of Rosenberg

Target Audience:
All

Gender:
Both

Ages:
All

Special Characteristics:
N/A

Measures Information

Progress Reporting Requirements

Outcomes Reported to Texas A&M University, Public Policy Research Institute (PPRI):

In addition to the measures listed below, all programs will be required to report the number of

victims/survivors who returned to the agency as a result of a new victimization either by the same perpetrator or a new perpetrator. Note: This does not include victims returning to your agency to continue their treatment. This measure will be used to measure the efficacy of the services provided in the restoration of the victim to full mental, physical, and emotional health.

Objective Output Measures

OUTPUT MEASURE	CURRENT DATA	TARGET LEVEL

Custom Objective Output Measures

CUSTOM OUTPUT MEASURE	CURRENT DATA	TARGET LEVEL
Number of final protective orders requested	157	150
Number of safety plans developed	877	900
Number of temporary protective orders requested	24	30
Number of victims/survivors who were not served	0	0
Number of survivors/victims who were served	1470	1500
Number of survivors assisted with crime victim compensation applications	236	240
Number of survivors recieving information and/or referral(in person/by phone)	519	550
Number of survivors receiving advocacy for emergency services	324	325
Number of volunteers trained to provide direct assistance to victim/survivors	0	0

Objective Outcome Measures

OUTCOME MEASURE	CURRENT DATA	TARGET LEVEL

Custom Objective Outcome Measures

CUSTOM OUTCOME MEASURE	CURRENT	TARGET

	DATA	LEVEL
Number of final protective orders granted/obtained	14	15
Number of final temporary protective orders requested	24	30

Certification and Assurances
Each applicant must click on this link to review the standard Certification and Assurances.

Resolution from Governing Body
Applications from local units of governments and other political subdivisions must include a resolution that contains the following:

1. Authorization by your governing body for the submission of the application to CJD that clearly identifies the name of the project for which funding is requested;
2. A commitment to provide all applicable matching funds;
3. A designation of the name and/or title of an authorized official who is given the authority to apply for, accept, reject, alter, or terminate a grant (Note: If a name is provided, you must update CJD should the official change during the grant period.); and
4. A written assurance that, in the event of loss or misuse of grant funds, the governing body will return all funds to CJD.

Upon approval from your agency's governing body, upload the approved resolution to eGrants by clicking on the **Upload Files** sub-tab located in the **Summary** tab.

Contract Compliance
Will CJD grant funds be used to support any contracts for professional services?

Select the Appropriate Response:
_ Yes
X No

For applicant agencies that selected **Yes** above, describe how you will monitor the activities of the sub-contractor(s) for compliance with the contract provisions (including equipment purchases), deliverables, and all applicable statutes, rules, regulations, and guidelines governing this project.

Enter a description for monitoring contract compliance:

Lobbying
For applicant agencies requesting grant funds in excess of $100,000, have any federally appropriated funds been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any 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?

Select the Appropriate Response:
_ Yes
_ No
X N/A

For applicant agencies that selected either **No** or **N/A** above, have any non-federal funds been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress in connection with this federal contract, loan, or cooperative agreement?

Select the Appropriate Response
_ Yes
X No
_ N/A

Fiscal Year
Provide the begin and end date for the applicant agency's fiscal year (e.g., 09/01/20xx to 08/31/20xx).

Enter the Begin Date [mm/dd/yyyy]:
10/1/2014
Enter the End Date [mm/dd/yyyy]:
9/30/2015
Sources of Financial Support

Each applicant must provide the amount of grant funds expended during the most recently completed fiscal year for the following sources:

Enter the amount ($) of Federal Grant Funds:
112200
Enter the amount ($) of State Grant Funds:
0
Single Audit
Has the applicant agency expended federal grant funding of $500,000 or more, or state grant funding of $500,000 or more during the most recently completed fiscal year?

Select the Appropriate Response:
_ Yes
X No

Note: *Applicants who expend less than $500,000 in federal grant funding or less than $500,000 in state grant funding are exempt from the Single Audit Act and cannot charge audit costs to a CJD grant. However, CJD may require a limited scope audit as defined in OMB Circular A-133.*

Applicant agencies that selected **Yes** above, provide the date of your organization's last annual single audit, performed by an independent auditor (in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133).

Enter the date of your last annual single audit:

Equal Employment Opportunity Plan (EEOP)
Type I Entity: Defined as an applicant that meets one or more of the following criteria:

- the applicant has less than 50 employees;
- the applicant is a non-profit organization;
- the applicant is a medical institution;
- the applicant is an Indian tribe;
- the applicant is an educational institution, or
- the applicant is receiving a single award of less than $25,000.

Requirements for a Type I Entity:

- The applicant is not required to prepare an EEOP because it is a Type I Entity as defined above, pursuant to 28 CFR 42.302; and
- the applicant will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services.

Type II Entity: Defined as an applicant that meets the following criteria:

- the applicant has 50 or more employees, and
- the applicant is receiving a single award of $25,000 or more, but less than $500,000.

Requirements for a Type II Entity: Federal law requires a Type II Entity to formulate an EEOP and keep it on file.

- The applicant agency is required to formulate an EEOP in accordance with 28 CFR 42.301, et seq., subpart E;
- the EEOP is required to be formulated and signed into effect within the past two years by the proper authority;
- the EEOP is available for review by the public and employees or for review or audit by officials of CJD, CJD"s designee, or the Office of Civil Rights, Office of Justice Programs, U.S. Department of Justice, as required by relevant laws and regulations;
- the applicant will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services; and
- the EEOP is required to be on file in the office of (enter the name and address where the EEOP is filed below):

Enter the name of the person responsible for the EEOP and the address of the office where the EEOP is filed:

Type III Entity: Defined as an applicant that is NOT a Type I or Type II Entity. Requirements for a Type III Entity: Federal law requires a Type III Entity to formulate an EEOP and submit it for approval to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice.
- The EEOP is required to be formulated and signed into effect within the past two years by the proper authority;
- the EEOP has been submitted to the Office of Civil Rights (OCR), Office of Justice Programs, U.S. Department of Justice and has been approved by the OCR, or it will be submitted to the OCR for approval upon award of the grant, as required by relevant laws and regulations; and
- the applicant will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services.

Based on the definitions and requirements above, the applicant agency certifies to the following entity type:

Select the appropriate response:
_ Type I Entity
X Type II Entity
_ Type III Entity

Debarment
Each applicant agency will certify that it and its principals (as defined in 2 CFR Part 180.995):

- Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal Court, or voluntarily excluded from participation in this transaction by any federal department or agency;
- Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or
- Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in the above bullet; and have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default.

Select the appropriate response:
X I Certify
_ Unable to Certify

If you selected **Unable to Certify** above, please provide an explanation as to why the applicant agency cannot certify the statements.

Enter the debarment justification:

FFATA Certification
Certification of Recipient Highly Compensated Officers – The Federal Funding Accountability and Transparency Act (FFATA) requires Prime Recipients (CJD) to report the names and total compensation of each of the five most highly compensated officers (a.k.a. positions) of each sub recipient organization for the most recently completed fiscal year preceding the year in which the grant is awarded if the subrecipient answers **YES** to the **FIRST** statement but **NO** to the **SECOND** statement listed below.

In the sub recipient‟s preceding completed fiscal year, did the sub recipient receive: (1) 80 percent or more of its annual gross revenue from Federal contracts (and subcontracts), loans, grants (and subgrants) and cooperative agreements; AND (2) $25,000,000 or more in annual gross revenue from Federal contracts (and subcontracts), loans, grants (and subgrants) and cooperative agreements?

_ Yes
X No

Does the public have access to information about the compensation of the senior executives through periodic reports filed under Section 13(a) or 15(d) of the Securities Exchange Act of

1934 (15 U.S.C. 78m(a), 78o(d)) or Section 6104 of the Internal Revenue Code of 1986?

X Yes
_ No

If you answered **YES** to the **FIRST** statement and **NO** to the **SECOND** statement, please provide the name and total compensation amount of each of the five most highly compensated officers (a.k.a. positions) within your agency for the current calendar year. If you answered NO to the first statement you are NOT required to provide the name and compensation amounts. NOTE: „„Total compensation‟‟‟means the complete pay package of each of the sub recipient‟‟s compensated officers, including all forms of money, benefits, services, and in-kind payments (see SEC Regulations: 17 CCR 229.402).

Position 1 - Name:

Position 1 - Total Compensation ($):
0
Position 2 - Name:

Position 2 - Total Compensation ($):
0
Position 3 - Name:

Position 3 - Total Compensation ($):
0
Position 4 - Name:

Position 4 - Total Compensation ($):
0
Position 5 - Name:

Position 5 - Total Compensation ($):
0

Fiscal Capability Information

Organizational Information
Enter the Year in which the Corporation was Founded:

Enter the Date that the IRS Letter Granted 501(c)(3) Tax Exemption Status:

Enter the Employer Identification Number Assigned by the IRS:

Enter the Charter Number assigned by the Texas Secretary of State:

Accounting System
The grantee organization must incorporate an accounting system that will track direct and indirect costs for the organization (general ledger) as well as direct and indirect costs by project (project ledger). The grantee must establish a time and effort system to track personnel costs by project. This should be reported on an hourly basis, or in increments of an hour.

Is there a list of your organization's accounts identified by a specific number (i.e., a general ledger of accounts).

Select the appropriate response:
_ Yes
_ No

Does the accounting system include a project ledger to record expenditures for each Program by required budget cost categories?

Select the appropriate response:
_ Yes
_ No

Is there a timekeeping system that allows for grant personnel to identify activity and requires signatures by the employee and his or her supervisor?

Select the appropriate response:
_ Yes
_ No

If you answered 'No' to any question above in the Accounting System section, in the space provided below explain what action will be taken to ensure accountability.

Enter your explanation:

Financial Capability
Grant agencies should prepare annual financial statements. At a minimum, current internal balance sheet and income statements are required. A balance sheet is a statement of financial position for a grant agency disclosing assets, liabilities, and retained earnings at a given point in time. An income statement is a summary of revenue and expenses for a grant agency during a fiscal year.

Has the grant agency undergone an independent audit?

Select the appropriate response:
_ Yes
_ No

Does the organization prepare financial statements at least annually?

Select the appropriate response:
_ Yes
_ No

According to the organization's most recent Audit or Balance Sheet, are the current total assets greater than the liabilities?

Select the appropriate response:
_ Yes
_ No

If you selected 'No' to any question above under the Financial Capability section, in the space provided below explain what action will be taken to ensure accountability.

Enter your explanation:

Budgetary Controls
Grant agencies should establish a system to track expenditures against budget and / or funded amounts.

Are there budgetary controls in effect (e.g., comparison of budget with actual expenditures on a monthly basis) to include drawing down grant funds in excess of:

a) Total funds authorized on the Statement of Grant Award?

_ Yes
_ No

b) Total funds available for any budget category as stipulated on the Statement of Grant Award?

_ Yes
_ No

If you selected 'No' to any question above under the Budgetary Controls section, in the space provided below please explain what action will be taken to ensure accountability.

Enter your explanation:

Internal Controls
Grant agencies must safeguard cash receipts, disbursements, and ensure a segregation of duties exist. For example, one person should not have authorization to sign checks and make deposits.

Are accounting entries supported by appropriate documentation (e.g., purchase orders, vouchers, receipts, invoices)?

Select the appropriate response:
_ Yes
_ No

Is there separation of responsibility in the receipt, payment, and recording of costs?

Select the appropriate response:
_ Yes
_ No

If you selected 'No' to any question above under the Internal Controls section, in the space provided below please explain what action will be taken to ensure accountability.

Enter your explanation:

Budget Details Information

Budget Information by Budget Line Item:

CATEGORY	SUB CATEGORY	DESCRIPTION	CJD	CASH MATCH	IN-KIND MATCH	GPI	TOTAL	UNIT/%
Personnel	Liaison	Victim Liasion salary with 4% merit and benefits	$42,050.40	$10,512.60	$0.00	$0.00	$52,563.00	20

Source of Match Information

Detail Source of Match/GPI:

DESCRIPTION	MATCH TYPE	AMOUNT
City Match	Cash Match	$10,512.60

Summary Source of Match/GPI:

Total Report	Cash Match	In Kind	GPI Federal Share	GPI State Share
$10,512.60	$10,512.60	$0.00	$0.00	$0.00

Budget Summary Information

Budget Summary Information by Budget Category:

CATEGORY	CJD	CASH MATCH	IN-KIND MATCH	GPI	TOTAL
Personnel	$42,050.40	$10,512.60	$0.00	$0.00	$52,563.00

Budget Grand Total Information:

CJD	CASH MATCH	IN-KIND MATCH	GPI	TOTAL
$42,050.40	$10,512.60	$0.00	$0.00	$52,563.00

Condition Of Fundings Information

Condition of Funding / Project Requirement	Date Created	Date Met	Hold Funds	Hold Line Item Funds

You are logged in as **User Name**: Jason Buckner ; UserName: Buckner_Jason * INTERNALUSER

Snapshot Description: Application - Reviewed by Intake
Created: 3/7/2014 10:24:37 AM

CITY COUNCIL COMMUNICATION

March 18, 2014

ITEM #	ITEM TITLE
2	**Resolution No. R-1766 – Community Development Block Grant Fund Application**

ITEM/MOTION

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.

FINANCIAL SUMMARY

Annualized Dollars:

[X] One-time
[ ] Recurring
[ ] N/A

Budgeted:

[ ] Yes [ ] No [X] N/A

Source of Funds: N/A

ELECTION DISTRICT

[X] District 1
[ ] District 2
[ ] District 3
[ ] District 4
[ ] City-wide
[ ] N/A

MUD #: N/A

SUPPORTING DOCUMENTS:

1. Resolution No. R-1766
2. Kindell Correspondence – 02-07-14
3. Peña Memorandum – 03-07-14
4. Project Map

APPROVALS

Submitted by:

John Maresh
Assistant City Manager for Public Services

Reviewed by:

[X] Exec. Dir. for Administrative Services
[ ] Asst. City Manager for Public Services
[ ] City Attorney
[ ] City Engineer
[X] Project Director

Approved for Submittal to City Council:

Robert Gracia
City Manager

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.

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 _____ day of _____ 2014.

ATTEST: **APPROVED:**

_____ _____

Linda Cernosek, **City Secretary** Vincent M. Morales, Jr., **Mayor**

COMMUNITY DEVELOPMENT

Fort Bend County, Texas

Marilynn Kindell
Director

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

TO: Interested Cities and Organizations

FROM: Marilynn Kindell MKindell

DATE: February 7, 2014

RE: Community Development Block Grant (CDBG) Program, Emergency Solutions Grant (ESG) Program, and HOME Investment Partnerships Program

Attached is information necessary for applying for Program Year 2014 funds.

The U.S. Department of Housing and Urban Development (HUD) has not notified grantees of their FY 2014 allocation amounts. The estimated amount of CDBG Program funds that Fort Bend County expects to receive directly for the HUD program year 2014 (September 1, 2014 to August 31, 2015) is $2,114,257. Fort Bend County also expects to receive $157,399 in Emergency Solutions Grant Program funds for program year 2014. The estimated amounts are the FY 2013 allocations. Due to a decrease in HOME Program funding the County will not issue an RFP for the HOME Program at this time.

Please be aware that the allocations will most likely be reduced if Congress cuts the appropriation.

An information session for applicants will be held on March 5, 2014 at 10:00 a.m. at the William B. Travis Building, 301 Jackson, 1st Floor Meeting Room, Richmond, Texas. Questions from applicants will be answered during this session.

Proposals must be submitted to the Fort Bend County Community Development Department, 301 Jackson, Suite 602, Richmond, Texas 77469 by **3:00 p.m. on March 21, 2014.**

Only one (1) proposal will be accepted for consideration from any city or organization for each type of funding, CDBG or ESG Program.

If you need additional information, please call Carol Borrego with this office.

MEMORANDUM

OFFICE OF THE PROJECT DIRECTOR **March 7, 2014**

TO: Robert Gracia, City Manager

FROM: Melissa Peña, Project Director Melissa Peña

RE: North Rosenberg Water Distribution Improvements – Phase II CDBG Grant Application

The Community Development Office of Fort Bend County administers the Federal Community Development Block Grant (CDBG) Program. The City of Rosenberg (City) is designated as a non-entitlement City that is eligible for this program. CDBG applications are due on March 21, 2014, for HUD Program Year 2014 funding consideration. With Council approval, City staff proposes to submit an application for approximately $210,000 for HUD FY 2014. The application will indicate a proposed local match of 10% for construction contingency and the City will pay for engineering. Notification of awards are normally announced toward the end of each calendar year.

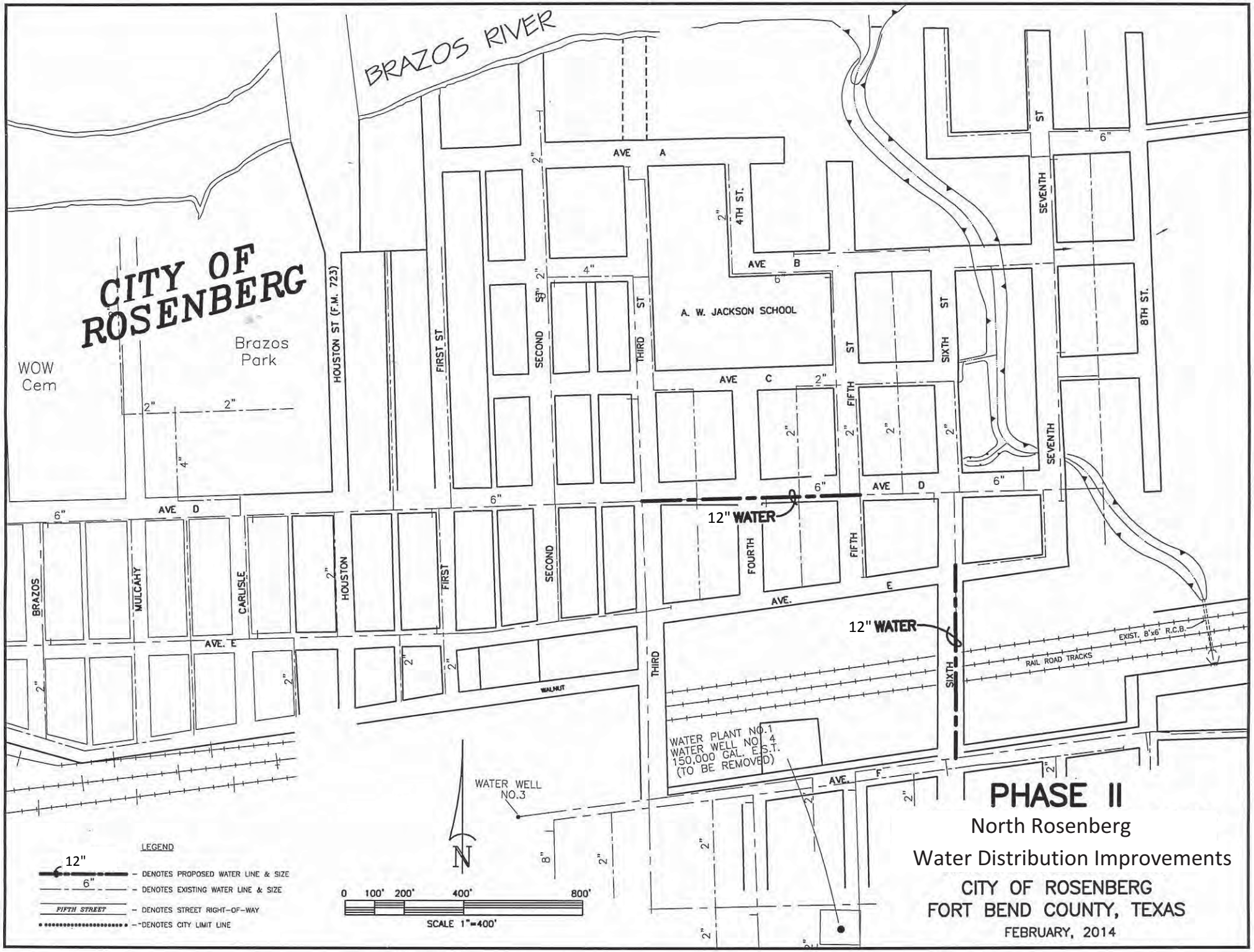
The City wishes to address improvements to the aging potable water system in the entire northern portion of the City. This area that will benefit from this project can be generally described as the area defined by the Brazos River as the northern boundary, Elm Street as the western boundary, Walnut Street and Avenue E as the southern boundary, and 8th Street as the eastern boundary. The work proposed in this phase is best described on the map provided.

With the existing housing, commercial, and institutional (A.W. Jackson Elementary School) facilities in this area, and because of aging and undersized infrastructure, the City wishes to replace certain sections of existing water line in this area designated as a low and moderate income block per the 2000 Census. The 2010 Census report has not been approved for use by the CDBG program to date. This project is intended to service those residents in the project area described above, and anticipates that minimally 1,420 residents will benefit from this project as per figures indicated by the 2000 Census report for Block No. 6750.00.

The designated area is currently serviced through a 6-inch water line running from the south across the tracks. The City proposes to replace several segments of the water line with an 12-inch line to provide for a stable service and increase capacity.

The City is requesting CDBG funds to address necessary infrastructure improvements in this area which currently meet the national standards for low and moderate income residents. Funding for this project will assist the City to develop a viable urban community by offering an improved living environment for residents of northern Rosenberg. Through sound management practices and effective administration, the CDBG grant funds will assist the City as we endeavor to address these essential infrastructure needs.

xc: John Maresh, Assistant City Manager


BRAZOS RIVER
CITY OF ROSENBERG
Brazos Park
WOW Cem
HOUSTON ST (F.M. 723)
FIRST ST
SECOND ST
THIRD ST
4TH ST.
FIFTH ST
SIXTH ST
SEVENTH ST
8TH ST.
AVE A
AVE B
AVE C
AVE D
AVE. E
AVE. F
A. W. JACKSON SCHOOL
12" WATER
12" WATER
BRAZOS
MULCAHY
CARLISLE
HOUSTON
FIRST
SECOND
THIRD
FOURTH
FIFTH
SIXTH
SEVENTH
WALNUT
EXIST. 8'x6' R.C.B.
RAIL ROAD TRACKS
WATER PLANT NO.1
WATER WELL NO. 4
150,000 GAL. E.S.T.
(TO BE REMOVED)
WATER WELL NO.3
N
LEGEND
12" – DENOTES PROPOSED WATER LINE & SIZE
6" – DENOTES EXISTING WATER LINE & SIZE
FIFTH STREET – DENOTES STREET RIGHT-OF-WAY
– DENOTES CITY LIMIT LINE
0 100' 200' 400' 800'
SCALE 1"=400'
PHASE II
North Rosenberg
Water Distribution Improvements
CITY OF ROSENBERG
FORT BEND COUNTY, TEXAS
FEBRUARY, 2014

CITY COUNCIL COMMUNICATION

March 18, 2014

ITEM #	ITEM TITLE
3	**Resolution No. R-1767 – Lift Station No. 11 Replacement Engineering Services Proposal**

ITEM/MOTION

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.

FINANCIAL SUMMARY

Annualized Dollars:

[X] One-time
[ ] Recurring
[ ] N/A

Budgeted:

[ ] Yes [X] No [ ] N/A

Source of Funds: N/A

ELECTION DISTRICT

[ ] District 1
[ ] District 2
[ ] District 3
[X] District 4
[ ] City-wide
[ ] N/A

MUD #: N/A

SUPPORTING DOCUMENTS:

1. Resolution No. R-1767
2. Project Location Map
3. Preliminary Cost Estimate for Replacement of Lift Station No. 11
4. City Council Workshop Meeting Minute Excerpt – 01-28-14

APPROVALS

Submitted by:

John Maresh
Assistant City Manager of Public Services

Reviewed by:

[X] Exec. Dir. of Administrative Services
[ ] Asst. City Manager for Public Services
[X] City Attorney ***LJL/rl***
[ ] City Engineer
[ ] (Other)

Approved for Submittal to City Council:

Robert Gracia
City Manager

EXECUTIVE SUMMARY

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

The replacement of Lift Station No. 11 ranked as the highest priority amongst the twenty-seven (27) lift stations owned by the City. This particular lift station was constructed thirty-eight (38) years ago in 1976 and has exceeded its useful life cycle. Much of the equipment is antiquated and repair/replacement parts are becoming increasingly difficult to obtain. This lift station regularly experiences operational problems and is no longer reliable. This is a major lift station and proactive measures should be taken in order to prevent a catastrophic failure. Supervisory Control and Data Acquisition (SCADA) equipment will also be installed on both this lift station and the reclaimed water distribution system equipment located at Seabourne Creek Park and Wastewater Treatment Plant No. 2 as a part of this Project. The SCADA equipment will allow for remote system monitoring and control, further improving reliability.

The Water/Wastewater fund balance has sufficient funding for completion of the engineering services phase of the Project. A budget adjustment will be presented at the April 01, 2014 City Council Meeting. The Engineering Services Agreement will be executed at such time the budget adjustment is approved. Upon completion of the engineering design and bidding process, the construction bid award would be placed on a future Agenda for City Council consideration and approval. The preliminary construction cost estimate for this phase of the Project is approximately $1.1 million dollars. The construction will be funded

with proceeds from proposed FY2014 Certificates of Obligation or Revenue Bonds, which will also be presented at the April 01, 2014 City Council Meeting.

Staff recommends approval of Resolution No. R-1767, authorizing the City Manager to execute a Proposal with Jones and Carter, Inc., for the engineering and surveying services for the Lift Station No.11 Replacement, including SCADA equipment, in the amount of $160,000.00.

RESOLUTION NO. R-1767

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 PROPOSAL FOR ENGINEERING AND SURVEYING SERVICES FOR LIFT STATION NO. 11 REPLACEMENT, BY AND BETWEEN THE CITY OF ROSENBERG, TEXAS, AND JONES AND CARTER, INC., IN THE AMOUNT OF $160,000.00.

* * * * *

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

Section 1. The City Council of the City of Rosenberg hereby authorizes the City Manager to execute a Proposal for the engineering and surveying services for the Lift Station No. 11 Replacement, including SCADA equipment installation, by and between the City of Rosenberg, Texas, and Jones and Carter, Inc., in the amount of $160,000.00.

Section 2. A copy of said 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, **CITY SECRETARY** Vincent M. Morales, Jr., **MAYOR**

JONES & CARTER, INC.
ENGINEERS • PLANNERS • SURVEYORS

6415 Reading Road
Rosenberg, Texas 77471-5655

TEL 281 342 2033
FAX 281 232 9909

ROSENBERG
SAN ANTONIO
THE WOODLANDS
BRYAN/COLLEGE STATION

AUSTIN
DALLAS
HOUSTON
BRENHAM
GREENSPOINT

Texas Board of Professional Engineers Registration No. F-439

March 12, 2014

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

Re: Proposal for Engineering and Surveying Services for the Lift Station No. 11 Replacement
City of Rosenberg
Fort Bend County, Texas

Dear Mr. Gracia:

Jones & Carter, Inc. (J&C) appreciates the opportunity to present our proposal for engineering and land-surveying services in connection with the Lift Station No. 11 Replacement.

PROJECT UNDERSTANDING

J&C understands the condition of Lift Station No. 11 in the City of Rosenberg (the "City") is deteriorated and necessitates complete replacement of the lift station within the existing site boundary. The replacement of the lift station includes construction of a twenty-one foot (21′) diameter by thirty foot (30′) deep cast-in-place wet well, two (2) submersible pumps sized for firm pumping capacity of 2,400 gallons per minute, riser piping and valves, on-site force main and gravity sanitary sewer, bypass pumping, installation of fencing to encompass new lift station on site, replacement of electrical panel, controls, quick connect and manual transfer switch for a portable generator, and connection to the existing City Data Flow Systems SCADA system. Provisions will be made to allow for an additional pump to be added and replacement of the pumps with larger 4,000 gallons per minute pumps in the future due to development in the area.

In addition, the City desires to install a Data Flow Systems SCADA system at the Reuse Facilities at Seabourne Creek Park to transmit motor run status and alarms for the transmission pumps, filters, and irrigation pumps to existing Data Flow Systems SCADA server located at City Hall. This includes a Data Flow Systems RTU, antenna tower, modifications to the power system to supply the power to the RTU, and modifications to the existing controls to transmit run and alarm data from the transmission pumps located at the wastewater treatment plant. This also includes modifications to the Data Flow Systems SCADA server to include programming the HMI interface for the additional alarms/run status information.

Based on our understanding of the project, the review and approval process, and the site characteristics, we prepared the following scope of services and fee proposal for your consideration.

SCOPE OF SERVICES

Design Phase Basic Services provided by Jones & Carter, Inc. include:

1. Coordination meetings with City staff (Limited to two (2) meetings).
2. Preparation of detailed technical specifications and construction drawings.
3. Preparation of a pre-bid construction cost estimate and bidding documents.
4. Field surveys of existing structure and site. Surveying services do not include preparation of any easement exhibits or metes and bounds. Should this be necessary, we can perform these services for an additional fee.
5. Geotechnical Engineering and Report

Construction Phase Basic Services provided by Jones & Carter, Inc. include:

1. Review of bids, tabulation, and issuance of a Recommendation of Award.
2. Preparation of Construction Contract Documents.
3. Review of shop drawings and submittals.
4. Preparation and review of pay estimates and change orders as necessary.
5. Engineering time during construction to monitor progress and answer questions.
6. Perform a final inspection and issue a Certificate of Substantial Completion.
7. Field project representation. Based on part time inspection of 240 hours over the course of 180 days construction.
8. Preparation of Record Drawings from the Contractor's As-Built drawings.
9. Construction Staking.

COMPENSATION

Compensation for BASIC SERVICES will be on a lump sum basis. Our preliminary construction cost estimate for this project is $1,040,000 including 20% contingencies. Based on this estimate, we anticipate engineering fees for the project will be as follows:

Task	Estimated Engineering Fee
1. Design Phase Services (Lump Sum)	$115,000
2. Construction Phase Services (Lump Sum)	$45,000
Total Estimated Fee	**$160,000**

PROJECT SCHEDULE

The projected schedule is completion of approved plans and specifications within 180 calendar days upon receipt of a written notice to proceed. We estimate bidding, contracts and construction completed in 270 days upon written notice to proceed with bidding, award, and construction.

SPECIAL CONSIDERATIONS

This proposal is based on the following special considerations:

1. All compensation shall be in accordance with the enclosed General Conditions of Agreement and constitutes the entire agreement between the City of Rosenberg and J&C.

2. Any review or permit fees associated with the project shall be paid by the Client, or if paid by J&C, shall be considered as a reimbursable expense not included in any lump sum or not-to-exceed fees proposed.

3. The proposal fees shall be considered in their entirety for the scope of services. Should you wish to contract with us for only a portion of the work, we reserve the right to negotiate individual scope items on their own merits.

4. This proposal shall be valid for sixty (60) calendar days from this date and may be extended upon approval by this office.

We thank you for the opportunity to submit this proposal and look forward to working with you. An executed copy of this proposal will serve as our notice to proceed. Please return of one copy to our office. Should you have any questions, please call.

Sincerely,

Charles A. Kalkomey, P.E., RPLS
Vice President

AWS/lkh
E:\Engineering\Proposals\Proposal Lift Station No. 11 Replacement 2014-3-12.doc
Enclosures

APPROVED BY:

_____
Signature

_____
Name and Title (Printed)

_____
Date

GENERAL CONDITIONS OF AGREEMENT
JONES & CARTER, INC.

AUTHORIZATION FOR WORK TO PROCEED

Signing of this PROPOSAL/AGREEMENT for services shall be authorization by the CLIENT for Jones & Carter, Inc. (J&C), to proceed with the work, unless stated otherwise in the AGREEMENT.

STANDARD OF PRACTICE

Services performed by J&C under this AGREEMENT will be conducted in a manner consistent with that level of care and skill ordinarily exercised by members of the engineering profession currently practicing in the same locality under similar conditions. No other representation, expressed or implied, and no warranty or guarantee is included or intended in this AGREEMENT, or in any report, opinion, document, etc., prepared by J&C.

BILLING AND PAYMENT

The CLIENT, recognizing that timely payment is a material part of the consideration of this AGREEMENT, shall pay J&C for services performed in accordance with the rates and charges set forth herein. Invoices shall be submitted by J&C on a monthly basis and the full amount shall be due and payable to J&C upon receipt. If the CLIENT objects to all or any portion of an invoice, the CLIENT shall notify J&C in writing within seven (7) calendar days of the invoice date and pay that portion of the invoice not in dispute.

The CLIENT shall pay an additional charge of 0.75% of the invoiced amount per month for any payment received by J&C more than thirty (30) days from receipt of the invoice, excepting any portion of the invoiced amount in dispute and resolved in favor of the CLIENT. Payment thereafter shall be first applied to accrued interest and then to the principal unpaid amount.

OWNERSHIP/REUSE OF DOCUMENTS

All documents, including original drawings, opinions of probable construction cost, specifications, field notes, and data provided or furnished by J&C pursuant to this AGREEMENT are instruments of service in respect to the Project and J&C shall retain ownership and property interest therein whether or not the project is completed. The CLIENT may make and retain copies for the use of the Project by the CLIENT and others; however, such documents are not intended or suitable for reuse by the CLIENT or others on extensions of the Project or on any other Project. Any such reuse without written approval or adaptation by J&C for the specific purpose intended shall be at the CLIENT'S sole risk and without liability to J&C, and the CLIENT shall indemnify and hold harmless J&C from all claims, damages, losses, and expenses including attorney's fees arising out of or resulting therefrom.

COST ESTIMATES

Cost estimates prepared by the engineer represent his best judgment as a design professional familiar with the construction industry. It is recognized, however, that the engineer has no control over the cost of labor, materials, or equipment; over the contractor's methods of determining bid prices; or over competitive bidding or market conditions. Accordingly, the engineer cannot and does not guarantee that bids will not vary from any cost estimate prepared by him.

INSURANCE

J&C agrees to maintain Workers' Compensation Insurance to cover all of its own personnel engaged in performing services for the CLIENT under this AGREEMENT.

LIMITATION OF LIABILITY

J&C agrees to carry out and perform the services herein agreed to in a professional and competent manner. The CLIENT agrees that J&C shall not be liable for error, omission, or breach of warranty (either expressed or implied) in the preparation of designs and drawings, preparation of surveys, designation and selection of materials and equipment for the project, or the performance of any other services in connection with any assignment for which specific authorization is given by CLIENT under this agreement, except to the extent that he fails to exercise the usual degree of care and judgment of an ordinarily prudent engineer in the same or similar circumstances or conditions.

In order for the CLIENT to obtain the benefit of a fee which includes a lesser allowance for risk funding, the CLIENT agrees to limit J&C's liability arising from J&C's professional acts, errors or omissions, such that the total aggregate liability of J&C shall not exceed J&C's total fee for the services rendered on this project.

INDEMNIFICATION

J&C agrees, to the fullest extent permitted by law, to indemnify and hold the CLIENT harmless from any damage, liability, or cost (including reasonable attorney's fees and costs of defense) to the extent caused by J&C's negligent acts, errors, or omissions in the performance of professional services under this AGREEMENT including anyone for whom J&C is legally liable.

The CLIENT agrees, to the fullest extent permitted by law, to indemnify and hold J&C harmless from any damage, liability, or cost (including reasonable attorneys' fees and costs of defense) to the extent caused by the CLIENT'S negligent acts, errors, or omissions and those of his or her contractors, subcontractors or consultants, or anyone for whom the CLIENT is legally liable, and arising from the Project that is the subject of this AGREEMENT.

J&C is not obligated to indemnify the CLIENT in any manner whatsoever for the CLIENT'S own negligence.

CONSEQUENTIAL DAMAGES

The CLIENT shall not be liable to J&C and J&C shall not be liable to the CLIENT for any consequential damages incurred by either due to the fault of the other, regardless of the nature of this fault, or whether it was committed by the CLIENT or J&C employees, agents, or subcontractors. Consequential Damages include, but are not limited to, loss of use and loss of profit.

TERMINATION

This AGREEMENT may be terminated with or without cause at any time prior to completion of J&C's services either by the CLIENT or by J&C, upon seven (7) days written notice to the other at the address of record. Termination shall release each party from all obligation of this AGREEMENT except compensation payable to J&C for services rendered prior to Termination. Compensation payable at termination shall include payment for services rendered and costs incurred up to the termination date in accordance with J&C's currently effective hourly rate schedule and direct expense reimbursement policy.

SUCCESSORS AND ASSIGNS

CLIENT and J&C each binds himself, and his partners, successors, executors, administrators, and assigns to the other party of this AGREEMENT and to partners, successors, executors, administrators, and assigns of such other party in respect to all covenants of this AGREEMENT. Neither CLIENT nor J&C shall assign, sublet, or transfer his interest in this AGREEMENT, without written consent of the other. Nothing contained herein shall be construed as giving any rights or benefits hereunder to anyone other than the CLIENT and J&C.

SEVERABILITY

Any provision or part of the AGREEMENT held to be void or unenforceable under any law or regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon the CLIENT and J&C, who agree that the AGREEMENT shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

SPECIAL PROVISIONS

The amount of an excise, VAT, gross receipts, or sales tax that may be imposed shall be added to the compensation as stated in the proposal.

CONTROLLING LAW

This AGREEMENT shall be governed by the laws of the State of Texas.

Terry High School
FM 2218
Ft. Bend CAD
Lift Station No. 11
Airport Avenue
© 2013 Google
Google earth
1995
Imagery Date: 4/21/2012 29°32'35.72" N 95°46'16.94" W elev 101 ft eye alt 1083 ft

PRELIMINARY CONSTRUCTION COST ESTIMATE
REPLACEMENT OF LIFT STATION 11
FOR
CITY OF ROSENBERG
January 22, 2014

Item No.	Description	Unit	Qty.	Unit Price	Total	
1.	Mobilization, Bonds & Insurance	L.S.	1	$ 40,000	$ 40,000	
2.	21' Diameter Cast-in-Place Wet Well	L.S.	1	400,000	400,000	(2)
3.	Submersible Pumps & Accessories	L.S.	1	76,230	76,000	(3)
4.	Piping, Valves, Supports, Thrust Blocks, etc.	L.S.	1	64,000	64,000	
5.	Lift Station Electrical, Controls & SCADA	L.S.	1	142,000	142,000	(4)
6.	Odor Control System	L.S.	1	40,000	40,000	
7.	Miscellaneous Metals	L.S.	1	15,000	15,000	
8.	Site Work	L.S.	1	38,000	38,000	(5)
9.	Bypass Pumping	L.S.	1	10,000	10,000	
10.	Coatings	L.S.	1	15,000	15,000	
11.	Pollution Prevention	L.S.	1	2,000	2,000	
		SUBTOTAL			$ 842,000	
		Contingencies (20%)			168,000	
		Engineering (10%)			101,000	
		TOTAL			**$ 1,111,000**	

Notes:

(1) This estimate represents my best jndgment as a design professional familiar with the construction industry. Jones & Carter, Inc. has no control over the cost of labor, materials, or equipment; over the Contractor's methods of determining bid prices; or over competitive bidd ing or market conditions. Accordingly, we cannot and do not guarantee that bids will not vary from this co st estimate.

(2) This cost includes a cast-in-place concrete wet well 21' diameter and approximately 30' d eep with a high solids epoxy coating. The larger wet well is to account for future development (~120 acres) to increase firm capacity to 4,000 gpm. This estimate assumes the replac ement of the lift station not in flood hazard areas.

(3) This cost includes two (2) 40-HP pumps complete with base elbows, guide rails, p ower cables, and lifting chains with a firm pump cap acity of 2,400 gpm pum ping through 10" force main with minimal elevation change.

(4) The cost includes replacement of all electrical, controls and tie into SCADA system.

(5) The cost estimate includes a new fence on site adjacent to existing lift station and abandonment of existing lift station

(6) This cost estimate assumes the lift station site is not lo cated within the 1% annual chance floodplain or within existing wetlands. This estimate does not include any costs for wetland mitigation, detention basins, mitigation basins, or any other work related to compensating for wetlands or floodplain impact.

This Document is Released for the Purpose of:
General Financial Planning
Under the Authority of:
Engineer: Amy W. Stonaker, P.E.
License No.: 107770
It is Preliminary in Nature and not to be Used for Feasibility of Land Purchases, Bond Applications, Loans or Grants.

year.

Key discussion points:

- John Maresh, Assistant City Manager read the Executive Summary regarding the item.
- Councilor Benton asked if Council could get a list of City owned property.
- Robert Gracia, City Manager stated staff is in the process of doing an inventory of all City owned property.
- Councilor McConathy stated her only concern is that the City maintains the appropriate buffer especially around the business.
- No action was taken on the item.

2. REVIEW AND DISCUSS SANITARY SEWER COLLECTION SYSTEM, LIFT STATION AND WASTEWATER TREATMENT PLANT REHABILITATION PROJECT, AND COST ESTIMATES FOR WASTEWATER TREATMENT PLANT 1-A SERVICE AREA, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.

Executive Summary: This item has been placed on the Workshop Agenda to offer City Council the opportunity to discuss the overall condition of the sanitary sewer collection system within the Wastewater Treatment Plant No. 1-A service area and providing funding for the required improvements to protect the health, safety and welfare of our citizens. While efforts have been made over the past five (5) year period to replace as many of the sewer lines as possible, the overall system remains in poor condition. In many instances, the sewer collection lines have deteriorated to the point the pipe is non-existent resulting in street cave-ins and complete line stoppages that often necessitate emergency repairs.

Staff has prepared and included in the packet, cost estimates for the for the following projects:

1. Collection system line replacement within Wastewater Treatment Plant No. 1-A service area
2. Lift Station rehabilitation/replacements
3. Conversion of Wastewater Treatment Plant No. 1A effluent disinfection from chlorine gas to liquid bleach

In order to protect the health, safety and welfare of the public and the environment, the above listed projects will need to be considered for funding and construction at the earliest time possible.

Key discussion points:

- John Maresh read the Executive Summary regarding the item. Slides were shown pointing out the overall condition of the sanitary sewer collection system:
- Root intrusions in pipe
- Pipe completely deteriorated causing cave-ins.
- Cracks in joints and pipe separation
- Grease accumulation
- Cable and missing pipe in main line
- Mayor Morales asked if there are any recommendations prior to going to budget.
- John Maresh stated the system is in need of rehabilitation. The cost estimate we put together with the help of the City Engineer is $12.5 million for the collection line work. The lift station in the worst condition is in the Wastewater Plant 2 service area, lift station #11 on B.F. Terry by Fort Bend Appraisal District office. We are keeping that lift station operating with a band aid right now. The approximate cost for that is $1.1 million. The lift station in Service Area 1 at Fiesta. The Fiesta lift station is a very large lift station and is in bad shape and is approximately $2.1 million project. Lift Station #4 is located at 1818 Jones Street is approximately $700,000.
- From a safety aspect, Wastewater Plant 1A still operates using chlorine gas for disinfection and to convert that to bleach is approximately $266,000 for the conversion.
- Mayor Morales asked if there is a recommendation from staff for Council.
- John Maresh stated it all needs attention. The budget aspect is Council's call. Staff can look at some options whether through CO's. We have to remember it is a health/safety issue and we need to stay ahead of the regulatory agencies. We don't want to have an administrative order issued by the regulatory agency and we are on their time line. We need to stay ahead of that.

- Mayor Morales stated this is something Council should consider as Certificates of Obligation (CO's).
- John Maresh stated it would be better because this is a regulatory issue versus a bond election. This is a mandate to stay in compliance with these regulations. Certificates of Obligation would probably be better. This is not a "want or an extra" this is a need.
- Councilor Euton stated the total is well over our $10 million a year that keeps us in the best borrowing status. Would you want to do this is phases and if so, which phases would you recommend?
- John Maresh stated we could not construct this in a one year period. Staff has not broken it down into phases. Depending on the amount of funding available we could tailor the project to fit.
- Councilor Euton asked if the lift stations, since they are a lesser amount, would they need to be done before or are they done together. If we move forward when could we start?
- John Maresh stated they need to be done together. The one in the worst condition is on B.F. Terry which is in the service area for Wastewater Plant #2. If funding were made available we could get the engineering portion started right away and go to construction as soon as the plans are put together.
- Joyce Vasut, Finance Director stated based on the cost of engineering we probably could start even sooner than we could issue Certificates of Obligation. We have a healthy water/sewer fund balance which could start the process for some engineering work.
- Councilor Bolf asked how long the pipes shown in the video have been there. When this is done is there any preventative or cleaning that can be done to maintain them?
- John Maresh stated it was probably when the system was originally installed many decades ago. Regarding a preventative maintenance program, due to our budget constraints and mandates to reduce expenses each year, we do not have a preventative maintenance program. We are strictly reactive fixing emergencies. That is the only funding we had available in the last five year period.
- If you look at the condition of the pipe in the pictures, in many cases if we are not doing a rehab project, we do more harm than good if we try to clean those lines because the high pressure water jet breaks a lot of the pipe out.
- Councilor Bolf stated she knows there is not a program in place but if the City could adopt one to maintain any new work done we would be ahead. Once we get this fixed we need to consider a preventative maintenance program.
- John Maresh pointed out that the pipe that was installed originally was either concrete or clay. Everything used now is PVC or polyethylene which is better and not subject to deterioration with the sewer gases.
- Robert Gracia stated we are in the process of doing a complete assessment of all of our assets and we have identified issues City wide from infrastructure to facilities and will be providing our findings during the budget workshop coming up in March. We have been aggressively identifying those problems.
- Councilor Benton concurred because this is not something frivolous he had no problem with certificates of obligation being issued for some of these costs.
- What are some examples of the band-aid solutions used for the B.F. Terry lift station?
- John Maresh stated an on-going issue is the pumps are so old you cannot get parts for them. New ones have to be bought and retrofit them. We replaced one and the pumps are still losing prime. It is difficult to trouble shoot because the pipe is old and corroded and that is an on-going problem. The new stations are all submersible pumps and motors and a lot of those issues are eliminated.
- Councilor Benton asked how long the $12.5 million would be phased in – 3 to 4 years.
- John Maresh stated staff would have to look at that but that would be realistic. We could not do it at one time. It could be a five year program.
- Councilor Benton stated when folks pay their water bills they expect us to use those monies to improve or repair or expand. Hopefully, we have the cash flow to do that. Joyce Vasut seems to think we do.
- Joyce Vasut clarified we would have cash to start the process. If we issue CO's for these

projects that would all be CO's that we as the City would obligate water/sewer revenues to pay for. Depending on how much we did per year and how large the debt service that may require some increases in some sewer and water rates.

- Councilor McConathy referenced the first sheet showing the sanitary sewer lines – 167,031 linear feet of lines to be rehabbed. How does that equate to the read lines on the map? Are we talking about rehabbing all the lines throughout the City or just a portion? In terms of cost what is the cost of rehab versus new installation?
- John Maresh stated just a portion, the area within the service are for Plant 1A. The lines are being replaced because there is not a way to rehab where the pipe is gone. On large diameter lines a liner can be put inside the pipe and heat it and expand and forms a new pipe inside the existing pipe. That works well and is cost effective for the large diameter pipes but the typical lines that service the residential homes and alleys in many cases are 6" lines that are small and when you try to insert a sleeve you are restricting the size of that pipe. We have found it is more cost effective to pipe burst and pull a cable through the existing line and pull a new polyethylene pipe and install a new pipe. By doing that you are able to increase it and get more capacity in that line.
- Councilor McConathy asked if we are documenting where our water/wastewater lines are being placed for future generations of City employees to follow.
- John Maresh stated on what is being replaced as we go along. We need to work on mapping the existing water and sewer lines to get a general inventory of our system. We are doing that as we do replacement work but overall we have not been able to put the time and effort into that.
- Councilor McConathy does not disagree. This needs to be done. She will support this project.
- Mayor Morales asked Council, based on Joyce Vasut's comment, we would want to move forward with the engineering as soon as possible and want staff to come back with a plan of how we would proceed in phases with those costs tied to possible CO's.
- Councilor Benton stated the Timber Lane area, Damon, Louise, Georgina and Millie Streets were redone. A lot of the north side has been redone.
- John Maresh stated yes. We have been able to use the Community Development Block Grant (CDBG) grant funds for the north side. There are a few areas we cannot use CDBG funding for because some areas are in the flood plain and CDBG does not allow us those funds for lines that are within the flood plain. We would have to have the City fund that portion of that work. CDBG funds have been beneficial.

3. REVIEW AND DISCUSS PROPOSAL FOR ENGINEERING SERVICES FOR PROVIDING CONSTRUCTION PROJECT REPRESENTATION SERVICES FOR 2014, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.

Executive Session: This item has been placed on the Workshop Agenda to offer City Council the opportunity to discuss the Proposal for Engineering Services for Providing Construction Project Representation Services for 2014. The Proposal was initially presented to the Professional Services/Engineering Project Review Committee (Committee) on November 21, 2013. The Committee took action recommending the Proposal be placed on the next City Council Workshop Agenda to allow for further discussion. A copy of the Proposal was included in the agenda packet for review.

City Council has annually approved the Proposal from Jones & Carter, Inc., since its inception in 2009 as a means to provide consistent construction project oversight and to control the overall construction management costs for Capital Projects. The contracted inspection services have worked out well for the City during the past five (5) years and the inspectors have been able to monitor and observe numerous construction projects simultaneously. The inspectors are able to communicate with the City's Project Director on a daily basis. Jones & Carter, Inc. has a full-service construction phase department with adequate resources to manage multiple project inspections. They also have a sufficient number of inspectors that are familiar with the City of Rosenberg construction standards and are able to provide coverage when inspectors are unavailable due to vacations, illness or training. The current program also provides the greatest amount of flexibility to the City when the number of Capital Projects increases or decreases, as the City only pays for the actual hours of inspection time required.

CITY COUNCIL COMMUNICATION

March 18, 2014

ITEM #	ITEM TITLE
4	**Resolution No. R-1768 – FY2014 Sanitary Sewer Pipe Bursting Project Engineering Services Contract**

ITEM/MOTION

Consideration of and action on Resolution No. R-1768, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Contract for Engineering Services for Sanitary Sewer Pipe Bursting Project for engineering and surveying services for the FY2014 Sanitary Sewer Pipe Bursting Project, by and between the City and Kelly R. Kaluza and Associates, Inc., in the amount of $369,400.00.

FINANCIAL SUMMARY		ELECTION DISTRICT
Annualized Dollars: [X] One-time [ ] Recurring [ ] N/A	**Budgeted:** [ ] Yes [X] No [ ] N/A **Source of Funds:** N/A	[X] District 1 [ ] District 2 [X] District 3 [ ] District 4 [ ] City-wide [ ] N/A

SUPPORTING DOCUMENTS:

MUD #: N/A

1. Resolution No. R-1768
2. FY2014 Project Location Map
3. Wastewater Treatment Plant 1-A Service Area Map
4. Wastewater Treatment Plant 1-A Collection Line Rehab Cost Estimate
5. City Council Workshop Meeting Minute Excerpt – 01-28-14 – Please refer to previous Agenda item

APPROVALS

Submitted by:	Reviewed by:	Approved for Submittal to City Council:
John Maresh Assistant City Manager of Public Services	[X] Exec. Dir. of Administrative Services [ ] Asst. City Manager for Public Services [X] City Attorney ***LJL/rl*** [ ] City Engineer [ ] (Other)	Robert Gracia City Manager

EXECUTIVE SUMMARY

During the January 28, 2014, City Council Workshop, staff provided information regarding the overall condition of the sanitary sewer collection system within the Wastewater Treatment Plant No. 1A service area. Cost estimates to replace the remainder of the sewer collection system lines, certain lift stations, and replacement of the chemical disinfection system at the wastewater treatment plant were also provided. The overall objective is to complete the rehabilitation work in this service area within the next three (3) to four (4) year period.

The proposed FY2014 Sanitary Sewer Pipe Bursting Project (Project) is the next phase of the sewer collection system line replacement. This Project will complete the replacement of collection system lines north of Avenue F, along with additional lines that have deteriorated to the point beyond repair. This Project is necessary to maintain compliance with Texas Commission on Environmental Quality (TCEQ) regulations regarding sanitary sewer overflows and increased inflow/infiltration flows experienced during rain events. The Water/Wastewater Fund balance has sufficient funding for completion of the engineering services phase of the Project. A budget adjustment will be presented at the April 01, 2014 City Council Meeting. The Contract will be executed at such time the budget adjustment is approved. Upon completion of the engineering design and bidding process, the construction bid award would be placed on a future Agenda for City Council consideration and approval. The preliminary construction cost estimate for this

phase of the Project is approximately $3.5 million dollars. The construction will be funded with proceeds from proposed FY2014 Certificates of Obligation or Revenue Bonds, which will also be presented at the April 01, 2014 City Council Meeting.

Staff recommends approval of Resolution No. R-1768, authorizing the City Manager to execute a Contract for Engineering Services for Sanitary Sewer Pipe Bursting Project with Kelly R. Kaluza & Associates, Inc., for the engineering and surveying services for the FY2014 Sanitary Sewer Pipe Bursting Project, in the amount of $369,400.00.

RESOLUTION NO. R-1768

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 SANITARY SEWER PIPE BURSTING PROJECT FOR ENGINEERING AND SURVEYING SERVICES FOR THE FY2014 SANITARY SEWER PIPE BURSTING PROJECT, BY AND BETWEEN THE CITY OF ROSENBERG, TEXAS, AND KELLY R. KALUZA AND ASSOCIATES, INC., IN THE AMOUNT OF $369,400.00.

* * * * *

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

Section 1. The City Council of the City of Rosenberg hereby authorizes the City Manager to execute a Contract for Engineering Services for Sanitary Sewer Pipe Bursting Project (Contract) for the engineering and surveying services for the FY2014 Sanitary Sewer Pipe Bursting Project, by and between the City of Rosenberg, Texas, and Kelly R. Kaluza & Associates, Inc., in the amount of $369,400.00.

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 §

CONTRACT FOR ENGINEERING SERVICES FOR SANITARY SEWER PIPE BURSTING PROJECT 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 project schedule 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

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, judgment, 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

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 XV
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:

MR. JOHN MARESH
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. KELLY R. KALUZA
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 XVI
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 XVII
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) This Agreement is subject to the provisions of the Texas Prompt Payment Act, Texas Government Code Ch. 2251.

(h) 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: Kelly Kaluza
Kelly R. Kaluza, P.E.

DATE: 3/12/14

ATTACHMENT "A"

CITY OF ROSENBERG
DESIGN FOR THE CONSTRUCTION OF
SANITARY SEWER PIPE BURSTING PROJECT
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 and Surveying 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 Sanitary Sewer Line Pipe Bursting
  - Construction Details

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

(3) Submit construction plans and specifications to Texas Commission on Environmental Quality, Texas Department of Transportation, and City of Rosenberg for approval.

(4) Prepare and submit railroad pipeline crossing permit application form(s), provide all necessary construction plans, specifications and all other documentation or engineering design as may be required by each railroad company. Provide any supplemental information as may be requested by the railroad in order to obtain permit 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.
- Provide engineer's recommendation of bid award letter.

(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 and respond to Contractor RFI's.
- Interpret drawings and specifications.
- Review project submittals.

- Review material and equipment tests.
- Review monthly and final estimate for payment by the City of Rosenberg.
- Review pre-rehab TV inspection videos and approve for rehab.
- Review post-rehab TV inspection videos and approve work.
- Conduct a final inspection of the Project with the City of Rosenberg and submit recommendations regarding the Project status.
- Coordinate inspection and acceptance of any construction activity and pavement repair in TxDOT right-of-way with TxDOT.
- Coordinate 1-year warranty inspection and any required corrective items.

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 ten (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. Provide three (3) electronic copies of plans and contract documents to the City of Rosenberg in pdf. Format on CD's.

D. Record Drawing Construction Plans
- Preparation of record drawing construction plans upon completion of construction work.
- Provide three (3) full size blackline drawings, two (2) half-size copies and three (3) electronic copies in a pdf. format on CD's of the record construction drawings to the City of Rosenberg.

<u>Additional Services</u>

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 fifty (150) 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. Sanitary Sewer Pipe Bursting Project (See Attached Map Exhibit)

(A)	Preliminary and Engineering Design Phase -	$289,350.00
(B)	Construction Phase -	$ 18,550.00
(C)	Surveying and Reimbursement of Reproduction Cost -	$ 57,000.00
(D)	Record Drawing Construction Plans -	$ 4,500.00
	GRAND TOTAL =	$369,400.00

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

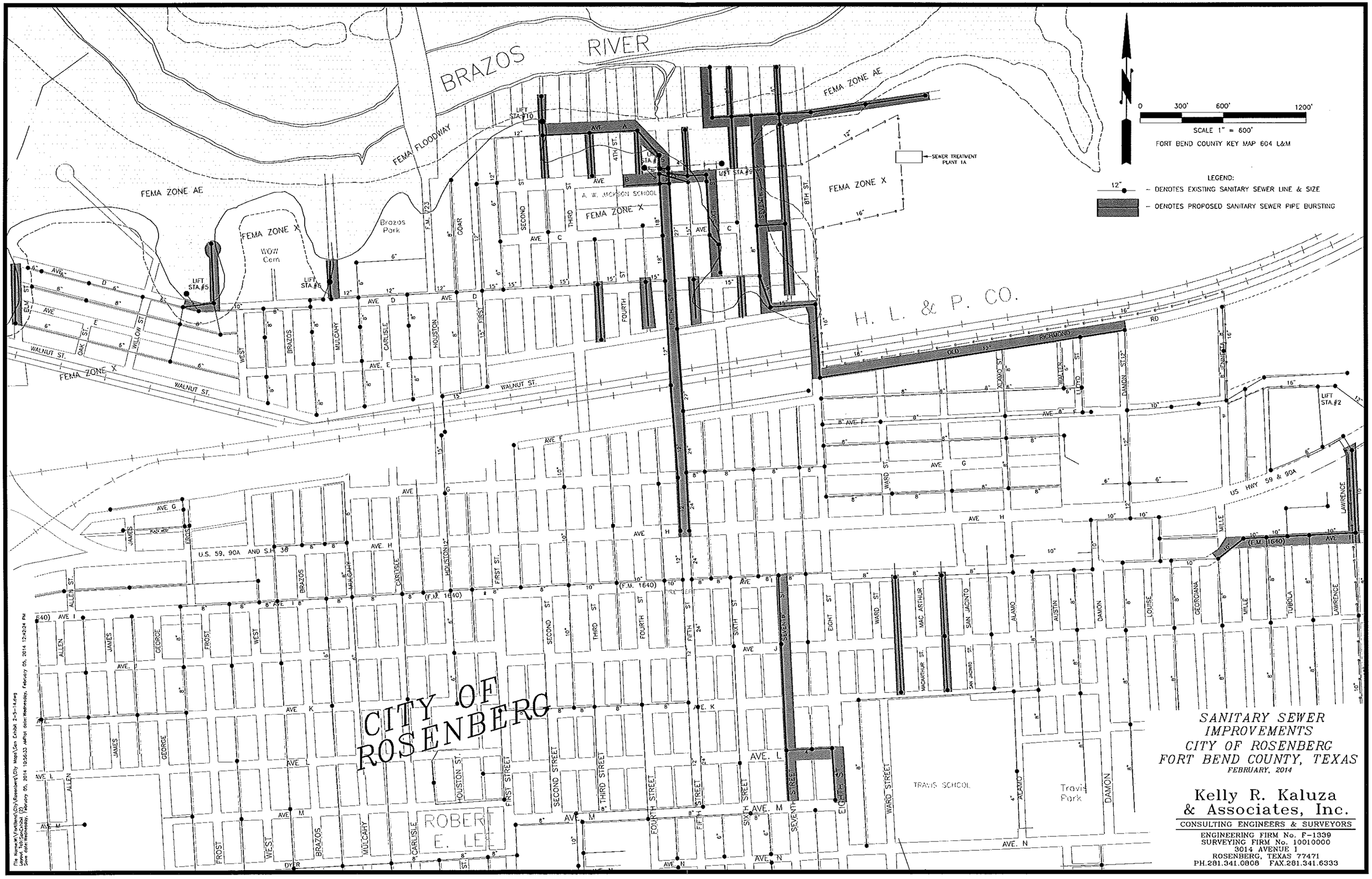
Principal	$ 175.00/Hour
Sr. Project Manager	$ 150.00/Hour
Project Manager	$ 145.00/Hour
Survey Manager	$ 140.00/Hour
Project Engineer	$ 110.00/Hour
Project Surveyor	$ 90.00/Hour
Sr. Designer	$ 90.00/Hour
Designer	$ 80.00/Hour
CAD Technician	$ 70.00/Hour
Contract Coordinator	$ 65.00/Hour
Secretarial	$ 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



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 I
ROSENBERG, TEXAS 77471
PH.281.341.0808 FAX.281.341.6333

File Name:W:\Fortbend\City\Rosenberg\City Map\San Exhibit 2-5-14.dwg
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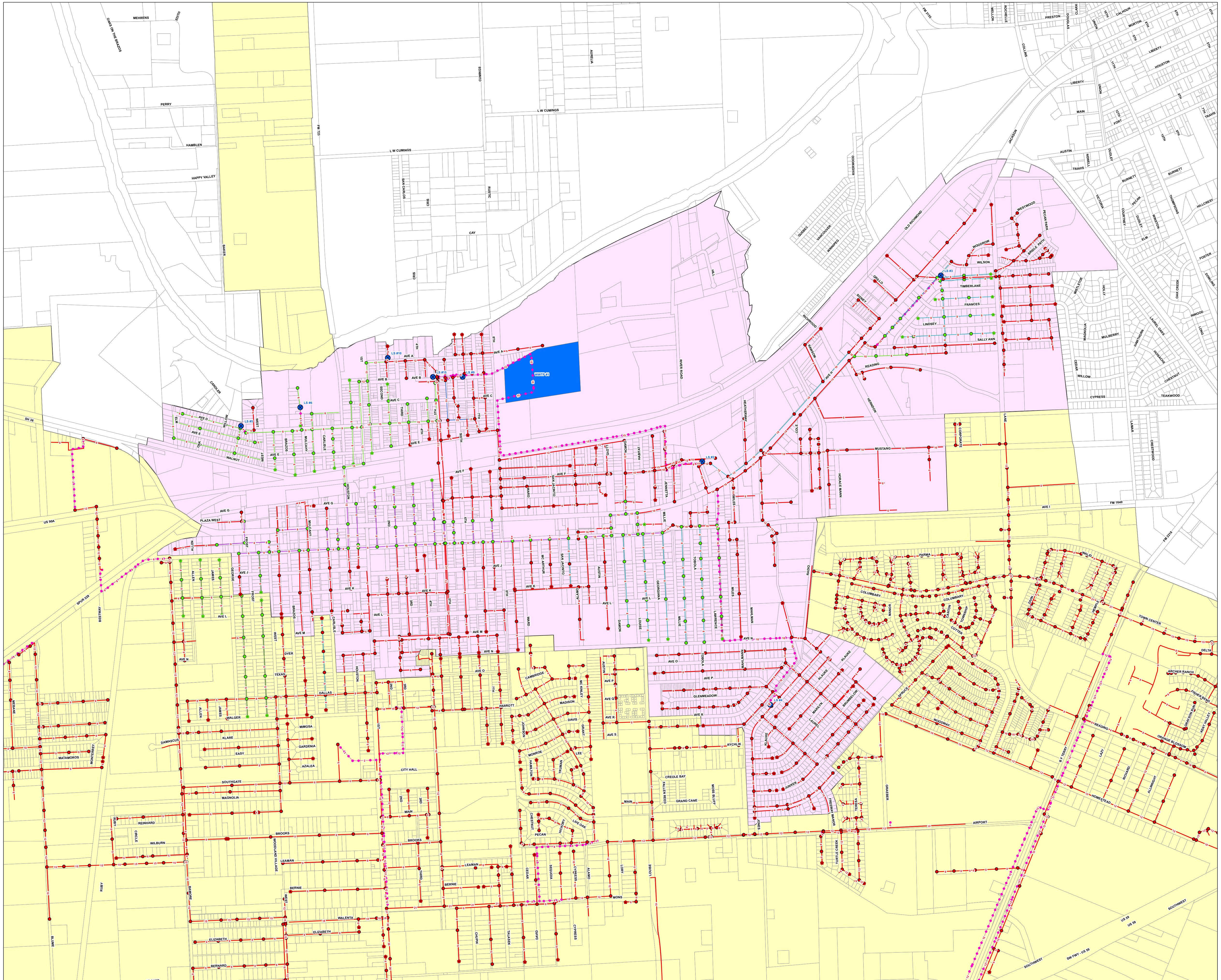

VICINITY MAP
Scale: 1 inch equals 5 miles

LEGEND

- FBCAD Parcel
- Rosenberg City Limits
- WWTP 1A Service Area
- Lift Station
- Wastewater Treatment Plant

Sanitary Sewer Connection
- Manhole
- Cleanout
- Manhole (Previously Rehabed)
- Cleanout (Previously Rehabed)

Sanitary Sewer Line
- To Be Rehabed
- 2008 Rehab
- 2009 Rehab
- 2010 Rehab
- 2011 Rehab
- 2013 Rehab
- Forcemain

CITY OF ROSENBERG
FORT BEND COUNTY, TEXAS

JONES & CARTER, Inc.
ENGINEERS • PLANNERS • SURVEYORS

WWTP 1A SANITARY SEWER CONDITIONS

N
W E
S

1 inch equals 500 feet

Disclaimer:
This product is offered for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property, governmental and/or political boundaries or related facilities to said boundary. No express warranties are made by Jones & Carter, Inc. concerning the accuracy completeness, reliability, or usability of the information included within this exhibit.

Coordinate System: NAD 83 TX S CENTRAL 4204 FEET
Vertical Datum: NAVD 1988

CITY OF ROSENBERG
WASTEWATER TREATMENT PLANT 1A SERVICE AREA
COLLECTION LINE REHAB

	Total	Rehabed	To Be Rehabed	Rehab Cost
Sanitary Sewer Lines (lf)	251,088	84,164	166,924	$9,030,000
Manholes	586	183	403	$430,000
Services			1,766	included in line costs
Total Construction				$9,460,000
Contingencies (15%)				$1,420,000
Engineering				$1,630,000
Total				**$12,510,000**

CITY COUNCIL COMMUNICATION

March 18, 2014

ITEM #	ITEM TITLE
5	**Resolution No. R-1770 - Business Assistance Grant Program**

ITEM/MOTION

Consideration of and action on Resolution No. R-1770, a Resolution regarding the Guidelines and Criteria, Grant Application and Application for Appeal Request for the City of Rosenberg Business Assistance Grant Program.

FINANCIAL SUMMARY

Annualized Dollars:

[ ] One-time
[X] Recurring
[ ] N/A

Budgeted:

[X] Yes [ ] No [ ] N/A

Source of Funds:

410-0000-550-5745

ELECTION DISTRICT

[ ] District 1
[ ] District 2
[ ] District 3
[ ] District 4
[X] City-wide
[ ] N/A

SUPPORTING DOCUMENTS:

MUD #: N/A

1. Resolution No. R-1770
2. Business Assistance Grant Program Guidelines and Criteria - Redlined
3. City Council Meeting Draft Minute Excerpt – 02-25-14

APPROVALS

Submitted bv:

Rachelle Kanak
Assistant Economic Development Director

Reviewed by:

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

Approved for Submittal to City Council:

Robert Gracia
City Manager

EXECUTIVE SUMMARY

On February 25, 2014, City Council discussed proposed revisions to the Avenue H Business Assistance Grant Program. Staff was directed to revise the proposed agreement to address the maintenance of landscaping in the grant criteria, raise the maximum grant award to $10,000, and develop an appeals process for applicants who were denied a grant. The attached redlined Business Assistant Grant Program Guidelines and Criteria incorporates these changes. Staff was directed to make the requested revisions and submit to City Council for consideration of the revised criteria.

Resolution No. R-1770 includes the revised Program guidelines as Exhibit “A”, the grant application as Exhibit “B”, and the application for appeal request as Exhibit “C”. Staff recommends approval of Resolution No. R-1770 as presented.

RESOLUTION NO. R-1770

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, REGARDING THE GUIDELINES AND CRITERIA, GRANT APPLICATION AND APPLICATION FOR APPEAL REQUEST FOR THE CITY OF ROSENBERG BUSINESS ASSISTANCE GRANT PROGRAM.

* * * * *

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

Section 1. The Guidelines and Criteria, Grant Application, and Application for Appeal Request for the City of Rosenberg Business Assistance Program are hereby approved. Copies of such documents are attached hereto as Exhibit "A", Exhibit "B", and Exhibit "C", 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**

BUSINESS ASSISTANCE GRANT PROGRAM
GUIDELINES AND CRITERIA

Section 1. Sponsor

City of Rosenberg.

Section 2. Purpose

The purpose of this Program is to enhance the economic vitality of the City of Rosenberg by encouraging visually appealing physical improvements to local business establishments.

Section 3. Grant Type

Grants provided are Reimbursement Grants, such grants being a cash match for funds disbursed by an Applicant, and are in amounts not to exceed those provided under Section 6, "Type of Grants" below. In-kind contributions may not be used as a part or whole of an Applicant's match. Only Applicant's cash expenditures may be used as a grant match.

Section 4. Funding Cycle

Funding cycles shall be October 1st through September 30th. For each funding cycle, the City shall designate an amount of funding for that cycle. Upon depletion of those funds, the City will be under no obligation to fund additional grants. Likewise, the City is under no obligation to establish future cycles.

Section 5. Eligibility

A. Any new or existing business within the Rosenberg City Limits.

B. Business facilities also serving as a residence are not eligible.

C. Business facilities and/or properties which have outstanding financial obligations to the City of Rosenberg, such as liens, court fines, City utility bills, or delinquent property taxes are not eligible.

D. Business facilities and/or property owners which have an ongoing lawsuit or are in any way parties to litigation against the City of Rosenberg are not eligible.

Section 6. Type of Grants

A. FAÇADE IMPROVEMENT: Improvements to storefronts, including, but not limited to, items such as painting, reconstruction, and remodeling.

Up to a 50% matching grant with maximum of $10,000.

B. SIGN IMPROVEMENTS: New signs, and renovation or removal of existing signs.

Up to a 50% matching grant with a maximum of $10,000.

C. PROPERTY IMPROVEMENT: Items such as landscaping (if irrigated and maintained or warranted for one year), lighting, sidewalk and driveway improvements, parking lot improvements.

Up to a 50% matching grant with a maximum of $10,000.

D. DEMOLITION: Demolition of abandoned signs and structures.

Up to a 50% matching grant with a maximum of $10,000.

Section 7. Guidelines

A. Proof of ownership will be required of Applicants operating a business in an owned facility or owners of a business facility.

B. An Applicant operating in a leased facility must apply jointly with property owner. Copies of a lease agreement and proof of ownership will be required.

C. Grant funding will be limited to one (1) grant to any one (1) Applicant during a calendar year.

D. Improvements shall be made in accordance with project drawings, specifications, and/or information provided in the application, such having been previously approved by the City. Failure to do so will render the Applicant ineligible to receive grant funding. Any modifications must first receive the written approval of the City or its designee. Failure to do so will likewise render the Applicant ineligible to receive grant funding.

E. Applicant is obligated to obtain all applicable permits related to the improvement project. Failure to do so will render the Applicant ineligible for grant funding.

F. The improvements, as presented in the application, must be completed in their entirety. Incomplete improvements will render the Applicant ineligible for grant funding.

G. Upon approval of a grant application, and during the implementation of the improvements, a representative or representatives of the City shall have the right of access to inspect the work in progress.

H. Improvements may not commence prior to having received written approval for a grant from the City.

I. In order to be eligible to receive the grant funding, improvements must be completed within six (6) months of receiving grant approval from the City.

J. All landscaping installed in the scope of the project must be irrigated and maintained or warrantied by the Applicant for minimum of one (1) year from the date of installation.

1. If landscaping is considered as part of the grant request, an underground irrigation system shall be employed and said landscaping shall be irrigated and maintained. Trees, plants,

shrubs, or groundcover, as approved in the grant proposal, shall be replaced if they become diseased, damaged, or die.

K. All applications must contain a cost estimate (bid) from a minimum of two (2) qualified contractors or suppliers.

L. Labor provided by the Applicant or his/her employees may not be included in the cost estimate of the project and is not reimbursable through this Program.

Section 8. Application & Approval

1. Applications must be made on a form provided by the City, and may be obtained at the Rosenberg City Hall, 2110 4th Street, Rosenberg, Texas 77471, or on the City website at www.ci.rosenberg.tx.us.

2. Applications will be considered on a monthly basis and must be submitted by the last day of each month.

3. Monthly consideration of applications may be delayed in the event the City elects for any reason not to consider grant applications for any particular month.

4. One (1) original and one (1) copy of an application must be submitted.

5. The City reserves the right to utilize whatever outside resources it deems necessary for assistance in its decision-making process.

6. Applicants must score a minimum of sixty (60) points on the evaluation guidelines to be eligible for approval.

7. Applicants will be notified in writing of the City's approval or disapproval of an application.

   Applicants who have been denied grant funding may appeal the Review Committee's decision to City Council. Applicants who choose to appeal the Committee's decision must complete the Application to Appeal and submit the Application to Appeal to the Economic Development Director, within ten (10) days from the date of the grant denial. The Committee will, (within 15 days of receipt of the completed Application to Appeal), submit the appeal to City Council for their review, and the appeal will be placed on City Council's calendar at the first available date. Applicant will be notified as to when the appeal will be heard by City Council, and the applicant will have the opportunity to address City Council at that time. Applicant will be notified in writing of the City Council's decision.

8. The City may award Applicant a grant with certain provisions, conditions, or other requirements as it may from time to time deem appropriate.

9. The City of Rosenberg reserves unto itself the absolute right of discretion in deciding whether or not to approve a grant relative to this application. The Applicant accepts that the all decisions relating to the award of grant funds involves subjective judgments on the part of the decision-making entity related to the aesthetics of the proposed project and the granting of award funds for said project.

10. The City reserves the right to waive any requirement(s) herein contained, and/or add any requirements(s) it deems to appropriate in making its determination of approval or disapproval of a grant(s) application.

11. Application shall include photos of the existing conditions to be improved.

Section 9. Evaluation Criteria Standards

The following factors shall be considered in determining whether or not to award a grant. Grant applications must score a minimum of sixty (60) points to be considered for funding. A score of sixty (60) or more points does not guarantee funding. All funding is contingent on remaining funds availability.

The evaluation matrix is a guide to assist the Review Committee in the evaluation process. The business Applicant does not need to address each criterion in the impact standard to receive the total number of allotted points. The criteria within each impact standard are examples of the types of criteria the Review Committee may consider:

Visual Impact	**Possible Points**	**Awarded Points**
• Improvement in the attractiveness of the location and the level of blight or deterioration removed; • Paint color/sign chosen are tasteful and consistent with surrounding businesses; • Paint chips/sign materials/landscaping materials are submitted with application and final project reflects what was submitted and approved; • Level of improvements' impact on overall appearance of facility. • Productive life of improvements.	**30**	
Economic Impact • Amount of additional funding expended by business; • Appropriateness of business to overall economic development in the surrounding neighborhood; • Traffic level of roadways adjacent to improvement; • Mitigation of health and safety issues; • Reuse of vacant or underutilized property.	**25**	
Historical/Community Impact • Level of historical significance of building/area being improved; • Level of value added to the community by the business; • Level of interest/desire for business in the community; • Level of attention to historical architecture (if applicable).	**25**	
Location Impact • Business located on Avenue H (between Bamore Road and Lane Drive).	**20**	

Section 10. Funding

A. Funding will only be provided on a reimbursement basis upon the completion of the project in accordance with Section 7D above and following an on-site inspection of the improvements.

B. The City shall be granted the right to inspect the improvement work in progress and upon completion.

C. Applicant shall provide the City with written notification of project completion. Such notification shall include a letter signed by the Applicant stating that all improvements have been completed in accordance with the application and/or approved modifications, and that full payments has been made for all labor and materials involved in the project. Also included in such notification shall be such documents as, but not limited to, paid receipts for materials and labor, permits, inspection reports, project photographs, or any other items the City may reasonably deem necessary for determining the successful completion of the project.

D. Upon receipt of a notification of completion, an on-site inspection shall be made by a representative or representatives of the City to confirm, completion in accordance with the application and/or approved modifications, such inspection shall not be considered in any way as a reflection of the City's approval on the quality, safety, or reliability of the improvements, such being the sole responsibility of Applicant.

E. At the next regular Review Committee meeting following the on-site inspection, a written statement by the city representatives shall be provided to the Review Committee testifying either to (1) compliant project completion, or (2) non-compliant project completion. In the event of a "non-compliant report", the Review Committee will review the findings, and if in agreement with the report, a letter shall be issued to the Applicant stating the area/areas of non-compliance. The project shall be subject to re-inspection to confirm the successful completion of the project. Failure to correct the area/areas of non-compliance within thirty (30) days of the date of the "non-compliant letter" shall be cause for cancellation of the grant.

F. At the regular meeting at which a "compliant" inspection report is provided, a motion to authorize funding will be adopted. Issuance of payment shall take place within ten (10) days of the funding authorization.

G. In order to receive approval of a reimbursement, all projects should be completed by August 15 of the budget year in which the grant was approved.

Section 11. Review Committee

The Business Assistance Grant Review Committee (Review Committee) will review and score all applications. Said Review Committee will be comprised of five (5) members, with a representative from each of the following: Rosenberg City Council, the Rosenberg Image Committee, the Rosenberg Development Corporation, the West Fort Bend Management District, and the Rosenberg Planning Commission. The Economic Development Director for the City will serve as the staff liaison for the Review Committee. Each member shall be chosen by the entity on which they currently serve.

Section 12. Amendment

The City Council reserves unto itself the right to amend these Guidelines and Criteria as it may from time to time find desirable.

Section 13. Notice

A. THE PROVISION OR DELIVERY OF THESE GUIDELINES AND CRITERIA TO AN INTERESTED PARTY DOES NOT CONSTITUTE AN OFFER OF AN IMPROVEMENT GRANT TO THAT PARTY.

B. THE ADOPTION OF THESE GUIDELINES AND CRITERIA DOES NOT LIMIT THE DISCRETION OF THE CITY TO DECIDE WHETHER TO PROVIDE OR NOT PROVIDE A GRANT TO AN APPLICANT, WHICH ABSOLUTE RIGHT OF DISCRETION THE CITY RESERVES UNTO ITSELF, WHETHER OR NOT SUCH DISCRETION MAY BE DEEMED ARBITRARY OR WITHOUT BASIS IN FACT.

C. THE ADOPTION OF THESE GUIDELINES AND CRITERIA DOES NOT CREATE ANY PROPERTY, CONTRACT, OR OTHER LEGAL RIGHTS IN ANY PERSON TO HAVE THE CITY PROVIDE GRANT FUNDING.

D. THE LAWS OF THE STATE OF TEXAS SHALL GOVERN THE INTERPRETATION, VALIDITY, PERFORMANCE, AND ENFORCEMENT OF THIS BUSINESS ASSISTANCE GRANT PROGRAM. IF ANY PROVISION OF THIS PROGRAM SHALL BE HELD TO BE INVAILD OR UNENFORCEABLE, THE VALIDITY AND ENFORCEABILITY OF THE REMAINING PROVISIONS OF THIS PROGRAM SHALL NOT BE AFFECTED THEREBY.

E. THE CITY, ITS EMPLOYEES, AND ITS AGENTS, DO NOT ATTEST TO THE QUALITY, SAFETY, OR CONSTRUCTION OF A PROJECT ELIGIBLE FOR, OR RECEIVING GRANT FUNDING. THEREFORE, THE CITY, ITS EMPLOYEES, AND AGENTS SHALL BE HELD HARMLESS BY THE APPLICANT/APPLICANTS FOR ANY AND ALL DAMAGES ASSOCIATED WITH THE PLANNING, CONSTRUCTION, AND SUBSEQUENT EXISTENCE OF ANY PROJECT WHOSE APPLICATION HAS BEEN APPROVED, OR HAS RECEIVED ACTUAL GRANT FUNDING.

Business Assistance Grant Program Agreement

The Rosenberg City Council has adopted policies to implement reasonable measures, as are permitted by law, to attract and promote the development of new and expanded business enterprises within the City, including a Business Assistance Grant Program. The City ("Grantor") hereby enters into an agreement with **<BUSINESS NAME>** ("Grantee") for an economic development grant in the amount of **<$GRANT AMOUNT>**, in exchange for improvements made to property, as specified in the attached application. The terms of this agreement are as follows:

1. The Company and/or its contractors shall perform all project work in accordance with the Business Assistance Grant Project Guidelines and Criteria as well as within the parameters enumerated in the submitted grant application.

2. Upon completion of the project and verification by the grant committee or a committee designee of the improvement's adherence to the project Guidelines and Criteria and submitted application, the City will reimburse the business owner as per the terms of the project guidelines.

3. The program Guidelines and Criteria as well as a copy of the submitted grant application are included as attachments to this agreement.

4. The Grantee understands and agrees that if the Grantee is convicted of a violation under 8 U.S.C. Section 1324a(f), the Grantee will reimburse the Grantor the total amount of any payment or incentive made to, or on behalf of, the Grantee within one hundred twenty (120) days after the conviction and City of Rosenberg's notification to the Grantee of the exercise of City's reimbursement remedy.

The Grantee certifies that the above information, and all information contained in the grant application are correct and accurate, and furthermore, the Grantee understand that if he/she has misrepresented anything on this form or grant application, the City of Rosenberg is under no obligation to provide reimbursement funds. Furthermore, if reimbursement funds have already been distributed, the Grantee will be liable to reimburse the City of Rosenberg for any amount reimbursed to it, and that it will forfeit any future eligibility for grant funds. The Grantor certifies that the funds approved are available and have been reserved solely for the purpose provided in this agreement.

PLEASE SUBMIT A COMPLETED W-9 FORM WITH YOUR EXECUTED GRANT AGREEMENT.

For the Grantee:

Signed: _____ Date: _____

Printed Name: _____ Title: _____

For the Grantor:

Signed: _____ Date: _____

Printed Name: _____ Title: _____

Business Assistance Grant Program

APPLICATION
TO
CITY OF ROSENBERG

Please Note:

1. *Please review the Business Assistance Grant Program guidelines and criteria prior to the submission of a grant application.*

2. *Submit the original and one (1) copy of the completed application.*

3. *All parties having an ownership in the business or facility must be parties to this application.*

4. *Applications must be submitted jointly by both the lessee and the lessor for businesses operating in leased facilities.*

5. *Applications must be submitted by the last business day of the quarter in order to be eligible for consideration the following month.*

6. *Applications must contain a minimum of two (2) cost estimates from qualified contractors and/or suppliers.*

7. *Applications may be submitted to and additional information obtained from:*

Interim Economic Development Director
City of Rosenberg
P.O. Box 32
Rosenberg, TX 77471-0032
Office: 832.595.3330
rachellek@ci.rosenberg.tx.us

(PLEASE PRINT IN BLUE/BLACK INK OR TYPE)

1. Applicant/Applicants' name(s)_____

2. Type of grant(s) being requested (check all that apply):

Façade ❑ Sign ❑ Property Improvement ❑ Demolition ❑

3. Business name_____

4. Mailing address_____

5. Applicant contact: Phone_____ Fax_____

E-mail_____

6. Physical address of property for which grant is being requested

_____

7. This business is a: Sole proprietorship ❑ Partnership ❑ Corporation ❑
Other_____
(Please state)

A. Please provide applicable business documentation such as DBA, Partnership Agreement, Corporate Charter, etc.

8. Brief description of business activity (Attach additional sheets, if necessary)

_____
_____
_____
_____

9. Is the property owned or leased by the Applicant? Owned ❑ Leased ❑

A. If owned, please provide proof of ownership

B. If leased:

a. Please provide a copy of the lease agreement
b. Name of lessor_____
c. Address of lessor_____
d. Lessor contact: Phone_____ E-mail_____

10. Date business established in Rosenberg, TX_____

11. Number of employees_____

City of Rosenberg Business Assistance Grant Program

12. Please provide a description of the proposed project
    (Attach additional sheets, if necessary, and please consider review criteria to ensure the committee has all relevant information on your project)

    _____
    _____
    _____
    _____
    _____
    _____
    _____
    _____

    A. For Façade Improvements: Please list the colors you plan to use and provide color chip samples from a paint supply store (such as Sherwin Williams, Benjamin Moore, etc.)
    Colors:_____

    B. For Sign Improvements: Please list the colors you plan to use and provide color chip samples
    Colors:_____

    C. For Property Improvements: Please provide any additional information which would further help describe this project.

    D. For Demolitions: Please provide any additional information which would further describe this project.

    E. General: Please provide any additional materials which will assist with the description of your project (photographs, plans, etc.).

13. Amount of grant funds requested (Maximum of $10,000)_____

14. Total cost of the project_____
    A. Labor cost_____
    B. Materials Cost_____

15. Estimated start date of project_____

16. Estimated completion date of project_____

17. Please attach photos of the existing conditions.

18. Please provide any additional information you believe to be important concerning this grant application on pages attached for that purpose.

City of Rosenberg Business Assistance Grant Program

I (we) the undersigned do hereby acknowledge and/or certify the following:

1. Prior to the submission of this application, a copy of the "Guidelines and Criteria" for the Business Assistance Grant program has been obtained, reviewed and clearly understood.

   ____ Initials

2. The submission of this Application does not create any property, contract or other legal rights in any person or entity to have the Grantor provide grant funding.

   ____ Initials

3. If the grant funding is approved, full compliance will be maintained with all the provisions of the "Guidelines and Criteria", and/or special provisions attached as part of the grant. Failure to do so can be grounds for ineligibility to receive previously approved grant funding.

   ____ Initials

4. If grant funding is approved, a designee(s) of the City of Rosenberg shall have the right to inspect the work in progress, as well as the completed improvements.

   ____ Initials

5. All grant funding is contingent upon the continued availability of grant funds. The City of Rosenberg reserves the right to decrease funding or cancel the grant program at its sole discretion.

   ____ Initials

6. The City of Rosenberg reserves unto itself its absolute right of discretion in deciding whether or not to approve a grant relative to this application. The Applicant accepts that the all decisions relating to the award of grant funds involve subjective judgments, on the part of the decision-making entity, related to the aesthetics of the proposed project and the granting of award funds for said project. The City of Rosenberg reserves the right to waive or add to any of the requirements of a grant application as it deems necessary.

   ____ Initials

7. The City of Rosenberg, its employees and its agents shall be held harmless for any damages, both personal and property, which may result directly or indirectly from any incident associated with subject project of this Application both during and after construction, and that the City of Rosenberg, its employees, and its agents shall not be liable for any debts incurred in association with the execution and completion of the subject project of this Application, and further that I (we) the Applicant/Applicants assume all responsibility for any and all of the aforementioned liabilities.

   ____ Initials

8. The laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of the "Guidelines and Criteria", and this Application, and that if any provision or provisions of these should be held invalid or unenforceable, the validity and enforceability of the remaining provisions shall not be affected thereby.

   ____ Initials

9. The information provided in this Application has been provided voluntarily, and may be relied on as being true and correct, and that the City of Rosenberg may rely on the signatures affixed hereto as if the same had been signed by Applicant(s) before a Notary Public or other authorized officer to administer oaths and to take acknowledgements.

   ____ Initials

10. State law requires that, by signing and submitting this application, you certify that the company, its branches, divisions and departments (company) do not and will not knowingly employ an undocumented worker. An agreement with the company will require the company to repay the total amount of the public benefit received with interest at the rate and according to the terms of the agreement if the company is convicted of a violation under 8 U.S.C. Section 1324a (f). Repayment will be due no later than the 120th day after the date the City notifies the company of the violation as provided in the agreement.

    An undocumented worker is an individual who, at the time of employment, is not:
    a. lawfully admitted for permanent residence to the United States; or
    b. authorized under law to be employed in that manner in the United States.

    ____ Initials

APPLICANT SIGNATURES

Signed this __ day of _____, 201_

_____
(Print Applicant Signature)

_____
(Applicant Signature)

Signed this __ day of _____, 201_

_____
(Print Property Owner Signature)

_____
(Property Owner Signature)

APPLICATION CHECKLIST

1. Original and one copy of application _____
2. All owners as parties to the application _____
3. Lessor and lessee as parties to the application _____
4. Business documentation (DBA, Corp. Charter, etc.) _____
5. Property proof of ownership _____
6. Copy of lease agreement _____
7. Project plans, specifications, photographs, etc. _____
8. Project cost estimates (2 Bids) _____
9. Photos of existing conditions _____

Business Assistance Grant Program
Appeal Request

Applicant/Applicants' Name(s)_____

Business Name_____

Mailing Address_____

Applicant Contact: Phone_____ Fax_____

E-mail_____

Physical address of property for which grant was being requested:

_____

Date of Grant Application: _____ Date Grant Denied: _____

Amount of Requested Award: _____

I filed a grant application, under the conditions outlined in the Rosenberg Business Assistance Grant Application and Guidelines, with the Rosenberg Business Assistance Grant Review Committee. My grant was denied. With my signature below, I request my grant application be appealed to City Council for their consideration. (Please initial each statement and sign below)

_____ I understand City Council's decision is final and may not be appealed further.

_____ I understand I have 10 business days from the date the grant was denied to request an appeal (via email date or postmarked date).

_____ I understand the Economic Development Director has 15 business days from the date of receipt to submit my appeal to City Council, and my appeal will be placed on City Council calendar for review at the first available meeting date as determined by the City Manager's Office.

_____ I understand I will be informed by City staff in writing of the date of the appeal review by City Council, and I will be given an opportunity to address Council if I so choose.

_____ I have included all documents as described on page two of this appeal application and my Application to Appeal is complete and timely.

_____ _____
Applicant's Signature Date

Applications for Appeal should be mailed, delivered, or emailed to:
Interim Economic Development Director
City of Rosenberg
PO Box 32, 2110 4th Street
Rosenberg, Texas 77471
Email rachellek@ci.rosenberg.tx.us

Please submit the following with your request for appeal:

1. Initial application for Business Assistance Grant Program (with all attachments and included documentation)

2. Letter of Denial from the City of Rosenberg's Business Assistance Grant Program Review Committee.

3. A personal statement from you as to why you believe your grant application should be approved. Please address each area outlined in the Letter of Denial from the Review Committee.

Applications for Appeal should be mailed, delivered, or emailed to:
Interim Economic Development Director
City of Rosenberg
PO Box 32, 2110 4th Street
Rosenberg, Texas 77471
Email rachellek@ci.rosenberg.tx.us

BUSINESS ASSISTANCE GRANT PROGRAM
GUIDELINES AND CRITERIA

Section 1. Sponsor

City of Rosenberg.

Section 2. Purpose

The purpose of this Program is to enhance the economic vitality of the City of Rosenberg by encouraging visually appealing physical improvements to local business establishments.

Section 3. Grant Type

Grants provided are Reimbursement Grants, such grants being a cash match for funds disbursed by an Applicant, and are in amounts not to exceed those provided under Section 6, "Type of Grants" below. In-kind contributions may not be used as a part or whole of an Applicant's match. Only Applicant's cash expenditures may be used as a grant match.

Section 4. Funding Cycle

Funding cycles shall be October 1st through September 30th. For each funding cycle, the City shall designate an amount of funding for that cycle. Upon depletion of those funds, the City will be under no obligation to fund additional grants. Likewise, the City is under no obligation to establish future cycles.

Section 5. Eligibility

A. Any new or existing business within the Rosenberg City Limits.

B. Business facilities also serving as a residence are not eligible.

C. Business facilities and/or properties which have outstanding financial obligations to the City of Rosenberg, such as liens, court fines, City utility bills, or delinquent property taxes are not eligible.

D. Business facilities and/or property owners which have an ongoing lawsuit or are in any way parties to litigation against the City of Rosenberg are not eligible.

Section 6. Type of Grants

A. FAÇADE IMPROVEMENT: Improvements to storefronts, including, but not limited to, items such as painting, reconstruction, and remodeling.

Up to a 50% matching grant with maximum of $~~2,500~~10,000.

B. SIGN IMPROVEMENTS: New signs, and renovation or removal of existing signs.

Up to a 50% matching grant with a maximum of $~~2,500~~10,000.

C. PROPERTY IMPROVEMENT: Items such as landscaping (if irrigated and maintained or warranted for one year), lighting, sidewalk and driveway improvements, parking lot improvements.

Up to a 50% matching grant with a maximum of $~~2,500~~10,000.

D. DEMOLITION: Demolition of abandoned signs and structures.

Up to a 50% matching grant with a maximum of $~~2,500~~10,000.

Section 7. Guidelines

A. Proof of ownership will be required of Applicants operating a business in an owned facility or owners of a business facility.

B. An Applicant operating in a leased facility must apply jointly with property owner. Copies of a lease agreement and proof of ownership will be required.

C. Grant funding will be limited to one (1) grant to any one (1) Applicant during a calendar year.

D. Improvements shall be made in accordance with project drawings, specifications, and/or information provided in the application, such having been previously approved by the City. Failure to do so will render the Applicant ineligible to receive grant funding. Any modifications must first receive the written approval of the City or its designee. Failure to do so will likewise render the Applicant ineligible to receive grant funding.

E. Applicant is obligated to obtain all applicable permits related to the improvement project. Failure to do so will render the Applicant ineligible for grant funding.

F. The improvements, as presented in the application, must be completed in their entirety. Incomplete improvements will render the Applicant ineligible for grant funding.

G. Upon approval of a grant application, and during the implementation of the improvements, a representative or representatives of the City shall have the right of access to inspect the work in progress.

H. Improvements may not commence prior to having received written approval for a grant from the City.

I. In order to be eligible to receive the grant funding, improvements must be completed within six (6) months of receiving grant approval from the City.

J. All landscaping installed in the scope of the project must be irrigated and maintained or warrantied by the Applicant for minimum of one (1) year from the date of installation.

J.1. If landscaping is considered as part of the grant request, an underground irrigation system shall be employed and said landscaping shall be irrigated and maintained. Trees, plants, shrubs, or groundcover, as approved in the grant proposal, shall be replaced if they become diseased, damaged, or die.

K. All applications must contain a cost estimate (bid) from a minimum of two (2) qualified contractors or suppliers.

L. Labor provided by the Applicant or his/her employees may not be included in the cost estimate of the project and is not reimbursable through this Program.

Section 8. Application & Approval

1. Applications must be made on a form provided by the City, and may be obtained at the Rosenberg City Hall, 2110 4th Street, Rosenberg, Texas 77471, or on the City website at www.ci.rosenberg.tx.us.

2. Applications will be considered on a –monthly basis and must be submitted by the last day of each month.

3. Monthly consideration of applications may be delayed in the event the City elects for any reason not to consider grant applications for any particular month.

4. One (1) original and one (1) copy of an application must be submitted.

5. The City reserves the right to utilize whatever outside resources it deems necessary for assistance in its decision-making process.

6. Applicants must score a minimum of sixty (60) points on the evaluation guidelines to be eligible for approval.

7. Applicants will be notified in writing of the City's approval or disapproval of an application.

Applicants who have been denied grant funding may appeal the Review Committee's decision to City Council. Applicants who choose to appeal the Committee's decision must complete the Application to Appeal and submit the Application to Appeal to the Economic Development Director, within ten (10) days from the date of the grant denial. The Committee will, (within 15 days of receipt of the completed Application to Appeal), submit the appeal to City Council for their review, and the appeal will be placed on City Council's calendar at the first available date. Applicant will be notified as to when the appeal will be heard by City Council, and the applicant will have the opportunity to address City Council at that time. Applicant will be notified in writing of the City Council's decision.

7.

8. The City may award Applicant a grant with certain provisions, conditions, or other requirements as it may from time to time deem appropriate.

9. The City of Rosenberg reserves unto itself the absolute right of discretion in deciding whether or not to approve a grant relative to this application. The Applicant accepts that the all decisions

relating to the award of grant funds involves subjective judgments on the part of the decision-making entity related to the aesthetics of the proposed project and the granting of award funds for said project.

10. The City reserves the right to waive any requirement(s) herein contained, and/or add any requirements(s) it deems to appropriate in making its determination of approval or disapproval of a grant(s) application.

11. Application shall include photos of the existing conditions to be improved.

Section 9. Evaluation Criteria Standards

The following factors shall be considered in determining whether or not to award a grant. Grant applications must score a minimum of sixty (60) points to be considered for funding. A score of sixty (60) or more points does not guarantee funding. All funding is contingent on remaining funds availability.

The evaluation matrix is a guide to assist the Review Committee in the evaluation process. The business Applicant does not need to address each criterion in the impact standard to receive the total number of allotted points. The criteria within each impact standard are examples of the types of criteria the Review Committee may consider:

Visual Impact	**Possible Points**	**Awarded Points**
• Improvement in the attractiveness of the location and the level of blight or deterioration removed; • Paint color/sign chosen are tasteful and consistent with surrounding businesses; • Paint chips/sign materials/landscaping materials are submitted with application and final project reflects what was submitted and approved; • Level of improvements' impact on overall appearance of facility. • Productive life of improvements.	**30**	
Economic Impact • Amount of additional funding expended by business; • Appropriateness of business to overall economic development in the surrounding neighborhood; • Traffic level of roadways adjacent to improvement; • Mitigation of health and safety issues; • Reuse of vacant or underutilized property.	**25**	
Historical/Community Impact • Level of historical significance of building/area being improved; • Level of value added to the community by the business; • Level of interest/desire for business in the community; • Level of attention to historical architecture (if applicable).	**25**	

Location Impact • Business located on Avenue H (between Bamore Road and Lane Drive).	**20**	

Section 10. Funding

A. Funding will only be provided on a reimbursement basis upon the completion of the project in accordance with Section 7D above and following an on-site inspection of the improvements.

B. The City shall be granted the right to inspect the improvement work in progress and upon completion.

C. Applicant shall provide the City with written notification of project completion. Such notification shall include a letter signed by the Applicant stating that all improvements have been completed in accordance with the application and/or approved modifications, and that full payments has been made for all labor and materials involved in the project. Also included in such notification shall be such documents as, but not limited to, paid receipts for materials and labor, permits, inspection reports, project photographs, or any other items the City may reasonably deem necessary for determining the successful completion of the project.

D. Upon receipt of a notification of completion, an on-site inspection shall be made by a representative or representatives of the City to confirm, completion in accordance with the application and/or approved modifications, such inspection shall not be considered in any way as a reflection of the City's approval on the quality, safety, or reliability of the improvements, such being the sole responsibility of Applicant.

E. At the next regular Review Committee meeting following the on-site inspection, a written statement by the city representatives shall be provided to the Review Committee testifying either to (1) compliant project completion, or (2) non-compliant project completion. In the event of a "non-compliant report", the Review Committee will review the findings, and if in agreement with the report, a letter shall be issued to the Applicant stating the area/areas of non-compliance. The project shall be subject to re-inspection to confirm the successful completion of the project. Failure to correct the area/areas of non-compliance within ~~sixty~~ thirty (30 ~~60~~) days of the date of the "non-compliant letter" shall be cause for cancellation of the grant.

F. At the regular meeting at which a "compliant" inspection report is provided, a motion to authorize funding will be adopted. Issuance of payment shall take place within ten (10) days of the funding authorization.

G. In order to receive approval of a reimbursement, all projects should be completed by August 15 of the budget year in which the grant was approved.

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The Business Assistance Grant Review Committee (Review Committee) will review and score all applications. Said Review Committee will be comprised of five (5) members, with a representative from each of the following: Rosenberg City Council, the Rosenberg Image Committee, the Rosenberg Development Corporation, the West Fort Bend Management District, and the Rosenberg Planning

Commission. The Economic Development Director for the City will serve as the staff liaison for the Review Committee. Each member shall be chosen by the entity on which they currently serve.

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The City Council reserves unto itself the right to amend these Guidelines and Criteria as it may from time to time find desirable.

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D. THE LAWS OF THE STATE OF TEXAS SHALL GOVERN THE INTERPRETATION, VALIDITY, PERFORMANCE, AND ENFORCEMENT OF THIS BUSINESS ASSISTANCE GRANT PROGRAM. IF ANY PROVISION OF THIS PROGRAM SHALL BE HELD TO BE INVAILD OR UNENFORCEABLE, THE VALIDITY AND ENFORCEABILITY OF THE REMAINING PROVISIONS OF THIS PROGRAM SHALL NOT BE AFFECTED THEREBY.

E. THE CITY, ITS EMPLOYEES, AND ITS AGENTS, DO NOT ATTEST TO THE QUALITY, SAFETY, OR CONSTRUCTION OF A PROJECT ELIGIBLE FOR, OR RECEIVING GRANT FUNDING. THEREFORE, THE CITY, ITS EMPLOYEES, AND AGENTS SHALL BE HELD HARMLESS BY THE APPLICANT/APPLICANTS FOR ANY AND ALL DAMAGES ASSOCIATED WITH THE PLANNING, CONSTRUCTION, AND SUBSEQUENT EXISTENCE OF ANY PROJECT WHOSE APPLICATION HAS BEEN APPROVED, OR HAS RECEIVED ACTUAL GRANT FUNDING.

confines of the special event must be purchased at the event, not leave the event, and not be in a glass container.

Should City Council approve of this change to allow for alcoholic beverage consumption in the Downtown District during a permitted special event, staff will return with an Ordinance amendment for same on a future Agenda. Staff seeks City Council's direction on the proposed revisions.

Key discussion points:

- Rachelle Kanak, Interim Economic Development Director read the Executive Summary regarding the item.
- A brief discussion was held and Council was in favor of the change. The general consensus of Council was to direct staff to move forward with preparing an amendment to the Ordinance and bring it back to Council.
- No action was taken on the item.

2. **REVIEW AND DISCUSS PROPOSED REVISIONS TO THE AVENUE H BUSINESS ASSISTANCE GRANT PROGRAM, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: The Avenue H Business Assistance Grant Program (Program) was presented to City Council on November 23, 2010, and at City Council's direction, staff submitted Resolution No. R-1288 on February 15, 2011, for approval of the guidelines, criteria, and applications for the Avenue H Business Assistance Grant Review Committee.

The Program was developed to support businesses located on Avenue H only, and is a reimbursable grant for exterior improvements such as façade, landscaping, and signage. The grant is a 50-50 match, up to $2,500.00.

Through a 380 Grant Program, the City budgeted $100,000 for the Program in FY 2011 with a suggested allocation of $25,000 per year for four (4) years, or until the all funds were awarded. In FY 2011, $38 was awarded. In FY 2012, $18,693 was awarded. In FY 2013, and year to date FY 2014, no awards have been granted. A total of $18,731 has been awarded since the Program's beginning in 2011.

At City Council's direction from the November 26, 2013 Workshop, staff has revamped the Program, opening it up to all Rosenberg businesses, not just those businesses on Avenue H. The proposed Program, renamed the Business Assistance Grant Program, has been slightly modified to include a scoring system, which weights Avenue H businesses favorably. It also creates a formalized committee review structure. The revised Grant Review Committee (Committee) structure is a proposed five (5) member Committee comprised of a representative from City Council, the Image Committee, the Planning Commission, the Rosenberg Development Corporation, and the West Fort Bend Management District. The Economic Development Director is the proposed staff liaison to the Committee. The proposed Program remains a reimbursable grant program, with a 50-50 match, up to $2,500.00.

Should City Council want to open the proposed Program up geographically, but not necessarily to all types of properties, the following could be considered:

- A maximum acreage, such as one (1) acre properties with existing improvements.

It should be noted that, whether there are additional restrictions on the proposed Program or not, projects would still be subject to review by the Committee, which could determine if the project meets the intent of the proposed Program.

Should City Council approve of the revisions, staff will bring an Ordinance Amendment forward for consideration on a future Agenda.

Key discussion points:

- Rachelle Kanak, Interim Economic Development Director read the Executive Summary regarding the proposed revisions to the Avenue H Business Assistance Grant Program.
- The item was opened for discussion.
- Councilor Euton stated she likes the idea of opening the program up to all businesses throughout the City. Is there the option for an appeal?
- Rachelle Kanak stated it is presently not in the plan but could be included.
- Councilor Pena thanked staff for their work on the plan.
- Councilor Grigar agreed with expanding the program. He would like to see the amount increased and suggested an amount up to $7,500 to $10,000. The present $2,500 amount does not allow for much improvement. He suggested tweaking the program as we go along.
- Councilor Bolf liked the idea of expanding the program and including an appeal process in the program.

- Councilor Benton stated he could support an increase in the amount but expressed concern with the ability to control paint colors, etc.
- Rachelle Kanak stated the plan is reviewed and the Committee is not obligated to fund it even if it meets the criteria so this gives some leeway.
- Councilor Bolf asked how the program is marketed.
- Rachelle Kanak stated she was not here when the program was put together but businesses were visited by Economic Development staff personally. That is a great way to get started. Any program is only as good as how many people benefit from it. We would want to look at doing something more comprehensive because we can re-launch the program. We have a lot of partnerships in the City that could help us with that.
- Jeff Trinker, Executive Director of Support Services explained that he and Matt Fielder were in Economic Development when the program began. A flyer was created and was passed out in person to everybody on Avenue H. They were made aware of the program. The $2,500 limit was an issue from comments received.
- Councilor McConathy agreed with the tweaking of the program along with the idea of raising the amount. She referenced Item J regarding landscaping and "warranted" created some concern especially when we have had years of drought or ice and cold. She would like to see verbiage that addresses Mother Nature's impact on the landscaping. Unless a landscaper is being used you cannot get that warranty that the trees and shrubbery will last a year.
- Mayor Morales suggested adding it needs to be irrigated if it will be warranted. He has noticed that some businesses put landscaping in and there is no maintenance to it. If we put money towards landscaping it needs to have some type of mechanism to irrigate it. He would like to find a way to make sure maintenance is done on the landscape.
- Councilor McConathy stated she doesn't think there should be an irrigation requirement but there has to be some verbiage that it has to be maintained.
- Rachelle Kanak stated staff will work to come up with appropriate language.
- Councilor McConathy referenced K, Page 2 – two qualified contractors or suppliers as in the case of painting or landscaping. What are you looking for here? Are you looking for something to determine the value? A lot of these businesses will be doing the labor themselves then they will go wholesale or retail.
- Rachelle Kanak stated the labor is defined in L. But we can't count that as part of the cost. We want to see how much money you actually spent to determine the value.
- Councilor McConathy referenced Page 4 – regarding the Chart at the bottom – bullet point – paint chips, then it follows, sign materials, landscaping materials are submitted with an application and final project reflects what was submitted and approved. If you are doing the work yourself what will the Committee be looking for in terms of sign materials?
- Rachelle Kanak stated something to indicate what it will look like. All paperwork has to be submitted before you begin any work. When they review it they want to know what they are approving. You can be fairly lenient with that depending on what kind of work is being done but something that indicates the final product.
- Mayor Morales referenced the landscaping and stated you could take the landscaping out and maybe it should not be part of the match. If we invested the dollars and they did not maintain it, even if we put a clause in it has to be maintained and they don't do it what recourse do we have? He thinks signage, structure, and paint should be included but remove the landscape.
- Councilor Euton suggested "landscaping only considered if irrigated". That way they could do the landscaping if they wanted to.
- Mayor Morales stated we could add a clause "irrigated and maintained". We have seen guidelines that require particular items to keep it maintained for warranty.
- Councilor McConathy agreed with that. Then the person wanting the landscaping renovation would know upfront irrigation will be a requirement. In the history of this program have there been any criteria or guidelines that have hindered people from qualifying for projects other than the $2,500.
- Rachelle Kanak stated not that she knows about. The guidelines were not the concern it was more the amount of $2,500 and also that a lot of the buildings are not being utilized by the owners. Those were the two issues she was aware of.
- Jeff Trinker stated most of those that applied were granted the funds. There were one or two who expressed interest and meetings were held and they never submitted the applications. The Committee historically has been very accommodating in terms of working with business owners to come up with a project that meets the standards. They were looking for reasons to help the businesses.
- Mayor Morales stated he was on the Committee before being on Council and there was one incident of a paving structural problem and the Committee wanted to make sure they didn't end up with the same potholes as before. That was resolved and then they decided not to do it.

- Jeff Trinker stated there were two paving projects, one of which went through. The shopping center where the Radio Shack is located, was a paving project successfully completed. There was another business that wanted to do a paving project but there were heavy trucks on their driveway and the asphalt would not hold up to that. The other project was a self storage project with metal doors and they had problems getting the paint to stick
- Mayor Morales stated we have $100,000 allocated for this program.
- Rachelle Kanak stated there is $82,000 left.
- Mayor Morales stated if Council would want to increase it that would make a difference. From the comments received, people would probably be more willing to apply. He asked staff what they might want Council to consider.
- Rachelle Kanak stated $10,000 would give someone the opportunity to do something significant and the buildings and areas need fairly major revitalization and it would have more impact.
- Councilor Grigar agreed.
- The general consensus of Council was to have staff move forward with the $10,000 match.
- No action was taken on the item.

3. **REVIEW AND DISCUSS STREET SWEEPING, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**
Executive Summary: This item has been included to allow City Council an opportunity to discuss street sweeping services and to direct staff as necessary.

Key discussion points:

- Councilor Benton stated he has received a lot of feedback from citizens regarding the quality we are getting from the current street sweeping contractor. There are complaints about dust, not being dependable and not doing a very good job. In looking at the contract he feels they have breached their contract. He suggested that the City rent or purchase equipment and the service be provided by City staff.
- He asked John Maresh, Assistant City Manager of Public Services what kind of feedback he has received.
- John Maresh stated complaints received through the Citizens Relations desk have been minimal.
- Jeff Trinker, Executive Director of Support Services stated there was one complaint from a citizen that was upset the sweepers did not come when they said they would.
- Councilor Bolf stated she does not know if the City has looked at getting a machine in the past but all these factors need to be looked at. There have been issues and we need to get something done.
- Mayor Morales asked if the contractor has been notified. We need to look at another contractor and see how that works. In the long run it saves the City money.
- John Maresh stated yes. A lot has been weather related and we have tried to keep them to Thursday and Friday. This week they are trying to catch up. Regardless of who the contractor is when the weather is inclement we will still have these issues to deal with and if the weather is bad we get farther behind.
- Councilor Benton stated we would have a lot more flexibility with our own equipment.
- Councilor McConathy stated the contract defines to go one direction and to use adequate water. That may be causing the dust issue and they may not be following the contract.
- Jeff Trinker provided pricing for the rental and/or purchase of equipment including the personnel, benefits, fuel and maintenance costs.
- Councilor Benton stated he has checked pricing and he does not agree that personnel cost should be included as we could use current employees. This is an item he would like to discuss in the budget meetings for comparisons in using a contractor and renting and/or purchasing equipment.
- John Maresh stated this equipment is sophisticated and personnel has to be trained and may require a CDL operator. It takes skill to operate.
- Councilor Pena asked if this is the same contractor we had previously. The other contractor did a better job.
- John Maresh stated it is a different contractor and there is a provision in the contract to terminate the contract for convenience. We could do that and try another contractor on a month-to-month basis until another is found.
- Councilor Grigar stated he has not received any complaints but he has a complaint about people who do not bag the leaves and then put them in the gutter. He has seen this occur and has pictures. This is not right.
- Mayor Morales encouraged all of Council to send any complaints to Karyn Zwahr, Citizens Relations. She tracks all complaints. You can email or call in the complaint.
- Based on the discussion by Council, the consensus is to cancel the current contract and hire a

CITY COUNCIL COMMUNICATION

March 18, 2014

ITEM #	ITEM TITLE
6	**Resolution No. R-1763 - Park Improvements**

ITEM/MOTION

Consideration of and action on Resolution No. R-1763, a Resolution authorizing the use of Rosenberg Development Corporation funds for park improvements in the amount of $47,720.00 as recommended by the Rosenberg Development Corporation and the Parks and Recreation Board.

FINANCIAL SUMMARY

Annualized Dollars:

[X] One-time
[ ] Recurring
[ ] N/A

Budgeted:

[X] Yes [ ] No [ ] N/A

Source of Funds:

225-1953-540-7030

CP 1301

ELECTION DISTRICT

[ ] District 1
[ ] District 2
[ ] District 3
[ ] District 4
[X] City-wide
[ ] N/A

MUD #: N/A

SUPPORTING DOCUMENTS:

1. Resolution No. R-1763
2. McCarthy Memorandum - 03-03-14
3. McCarthy Memorandum - 01-30-14
4. McCarthy Memorandum - 01-29-14
5. Parks and Recreation Board Meeting Draft Minute Excerpt – 02-27-14
6. Rosenberg Development Corporation Meeting Draft Minute Excerpt – 02-13-14

APPROVALS

Submitted by:

Darren McCarthy
Parks and Recreation
Director

Reviewed by:

[ ] Exec. Dir. of Administrative Services
[ ] Asst. City Manager for Public Services
[ ] City Attorney
[ ] City Engineer
[X] Executive Director of Support Services JT
[X] Interim Economic Development Director ***RK/rl***

Approved for Submittal to City Council:

Robert Gracia
City Manager

EXECUTIVE SUMMARY

At the regularly scheduled February 27, 2014 Parks and Recreation Board (Board) meeting, the Board reviewed and discussed proposals regarding park improvements funded by the Rosenberg Development Corporation (RDC). After reviewing the recommended expenditures that included painting the park entrance signs, resurfacing of all tennis courts, restriping of all basketball courts, and purchasing and planting trees, the Board unanimously approved the recommendations.

Staff recommends approval of Resolution No. R-1763, a Resolution authorizing the use of Rosenberg Development Corporation funds for park improvements in the amount of $47,720.00 as recommended by the Rosenberg Development Corporation and the Parks and Recreation Board.

RESOLUTION NO. R-1763

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AUTHORIZING THE USE OF ROSENBERG DEVELOPMENT CORPORATION FUNDS FOR PARK IMPROVEMENTS IN THE AMOUNT OF $47,720.00 AS RECOMMENDED BY THE ROSENBERG DEVELOPMENT CORPORATION AND THE PARKS AND RECREATION BOARD.

* * * * *

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

Section 1. The City Council hereby authorizes expenditures of Rosenberg Development Corporation funds in the amount of $47,720.00 as recommended by the Parks and Recreation Board (Board) and Rosenberg Development Corporation (RDC) for park improvements to include resurfacing of all tennis courts, restriping of all basketball courts, purchasing and planting trees, and painting of park entrance signs.

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

ATTEST:

_____

Linda Cernosek, **City Secretary**

APPROVED:

_____

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

From the desk of

Darren McCarthy, CPRP
Parks and Recreation Director

Memo

To: Rosenberg Development Corporation

Date: March 3, 2014

Re: Change To Tree Request

At the previous Rosenberg Development Corporation (RDC)) Meeting, the RDC unanimously recommended a proposal to use $9,750 in RDC Park Improvement funds to move up to fifty (50) trees from a tree farm that was scheduled to be destroyed due to a TX DOT widening project. Unfortunately, TX DOT has already cleared the Right of Way and destroyed the proposed trees.

After discussing this unfortunate circumstance with the tree farm owners, they are proposing the following:

26 live oaks and 6 crepe myrtles:	$2,000.00
Moving each tree @$235	$7,520.00
New total:	$9,520.00

The new proposal would allow the City to purchase thirty-two (32) trees total with an estimated retail value of $16,000.00 ($500.00 each tree). It is anticipated that six (6) trees will go to Travis Park for the former pool area, six (6) trees will go to Brazos Park for the former pool area and twenty (20) trees will go to Seabourne Creek Regional Sports Complex.

Staff brought this recommendation to Parks Board on February 27th and it was approved unanimously. If approved by the RDC the plan would go to City Council for consideration on March 18, 2014.

Cc: Amanda Bolf, City Council
Jeff Trinker, Executive Director of Support Services
Rachelle Kanak, Interim Economic Development Director

From the desk of

Darren McCarthy, CPRP,
Parks and Recreation Director

Memo

To: Rachelle Kanak, Interim Economic Development Director

Date: January 30, 2013

Re: Project Update and Possible Parks Improvement Project

At this time we are anticipating to come in under our budget for the scoreboards at Macario Garcia Park and Travis Park. The frames are scheduled for installation on Friday, February 7th, the scoreboard and electricity is scheduled for the following week. We received some excellent quotes. Based on our purchase orders, we're expecting the project to cost $22,157. We had estimated $35,000 for the project.

It also appears that we will have a budget savings, although smaller, for the disc golf course for Brazos Park. We are anticipating this project to cost $9,498. We had estimated $10,000 for the project.

We are proposing to use these projected savings as well as a portion of our FY 2014 budget of $50,000 to re-paint our basketball courts and re-surface our tennis courts in all of our parks. The last estimate that we had received addressed the tennis courts in Sunset Park; the basketball court in Travis Park; the basketball court in Brazos Park; the tennis court in Brazos Park; the basketball courts in Community Park; and the basketball courts in Macario Garcia Park, was $33,250. Completion of this item would address one of the needs remaining in the current Parks and Recreation Master Plan.

In addition to these items, we would like to propose re-painting all of the park signs. The total estimated cost to repaint all of the wooden signs in all of the parks is $4,950.

We propose using the $13,345 anticipated project savings and $24,855 from the FY 2014 funds for these projects.

Thank you for your consideration.

From the desk of

Darren McCarthy, CPRP,
Parks and Recreation Director

Memo

To: Rachelle Kanak, Interim Economic Development Director

Date: January 29, 2014

Re: Potential Trees

As we discussed on Wednesday, January 15th Matt Fielder was contacted by Sheriff Troy Nehls regarding the City's interest in trees from his property. His property is located on Hartledge Road, outside of the Rosenberg City Limits and is in the expansion right-of-way (ROW) for Spur 10. On his property he has several Live Oak trees that are directly in the proposed ROW. He would like to donate these trees to the City for use in the City's Parks.

Staff went to the property and assessed the trees on January 29th. Staff observed that the trees were between 8 to 15 feet high and much too large to be removed by hand. If purchased out-right from a nursery, trees of this age and size would cost approximately $350 each. Staff has found a local company that would be able to use a tree spade to remove the trees and relocate them to a location of our choice in the park system. The cost to remove and relocate each tree would be $195 per tree. Staff estimates that there are fifty (50) trees that would be highly desirable for relocation in the parks.

Staff would like to request that the Rosenberg Development Corporation consider funding the removal and transplanting up to fifty (50) Live Oak trees. The estimate cost would not exceed $9,750.

Thank you for your consideration.

Cc: JT

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CITY OF ROSENBERG
PARKS AND RECREATION BOARD MEETING MINUTES
**** DRAFT ****

On this the 27th day of February 2014, the Parks and Recreation Board of the City of Rosenberg, Fort Bend County, Texas, met in a Regular Session at Rosenberg Civic Center located at 3825 Hwy. 36 South, Rosenberg, Texas.

MEMBERS PRESENT

Teresa Bailey	Parks and Recreation Board Chairman
Stanley Kucherka	Parks and Recreation Board Vice Chairman
Bertha Nell Kelm	Parks and Recreation Board Secretary
Ray Kueck	Parks and Recreation Board Member
George Zepeda	Parks and Recreation Board Member
Amanda Bolf	Council Liaison

MEMBERS ABSENT

Laurie Cook	Parks and Recreation Board Member
Rufus Guebara	Parks and Recreation Board Member
Eric Ramirez	Parks and Recreation Board Member

STAFF PRESENT

Jeff Trinker	Assistant to the City Manager
Darren McCarthy	Parks and Recreation Director
Lydia Acosta	Recreation Programs Coordinator

GUESTS PRESENT

Brandon Baca	Friends of North Rosenberg/Attack Poverty
Scottie Clark	Oak Bend Medical Center

AGENDA

CONSIDERATION OF AND ACTION ON ROSENBERG DEVELOPMENT CORPORATION (RDC) PARKS IMPROVEMENT PROJECTS AND TAKE ACTION AS NECESSARY.

Key Discussion: Darren McCarthy, Parks and Recreation Director, reminded the Board that the Parks Department was in the process of removing and relocating 50 mature live oak trees from Trevor and Troy Nehls' property on Spur 10. The trees needed to be removed due to a right of way expansion. Darren said it was with much regret that he shared a memo with the Board, notifying the City that the oak trees had been unexpectedly and expeditiously removed by TX Dot, before the Parks Department had an opportunity to dig them up and transplant them. He noted that the Nehls brothers were willing to offer the City a significant discount on 32 other trees - 26 live oaks and 6 crepe myrtles - to make up for the loss. Darren outlined the cost, which would total $9,520.00 and include the cost of the trees, their removal and replanting in Travis Park, Brazos Park and SCRSC. Teresa Bailey asked if the cost of the trees was actually only $2000.00. Darren confirmed that was the discounted price and the estimated value of the trees would be $16,000.00 or $500.00 per tree. Councilor Bolf asked about the difference in the cost of the removal from the first proposal to the new one. Darren explained that in the initial proposal for the donated trees, there was no back fill necessary because of the right of way expansion. Since the new trees would be coming from the Nehls' tree farm, the City would now have to pay for the back fill of the holes once the trees are removed.

Darren explained that the savings from the several RDC-sponsored projects, including the scoreboards, the new disc golf course at Brazos Park and future trail expansion at Travis Park would cover the cost for the tree project as well as resurfacing of the basketball and tennis courts in the City parks and a face-lift for the all the park signs. Ray Kueck noted that annual budgets should reflect those maintenance items so that funds don't have to

be “found” for them. Councilor Bolf assured the Board that the new City Manager and Council were moving in that direction, where the City’s budget is concerned.

Councilor Bolf asked about an email regarding bleachers at Sunset Park that needed attention. Darren confirmed that as soon as the rain stopped the bleachers would be removed and repaired. Ray Kueck asked if they were metal or wood bleachers. Darren explained that they are metal frames with wood planks, and noted that it was much less expensive to repair/rebuild the existing bleachers than to purchase new ones.

ACTION: Bertha Nell Kelm made a motion, seconded by Ray Kueck, to approve the proposed park improvements as presented. The motion passed by a unanimous vote of those present.

Key discussion:

- Director Garcia requested that Consent Agenda Item B be placed on the Regular Agenda as Item 1A.

Action: Director Grigar moved and Director Scopel seconded the motion to approve Consent Agenda Items A, C, D, E, and F. The motion carried by a unanimous vote those present.

AGENDA

1A. CONSIDERATION OF AND ACTION ON THE MONTHLY ROSENBERG DEVELOPMENT CORPORATION FINANCIAL REPORTS FOR THE PERIOD ENDING JANUARY 31, 2014

Key discussion points:

- General discussion was held regarding the Unreserved Fund Balance.
- Project funding transfers that will appear on next month's Financial Statements.
- Clarification regarding certain escrowed funds.
- Clarification regarding RDC Project Funds, particularly Project CP1302 – Business Park Development.

Action: Director Cook moved and Director Garcia seconded that the Financial Reports for the period ending January 31, 2014 be approved as presented. The motion carried by a unanimous vote of those present.

1. HEAR AND DISCUSS PRESENTATION BY FULLER REALTY ON DECLARATION OF COVENANTS CONDITIONS AND RESTRICTIONS AND GRANT OF EASEMENTS FOR ROSENBERG BUSINESS PARK.

Key discussion points:

- Bill Smith of Fuller Realty was in attendance to present information regarding certain other similar developments that will mirror the intended development of Rosenberg Business Park.
- The presentation included examples of building edifices, signage, landscaping, etc.
- Follow-up discussion included some clarification, and the potential addition of design standards that might be a part of the Rosenberg Business Park.

No action was taken.

Note: The Board adjourned the meeting at 5:00 p.m., for a break; and, reconvened the meeting at 5:10 p.m.

2. HEAR AND DISCUSS PRESENTATION BY IMPERIAL PERFORMING ARTS (IPA) ON STATUS OF PERFORMANCE AGREEMENT.

Key discussion points:

- Lupe Uresti was in attendance to present an overview of the various activities that have occurred in relation to the Imperial Performing Arts group over the last fifteen (15) months.
- She noted that there have been some difficulties with the Cole Theater facility that may prevent opening.
- The Board and IPA agreed to begin dialogue in order to seek solutions that might include a "limited" opening, another location, project phasing, etc.
- The Board indicated that they were open to negotiation.
- Discussion was held about the potential necessity to revise the contract with IPA.
- The Board indicated a desire to hold a workshop in the near future to address some of the concerns with this project and efforts to heal a potential contract default.

No action was taken.

3. CONSIDERATION OF AND ACTION ON THE PROPOSED PARKS IMPROVEMENT REQUEST TO UPDATE THE BASKETBALL AND TENNIS COURTS IN AREA PARKS.

Key discussion points:

- Parks and Recreation Director Darren McCarthy was in attendance to discuss a proposal to use excess funds from the scoreboard project, along with existing funds to improve park basketball courts, re-surface park tennis courts, and improve park signage.

Action: Director Cook moved, and Director Morales seconded a motion that the City of Rosenberg Parks

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and Recreation Department be allowed to use $13,345 in anticipated project savings and $24,855 from the FY2014 funding for the projects indicated above. The motion carried by a unanimous vote of those present.

4. CONSIDERATION OF AND ACTION ON THE PROPOSED PARKS IMPROVEMENT REQUEST TO LEASE EQUIPMENT NECESSARY TO RELOCATE DONATED TREES.

Key discussion points:

- Mr. McCarthy presented a request that the Board consider approval of funding a tree removal/relocation project in an amount not to exceed $9,750.

Action: After general discussion, Director Grigar moved and Director Cook seconded a motion that the tree removal/relocation project be funded in an amount not to exceed $9,750. The motion carried by a unanimous vote of those present.

5. CONSIDERATION OF AND ACTION ON AMENDED DECLARATION OF COVENANTS CONDITIONS AND RESTRICTIONS FOR WALSH ROAD INDUSTRIAL PARK, LTD.

Key discussion points:

- Larry Indermuehle was in attendance to clarify certain revisions to the declaration of covenants conditions and restrictions for the Walsh Road Industrial Park, Ltd.
- Discussion was held regarding the masonry requirements, potions of buildings that face the street, storage locations and requirements, etc.

Action: Director Grigar moved and Director Garcia seconded a motion to authorize Interim Economic Development Director Kanak to revise and amend the Declaration of Covenants Conditions and Restrictions for the Walsh Road Industrial Park, Ltd., in accordance with amendments stated and discussed with the Board of Directors. The motion carried by a unanimous vote of those present.

6. CONSIDER MOTION TO ADJOURN TO EXECUTIVE SESSION.
Action: Director Grigar moved, and Director Morales seconded that the Board be adjourned into Executive Session at 5:41p.m. The motion carried by a unanimous vote of those present.

7. HOLD EXECUTIVE SESSION FOR DELIBERATIONS REGARDING THE POTENTIAL PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.072; AND, FOR DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS AS AUTHORIZED BY TEXAS GOVERNMENT CODE SECTION 551.087.
Executive Session was held; though it was determined the discussion and/or deliberation was not necessary, therefore no discussion was held.

8. ADJOURN EXECUTIVE SESSION, RECONVENE REGULAR SESSION, AND TAKE ACTION AS A RESULT OF EXECUTIVE SESSION.
Executive Session was adjourned, and the Board reconvened into Regular Session at 5:45 p.m.

No action was necessary or taken as a result of Executive Session.

9. CONSIDERATION OF AND ACTION ON A REPORT FROM THE ECONOMIC DEVELOPMENT DIRECTOR REGARDING THE PREVIOUS MONTH'S ECONOMIC DEVELOPMENT ACTIVITIES AND CONTACTS.

Key discussion points:

- Ms. Kanak provided an overview of the monthly report.
- General discussion was held regarding transportation and the RDC's Strategic Plan.

No action was taken.

10. CONSIDERATION OF AND ACTION ON RESOLUTION NO. RDC-86, A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ROSENBERG DEVELOPMENT CORPORATION APPROVING THE FUNDING ARRANGEMENT BETWEEN THE CITY OF ROSENBERG AND THE ROSENBERG DEVELOPMENT CORPORATION FOR INFRASTRUCTURE IMPROVEMENTS TO THE ROSENBERG DEVELOPMENT PARK.

Key discussion points:

- Joyce Vasut, Executive Director of Administrative Services, provided an overview of the proposed funding arrangement, and noted that it was intended that the interest remained fixed.
- Upon additional consideration, staff was directed to amend the Resolution to delete Section 5

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CITY COUNCIL COMMUNICATION

March 18, 2014

ITEM #	ITEM TITLE
7	**Ordinance No. 2014-13 – Solid Waste Ordinance Update**

ITEM/MOTION

Consideration of and action on Ordinance No. 2014-13, an Ordinance amending the Code of Ordinances by deleting Sections 23-27, 23-29, and 23-31 of Article II of Chapter 23 thereof and substituting therefor new Sections 23-27, 23-29, and 23-31; providing for curbside solid waste collection, guidelines for solid waste and/or recycling carts, and establishing specific times for the placement of said carts out for service; and providing for severability.

FINANCIAL SUMMARY

Annualized Dollars:

[ ] One-time
[ ] Recurring
[X] N/A

Budgeted:

[ ] Yes [ ] No [X] N/A

Source of Funds: N/A

ELECTION DISTRICT

[ ] District 1
[ ] District 2
[ ] District 3
[ ] District 4
[X] City-wide
[ ] N/A

MUD #: N/A

SUPPORTING DOCUMENTS:

1. Ordinance No. 2014-13 - Redlined
2. Ordinance No. 2014-13
3. City Council Meeting Minute Excerpt – 01-28-14

APPROVALS

Submitted by:

Jeff Trinker
Executive Director
Support Services

Reviewed by:

[ ] Exec. Dir. for Administrative Services
[ ] Asst. City Manager for Public Services
[X] City Attorney ***LJL/rl***
[ ] City Engineer
[ ] (Other)

Approved for Submittal to City Council:

Robert Gracia
City Manager

EXECUTIVE SUMMARY

This item amends the Code of Ordinances to correct an inconsistency related to the collection of solid waste. The Ordinance currently states that collection occurs twice per week, which is a remnant of the previous Contract. The Ordinance has been revised to no longer refer to collection frequency so that the Code of Ordinances will not require amending due to Contract changes for solid waste service.

Additionally, an exception has been added to establish a requirement to use the solid waste and/or recycling carts provided for automated curbside service as well as a specific timeframe for setting out carts for service and retrieving carts once they have been emptied.

Staff recommends approval of Ordinance No. 2014-13.

ORDINANCE NO. 2014-13

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROSENBERG, TEXAS, BY DELETING SECTIONS 23-27, 23-29, AND 23-31 OF ARTICLE II OF CHAPTER 23 THEREOF AND SUBSTITUTING THEREFOR NEW SECTIONS 23-27, 23-29, AND 23-31; PROVIDING FOR CURBSIDE SOLID WASTE COLLECTION, GUIDELINES FOR SOLID WASTE AND/OR RECYCLING CARTS, AND ESTABLISHING SPECIFIC TIMES FOR THE PLACEMENT OF SAID CARTS OUT FOR SERVICE; AND PROVIDING FOR SEVERABILITY.

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

Section 1. The Code of Ordinances of the City of Rosenberg is hereby amended by deleting Section 23-27 of Article II of Chapter 23 thereof and replacing therefor with a new Section 23-27, to provide as follows:

"Sec. 23-27. - Frequency.

(a) *Curbside collection.* Collection of curbside solid waste shall be provided or contracted for by the City~~two (2) times per week except on holidays~~. Collection following a holiday shall be in accordance with the terms of a contract between the city and the business entity providing solid waste collection and disposal for the city and as established and approved by the city council.

(b) *Containerized collection.* Collection of containerized solid waste shall be provided a minimum of one (1) time per week and up to six (6) times per week, with the express provision that food establishments shall have containerized collection at a minimum of two (2) times per week."

Section 2. The Code of Ordinances is hereby further amended by deleting Section 23-29 of Article II of Chapter 23 thereof and replacing therefor with a new Section 23-29 to provide as follows:

"Sec. 23-29. - Containers—Kitchen garbage and dry kitchen refuse.

(a) It shall be the duty of every person owning, managing, operating, leasing or renting any premises, or any place where kitchen garbage accumulates, to provide a portable garbage can constructed of galvanized iron, tin, plastic, rubber or other suitable material, with two (2) handles and a tight-fitting cover of a capacity more than twenty (20) gallons but less than thirty-five

(35) gallons. Plastic garbage bags may be used in lieu of trashcans so long as they are of a suitable strength to allow collection without loss of garbage or refuse. Trash bags must be properly secured and, if directed by the city health department, treated with ammonia or another agent to discourage damage from animals. The daily accumulation of kitchen garbage and dry kitchen refuse shall be placed in one (1) of these containers.

(b) An exception to Section 23-29(a) shall be made when the city's contracted business entity for solid waste collection provides a specific container for automated solid waste and/or recycling service. In such circumstance, all persons shall be required to utilize the container provided by the contracted business entity."

Section 3. The Code of Ordinances is hereby further amended by deleting Section 23-31 of Article II of Chapter 23 thereof and substituting therefor a new Section 23-31 to provide as follows:

"**Sec. 23-31. - Same—Location.**

(a) ~~Automated s~~Solid waste and/or recycling carts, ~~G~~garbage cans, bags, boxes, barrels or other receptacles of trash, except commercial bins, shall be placed behind the curb or the street side of the ditch.

(b) Customers may not place carts out by the curb for collection earlier than 5:00 p.m. the evening before the day of collection and no later than 7:00 a.m. of the day of collection. Emptied carts must be removed from the curb no later than 8:00 a.m. on the morning following the day of collection."

Section 4. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of any 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 or any such part thus declared to a invalid or unconstitutional, whether there by one or more parts.

PASSED AND APPROVED by a vote of _____ "ayes" in favor and _____ "noes" against on this the 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:

_____
Linda Cernosek, **City Secretary**

APPROVED:

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

APPROVED AS TO FORM:

_____
Lora Jean D. Lenzsch, **City Attorney**

ORDINANCE NO. 2014-13

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROSENBERG, TEXAS, BY DELETING SECTIONS 23-27, 23-29, AND 23-31 OF ARTICLE II OF CHAPTER 23 THEREOF AND SUBSTITUTING THEREFOR NEW SECTIONS 23-27, 23-29, AND 23-31; PROVIDING FOR CURBSIDE SOLID WASTE COLLECTION, GUIDELINES FOR SOLID WASTE AND/OR RECYCLING CARTS, AND ESTABLISHING SPECIFIC TIMES FOR THE PLACEMENT OF SAID CARTS OUT FOR SERVICE; AND PROVIDING FOR SEVERABILITY.

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

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(a) Solid waste and/or recycling carts, garbage cans, bags, boxes, barrels or other receptacles of trash, except commercial bins, shall be placed behind the curb or the street side of the ditch.

(b) Customers may not place carts out by the curb for collection earlier than 5:00 p.m. the evening before the day of collection and no later than 7:00 a.m. of the day of collection. Emptied carts must be removed from the curb no later than 8:00 a.m. on the morning following the day of collection."

Section 4. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of any 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 or any such part thus declared to a invalid or unconstitutional, whether there by one or more parts.

PASSED AND APPROVED by a vote of _____ "ayes" in favor and _____ "noes" against on this the 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:

_____
Linda Cernosek, **City Secretary**

APPROVED:

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

APPROVED AS TO FORM:

_____
Lora Jean D. Lenzsch, **City Attorney**

- Councilor McConathy stated for clarification that Council will get an opportunity to look at a list of needs and then Council will have the opportunity to determine if we will borrow money for those needs or put on a bond election list. Perhaps once we settle that list we can select a committee and a year from that point meetings and public information would occur in that year. Joyce Vasut stated that is correct.
- In this analysis there was more staff input this time as opposed to when the previous City Manager presented and it is not as restricted this time which is better.
- Mayor Morales stated he hears a process totally different than what he has been used the last three years. This Council will have some interaction with the budget early on.
- Councilor Bolf this is a new slate and we can get a full picture of what our needs are. That is what needs to be put on a bond election if we do have one.
- Councilor Pena stated he thinks from what he has seen this group a good job. They have identified a lot of problems we need to take care of. Since we are dealing with growth and we want to receive the growth accordingly and we can't do it with antiquated systems. Robert Gracia and City staff is doing a good job. We will grow and we have to be ready for that and be successful on how we spend the monies to be ready for that growth.
- Mayor Morales stated based on the information received we will be looking at the needs and budget items that will be important for a possible bond election.
- No action was taken on the item.

8. REVIEW AND DISCUSS PROPOSED SETBACKS FOR TRASH AND RECYCLE CARTS, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.

Executive Summary: This Agenda item has been included to allow City Council the opportunity to discuss potential setback requirements for trash and recycle carts.

Key discussion points:

- Councilor Benton stated he has had a lot of complaints about people not putting their trash cans up. He would like people to get them out of the street
- Councilor Bolf stated in her subdivision, Town Center, they have a policy that the trash cannot be put out before 6 pm on Tuesday and has to be picked up by 6 pm on Wednesday. The Oaks of Rosenberg had some comments on Face book. A citizen walked on Sunday and their trash cans were still out in front of their house.
- Councilor Benton asked Council if they have any interest in looking at something similar.
- Councilor Pena stated his neighborhood is mostly elderly people and the problem with in his neighborhood with Republic Waste is that they tend to break the wheels off the carts. These people can't drag the cans down the driveway. He gets lots of calls from elderly citizens to help them move trash cans. Councilor Bolf's situation is different. Her subdivision has a Homeowner's Association (HOA). How could we enforce something like that? We want to give the image of being a clean city. It might be something to look at as well as people parking cars in their yards.
- Mayor Morales stated when we started the cart program it was an issue but we decided we needed to give people time. We looked at Missouri City and they have something similar to what Councilor Bolf's HOA has. We need to get the information regarding the cart assistance program to the public.
- Jeff Trinker, Assistant to the City Manager stated there is a cart assistance program. They need to contact Karen Zwahr, Citizen Relations. He has personally found that not enough people who are qualified for the program sign up and take advantage of this program.
- Mayor Morales stated he has personally helped two seniors get on the program. We need to make sure people are aware of that. Republic Waste is responsible to get the trash can and put it back when emptied.
- Jeff Trinker stated Republic Waste is responsible for the cart repair and replacements. Karen Zwahr has a running list each week of new carts and carts that need to be replaced. We track those with Republic to make sure this is being done.
- One issue is what time can the cart be out at the street or curb. Sugar Land has an ordinance when it can only go out 6 p.m. the night before and has to be picked up by 7 to 8 p.m. the day of

service. The other issue is the requirements for the cart when it is not service day. That is usually handled by the homeowner's association (HOA). The reason for that is that generally the houses in the HOA are similar enough where they can make certain screening requirements. One issue he sees with Rosenberg is that there is such a diversity of residences it might be difficult to put their cart out of sight in parts of the city.

- Councilor Benton clarified the item states setbacks for trash carts. He is just suggesting that we get them out of the street and put them closer to the house.
- Mayor Morales suggested starting with a program and criteria for the day before pickup and a time the cans have to be picked up on the day of service. Let the HOA's address the screening for their area.
- Jeff Trinker stated his recommendation would be to address the time they can be at the street or curb and a time for pickup.
- Mayor Morales asked Jeff Trinker to prepare something and bring it back to Council for review.
- Councilor Bolf suggested putting a reminder in the monthly newsletter.
- No action was taken on the item.

9. REVIEW AND DISCUSS VEHICLE WEIGHT LIMITS FOR SPECIFIC STREETS, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.

Executive Summary: This Agenda item has been included to allow City Council the opportunity to discuss vehicle weight limits on specific streets.

Key discussion points:

- Councilor Benton stated the purpose of the item was to find out what Council thought and if this is an issue moving forward. He sees some concern and we could possibly give relief to some areas.
- Councilor McConathy asked if his purpose and intent is out of concern for our streets and maintenance of our streets.
- Councilor Benton stated yes that is the biggest money concern as well as safety concerns. We have some very large trucks on some streets and maybe we should put some weight limitations on some streets.
- Mayor Morales asked how you would determine, for example a Republic Waste truck.
- Lora Lenzsch stated currently you have in your ordinances a gross weight limit weight sign authorized. It says "the city engineer on the basis of an engineer or traffic investigation shall recommend to the City Council appropriate traffic control devices to impose vehicle weight limits on any street or part of any street." There is also a provision that "a person moving or causing to move a truck or vehicle which exceeds that limit shall be liable to the City for any damage". It would be difficult evaluate whether that particular vehicle caused damage but sometimes it could happen. You have that provision. You also have a provision in this ordinance that says "prohibiting trucks on designated roadways". Then there is a specific definition and they are using the definition from the Transportation Code what characterizes a truck. There was question several months ago regarding buses and they did not fit the definition for the trucks. You have this ordinance that you could expand to address a specific concern.
- Mayor Morales asked Councilor Benton if he would like to look at the existing ordinance and see if there is something he would Council to review.
- Councilor Pena stated he thinks TxDOT and most agencies look at a tandem axle that is carrying a heavy load. We are getting ready to redo Old Richmond Road in asphalt. That road is notorious for being broken up and destroyed because of vehicle weight. How do we set perimeters on that? There is a huge grain truck that parks in a lot off of Old Richmond Road. People live in neighborhoods that do this for a living and park their trucks. Will weight perimeters that might or might not be set affect Republic Waste?
- Councilor McConathy stated some cities put in their ordinance those that have the weight limits. They exclude waste management trucks and certain class of vehicles. If we entertain this she would caution Council because there are homeowners who are in the business of driving these trucks and it is quite an expense for them to store that truck off premises not to mention the security issue of theft. She advised Council to proceed with caution in that respect.

ITEM 8

Consider motion to adjourn for Executive Session.

ITEM 9

Hold Executive Session to consult with City Attorney to receive legal advice on legal matters pursuant to Section 551.071 of the Texas Government Code; for deliberations regarding the potential purchase, exchange, lease, or value of real property pursuant to Section 551.072 of the Texas Government Code; and, for deliberations regarding personnel matters, to deliberate the appointment and employment of Police Chief as authorized by Section 551.074 of the Texas Government Code.

ITEM 10

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

ITEM 11

Announcements.

ITEM 12

Adjournment.