

MINUTES
WEST FORT BEND MANAGEMENT DISTRICT

January 22, 2013

The Board of Directors (the "Board") of West Fort Bend Management District (the "District") met in regular session, open to the public, on January 22, 2013, at the Richmond City Hall Annex, 600 Morton Street, Richmond, Texas, inside the boundaries of the District, and the roll was called of the members of the Board:

Joey Dupuis	President
Glenn Howard	Vice President
Lane Ward	Assistant Secretary
Cliff Terrell	Secretary
Robert G. "Bob" Ray	Assistant Vice President

With the exception of Director Dupuis and Director Ray, all of the above were present thus constituting a quorum.

Also present at the meeting were Alan Sandersen with Sandersen Knox and Company, Lanie Alvarez, owner of Italian Maid, a business owner in the District, Joseph DiMare, tenant at 902 Highway 90A in Richmond, Robert Haas with the City of Richmond; Travis Tanner and Matt Fielder with the City of Rosenberg; Lynne Humphries of Allen Boone Humphries Robinson LLP ("ABHR"); and Rachel Steele, Executive Director of the District.

Director Howard called the meeting to order at 3:18 p.m.

CONSENT AGENDA ITEMS

1-2. December 11, 2012, Meeting Minutes Financial Report and Pending Invoices

The minutes and invoices were provided to the directors in advance of the meeting. The Board reviewed the December meeting minutes, financial report and pending invoices. Director Ward requested that the minutes be clarified to refer to City Council rather than just Council in Item 11. After review of the items, Director Terrell moved for approval of all items on the consent agenda. Director Ward seconded the motion, which passed unanimously.

REGULAR AGENDA ITEMS

3. Comments from the Public

No comments were received from the public.

4. Amend FY 2013 Budget, if necessary.

Ms. Steele reviewed the budget amendments with the Board. The amendments included;

- a. budget transfer of \$350.00 to the Business Expenses category to cover mileage reimbursement,
- b. Amendment to the Financial Representation category from \$5,000 to \$6,000 to adequately reflect the annual expense.
- c. Amendment to the Advertising and Marketing category to allocate \$1,000 in monthly intervals across the fiscal year. The previous budget only reflected a lump sum year end expenditure.
- d. Transfer of funds from Grant Matching Funds category to account for amendments A and B.

Director Ward also requested that the numbers be revised to reflect changes in October's Cash at the End of Period line item. Director Ward asked to review the numbers with Ms. Steele to capture the exact amendment. On further discussion Director Howard moved that the Board approve the budget amendments as conveyed by Director Ward. Director Terrell seconded the motion, which passed unanimously.

5. Approve audit for fiscal year end September 30, 2012

Ms. Steele introduced Alan Sandersen of Sandersen Knox to review the audit. Mr. Sandersen noted that there were no irregularities with the audit and that a clean opinion was found. In response to a question from Ms. Humphries, Mr. Sandersen said that the District is not required to file additional supplemental information as is required by municipal utility districts as stipulated by the Texas Commission on Environmental Quality (TCEQ). After review and discussion Director Ward moved to approve the audit as revised with an appended management letter and direct the audit to be filed with the TCEQ as required. Director Terrell seconded the motion, which passed unanimously.

6. Approve 2012 Annual Report on District Activities and authorize presentation to Cities of Richmond and Rosenberg.

Ms. Steele reviewed the 2012 Annual Report distributed to the Board previously. Upon review and discussion, Director Ward moved to approve the report and requested Ms. Steele to coordinate the presentations to the respective municipalities. Director Terrell seconded the motion, which passed unanimously.

7. Activity within the District, including permits under review issued and closed since the last meeting including signs, variance requests, and enforcement of standards (Travis Tanner-Rosenberg, Robert Haas-Richmond)

Mr. Tanner reviewed development activity that had occurred in Rosenberg since the December meeting. Mr. Tanner summarized the Burger King/Chevron variance request for the Board's consideration. The variance request is to move the District setback line from forty feet to a new setback of thirty-three feet. Mr. Tanner explained that the variance was needed due to the re-development of the site.

As mitigation, the property owner will be removing a non-conforming pole sign from the property. Director Howard inquired if the property owner would be adding landscaping to the site. Mr. Tanner responded that due to the already narrow setback area there was no room on the site for landscaping. After further discussion Director Howard moved that the Board approve the variance request. Director Terrell seconded the motion, which passed unanimously.

Mr. Haas then reviewed his development report with the Board, which is attached. At this time the City of Richmond has no variances to bring before the Board. Mr. Haas briefly noted that the City of Richmond would be considering their sign ordinance in April. Mr. Haas is finalizing his draft of the ordinance and anticipates holding a workshop to discuss the details of the ordinance with City Commission, prior to the City Commission's consideration of the ordinance. The Board took no action on the report.

8. Discuss and take action on assessment of penalty of up to \$20,000 per day for property owner/tenant violation of the District's standards related to the development of commercial property at 902 Highway 90A in Richmond, Texas.

Mr. Haas reviewed the status of development on the tract located at 902 Highway 90A in Richmond. The tract currently has a small building on it, which Mr. DiMare is remodeling and expanding. The remodeling and expansion of the building is not in compliance with the District's Development Guidelines nor have they been approved for construction.

Several letters have been sent to Mr. DiMare notifying him of the need to submit a development and site plan for the tract. Ms. Steele and Mr. Haas also met with Mr. DiMare to review the District guidelines. With several letters of notification and a face to face meeting to review the standards Mr. DiMare has been nonresponsive in submitting development plans. Without a response from the tenant addressing his development issues the District is proceeding with the imposition of a penalty for violation of the District standards. Mr. DiMare has now requested to update the Board on the status of his development.

Mr. DiMare circulated a letter of explanation to the Board (which is attached). Upon review of the development status Director Howard asked Mr. DiMare what his revised timeline for plan development and submittal would be. Mr. DiMare responded that if he could be given until April 30, 2013 he would be able to prepare a site plan and get the development process in compliance with the District's standards. Upon further discussion, Director Ward moved that the Board allow Mr. DiMare until April 30, 2013 to finalize and submit site plans to the City of Richmond and the District for review and consideration without being held in violation of the District's standards. Director Terrell seconded the motion, which passed unanimously.

9. Review appointments and receive Committee Reports:

- a. FM 762 Billboard Exchange;
- b. District Outreach Campaign
- c. Access Management;

Ms. Steele reported that Clear Channel had contacted her in early January about a timeline for their variance application. Ms. Steele noted that the placement of the sign would be in Rosenberg and that she would be coordinating with the City and potentially the businesses in the general vicinity of the proposed location to develop a list of billboards for an exchange program. Ms. Steele would like to see the District prepare recommendations for the billboard exchange program as it would be an outreach activity to the business owners in the area and assist the cities in getting public comment on potential billboards to remove.

Ms. Steele also reviewed two outreach fliers that showcase the District's services for development review and mowing. Photos showcasing the services were being approved by the District's vendors. Two variations of the fliers were circulated. Ms. Steele asked for feedback on the format. Director Howard commented that the District logo should appear on the flier. Ms. Steel anticipates final versions of the fliers by February.

Ms. Steele had no updates on the Access Management planning study. The Board took no action on the report.

10. Report from Advisory Board Members

No reports were given.

11. Report from Directors and District Consultants Regarding Events and Activities Attended During the Month

No reports were given and the Board took no action.

12. Report from Executive Director on outstanding and pending District business and plan for addressing District businesses

Ms. Steele reported on development meetings with the multi-family project on US 59 in Richmond. At this time the developer is working on preliminary schematics and elevations for the units. Ms. Steele and Mr. Haas met with the developer in late December to review the preliminary plans. As part of the meeting the developer was asked to provide single unit elevations so that building material could be calculated. Further review is anticipated for early spring, but the developer anticipates bringing forward a variance request. The Board took no action on the report.

13. Convene in Executive Session pursuant to Section 551.071, Texas Government Code, to conduct a private consultation with attorney to discuss pending or contemplated litigation

The Board did not convene in executive session.

14. Reconvene in Open Session and authorize appropriate action regarding contemplated litigation

There was no need to reconvene since the Board did not meet in Executive Session.

15. Adjournment

Director Terrell moved to adjourn the meeting at 4:20 pm. Director Howard seconded the motion, which carried unanimously.



Lane Ward
Assistant Secretary
West Fort Bend Management District