

## CITY OF ROSENBERG CITY COUNCIL WORKSHOP MEETING MINUTES

On this the 28th day of January, 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 (arrived at meeting at 7:18 p.m.)
Susan Euton	Councilor, District 2
Amanda Bolf	Councilor, District 4

### ABSENT

Dwayne Grigar	Councilor, District 3
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### STAFF PRESENT

Robert Gracia	City Manager
Linda Cernosek	City Secretary
John Maresh	Assistant City Manager
Jeff Trinker	Assistant to the City Manager
Lora Lenzsch	City Attorney
Charles Kalkomey	City Engineer
Joyce Vasut	Finance Director
Rachelle Kanak	Interim Economic Development Director
Dallis Warren	Interim Police Chief
Wade Goates	Fire Chief
Travis Tanner	Planning Director
John Johnson	Police Officer
Angela Fritz	Communications Director
Karl Zwahr	Public Works Director
Tommy Havelka	Police Officer
Kaye Supak	Executive Assistant

### CALL TO ORDER.

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

### AGENDA

#### 1. REVIEW AND DISCUSS THE LEASE OF CITY-OWNED PROPERTY FOR HAY PRODUCTION, 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 extending the Lease of Real Property for Hay Production (Lease). A copy of the current Lease Agreement, which includes maps identifying the locations of the properties, is included in the packet. The 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 City Council approve both of the additional one-year terms at this time, thereby extending the current Lease with Pete F. Vacek, Jr., until April 01, 2016, in the amount of \$3,858.60 per

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 in 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 red 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 area 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.

Prior to the City's engagement of contracted inspection services with Jones & Carter, Inc., the engineering firm responsible for a specific project design and construction also provided the inspection services which were limited to only that project. With multiple projects underway simultaneously, the City was paying for multiple inspectors and this was not cost effective. In some cases, the City hired an engineering firm to design a project, but the firm did not offer construction phase/inspection services so the City had to hire another firm to provide the required services. In other instances, third party inspectors were not familiar with the City of Rosenberg construction standards resulting in construction delays, incorrect interpretations of the standards, or the already limited City staff members having to expend time and effort to review construction phase work.

Should City Council direct staff to move forward, this Proposal will be placed on a future Agenda for final consideration.

**Key discussion points:**

- John Maresh, Assistant City Manager explained the executive summary as stated above.
- Councilor McConathy asked when the City had previously reviewed the companies that provide the services that Jones and Carter currently does for the City. John Maresh answered the Professional Services Committee has not reviewed other companies specifically for construction work.
- Councilor McConathy said the City reviews the various engineering firm's services from time to time to see if the City wants to hire or allow other companies to present to the City for the possibility of changing out those services. I know that one of the Council Members leading this charge is not here tonight, so I might suggest we review this item again when both Councilors Pena and Grigar are present. According to the notes from the Professional Services Committee, it is just a general lengthy discussion, so we don't know the details of what was discussed and what was motivating this to come before Council tonight.
- Councilor Benton stated he is a member of the Professional Services Committee, and he missed the meeting where this was discussed. Councilor Benton stated he would also like to put this item back on the agenda when Councilors Pena and Grigar return.
- Councilor Bolf also agreed and would like to hear what Councilors Pena and Grigar's opinions are.
- Councilor Euton asked if the City ever had an in-house City Engineer person to do this job rather than outsourcing. She asked why the City does it this way. John Maresh answered that the number of the projects fluctuate and it doesn't justify having a lot of inspectors when many multiple projects are going on at one time.
- Councilor Benton asked if someone on the payroll could do other types of inspecting. John Maresh stated this is a different type of inspection. The issue is when you have multiple projects going on Jones and Carter will have two or three inspectors here at the same time. During the busy time, they can be multiple places at one time.

**4. 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) years' 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 a City Council Agenda 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 where the HOA is responsible for additional ongoing costs above and beyond the standard number of street lights. The only risk in this case may be reliance on an HOA for the long term maintenance costs.

At this time, staff is requesting direction from City Council as to whether the City should (1) keep the current Ordinance as it is, or (2) proceed with an Ordinance Amendment similar to Missouri City's (attached) that would allow the developer to install ornamental lights provided the HOA is responsible for the costs associated with the additional lights. The latter could be done through an Amendment to the "Subdivision" Ordinance, and potentially the Design Standards. Should City Council direct staff to move forward with one of these options, this item will likely also need to be reviewed by the Planning Commission for their recommendation due to involving the "Subdivision" Ordinance and Design Standards?

**Key discussion points:**

- Travis Tanner, Planning Director gave an overview and presented a Power Point on the item.
- **Options Under Current Ordinance**
  - 1) Install standard lights and City accepts system and costs
  - 2) Install ornamental lights and HOA accepts costs
  - 3) Ornamental lights are smaller and require more lights to meet the same lighting standards
  - 4) Therefore ornamental lights would result in greater costs to the City if accepted by the City
- **Example**
  - Install standard lights and City accepts system and costs
  - Install ornamental lights and HOA accepts costs
  - Ornamental lights are smaller and require more lights to meet the same lighting standards
  - Therefore ornamental lights would result in greater costs to the City if accepted by the City
- **Recommendation**
  - Ornamental street light policy/ordinance that meets the following criteria:
    - No additional cost to the City
    - Does not discourage upgrading lights
    - Missouri City design standards allow City to accept ornamental lights if HOA pays the cost above and beyond standards lights
    - Similar ordinance is recommended
  - Councilor McConathy stated she researched this and cities like Seguin, Carrollton, Fresno, Corpus Christi, and Columbia in addition to others that have adopted ordinances such as this. Most of them put the expense on the HOA or the developer rather than the city carrying that expense. She gave an example of verbiage used.
  - Travis Tanner stated Missouri City is the only one staff could identify that has a hybrid where the city picks up the typical cost and the HOA pays for above and beyond. We focused on cities in our area. This is for new subdivisions.
  - Councilor McConathy stated we need to consider addressing where it is an existing one that wants to upgrade to decorative.
  - Travis Tanner stated this would serve that purpose as well and is something staff can look at

when we draft an ordinance.

- Councilor Benton stated he leans toward the HOA absorbing the entire cost because of accounting issues.
- Travis Tanner explained when someone develops a new subdivision in particular they can install the standard street lights and the city accepts that system and pays for the maintenance cost. That is the current policy. If someone installs decorative street lights it will require more lights. If the City wants to take on the entire maintenance cost we would incur more cost. We are talking about here is if someone wants to do decorative street lights the City would accept the typical cost, the cost of thirty lights, but the HOA would be responsible for the additional cost. We don't want to incur more cost but we also don't want to discourage someone from developing an upgraded product. We would require the HOA to pick up any additional cost. It would be done through separate accounts with CenterPoint.
- Councilor Benton asked if each light is metered. Travis Tanner said no but a separate account can be setup with CenterPoint that the HOA can pay for part and the City can pay for part.
- Councilor Benton stated when a new development comes in does the City or the developer pay for the light fixtures. Travis Tanner stated that CenterPoint designs a lighting system and the City nor the developer pays for the cost of the standard street lights. It is the on-going cost that the City accepts. If it is a decorative light the developer has to pay for that.
- Councilor Benton asked who pays the light bill. Travis Tanner stated the City pays for that for the standard lights.
- Joyce Vasut stated under the current ordinance the developer pays the first three years of the light bill upfront. The first three years they cover 100% of the cost. We collect that in advance and they pay us. CenterPoint will not install the fixtures until they have our approval that we have been paid for the first three years of operation of those lights. When the lights are installed they are setup in an account in the City of Rosenberg's name and we pay the bills but we have already been paid in advance for the first three years. After that, the City continues to pay that bill. Light bills are difficult to read but it is based on the number of certain types of lights with certain lumens. We pay for lights all around the City.
- Mayor Morales stated Center Point had a program for security lighting at one time with a fixed cost but they eliminated that program.
- Councilor Bolf stated she does not oppose to it as long as the HOA pays the difference in cost.
- Councilor Euton stated she has no objection to it if they pay the difference in cost.
- Mayor Morales stated based on what has been explained, it is to our advantage for them to upgrade and enhance their development. It helps the future of the City. At this point he would encourage staff to put the ordinance together based on those criteria.
- No action was taken on the item.

**5. REVIEW AND DISCUSS PROPOSED AMENDMENTS TO THE "SOLICITATION" ORDINANCE, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

**Executive Summary:** A request was made to review the City's current ordinances to address the practice of panhandling. Staff has reviewed the "Solicitation" Ordinance and applicable law and has developed several proposed changes to the existing Ordinance.

This Agenda item will provide an opportunity for City Council to discuss the Ordinance regulating itinerant vendors, solicitors and peddlers and make recommendations to staff.

**Key discussion points:**

- Dallis Warren, Interim Police Chief gave an overview of the proposed changes to the current City ordinance, Chapter 16, Article IV – Itinerant Vendors, Solicitors and Peddlers.
- We currently have no ordinance provisions for panhandling. Panhandling is a practice of approaching anyone in a public area and asking for money. This is a federally protected right. It is considered a freedom of speech issue whenever you regulate approaching people in a public area. The courts have ruled in can be regulated in three (3) different ways: 1) by behavior-regulate aggressive panhandling; 2) prohibited in specific locations, such as banks; 3) regulation by geographic area. The courts have a significant hurdle to regulate by geographic

area. They define it as a narrowly defined area, with a strong record of major passive panhandling and there has to be a strong record that the passive panhandling is to be prohibited in an area that has special significance. Given this guidance from the courts, we are addressing the first two areas of regulation.

- Dallis Warren reviewed the expanded definition of solicitation; aggressive solicitation; automated teller facility, bank; bus; and check cashing business.
- A "red-lined" copy of the proposed revisions to the ordinance was provided to Council for their review.
- The proposed amended ordinance also makes it an offense up to \$500 to panhandle under these terms.
- Councilor Euton asked if there have been any complaints or major impact concerning panhandlers. Dallis Warren answered they get some complaints and had one this past weekend from one of the restaurants in Brazos Town Center. Since we don't have an ordinance to regulate them, it is very difficult to tract the exact number, but they get about 8-10 complaints per month on solicitation. He is not sure how many of those are dealing with panhandling and how many are dealing with the existing ordinance. He would have to go through every single call to determine if it pertains to panhandling. He knows there are some panhandling calls from time to time.
- Councilor Euton said she liked the revised ordinance and that we are not invading anyone's personal rights and yet protecting the public from the aggressive panhandlers.
- Councilor Benton said his main concern was the right of way and at the shopping centers and this revised ordinance will help. He has had some complaints about panhandling in Rosenberg.
- Dallis Warren reiterated that this is only from "aggressive" panhandling—not against someone asking for money.
- Councilor McConathy asked if this will add more boundaries to the permitted solicitors, even when they get aggressive. Dallis Warren answered it will, once you have told someone "no", block their passage, or touch them, it becomes a violation of our ordinance.
- Councilor McConathy congratulated Dallis Warren on this revised ordinance and hoped the permitting department would ensure anyone coming in for a solicitor's permit would have the new rules so they can abide by them.
- Councilor Benton said his concern was those who didn't seek permits and he hopes this helps everyone.
- Dallis Warren said it gives the officers the tool they need to address those issues they don't have at this time.
- Councilor McConathy asked for a review of this ordinance to see if it's effective, in about six (6) months to a year from now. Dallis Warren stated they will be able to track how many complaints and calls they have because once the ordinance is passed it will be listed as a violation in their system and can be tracked.
- Councilor Bolf asked if this could be given to all the restaurant owners so they would have the guidelines. Dallis Warren said they would distribute through various business organizations.
- Dallis Warren said this ordinance will be brought back to a regular meeting for final approval.

**6. REVIEW AND DISCUSS POTENTIAL APPOINTMENT OF A CHARTER REVIEW COMMITTEE, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

**Executive Summary:** This Agenda item has been included to allow City Council the opportunity to discuss the potential appointment of a Charter Review Committee.

**Key discussion points:**

- Councilor Benton stated he wanted to see what Council's views are on a Charter Review Committee.
- Mayor Morales asked if there are some particular items we would be addressing.
- Councilor Benton stated term limits is one and other things. This is a foundation for the future.
- Mayor Morales stated that Council can have a charter amendment election every two years, per state law.
- Lora Lenzsch, City Attorney stated you can review it any time. The City Council can be the

committee.

- Mayor Morales stated a Charter Review Committee was formed when the citizen's voted on staggered terms.
- Lora Lenzsch stated we have had prior charter amendments.
- Councilor McConathy stated it has been a long time since we have had a citizen based committee review the whole charter. This could be two fold since some of us want to see term limits come up in the short term, since we have a 2015 deadline. Perhaps term limits could be on that. A long range plan is to formulate a committee to review the entire charter over the next two years in preparation for the next charter amendment change in 2017.
- Councilor Bolf stated she would suggest a committee with a mixture of citizens and Council or City employees.
- Councilor Euton would favor a mixed committee. We need to put the term limits on the 2015 ballot and anything else if it is ready.
- Councilor McConathy stated we would have to budget for staff and other expenses that would be incurred for this committee to meet.
- Mayor Morales stated staff could help Council budget for that the future.
- Robert Gracia stated we are preparing for the next budget workshop and we start in March. He recommended during those discussions we would bring back a plan of action to be able to move forward.
- No action was taken on the item.

**7. REVIEW AND DISCUSS POTENTIAL APPOINTMENT OF A BOND ELECTION COMMITTEE, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

**Executive Summary:** This Agenda item has been included to allow City Council an opportunity to discuss the potential appointment of a Bond Election Committee.

**Key discussion points:**

- Councilor Benton stated the Bond Election Committee is the same thing. He knew Robert Gracia had some evaluation to identify our needs. It was the same concern to lay a foundation for the possible activation of a committee regardless of the makeup of it.
- Robert Gracia referenced his August 30<sup>th</sup> memorandum to Council regarding the Bond Election we suggested and Council agreed to delay the Bond Referendum proposed for the November 2013 to give us an opportunity to reevaluate and refine the procedure for developing future bond proposals. You have to understand the management team went through a training session and in order for us to be successful in preparing and identifying what those needs are; we need about a year to do an adequate job and complete the process. The different phases were outlined in the memorandum but it takes a year if we are going to be successful in passing whatever bonds we recommend. Once the committee is established and we identify what those needs are then we start the process. It is a year process. We will not be able to put it together in three or six months.
- Councilor Benton asked when would the committee start meeting.
- Robert Gracia stated staff will provide Council our findings during the budget workshop. We will identify and layout the good, bad and the ugly. The team has been working diligently in identifying all the deficiencies we have within the City. We are looking at infrastructure, technology equipment, and facilities. Those findings will be presented during that process and you will have the opportunity to have discussions and then prioritize accordingly. Then you would direct staff to move forward. We start the process in March.
- Joyce Vasut stated the last meeting in July is when Council gets the proposed budget. Staff will present Council some strategic planning and needs in March. We will start putting together the numbers on those capital items. The process will be different than it has been. You will start seeing the needs and projects in March. Our plan is to give Council a general overview of the departments and their needs in March. Dollars amounts will probably be available around June or sooner.
- Robert Gracia stated staff is coming up with a master plan. Each department will provide and present their five year plan.

- 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.

- Councilor Bolf stated when TxDOT was here we suggested putting a sign on US 59 to use Spur 10. That would help a lot of cut through traffic. We asked TxDOT to look into that and she has not heard back from them. That needs to be done.
- Councilor Benton agreed that would help but in the inner neighborhoods they are everywhere.
- Councilor Euton stated that if we want to address there might be specific neighborhoods where we are having a lot of breakdowns. We need to use a lot of caution because of the people who have trucks they are parking at their home because of the cost and safety issue of parking it elsewhere.
- Mayor Morales asked legal counsel if we could identify areas and have sign postings that show weight limits in particular areas. That also gives our officers something to identify and enforce. If there are certain areas, such as Old Richmond Road identified as a problem then sign postings could be done and then you are not changing the ordinance we have but you let people know areas that are off limits.
- Robert Gracia asked how we identify the areas of town. We have an existing ordinance where we have identified weight limits. Who determines and do we look at all streets?
- Lora Lenzsch stated the city engineer would know the weight restrictions for a particular road.
- Councilor Benton stated Old Richmond Road is one and Jones Street and Sally Anne street.
- Councilor Euton suggested maybe roads that have been redone the last two years and the ones on the list to be done.
- Councilor McConathy stated then it becomes a problem with the class of permitted truck usage as in a moving truck. That is a weight class that would exceed anything we come up with.
- Mayor Morales suggested professional guidance is needed for this.
- Robert Gracia asked Council to allow staff time to research and review and come back to Council with a recommendation.
- No action was taken on the item.

**10. CONSIDER MOTION TO ADJOURN FOR EXECUTIVE SESSION.**

*Action:* Councilor Euton made a motion, seconded by Councilor Benton to adjourn for Executive Session. The motion carried by a unanimous vote of those present.

**11. HOLD EXECUTIVE SESSION TO RECEIVE LEGAL ADVICE ON LEGAL MATTERS PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE; AND, TO DELIBERATE THE POTENTIAL PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY PURSUANT TO SECTION 551.072 OF THE TEXAS GOVERNMENT CODE; AND, FOR DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS AS AUTHORIZED BY SECTION 551.087 OF THE TEXAS GOVERNMENT CODE.**

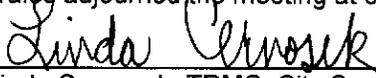
An Executive Session was held to receive legal advice on legal matters pursuant to Section 551.071 of the Texas Government Code; and, to deliberate the potential purchase, exchange, lease, or value of real property pursuant to Section 551.072 of the Texas Government Code; and, for deliberations regarding economic development negotiations as authorized by Section 551.087 of the Texas Government Code.

**12. 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 8:45 p.m. No action was taken as a result of Executive Session.

**13. ADJOURNMENT.**

There being no further business Mayor Morales adjourned the meeting at 8:45 p.m.

  
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 Linda Cernosek, TRMC, City Secretary