

CITY COUNCIL WORKSHOP MEETING MINUTES

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

- 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.



Linda Cernosek, TRMC, City Secretary