

CITY OF ROSENBERG REGULAR COUNCIL MEETING MINUTES

On this the 15th day of April, 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
Joyce Vasut	Executive Director of Administrative Services
Lisa Olmeda	Human Resources Director
Charles Kalkomey	City Engineer
Wade Goates	Fire Chief
Travis Tanner	Executive Director of Community Development
Darren McCarthy	Parks and Recreation Director
Randall Malik	Economic Development Director
Angela Fritz	Communications Director
Kaye Supak	Executive Assistant
Tommy Havelka	Police Department
John Johnson	Police Department

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 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE.

Pastor Miguel Quinones, The Church, Rosenberg gave the invocation and led the pledge of allegiance to the flag.

PRESENTATION OF PROCLAMATION PROCLAIMING APRIL 2014 AS "SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH" IN THE CITY OF ROSENBERG.

Mayor Morales presented a Proclamation Proclaiming April 2014 as "Sexual Assault Awareness and Prevention Month" in the City of Rosenberg to Vita Goodell, Executive Director of the Fort Bend County Women's Center.

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 WORKSHOP MEETING MINUTES FOR MARCH 25, 2014, AND REGULAR MEETING MINUTES FOR APRIL 01, 2014.

B. CONSIDERATION OF AND ACTION ON AUTHORIZATION TO SELL THE PROPOSED LIST OF SURPLUS PROPERTY ITEMS TO BE INCLUDED IN THE ON-LINE AUCTION.

Executive Summary: For City Council's consideration, staff has provided items on the attached list to be included in the City-wide auction to retire surplus equipment, confiscated items, and other salvaged property. The on-line auction is ongoing with PropertyRoom.Com.

Staff recommends approval of the surplus list as presented.

C. CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2014-16, AN ORDINANCE GRANTING CONSENT TO THE FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 158 FOR THE SALE AND ISSUANCE OF UNLIMITED TAX BONDS, SERIES 2014, IN AN AMOUNT NOT TO EXCEED \$1,650,000.

Executive Summary: Ordinance No. 2014-16 granting the City's consent to Fort Bend Municipal Utility District 158 (MUD No. 158), to sell Unlimited Tax Bonds, Series 2014, in an amount not to exceed \$1,650,000. MUD No. 158 is located in the City's Extraterritorial Jurisdiction (ETJ), at the southwest corner of Reading Road and Benton Road was included in the agenda packet. The development is identified as River Run on the Brazos and Rivers Mist subdivisions.

City Council consented to the creation of MUD No. 158 on December 14, 2004, through Ordinance No. 2004-29, and which was originally proposed as a 158.54 acre development. The Water Supply and Wastewater Services and Development Agreements between the City and Ventana Development Reading, LP, were executed on February 22, 2005. City Council approved Ordinance No. 2006-19 on August 15, 2006, consenting to the addition of approximately 59 acres. MUD No. 158 now is comprised of approximately 217.5 acres.

This will be the sixth bond sale for MUD No. 158. The first sale was approved through Ordinance No. 2007-35 on August 21, 2007, in the amount of \$1,460,000. The second sale was approved through Ordinance No. 2009-29 on August 18, 2009, in the amount of \$1,870,000. The third sale was approved on June 21, 2011, through Ordinance No. 2011-16 in the amount of \$1,400,000. The fourth sale was approved on April 17, 2012, through Ordinance No. 2012-15 in the amount \$1,600,000. The fifth sale was approved on February 19, 2013, through Ordinance No. 2013-14 in the amount of \$1,600,000.

Submission documentation for this sale - the Official Statement/Notice of Sale, Texas Commission on Environmental Quality (TCEQ) submission documentation, minute excerpts, associated agreements, and previous bond sale 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. 2014-16 thus authorizing the bond issue to proceed.

D. CONSIDERATION OF AND ACTION ON THE FINAL PLAT OF RIVER RUN AT THE BRAZOS SECTION THREE-B, BEING A SUBDIVISION OF 8.4897 ACRES OUT OF THE WM. LUSK SURVEY, A-276, IN FORT BEND COUNTY, TEXAS (FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 158); 36 LOTS, 3 BLOCKS, 0 RESERVES.

Executive Summary: The Final Plat of River Run at the Brazos Section Three-B is located in the central part of River Run at the Brazos off of Longvale and Dragonfly Drives. It is in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County Municipal Utility District No. 158 (MUD No. 158). The Plat contains 8.4897 acres and thirty-six (36) lots.

The proposed Final Plat is consistent with the Preliminary Plat, which was approved by the Planning Commission on April 25, 2012. Typically, the Preliminary Plat would have expired after six (6) months; however, the Final Plats for Section Three have been submitted in phases. Section Three-A was approved before the expiration date. The typical lot size for this subdivision is sixty (60) feet in width per the approved Land Plan.

The Final Plat is not in conflict with any regulations or with the approved Land Plan. The Planning Commission reviewed and recommended approval of the Final Plat to City Council on January 22, 2014. That said, staff recommends approval of the Final Plat of River Run at the Brazos Section Three-B.

Action: Councilor McConathy made a motion, seconded by Councilor Euton to approve Items A-D on the Consent Agenda. The motion carried by a unanimous vote.

REGULAR AGENDA

2. HEAR AND DISCUSS A PRESENTATION REGARDING A PROPOSED EAGLE SCOUT PROJECT TO PLACE RESTORED PARK BENCHES IN BRAZOS PARK, AND TAKE ACTION AS NECESSARY.

Executive Summary: On March 27, 2014, Jerrod Schulze of Troop 1000 presented a proposed Eagle Scout Project (Project) to be placed in Brazos Park to the Parks and Recreation Board (Board). After reviewing his presentation regarding the proposal to restore park benches, the Board unanimously recommended the Project plan for approval as presented.

Staff recommends approval of the proposed Eagle Scout Project at Brazos Park based upon Jerrod Schulze's presentation and the recommendation of the Parks and Recreation Board.

Key discussion points:

- Darren McCarthy, Parks and Recreation Director thanked Mr. Rick Adams of the Master Naturalists for working with and coordinating the Eagle Scouts for the many projects in the parks.
- Darren McCarthy read the Executive Summary regarding the item.
- Jerrod Schulze of Troop 1000 gave an overview of the project for Brazos Park.
- Council thanked Jerrod Schulze for his work and the project in the Park.

Action: Councilor Benton made a motion, seconded by Councilor Bolf to approve a proposed Eagle Scout Project to place restored park benches in Brazos Park. The motion carried by a unanimous vote.

3. **HEAR AND DISCUSS A PRESENTATION REGARDING A PROPOSED EAGLE SCOUT PROJECT TO CREATE EIGHT (8) BLUEBIRD NESTING BOXES AND INSTALL INTERPRETIVE SIGNAGE, AND TAKE ACTION AS NECESSARY.**

Executive Summary: On March 27, 2014, Treeank Patnaik of Troop 1000 presented a proposed Eagle Scout Project (Project) to build and install eight (8) Bluebird nesting boxes with an interpretative trail sign to be placed in Seabourne Creek Nature Park to the Parks and Recreation Board (Board). After reviewing his presentation regarding Bluebird conservation in Seabourne Creek Nature Park, the Board unanimously recommended the Project plan for approval as presented.

Staff recommends approval of the proposed Eagle Scout Project at Seabourne Creek Nature Park based upon Treeank Patnaik's presentation and the recommendation of the Parks and Recreation Board.

Key discussion points:

- Darren McCarthy read the Executive Summary regarding the item.
- Treeank Patnaik's of Troop 1000 explained the project.
- Council thanked him for his work and the project at Seabourne Creek Nature Park.

Action: Councilor Bolf made a motion, seconded by Councilor McConathy to approve a proposed Eagle Scout Project to create eight (8) bluebird nesting boxes and install interpretive signage at Seabourne Creek Nature Park. The motion carried by a unanimous vote.

4. **HOLD PUBLIC HEARING ON PROPOSED RE-ADOPTION OF THE CITY'S DROUGHT CONTINGENCY PLAN.**

Executive Summary: This public hearing will allow City Council to receive public comment on the proposed re-adoption of the City's Drought Contingency Plan. A notice of public hearing was published in the Fort Bend Herald on Sunday, April 06, 2014, as well as published to the City's website.

The City's Drought Contingency Plan is being proposed for re-adoption without change and will be considered as the next Agenda item for Ordinance No. 2014-15.

Key discussion points:

- John Maresh, Assistant City Manager for Public Services read the Executive Summary regarding the item.
- Mayor Morales opened the public hearing at 7:20:10 p.m. There were no comments and the public hearing was closed at 7:20:27 p.m.

5. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2014-15, AN ORDINANCE RE-ADOPTING AND CONTINUING WITHOUT CHANGE THE CITY'S DROUGHT CONTINGENCY REGULATIONS AS SET FORTH IN ARTICLE II OF CHAPTER 10 OF THE CODE OF ORDINANCES; PROVIDING RULES AND REGULATIONS FOR INITIATION AND TERMINATION OF DROUGHT CONTINGENCY PLANS WITHIN THE CITY; PROVIDING FOR RESPONSE STAGES AND RESTRICTIONS ON CERTAIN WATER USES DURING DROUGHT CONDITIONS; PROVIDING FOR ENFORCEMENT OF SUCH RESTRICTIONS; PROVIDING FOR PROCEDURES FOR GRANTING OF VARIANCES; PROVIDING A PENALTY IN AN AMOUNT OF NOT MORE THAN \$500 FOR VIOLATION OF ANY PROVISION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.**

Executive Summary: This item has been placed on the Agenda to offer City Council the opportunity to review and re-adopt the Drought Contingency Plan (Plan). The Plan is required by the Texas Commission on Environmental Quality (TCEQ) and the current Plan was adopted on December 21, 2010 (Ordinance No. 2010-31). Per correspondence from TCEQ, the City is required to review and adopt the Plan by May 01, 2014. A copy of the adopted Plan will have to be sent to TCEQ. TCEQ typically requires the local entity to review and adopt the Plan at least once every five (5) years and May

01, 2014, coincides with the five (5) year cycle established by TCEQ.

Staff has reviewed the Plan and did not identify any revisions that need to be made at this time. Staff recommends approval of Ordinance No. 2014-15, re-adopting the City's Drought Contingency Regulations.

Key discussion points:

- John Maresh read the Executive Summary and explained the item.

Action: Councilor McConathy made a motion, seconded by Councilor Grigar to approve Ordinance No. 2014-15, an Ordinance re-adopting and continuing without change the City's Drought Contingency Regulations as set forth in Article II of Chapter 10 of the Code of Ordinances; providing rules and regulations for initiation and termination of drought contingency plans within the City; providing for response stages and restrictions on certain water uses during drought conditions; providing for enforcement of such restrictions; providing for procedures for granting of variances; providing a penalty in an amount of not more than \$500 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 unanimous vote.

6. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2014-17, AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY DELETING ARTICLE III OF CHAPTER 10 THEREOF AND SUBSTITUTING THEREFOR A NEW ARTICLE III OF CHAPTER 10 THEREOF, ADOPTING A WATER CONSERVATION PLAN; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 FOR VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.**

Executive Summary: This item has been placed on the Agenda to offer City Council the opportunity to review and adopt the updated Water Conservation Plan (Plan). The Plan is required by the Texas Commission on Environmental Quality (TCEQ) and the current Plan was adopted on April 07, 2009 (Ordinance No. 2009-17). Correspondence from TCEQ was included in the agenda packet. The City is required to review and adopt the Plan by May 01, 2014. A copy of the adopted Plan will have to be sent to TCEQ. TCEQ typically requires the local entity to review and adopt the Plan at least once every five (5) years and May 01, 2014, coincides with the five (5) year cycle established by TCEQ.

Staff has reviewed the Plan and did not identify any revisions that need to be made at this time. Staff recommends approval of Ordinance No. 2014-17, adopting the City's Water Conservation Plan.

Key discussion points:

- John Maresh read the Executive Summary regarding the item.

Questions/Comments:

- Councilor Pena asked if the \$2,000 maximum penalty applies in a severe drought situation.
- John Maresh stated it is for dealing with trying to prevent people from wasting water. As long as people are not wasting there should be no issues where we would be citing people. There is a progressive process we would go through educating the public to rectify any issues.
- Councilor McConathy referenced Item 3, page 4 of 9 – and asked what “unaccounted water” is.
- John Maresh stated the amount of water produced from all of our wells is tracked when it is billed and sold to the customers and that difference is our loss which occurs through leaks or flushing hydrants, etc. That is the unaccounted water.
- Councilor McConathy referenced Page 6 – 4.3 continuing Public Education Program – Coordinating Education. We do water publications in the water bill and we provide TCEQ statistics. Do we go into schools to lecture and present and who does that?
- John Maresh stated we have not gone independently, but he has gone with the Subsidence District on occasion when they do the Water Wise Program at the schools and attended those sessions.
- Councilor Benton stated his children attend Travis Elementary and someone came to the school

- and gave them some faucets.
- John Maresh stated that program is through the Water Wise Program that the City helps to sponsor.

Action: Councilor McConathy made a motion, seconded by Councilor Euton to approve Ordinance No. 2014-17, an Ordinance amending the Code of Ordinances by deleting Article III of Chapter 10 thereof and substituting therefor a new Article III of Chapter 10 thereof, adopting a Water Conservation Plan; providing a penalty in an amount not to exceed \$2000 for violation of any provision hereof; and providing for severability. The motion carried by a unanimous vote.

7. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1778, A RESOLUTION AWARDED BID NO. 2014-07 FOR CONSTRUCTION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT RELATED TO CONSTRUCTION SERVICES FOR THE NORTH SIDE SANITARY SEWER IMPROVEMENTS – PHASE IX; AND, PROVIDING AUTHORIZATION FOR THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, APPROPRIATE DOCUMENTS AND/OR AGREEMENTS REGARDING SAME.**

Executive Summary: Proposals were received on Wednesday, April 02, 2014, for Phase IX of the Community Development Block Grant (CDBG) sanitary sewer improvements. The bids were opened and tabulated on the Bid Summary. A total of five (5) bids were received.

Staff recommends Bid No. 2014-07 be awarded to T Construction, LLC, for the Base Bid amount of \$165,273.00 and Alternate Bid No.1 in the amount of \$48,509.00, for a total amount of \$213,782.00 with a term of sixty-five (65) working days. Correspondence from Kelly R. Kaluza & Associates, Inc., recommends same. Should the bid be awarded as recommended, the T Construction, LLC, proposal will serve as Exhibit "A" to Resolution No. R-1778.

CDBG funding of \$177,401.00 has been provided for construction on this project. The City would provide local matching funds in the amount of \$36,381.00 to fully fund the remaining construction cost that is above the grant amount.

Staff recommends approval of Resolution No. R-1778 which will award Bid No. 2014-07 and provide authorization for the City Manager to negotiate and execute all required documents necessary to facilitate the project.

Key discussion points:

- John Maresh read the Executive Summary regarding the item.

Questions/Comments:

- Councilor Benton asked that maps be provided for the audience for these items.
- John Maresh stated that can be done.
- Councilor Grigar referenced the alternate bid and asked if the \$48,000 is for the post construction cleaning and televising of the completed sanitary sewer.
- John Maresh stated that will include the total. There is pre-cleaning and the actual pipe bursting work and the post cleaning work as well.
- Councilor Grigar asked if any of that was done in the past.
- John Maresh stated it is always done in those projects. Not knowing what the bid prices were going to be the bid proposal is setup as an alternate bid because in the base bid we would be obligated to complete that amount of work. If we do it as an alternate bid we will have the option if funds are available we can accept it or leave it out of the project if over budget.
- Councilor Grigar stated that is not a requirement by TCEQ or the grant.
- John Maresh stated no that is standard through the construction practices.
- Councilor Grigar referenced the map and stated there is a 6" line in the flood zone at the very north end of the project that is not being done because of the flood zone. How will that be done?
- John Maresh stated CDBG funds can't be utilized in flood zone areas. As part of the other

project we are pursuing for the additional sanitary sewer line; the area in the flood plain will be included and those will be local funds.

- Councilor Pena stated there is a substantial amount of difference between the low and high bid. We are looking at the low bid and asked if that is realistic.
- John Maresh stated he thinks so. The unit prices look to be good numbers and T-Construction has done good work for us before. He is comfortable with the job they do.

Action: Councilor Grigar made a motion, seconded by Councilor Benton to approve Resolution No. R-1778, a Resolution awarding Bid No. 2014-07 for construction of the Community Development Block Grant (CDBG) Project related to construction services for the North Side Sanitary Sewer Improvements – Phase IX; and, providing authorization for the City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same. and award to T Construction, LLC, for the Base Bid amount of \$165,273.00 and Alternate Bid No.1 in the amount of \$48,509.00, for a total amount of \$213,782.00. The motion carried by a unanimous vote.

8. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1779, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AN AMENDED ADMINISTRATIVE SERVICES AGREEMENT BY AND BETWEEN THE CITY AND THE WEST FORT BEND MANAGEMENT DISTRICT FOR PLAN REVIEW AND INSPECTION SERVICES.**

Executive Summary: Currently, the City's Administrative Services Agreement with the West Fort Bend Management District (District) essentially provides for the following:

1. District use of Rosenberg facilities
2. Rosenberg provision of finance, accounting, and general services (e.g., records management)
3. Rosenberg provision of plan review and inspection services

The District compensates the City \$500 per month, or \$1,500 per quarter, for the finance, accounting, and general services, and the City collects permit fees for the plan review and inspection services.

Several months ago, City staff approached the District regarding it potentially being more efficient for the District to perform its own records management services. Subsequently, the District expressed an interest in performing its own accounting services as well. City staff did not object to this and therefore it is proposed that the Agreement be amended to reflect that the City will only provide facilities and plan review and inspection services. Staff recommends approval of Resolution No. R-1779 as presented.

Key discussion points:

- Travis Tanner, Executive Director of Community Development gave an overview of the item.

Questions/Comments:

- Councilor Euton asked if WFBMD will use our facilities as before
- Travis Tanner stated they rarely use our facilities.
- Councilor Grigar referenced the compensation – Rosenberg will collect and retain the permit fees and inspection fees. By them taking over some of this they will not take over the inspection.
- Travis Tanner stated we will retain that aspect of the agreement. We will continue to do the plan review and inspection services in accordance with their standards. If something does not meet their standards then it has to go to their board for a variance.
- Councilor McConathy asked how we are accounting and separating WFBM from our own.
- Joyce Vasut, Executive Director of Administrative Services explained that we were doing all of their accounting and cutting checks on their behalf and kept doing all of their accounting in separate books.

Action: Councilor Benton made a motion, seconded by Councilor Grigar to approve Resolution No. R-1779, a Resolution authorizing the City Manager to execute, for and on behalf of the City, an amended Administrative Services Agreement by and between the City and the West Fort Bend Management

District for Plan Review and Inspection Services. The motion carried by a unanimous vote.

9. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1780, A RESOLUTION ESTABLISHING GUIDELINES FOR THE INSTALLATION AND MAINTENANCE OF ORNAMENTAL STREET LIGHTS.**

Executive Summary: It was discussed at the January 28, 2014, City Council Workshop Meeting that staff had received an inquiry from a developer wanting to install ornamental street lights, as opposed to the standard "cobra" lights, and wanting 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 that initiated this discussion, 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.

City regulations do not specifically address ornamental street lights and 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.

Per direction from City Council on January 28, 2014, this item was brought to the Planning Commission on February 26, 2014. The Planning Commission directed staff to move forward with a policy, but requested that staff inquire with CenterPoint Energy about more energy-efficient lighting options that could save the City money and cautioned staff about the potential for an HOA to become defunct and not pay its light bill in the future. CenterPoint did not have any more energy-efficient lighting options and the latter concern regarding HOAs would also apply to the current Ordinance if a developer installed a private lighting system. A CenterPoint representative stated that if the HOA did not pay its light bill, the lights would be turned off.

Staff has drafted a policy that (1) does not discourage upgraded lighting systems and (2) does not result in the City incurring additional costs for them. Up to ten (10) extra lights could be approved administratively, whereas a greater number of lights must come before City Council for approval. Staff believes this would minimize the City's risk. Staff recommends approval of Resolution No. R-1780, establishing guidelines for ornamental street lighting.

Key discussion points:

- Travis Tanner explained the item regarding Resolution No. R-1780. If the difference between the standard number of lights and the number of ornamental lights is greater than ten this would have to go to City Council for approval. If it is less than ten and it were a smaller subdivision it would be just an administrative approval. Staff recommended that as part of policy.

Questions/Comments:

- Councilor Euton stated this shows a good compromise between aesthetics and cost and is a good way to divide those. She thanked staff.
- Councilor Pena asked if this is to replace the regular street lights we have in the subdivisions.
- Travis Tanner explained this is more for new development. If a developer comes in and wants to

do ornamental street lights it is to make sure they can do that project but we would not incur anymore costs. We are typically responsible for maintaining the street light system.

- Councilor Pena asked if this is through CenterPoint.
- Travis Tanner stated yes, they do the street light design and layout.
- Councilor Pena asked how effective these lights will be. Traditional light lens are refracted to cover as much of the area as possible. Ornamental lights are fine in the historical area but he has a problem with them in a subdivision because lights are a deterrent and help to light up area for citizens.
- Travis Tanner pointed out that in the Resolution we require this to meet all the same standards and the lighting coverage would be the same as with the standard lights.
- Councilor Grigar thanked staff for their time looking into this. He supports it.
- Councilor Bolf stated it came out good and both sides got what they wanted.
- Councilor Benton stated as long as lighting is adequate he has no problem with it.
- Councilor McConathy referenced the statement CenterPoint made regarding the concern that Planning Commission had, should the HOA defunct and not be able to pay the light bill, CenterPoint saying they turn the lights off. No lights in a subdivision becomes a safety problem and what liability would the City have in that condition?
- Lora Lenzsch, City Attorney stated the responsibility will be on the HOA and if they become defunct the community will be asking the City to turn the lights back on for them.
- Travis Tanner stated this is a good point that was discussed with the Planning Commission but that is an issue that would exist now under the current ordinance if someone did a private light system. If the HOA didn't pay the bill we'd be faced with the same issue. It could potentially be an issue but it is not an issue that does not already exist in the ordinance. We currently allow private lighting systems. If they didn't pay the bill for that it would likely fall on the City.

Action: Councilor Grigar made a motion, seconded by Councilor Bolf to approve Resolution No. R-1780, a Resolution establishing guidelines for the installation and maintenance of ornamental street lights. The motion carried by a unanimous vote.

10. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1781, AUTHORIZING THE MAYOR TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A SPECIAL WARRANTY DEED REGARDING CERTAIN REAL PROPERTY ASSOCIATED WITH THE DRY CREEK DRAINAGE IMPROVEMENTS PROJECT.**

Executive Summary: As part of the City's continuing efforts to improve Dry Creek, the City and the County worked together to construct major channel improvements to that section of Dry Creek between Louise Street and Airport Avenue. The channel was widened to conform to the 150-foot wide easement granted by the developer of the Bayou Crossing development.

In order to minimize costs on the project, the City was successful in negotiating with the developer for the disposal of the dirt. In Bayou Crossing Section One, Restricted Reserve "B" was adjacent to the channel and was a detention basin. This basin received the majority of the excavated material and has been replatted as an unrestricted reserve.

In Bayou Crossing Section Two, Restricted Reserve "A" was also a detention basin. This has been replatted into Reserve "A-1" which is still restricted to detention purposes and Reserve "A-2" which was also filled and is an unrestricted reserve.

The homeowners association, which is controlled by the developer at this point in time, will retain ownership of both Unrestricted Reserve "B" in Section One and Unrestricted Reserve "A-2" in Section Two. The City is being deeded Restricted Reserve "A-1", which will continue to be used for detention purposes for the Dry Creek Watershed.

Also included in the deed to the City is Restricted Reserve "B" in Section Two. This is a 0.0962 acre parcel adjacent to Louise Street that contains both Reliant Energy and Southwestern Bell easements.

The property has no other potential use at this time due to its size and the easements. By conveying these two parcels to the City, the homeowners association will no longer have title to any common property within the development.

A copy of the four (4) plats referenced above were included in the agenda packet for Council's information. Staff recommends approval of Resolution No. R-1781 as presented.

Key discussion points:

- Charles Kalkomey, City Engineer gave an overview of the item regarding Resolution No. R-1781.

Questions/Comments:

- Councilor Benton stated they want to give us this property.
- Charles Kalkomey stated yes and explained he retains one tract of land that was a detention basin that can now be taxed at a much higher rate since it is usable commercial property. The other portion of that basin that he retains is now usable as developable properties. He picks up some property on the tax roll at a much higher value as well.
- Councilor Grigar referenced Tract 2 – Restricted Reserve B .09 acre – it says it is restricted to utilities. What is on there today?
- Charles Kalkomey stated Southwestern Bell has a building there and CenterPoint gas has a facility. It is a tract that is 104 feet long x 40 feet wide.
- Councilor Grigar asked if the City would maintain it or would the utility company maintain it? Have we talked to them about it?
- Charles Kalkomey stated they would maintain it unless they don't cut the grass in which case it is ours to cut what small amount is on that small tract of land. He does not know if anyone has talked to them but there have never been issues in the past.

Action: Councilor Benton made a motion, seconded by McConathy to approve Resolution No. R-1781, authorizing the Mayor to execute, for and on behalf of the City, a Special Warranty Deed regarding certain real property associated with the Dry Creek Drainage Improvements Project. The motion carried by a unanimous vote.

11. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1782, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A TEXAS DEPARTMENT OF TRANSPORTATION PERMISSION FOR RIGHT-OF-ENTRY FOR ENVIRONMENTAL SURVEYS, RIGHT-OF-ENTRY AGREEMENT FOR ARCHEOLOGICAL EVALUATION, AND TRANSFER OF OWNERSHIP ARCHEOLOGICAL ARTIFACTS FROM FORT BEND COUNTY, TEXAS, ASSOCIATED WITH THE STATE HIGHWAY 36 IMPROVEMENTS BETWEEN US 59 AND FM 2218.**

Executive Summary: The Texas Department of Transportation (TxDOT) is in the planning stages for improvements to State Highway 36 between U.S. Highway 59/IH 69 and F.M. Highway 2218. As a part of process, they must conduct an Environmental Survey and an Archeological Evaluation on the potential areas of right-of-way takings.

The parcels of land identified in this Right of Entry request from TxDOT are those properties owned by the City adjacent to State Highway 36. This includes the Seabourne Creek Park property, as well as the public rights-of-way such as Band Road, J. Meyer Road, Marvin Street, and Kay-Cee Drive. The work would be limited to the area of interest adjacent to State Highway 36, and would not, for example, include the entire Seabourne Creek Park.

There are two forms for each parcel of land. The first is simply a Right-of-Entry granted to TxDOT. The second form would transfer any ownership of any found artifacts. This would require TxDOT to transfer any items found to the Texas Historical Commission at TxDOT's expense.

Staff recommends approval of Resolution No. R-1782.

Key discussion points:

- Charles Kalkomey gave an overview of the item regarding Resolution No. R-1782.

Questions/Comments:

- Councilor Bolf asked what the purpose is for this, for evacuation purposes.
- Charles Kalkomey stated it needs widening but there is some potential hurricane evacuation funding that can be used for it.
- Councilor Grigar stated this is only within the widening part and in City property only.
- Charles Kalkomey stated yes and they are getting this same right of entry from the other individual property owners through there. It is approximately at 50 to 75 foot strip on either side.
- Councilor Pena stated we are giving the egress and allowing them to do this but our city limits do not go all the way to FM 2218.
- Charles Kalkomey stated the resolution and the agreements are only specific to certain tracts of land. They are all in the City.
- Councilor Benton asked for clarification between a resolution and an ordinance.
- Lora Lenzsch explained that a resolution is more of a policy or Council making a statement that they are joining in and agreeing on a particular item. Some items do not need the adoption of an ordinance. When a city adopts an ordinance it is more legislation as opposed to taking an action on something that needs to be done. In this particular case the state is coming to you asking for permission and you do not need an ordinance or legislation to authorize that. A resolution would be adequate.
- Councilor Bolf asked if it will be curbed and guttered.
- Charles Kalkomey stated it is four lane divided with a median. It has open ditches on the sides.
- Mayor Morales stated there is a correction on the resolution. It stated state Highway 35 instead of Highway 36. The motion will be based on that correction.

Action: Councilor Bolf made a motion, seconded Councilor Grigar to approve Resolution No. R-1782, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Texas Department of Transportation Permission for Right-of-Entry for Environmental Surveys, Right-of-Entry Agreement for Archeological Evaluation, and Transfer of Ownership Archeological Artifacts from Fort Bend County, Texas, associated with the State Highway 36 Improvements between US 59 and FM 2218 with the correction as stated above. The motion carried by a unanimous vote.

The following individual addressed Council regarding Item No. 12, as follows:

Sharon Steckler, 5407 Belvedere in the Oaks of Rosenberg subdivision off Bryan Road:

- She addressed Council regarding the community use provision for the Rosenberg Civic Center. I am a Director of The Oaks of Rosenberg Homeowners Association which is a non-profit organization in Rosenberg. I am also the Executive Director of Fort Bend Lawyer's Care which is a 501(c)3 Organization also located in Rosenberg.
- However, my concern tonight is the complimentary use of the Civic Center by Homeowner's Associations. HOA's are, by law in Texas, non-profit organizations. Some people view that as saying "you don't make any money". Of course that is not so. What it means is that your income must be to your purpose of organization. If you don't have a positive bottom line you don't stay in existence very long.
- HOA's share the City's common goals of provision of services to enhance the quality of life of Rosenberg residents. We believe that a strong HOA is one of the biggest assets that a city can have. Well maintained subdivisions that are fiscally responsible contribute to the tax base and are doing the job of keeping their neighborhoods and relieving the City of some of the responsibility of doing that or some of the actual tasks of doing that I don't believe can be overstated.
- We believe that we are providing direct services to a significant number of residents in our HOA and we would ask that Council consider extending the complimentary use of the Rosenberg Civic Center to HOAs. There are around five active HOAs in the Rosenberg areas. Most

associations meet fewer than five times a year. The frequency of meeting would not be a burden on the facility nor would it create much cost. These meetings are generally brief and do not consume a great deal of staff other than the board members.

- The fact that an organization is not a 501(c)3 does not mean it is not a non-viable organization. Thank you Council.

12. **REVIEW AND DISCUSS ROSENBERG CIVIC CENTER USAGE, AND TAKE ACTION AS NECESSARY.**

Executive Summary: This Agenda item will allow for City Council to review and discuss the overall usage of the Rosenberg Civic Center by paying customers as well as complimentary use by non-profit organizations. The current Rental and Facility Use Policies have been included as supporting documentation for this Agenda item. A spreadsheet documenting all usage for calendar year 2013 has been provided under separate cover for City Council's review.

Key discussion points:

- Councilor Bolf stated she brought this to Council at the request of Ms. Steckler and other citizens. The list of all the organizations that use the Civic Center was included in the agenda packet. She agreed that the HOAs provide a service for the community and a lot of citizens live in those communities. She feels that HOAs meet the requirements as some of the others that do not pay for the use of the Civic Center.
- Mayor Morales stated that before discussion begins and if Council wants to discuss this is should be moved to a Workshop Meeting. If we trigger HOAs it will trigger MUDs as well because they are required to meet in Rosenberg. We have charged LCISD for some items and it is a non-profit. We need to give staff the opportunity to look at this and we will have to revise our policies. This will need discussion.
- Councilor Bolf agreed it needs to go to a Workshop but she wanted to give Ms. Steckler the opportunity to address Council. It would give staff time to review it and it could be brought to the next Workshop.
- Jeff Trinker, Executive Director of Support Services stated if this will be brought back to a Workshop it would be helpful for staff to have direction about what staff needs to bring back. Do you want to keep it strictly with HOAs?
- Mayor Morales stated an HOA is not setup as a non-profit on what the policy states. The MUDs are also not non-profit organizations either.
- Councilor McConathy agreed that this should be tabled and take to a Workshop. Regarding direction for staff, she thinks at this time Council does not know what to tell staff. Council wants the opportunity to have that discussion and then out of that Workshop environment more direction could be given to staff.
- Mayor Morales stated we need to see how other cities handle HOAs in their communities and use of their Civic Centers.
- Jeff Trinker stated staff will research and will provide Council comparisons with other cities and then Council can discuss the policy and then direct staff.
- Councilor Benton moved to vote on the item and allow the exception for HOAs. He referenced Page 3 of 7 regarding the community uses. A provision could allow for HOAs. He is afraid we will be bogged down.
- Mayor Morales stated there are other HOAs that have been paying all along except this one. We need to have a policy set going forward and it should come out of a workshop.

Action: Councilor Benton made a motion, seconded by Councilor Bolf to allow the exception of Rosenberg HOAs to meet at the Civic Center, including those already meeting and paying, for no cost. The motion failed by a vote of 2 to 5 as follows: **Yeses: Councilors Benton and Bolf. Noes: Mayor Morales, Councilors McConathy, Pena, Euton and Grigar.**

Action: Councilor McConathy made a motion, seconded by Councilor Grigar to table the item for further discussion at a Workshop. The motion carried by a unanimous vote.

13. **CONSIDER MOTION TO ADJOURN FOR EXECUTIVE SESSION.**
The Executive Session was not held.
14. **HOLD EXECUTIVE SESSION TO DELIBERATE THE EMPLOYMENT, EVALUATION AND DUTIES OF POLICE CHIEF AS AUTHORIZED BY SECTION 551.074 OF THE TEXAS GOVERNMENT CODE.**
The Executive Session was not held.
15. **ADJOURN EXECUTIVE SESSION, RECONVENE INTO REGULAR SESSION, AND TAKE ACTION AS NECESSARY AS A RESULT OF EXECUTIVE SESSION.**
The Executive Session was not held.
16. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1776, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AN EMPLOYMENT AGREEMENT BY AND BETWEEN THE CITY AND DALLIS WARREN TO SERVE AS CHIEF OF POLICE.**
Executive Summary: Resolution No. R-1776 which provides authorization for the Mayor to execute an Employment Agreement with Dallis Warren for his service in the position of Police Chief was included in the agenda packet for review and consideration.

Exhibit "A" to Resolution No. R-1776 will be provided under separate confidential cover.

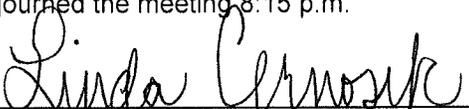
Action: Councilor McConathy made a motion, seconded by Councilor Benton to approve Resolution No. R-1776, a Resolution authorizing the Mayor to execute, for and on behalf of the City, an Employment Agreement by and between the City and Dallis Warren to serve as Chief of Police. The motion carried by a unanimous vote.

17. **ANNOUNCEMENTS.**

- Mayor Morales stated the meeting was being videoed tonight and streamlined on Channel 16 of the City's channel. You will be able to view the meeting on Channel 16. In the future all Council Meetings will be streamlined for the public to view at home. We will have archives of those video recordings. If you cannot attend the meetings you can watch them at home.
- Councilor McConathy announced that there is a group called Medical Reserve Corp that will be conducting community assessment surveys on April 26th at various clusters of Rosenberg. The vehicles will be clearly identified and the individuals will have identification. If you get knocks on your doors you will know what it is. It is to survey the needs of the community in the event of a disaster or other preparedness event so the City would know the needs in advance of that condition. This is a benefit to the City.
- Councilor Pena announced his Town Hall meeting on May 1st from 6 to 9 p.m. at A.W. Jackson Elementary School. Flyers will be mailed with the utility bills.

18. **ADJOURNMENT.**

There being no further business Mayor Morales adjourned the meeting 8:15 p.m.


Linda Cernosek, TRMC, City Secretary