

MINUTES
WEST FORT BEND MANAGEMENT DISTRICT

June 18, 2013

The Board of Directors (the "Board") of the West Fort Bend Management District (the "District") met in regular session, open to the public, on June 18, 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
Todd Johnson	
Lane Ward	Assistant Secretary
Robert G. "Bob" Ray	Assistant Vice President

All of the above were present with exception of Director Dupuis; thus constituting a quorum.

Also present at the meeting were business owner Michelle Leach, Developer Chris Hotze, Brandon Scott with Aldi Food Mart, Advisory Board Member Tim Kaminski, Beth Wolf with Fort Bend County, Robert Haas with the City of Richmond; Matt Fielder and Travis Tanner with the City of Rosenberg; Lynne Humphries of Allen Boone Humphries Robinson LLP ("ABHR"); and Rachel Steele, Executive Director of the District.

Director Ray called the meeting to order at 2:05 p.m.

CONSENT AGENDA ITEMS

1-3. May 21, 2013, 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 May meeting minutes, the resolution honoring Director Howard, financial report and pending invoices. Director Ward noted changes to the minutes. The Board continued review of the remaining consent agenda items. After review and discussion, Director Ward moved for approval of all items on the consent agenda with the minutes amended. Director Johnson seconded the motion, which passed unanimously.

3. Resolution honoring Glenn Howard and his service to the District and Board of Director's

The resolution was approved by the Board unanimously in agenda item one.

REGULAR AGENDA ITEMS

4. Comments from the Public

No comments were received from the public.

5. Accept Sworn Statement, Official Bond, and Oath of Office for new director terms.

Ms. Humphries reviewed the Sworn Statement, Oath of Office and Official Bond documents with the Board. Upon review Director Ward moved that the Board approve and accept the Sworn Statements, Official Bonds, and Oath of Office for Directors Ray, Ward and Johnson. Director Johnson seconded the motion, which passed unanimously.

6. Convene in Executive Session pursuant to Section 551.074, Texas Local Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee.

The Board adjourned into Executive Session at 2:11 pm.

7. Reconvene in Open Session and authorize appropriate action regarding the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee.

The Board reconvened in Open Session at 3:07 pm. Director Ray thanked the applicants for their interest in serving on the Board. Director Ray reviewed Section 375.063 of The Texas Local Government Code on qualifications of directors. The criteria include being at least 18 years old and:

1. A resident of the district,
2. An owner of property in the district;
3. An owner of stock, whether beneficial or otherwise, of a corporate owner of property in the district;
4. An owner of a beneficial interest in a trust that owns property in the district; or
5. An agent, employee or tenant of a person covered by Subdivision (2) (3) (4).

Director Ray noted that the Board wanted to confirm qualifications and complete the interviews with all interested parties and that further action would be taken at the July board meeting. Director Ward requested that Ms. Steele review the qualifications of the applicants to ensure that all applicants had met the designated qualifications. Ms. Steele confirmed to do so. The Board took no action on the item.

8. Discuss and take action on assessment of penalty of up to \$20,000 per day for developer for violation of the District's standards related to fencing of commercial property at 26205 Southwest Freeway in Rosenberg, Texas.

Mr. Tanner gave a development report on the Shell gas station located at 26205 Southwest Freeway in Rosenberg. Several months ago, the property owner built a wood fence without a permit from the City of Rosenberg or approval from the District. The wood fence does not comply with the District's architectural standards. The City of Rosenberg notified the property owner of the issue, but the property owner has been nonresponsive. The District sent an enforcement letter to the property owner on June 4, 2013. Within a week of sending the letter, the property owner contacted the City of Rosenberg and will be removing the wood fence by June 20, 2013. Mr. Tanner noted that the Board did not need to take action on an assessment of a penalty. The Board took no action on the item.

9. 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 April meeting. Brandon Scott with Aldi Food Mart was introduced to review the variance proposal for the property at Reading Road and Vista Drive. Aldi Food Mart is requesting a parking setback variance from nine to thirteen feet, due to siting issues related to the building being constructed. Additionally, Aldi is requesting a sign variance of 2.5 feet due to the orientation of their logo. Mr. Tanner explained that the sign specifications being proposed by Aldi comply with the City of Rosenberg's sign ordinance. Director Johnson inquired about the mitigation plan for the variances. Mr. Scott responded that the primary building on the site would be constructed of 95% masonry. Furthermore, due to site layout other portions of the tract will meet or exceed the District's building setback requirement. Director Ray inquired about a landscape plan for the development. Mr. Scott responded that the landscape plan was being reviewed by the City of Rosenberg, but that it would meet all of the specifications outlined by the District. Upon consideration, Director Ward moved that the Board approve the sign and parking setback variance for Aldi Food Mart. Director Johnson seconded the motion, which passed unanimously.

Mr. Haas reviewed the City of Richmond's monthly development report with the Board. Mr. Haas then introduced Chris Hotze, owner and developer of River Pointe Center located at 5200 Pointe West Circle. Mr. Hotze presented five setback variances to the Board for their review and consideration. The variances included:

1. Ransom Road Parking Setback Variance from 25 feet to 12 feet;
2. Ring Road Parking Setback Variance from 25 feet to 15 feet;

3. Southwest Freeway Parking Setback Variance from 35 feet to 25 feet;
4. Ransom Road Building Setback Variance from 35 feet to 30 feet;
5. Pointe West Building Setback Variance from 25 feet to 20 feet.

Mr. Hotze explained that due to the tracts location, multiple permanent easements have been imposed on the tract. These easements are from the existing Levee Improvement District, CenterPoint Energy, Texas Department of Transportation (TxDOT), the City of Richmond and the City of Sugar Land. Because of the easement, siting for the development has been harder to achieve. At this time the building for the development have been placed, but applying the existing District standards for parking and building setbacks in some places will mean that parking for the site would be lost and that the tract could not be developed to its optimal potential. Director Ray inquired whether or not turning radius of tractor trailers or delivery trucks were considered as part of site development. Mr. Hotze confirmed that they had. Director Johnson asked if the proposed TxDOT expansion of the Southwest Freeway would impact the development plan. Mr. Hotze responded that TxDOT has already acquired the rights-of-way needed for the project and that the site would not be adversely impacted. Director Ward inquired about the mitigation proposal for the variance request. Mr. Hotze responded that landscaping for the site would exceed the District's landscaping standard by 20%. Additionally, the owner will grant a spot for the City of Richmond to utilize for a "Welcome to Richmond" sign in the right-of way adjacent to the Southwest Freeway Frontage Road. After a brief discussion Director Ward moved that the Board approve the parking and building setback variances. Director Johnson seconded the motion, which passed unanimously.

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

a. FM 359 Service Proposal

Ms. Steele outlined the service proposal with the Board. The service area extends from FM 359 and the railroad tracks to the intersection of FM 359 and Farmer Road. The area to be mowed is 21.388 acres. Ms. Steele will coordinate with the municipal utility districts along the corridor to discuss funding of the project. Director Johnson moved that the Board approve the service proposal. Director Ward seconded the motion.

Ms. Steele updated the Board on the status of the Quiet Zone feasibility study. At this time the Houston-Galveston Area Council has declined to fund the study. The organization has provided the District with resources to pursue the project on its own. Director Ward noted that the District should continue to work with Commissioner Morrison's office, as previously discussed, to see if the quiet zone study could still be pursued. The Board took no further action on the report.

11. Amend 2013 Fiscal Year Budget, if necessary.

The Board took no action.

12. Review and take action on the FY 2013 George Foundation grant report.

Ms. Steele reviewed the grant report with the Board. This document is the final report on how the funds for the executive director position were utilized. At the end of the two year term, a small portion of the grant funds unspent. The District will request to retain the funds to further fund the executive director position. Director Ward moved that the Board approve the final grant report. Director Johnson seconded the motion, which passed unanimously.

13. Review and take action on the FY 2014 George Foundation grant proposal.

Ms. Steele reviewed the FY 2014 grant proposal to the George Foundation. Director Ward suggested that the proposal be revised to show the amount being requested dispersed by fiscal year rather than as a lump sum. Ms. Steele confirmed that the revision would be made. After further review, Director Ward moved that the Board approve the grant proposal to the George Foundation. Director Johnson seconded the motion, which passed unanimously.

14. Review appointments and receive Committee Reports:

No reports were given.

15. Report from Advisory Board Members

No reports were given.

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

No reports were given.

17. Adjournment

Director Ward moved to adjourn the meeting at 4:10 pm. Director Ray seconded the motion, which carried unanimously.

Lane Ward

Lane Ward
Assistant Secretary,
West Fort Bend Management District