

# CITY OF ROSENBERG

## REGULAR COUNCIL MEETING MINUTES

On this the 6<sup>th</sup> day of May, 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
Dwayne Grigar	Councilor, District 3
Amanda Bolf	Councilor, District 4

### ABSENT

Susan Euton	Councilor, District 2
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### STAFF PRESENT

Robert Gracia	City Manager
Christine Krahn	Acting City Secretary
John Maresh	Assistant City Manager for Public Services
Jeff Trinker	Executive Director of Support Services
Eric Groce	City Attorney (attending for Lora Lenzsch)
Joyce Vasut	Executive Director of Administrative Services
Lisa Olmeda	Human Resources Director
Charles Kalkomey	City Engineer
Dallis Warren	Police Chief
Wade Goates	Fire Chief
Travis Tanner	Executive Director of Community Development
Darren McCarthy	Parks and Recreation Director
Lydia Acosta	Recreation Programs Coordinator
Randall Malik	Economic Development Director
Angela Fritz	Communications Director
James Lewis	Information Services Manager
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.

Reverend Kevin K. Barber, Wellspring International Church, Richmond gave the invocation.  
Girl Scout Troop 3503 led the pledge of allegiance to the flag.

### PRESENTATION OF CERTIFICATES OF ACHIEVEMENT TO 2014 PITCH, HIT & RUN SKILLS COMPETITION WINNERS.

Mayor Morales and Lydia Acosta, Recreation Programs Director presented Certificates of Achievement to 2014 Pitch, Hit & Run Skills Competition Winners.

### PRESENTATION OF CERTIFICATES OF APPRECIATION TO 2014 PITCH, HIT & RUN SKILLS COMPETITION VOLUNTEERS.

Mayor Morales and Lydia Acosta presented Certificates of Appreciation to 2014 Pitch, Hit & Run Skill Competition Volunteers.

**PRESENTATION OF CERTIFICATES OF APPRECIATION TO 2014 EASTER EGG HUNT VOLUNTEERS AND SPONSORS.**

Mayor Morales and Lydia Acosta presented Certificates of Appreciation to 2014 Easter Egg-Hunt Volunteers and Sponsors.

**PRESENTATION OF CERTIFICATE OF APPRECIATION TO LOWE'S HOME IMPROVEMENT FOR THEIR DONATION OF ROSE BUSHES TO THE PARKS AND RECREATION DEPARTMENT.**

Darren McCarthy, Parks and Recreation Director read the Certificate of Appreciation to Lowe's Home Improvement for their donation of rose bushes to the Parks and Recreation Department.

**PRESENTATION OF ROSENBERG IMAGE COMMITTEE BEAUTIFICATION AND RENOVATION AWARDS.**

Mayor Morales and Councilor Benton presented Rosenberg Image Committee Beautification and Renovation Awards to:

*Present:*

- Richard and Alejandra Gonzales 1021 Bernard Avenue
- Sammie Weaver 2536 Live Oak Drive

*Not Present:*

- Car Country 909 Mulcahy Street
- Zip In Zip Out 1804 Avenue H

**PRESENTATION OF CERTIFICATE OF RECOGNITION TO DEANNE NEWTON FOR THE UNSUNG HERO AWARD.**

Councilor Benton presented a Certificate of Recognition to Deanne Newton for the Unsung Hero Award. Ms. Newton found a sum of money in a parking lot and took it to the Police Department and turned it in. The money was returned to the rightful owner.

**PRESENTATION OF PROCLAMATION PROCLAIMING MAY 2014 AS MOTORCYCLE SAFETY AND AWARENESS MONTH IN THE CITY OF ROSENBERG.**

Mayor Morales presented a Proclamation Proclaiming May 2014 as Motorcycle Safety and Awareness Month in the City of Rosenberg to members of the Gypsy Motorcycle Group.

**PRESENTATION OF PROCLAMATION PROCLAIMING MAY 18 – 24, 2014, AS NATIONAL PUBLIC WORKS WEEK IN THE CITY OF ROSENBERG.**

Mayor Morales presented a Proclamation Proclaiming May 18 – 24, 2014 as National Public Works Week in the City of Rosenberg to John Maresh, Assistant City Manager for Public Services.

**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 REGULAR MEETING MINUTES FOR APRIL 15, 2014.**

**B. CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2014-19, AN ORDINANCE GRANTING CONSENT TO THE FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 155 FOR THE SALE AND ISSUANCE OF UNLIMITED TAX BONDS, SERIES 2014, IN AN AMOUNT NOT TO EXCEED \$7,235,000.**

*Executive Summary:* Ordinance No. 2014-19 granting the City's consent to Fort Bend County Municipal Utility District No. 155 (MUD No. 155) to sell Unlimited Tax Bonds, Series 2014, in an amount not to exceed \$7,235,000. MUD No. 155 is located partly in the Corporate Limits and partly in the City's Extraterritorial Jurisdiction was included in the agenda packet. The development is generally identified as Bonbrook Plantation.

City Council consented to the creation of MUD No. 155 on December 14, 2004, through Ordinance No. 2004-28 which was proposed as an approximately 448.6692 acre development. A Development Agreement and a Water Supply and Wastewater Services Agreement between the City, Bonbrook Plantation, L.P., and Beazer Homes Texas, L.P., was executed on February 22, 2005.

This will be the fourth Unlimited Tax Bond sale for MUD No. 155. The first sale was approved by City Council on May 20, 2008, in the amount of \$6,465,000 through Ordinance No. 2008-12. The second sale was approved by City Council on March 01, 2011, in the amount of \$2,015,000 through Ordinance No. 2011-15. The third sale was approved by City Council on November 20, 2012, in the amount of \$2,050,000 through Ordinance No. 2012-44.

Much of the submission documentation provided by MUD No. 155 for this proposed sale such as the Bond Order authorizing the Issuance of Bonds by MUD No. 155, the Preliminary Official Statement/Notice of Sale, Resolution Authorizing the Issuance of Bonds by MUD No. 155, Cash Flow Analysis, Debt Fund Schedule, Summary of Costs, along with minute excerpts 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. 2014-19 thus authorizing the sale of Unlimited Tax Bonds, Series 2014, in an amount not to exceed \$7,235,000.

**C. CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2014-20, AN ORDINANCE GRANTING CONSENT TO THE FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 167 FOR THE SALE AND ISSUANCE OF UNLIMITED TAX BONDS, SERIES 2014, IN AN AMOUNT NOT TO EXCEED \$3,725,000.**

*Executive Summary:* Ordinance No. 2014-20 granting the City's consent to Fort Bend County Municipal Utility District No. 167 (MUD No. 167), to sell Unlimited Tax Bonds, Series 2014, in an amount not to exceed \$3,725,000. MUD No. 167 is located within the City's Corporate Limits. The development is generally identified as Brazos Town Center.

City Council consented to the creation of MUD No. 167 on June 28, 2005, through Ordinance No. 2005-14 which was originally proposed as a 121.81 acre development. A Development Agreement between the City and A-S 70 HWY 59-FM762, LP, was executed on December 07, 2004; a Water Supply and Wastewater Services Agreement was executed on December 06, 2005; and an Economic Development Agreement was executed on August 8, 2006. City Council approved Ordinance No. 2006-06 consenting to the addition of 173.8037 acres into MUD No. 167 on April 04, 2006, and Ordinance No. 2007-03 consented to the addition of 118.7858 acres into MUD No. 167 on February 06, 2007, for a total of approximately 414 acres.

This will be the fourth Unlimited Tax Bond sale for MUD No. 167. The first sale was approved by City Council on July 01, 2008, through Ordinance No. 2008-20 in the amount of \$3,165,000. The Texas Commission on Environmental Quality (TCEQ) issued an order approving the issuance of \$4,120,000 in bonds on September 29, 2010. However, after the tax assessment values were released at that time, MUD No. 167 revised the bond issuance to \$3,000,000. This second sale, in the amount of \$3,000,000, was approved by City Council on November 16, 2010, through Ordinance No. 2010-28, deferring the remaining \$1,120,000 in bonds to a future sale. The second part of the sale of these bonds was approved by City Council on April 17, 2012, through Ordinance No. 2012-17 in the amount of \$1,120,000 for a total of the TCEQ approved \$4,120,000. The third sale was approved by City Council on November 20, 2012, through Ordinance No. 2012-43 in the amount of \$3,000,000.

D. CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2014-08, AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY AMENDING SUBSECTIONS (A)(4) AND (A)(7) AND BY ADDING NEW SUBSECTIONS (A)(8), (A)(9) AND (A)(10) TO SECTION 6-362.2 OF ARTICLE XIII OF CHAPTER 6 THEREOF, PROVIDING FOR EXPANDED BOUNDARIES OF SIGN DISTRICT "B"; BY ADDING A NEW SECTION 6-362.3 OF ARTICLE XIII OF CHAPTER 6 THEREOF, ESTABLISHING SIGN DISTRICT "C" AND REGULATIONS FOR SIGN DISTRICT "C"; BY ADDING A NEW SECTION 6-362.4 OF ARTICLE XIII OF CHAPTER 6 THEREOF, ESTABLISHING A SIGN DISTRICT MAP; PROVIDING A PENALTY IN AN AMOUNT AS PROVIDED IN SECTION 1-13 OF THIS CODE FOR VIOLATION OF ANY PROVISION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

**Executive Summary:** Freestanding sign regulations for height and area for Avenues H and I and State Highway 36 (between I-69/U.S. 59 and Avenue H) have been discussed in three (3) previous City Council Workshop meetings: initially on September 24, 2013, again on November 26, 2013, and again on April 22, 2014. In the most recent discussion on April 22, 2014, City Council directed staff to amend the Ordinance as follows:

*State Highway 36 between City Hall Drive and Avenue H (not including Downtown); Avenue H between Spur 529 and 8<sup>th</sup> Street (not including Downtown); Avenue I between Spur 529 and 8<sup>th</sup> Street (not including Downtown); and the south side of Avenue I between 8<sup>th</sup> Street and Mahlmann Street:*

- Single-tenant:
  - Maximum height: twelve (12) feet
  - Maximum size: sixty (60) square feet
- Multi-tenant:
  - Maximum height: twelve (12) feet
  - Maximum size: ninety-six (96) square feet
  - Maximum of sixty (60) square feet per tenant

*Avenue H east of 8<sup>th</sup> Street; Avenue I east of Mahlmann Street; the north side of Avenue I between 8<sup>th</sup> Street and Mahlmann Street; State Highway 36 between City Hall Drive and I-69/U.S. 59; and Lane Drive between Avenue H and Westwood Drive:*

- Single-tenant:
  - Maximum height: sixteen (16) feet
  - Maximum size: one-hundred twenty (120) square feet
- Multi-tenant:
  - Maximum height: twenty-four (24) feet
  - Maximum size: three-hundred twenty (320) square feet
  - Maximum of one-hundred twenty (120) square feet per tenant

The Downtown Area is not included in these recommendations. This is because Downtown already has its own standards that do not allow freestanding signs. This is due to the buildings mostly adjoining the right-of-way; thus the sites do not have yards for freestanding signs to be located in.

- Due to the complexity of the Ordinance, staff has created a Sign District Map to make the Ordinance more user-friendly for staff and sign permit applicants. The map is attached as Exhibit "A" and incorporated in the Ordinance. Staff recommends approval of Ordinance No. 2014-08 in order to move forward with establishing permanent freestanding sign regulations for the corridors, as opposed to the current maximum height of nine (9) feet and maximum area of 36 square feet.

**Action:** Councilor Benton made a motion, seconded by Councilor McConathy to approve the Consent Agenda. The motion carried by a unanimous vote of those present.

2. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1785, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A CONSULTING AGREEMENT BY AND BETWEEN THE CITY AND GALLAGHER BENEFITS SERVICES, INC., IN THE AMOUNT OF \$35,000.**

**Executive Summary:** On Tuesday, June 05, 2012, the City approved Resolution No. R-1485 for the Contract for Professional Services for Employee Benefits Consulting Services with City-County Benefits Services (C-CBS) for the period July 01, 2012 – June 30, 2014.

In September 2012, C-CBS merged with Gallagher Benefit Services, Inc., (GBS). At that time, GBS accepted the terms of the Agreement between the City of Rosenberg and C-CBS.

The C-CBS Professional Services Agreement for Employee Benefits Consulting Services has an option to renew the Agreement by mutual agreement for two (2) additional one-year terms for a total of four (4) years. Award or renewal of the Agreement shall be authorized by City Council.

GBS has agreed to honor the fee schedule of the original Agreement with C-CBS for the total yearly fee of \$35,000.00. The Consulting Agreement with GBS has been prepared to coincide with services provided to the City of Rosenberg. With the merger of C-CBS and GBS, the City has been provided notifications in order to allow for continued compliance. The staff has been satisfied with the services provided and would recommend approval of the Agreement.

As part of the consulting services, the consultant's responsibility would be to obtain bids for employee benefits. The City's current Agreement with the health insurance carrier has reached the end of the Agreement period; therefore, bids will need to be sent to carriers by the consultant for the effective date of coverage beginning October 01, 2014.

Approval of Resolution No. R-1785 would approve the Consulting Agreement for employee benefit consultant services with Gallagher Benefits Services, Inc., attached to the Resolution as Exhibit "A", and authorize the City Manager to execute said Agreement. Mr. Burke Sunday of GBS will be present to answer any questions by City Council.

**Key discussion points:**

- Lisa Olmeda, Human Resources Director gave an overview of the item.

**Questions/Comments:**

- Councilor Benton asked what the benefit is of having a consultant.
- Burke Sunday, City-County Benefits Services explained the benefit to the City for using a consultant for these services.

**Action:** Councilor Bolf made a motion, seconded by Councilor McConathy to approve Resolution No. R-1785, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Consulting Agreement by and between the City and Gallagher Benefits Services, Inc., in the amount of \$35,000. The motion carried by a unanimous vote of those present.

3. ***This item was pulled from the Agenda.***

**CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1784, A RESOLUTION APPROVING THE FORT BEND COUNTY EMERGENCY MANAGEMENT PLAN AND AUTHORIZING THE CITY'S PARTICIPATION IN THE PLAN.**

**Executive Summary:** The Fort Bend County Office of Emergency Management updated the Emergency Management Basic Plan (Plan). The City of Rosenberg is an inter-jurisdictional City by participating in and adopting the Plan. This Plan was last updated and approved in 2010. There were no substantive changes to the Plan that would affect the City.

The Texas Division of Emergency Management requires that they receive the updated Basic Plan and all Annexes at least every five (5) years.

Staff recommends the approval of Resolution No. R-1784 approving and implementing the Plan.

4. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1786, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A SERVICES CONTRACT, BY AND BETWEEN THE CITY AND SI ENVIRONMENTAL LLC, FOR WASTEWATER TREATMENT PLANT OPERATIONS AND MAINTENANCE IN THE BASE AMOUNT OF \$478,488.00 PER YEAR.**

**Executive Summary:** On February 05, 2014, Request for Proposals (RFP) were received for the Wastewater Treatment Plant facilities Operations and Maintenance Contract. The City received a total of three (3) proposals from Severn Trent Environmental Services, Inc., Si Environmental, LLC, and USW Utility Group. (The RFP and the proposals are large documents not included in the packet. However, they are available for review in the City Secretary's office.)

City Council held a Special Meeting on March 24, 2014, to hear oral presentations from each of the proposers. After discussion, City Council directed staff to negotiate a contract with Si Environmental, LLC.

Staff has negotiated a Services Contract (Contract) with Si Environmental LLC, for an initial three (3) year term, effective June 01, 2014. The base amount of the Contract is \$478,488.00 per year. The Contract term also includes an option to renew for one (1) additional three (3) year term by mutual agreement of both parties, prior to the expiration of the initial term. The Contract has been reviewed by the City Attorney. Should City Council approve the Contract with Si Environmental, LLC, it will be attached to Resolution No. R-1786 as Exhibit "A".

Staff recommends approval of Resolution No. R-1786 as presented.

**Key discussion points:**

- John Maresh, Assistant City Manager of Public Services read the Executive Summary regarding Resolution No. R-1786.

**Action:** Councilor Benton made a motion, seconded by Councilor McConathy to approve Resolution No. R-1786, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Services Contract, by and between the City and Si Environmental LLC, for Wastewater Treatment Plant Operations and Maintenance in the base amount of \$478,488.00 per year. The motion carried by a unanimous vote of those present.

5. **REVIEW AND DISCUSS LOCAL ENHANCEMENTS ALONG THE US HWY 59 / I-69 EXPANSION PROJECT CORRIDOR, AND TAKE ACTION AS NECESSARY.**

**Executive Summary:** This item has been added to the Agenda to offer City Council the opportunity to discuss local enhancements along the US Hwy 59 / I-69 corridor as a part of the expansion project that is under construction. Examples of local enhancements include adding paint schemes to the overpass retaining walls and the installation of "way-finding" signage along the portion of the corridor located within the City Limits. If the consensus of the City Council is to consider adding local enhancements, a consulting firm familiar with these types of projects would be required. The Rosenberg Development Corporation (RDC) staff has been in contact with a firm that provided similar services for a neighboring City in eastern Fort Bend County. On Thursday, May 8, RDC staff will be presenting this item to the RDC Board. In order to accommodate any local enhancements, the Texas Department of Transportation (TxDOT) would require the City to enter into an Agreement that would identify the City's responsibility to fund and construct any said local enhancements located within the TxDOT right-of-way and to be responsible for all future maintenance costs. The decision to add any enhancements would have to be made within the month timeframe due to the accelerated design and construction schedule for this project.

**Key discussion points:**

- John Máresh read the Executive Summary regarding the item.

**Questions/Comments:**

- Council requested to see any enhancements considered after RDC reviews it.
- The item will have to come back to Council for any approvals.
- No action was required on the item.

6. **CONSIDERATION OF AND ACTION ON THE CITY OF ROSENBERG FY2014 STREET OVERLAY AND RECONSTRUCTION PROJECT LIST.**

**Executive Summary:** The list of streets for the proposed FY2014 Street Overlay and Reconstruction Project was presented to City Council during the April 22, 2014 Workshop. The Project List is included in the packet. The cost estimate for the recommended streets included on the Project List is \$863,923.11. The FY2014 Budget includes \$300,000.00, plus an additional \$79,410.00 remains from the FY2011 Street Paving Program which was previously approved for Homestead Road in the Suburban Estates Subdivision. In addition, the Rosenberg Development Corporation (RDC) did take action to fund approximately one-third of the Koeblen Road reconstruction cost, in the amount of \$44,621.00. The Executive Director of Administrative Services has prepared Budget Amendment 14-12 which provides an additional \$439,892.11 to fully fund the FY2014 Street Overlay and Reconstruction Project.

Upon City Council approval, staff will forward a request for assistance with labor and equipment to Fort Bend County under the master Interlocal Agreement. The project will then be added to Fort Bend County's schedule.

Staff recommends approval of the Street Overlay and Reconstruction Project List as presented.

**Key discussion points:**

- John Maresh read the Executive Summary regarding the item.

**Action:** Councilor Grigar made a motion, seconded by Councilor McConathy to approve the City of Rosenberg FY2014 Street Overlay and Reconstruction Project List. The motion carried by a unanimous vote of those present.

7. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2014-21, AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY DELETING ALL OF SECTION 28-41 (A) AND (D), STOP SIGNS DESIGNATED, OF ARTICLE II, DIVISION 2 OF CHAPTER 28, STOP STREETS, AND SUBSTITUTING THEREFOR A NEW SECTION 28-41 (A) AND (D) OF ARTICLE II, DIVISION 2 OF CHAPTER 28 THEREOF; PROVIDING A PENALTY IN AN AMOUNT OF NOT LESS THAN \$1.00 OR MORE THAN \$200.00 FOR VIOLATION OF ANY PROVISION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.**

**Executive Summary:** The Rosenberg Police Department has identified the intersection of Vista Drive and Commercial Drive as an intersection with a high crash rate. A total of fourteen (14) traffic crashes have occurred over the most recent three (3) year period. The intersection currently functions as a one-way stop, with Commercial Drive stopping and Vista Drive being non-controlled. The recommendation is to make this a four (4) way stop intersection due to the high number of traffic crashes that have occurred.

Staff has prepared an Ordinance that deletes the above listed intersection from the one-way stop sign designations and will add said intersection to the four-way stop sign designations.

Staff recommends approval of Ordinance No. 2014-21 as presented.

**Key discussion points:**

- John Maresh read the Executive Summary regarding the item.

**Action:** Councilor McConathy made a motion, seconded by Councilor Benton to approve Ordinance No. 2014-21, an Ordinance amending the Code of Ordinances by deleting all of Section 28-41 (a) and (d), Stop Signs Designated, of Article II, Division 2 of Chapter 28, Stop Streets, and substituting therefor a new Section 28-41 (a) and (d) of Article II, Division 2 of Chapter 28 thereof; providing a penalty in an amount of not less than \$1.00 or more than \$200.00 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 of those present.

8. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2014-18, AN ORDINANCE PROVIDING FOR APPROVAL OF AN EXPANSION TO THE TERRITORY OF FORT BEND COUNTY MUD NO. 155 OF FORT BEND COUNTY, TEXAS, TO INCLUDE THAT AREA WITHIN THE**

**EXTRATERRITORIAL JURISDICTION OF THE CITY, AS FURTHER PROVIDED FOR HEREIN; AND MAKING CERTAIN FINDINGS OF FACT AND OTHER CONCLUSIONS AS HEREIN SET OUT.**

**Executive Summary:** Fort Bend County Municipal Utility District No. 155 (MUD No. 155) is requesting that a 144.0911-acre tract located southwest of Gapps Slough and southeast of Benton Road be added to existing MUD No. 155. The total frontage along Benton Road is 2,511 feet, which places the southwest boundary of this tract approximately 600 feet southwest of Rohan Road. Accordingly, a Petition for Consent to Addition of Land to MUD No. 155, and associated Ordinance No. 2014-18 are presented for consideration by City Council.

The City's consent to the creation of MUD No. 155 was approved by City Council on December 14, 2004, through Ordinance No. 2004-28, and was originally proposed as a 448.6692-acre development located outside of the Corporate Limits of the City of Rosenberg, in the City's Extraterritorial Jurisdiction.

Conformation documentation along with minute excerpts and related Ordinances are available for review in the City Secretary's Office. The petitioner has provided sufficient documentation to demonstrate that the proposed additional development will not adversely affect the water/sewer functions; will not increase City utility rates; will not adversely impact the City bond rating; and will add additional value to the overall tax base of the District which should decrease the tax rate burden of in-district property owners. All required due diligence has been performed, and staff recommends approval of Ordinance No. 2014-18.

**Key discussion points:**

- Charles Kalkomey, City Engineer gave an overview of the item regarding Ordinance No. 2014-18.

**Action:** Councilor McConathy made a motion, seconded by Councilor Benton to approve Ordinance No. 2014-18, an Ordinance providing for approval of an expansion to the territory of Fort Bend County MUD No. 155 of Fort Bend County, Texas, to include that area within the extraterritorial jurisdiction of the City, as further provided for herein; and making certain findings of fact and other conclusions as herein set out. The motion carried by a unanimous vote of those present.

9. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1787, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A PROFESSIONAL SERVICES AGREEMENT BY AND BETWEEN THE CITY AND KENDIG KEAST COLLABORATIVE FOR PROFESSIONAL PLANNING SERVICES RELATED TO THE COMPREHENSIVE PLAN IN AN AMOUNT NOT TO EXCEED \$91,860.**

**Executive Summary:** On February 11, 2014, the Professional Services/Engineering Project Review Committee recommended that Kendig Keast Collaborative be selected to update the City's Comprehensive Plan (Plan). The Plan update is a budgeted project. The Plan was last updated in 1995. Since that time, the City's population has grown by over 50 percent (50%) from 23,000 to approximately 35,000. The rate of growth has increased recently and is expected to continue given the widening of I-69 and build-out of neighboring communities immediately north of Rosenberg. Therefore, it is critical for the City to plan and determine what infrastructure improvements and development standards are needed to accommodate future growth and development.

The scope of the Comprehensive Plan update will generally include the following per Exhibit "A," Scope of Services:

- Community Overview (e.g., data collection, analysis of existing ordinances and planning documents, demographic analysis, population projections)
- Community engagement (community workshop, facilitation of Advisory Committee meetings, use of MindMixer virtual town hall website, public hearings, engagement of Planning Commission and City Council, establishment of "guiding principles," etc.)
- Land Use and Character (infrastructure analysis, land use projections, growth and development plan/map)
- Transportation (existing thoroughfare plan analysis, consideration for bicycle and pedestrian mobility, access management analysis, updated Master Thoroughfare Plan map)
- Plan Implementation (action plan to implement the above comprehensive plan elements)

The consultant, Kendig Keast Collaborative, has extensive experience working with communities without zoning, similar to Rosenberg, to implement their plans. The above scope of work will be completed for an amount not to exceed \$91,860, which is well within the budgeted amount of \$100,000.

The Professional Services Agreement with Kendig Keast Collaborative is attached to Resolution No. R-1787 as Exhibit "A". Staff recommends approval of Resolution No. R-1787 as presented.

**Key discussion points:**

- Travis Tanner, Executive Director of Community Development gave an overview of the item and outlined what the plan will include.

**Questions/Comments:**

- Councilor Pena stated he thinks it's an excellent idea and he supports it.
- Councilor Grigar agreed the plan is badly needed and he is glad to see it moving forward.
- Councilor Bolf asked how much of the 1995 Comprehensive Plan has moved forward. She has concern with the money.
- Travis Tanner stated this is a budgeted item.
- Councilor Benton expressed concern with the money and suggested tabling the item until Councilor Euton could be present at a meeting to present her thoughts.
- Councilor McConathy concurred with Councilor Benton and suggested tabling the item to a workshop for more discussion. She is not sure the scope in this project needs to be as large and outreaching as it is here.
- Councilor Pena expressed his concern with all the time put in by the committees to review these items. The City is growing very rapidly and we need help. City staff is understaffed and can't keep up. We looked at these professionals as a Council, based on the information the committees provided. If Council does not approve of the committees then they should be abolished. Going over items over and over is redundant and if that is what we have to do then he does not want to sit on a committee and have it come back to be looked at again.
- Councilor McConathy stated she respects his opinion and she is not questioning the feedback from the committee and staff efforts. She has to respond to her constituents and why we are spending \$100,000.
- Aaron Tuley, Kendig Keast Collaborative provided an overview of the scope of work on the plan with emphasis on community input, workshops and task force meetings to get as much public input and buy in as possible.
- Mayor Morales stated we have a vision and we need professional input to help us achieve that vision. Councilor Pena made a good point about the committees and boards we have. At this point it is critical due to the I69 expansion and other TxDOT projects coming our way. It is crucial that we move forward with the right plan.
- Councilor Grigar stated this was on the CIP list last year and Council rated it and staff rated it. It has finally surfaced to the top and Council agreed on it in the budget process. We are stepping backward.

**Action:** Councilor Benton made a motion, seconded by Councilor McConathy to table the item. The motion carried by a vote of 4 to 2 as follows: **Yeses: Councilors Benton, McConathy, Pena and Bolf. Noes: Mayor Morales and Councilor Grigar.**

10. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1783, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, BUDGET AMENDMENT 14-12 IN THE AMOUNT OF \$476,744.00, TO FUND THE FY2014 STREET OVERLAY AND RECONSTRUCTION PROJECT, THE PURCHASE OF A MOWER AND OTHER SUPPLEMENTAL REQUESTS.**

**Executive Summary:** During the April 22, 2014 City Council Workshop, staff presented the cost estimate for the recommended streets for the FY2014 Street Project in the amount of \$863,923.11. The FY2014 Budget includes \$300,000.00; \$79,410.00 remains from the FY2011 Street Program, and Rosenberg Development Corporation (RDC) agreed to fund \$44,621.00 for a portion of the Koeblen Road improvements. This leaves a balance of \$439,892.11 needed in additional funding. City Council agreed to move forward with the street improvements as presented with excess revenues used to cover the balance.

Additionally, staff identified some remaining funds from previously completed projects that could be used to fund several items that were requested for the FY2015 Budget. Staff recommends funding the following items in the current fiscal year since funding is available and these items are needed to perform certain job duties in an efficient and effective manner. These items include:

Zero Turn Mower for Parks	18,024
Municipal Court Software Upgrade	3,025
Nine (9) Tasers for CID	8,558
Laser for Public Works	5,245
Tablet PC for Project Director	<u>2,000</u>
	\$36,852

Budget Amendment 14-12 is included as Exhibit "A" to Resolution No. R-1783. Staff recommends approval of Resolution No. R-1783 as presented.

- Joyce Vasut gave an overview of Resolution No. R-1783.

**Action:** Councilor Bolf made a motion, seconded by Councilor McConathy to approve Resolution No. R-1783, a Resolution authorizing the City Manager to execute, for and on behalf of the City, Budget Amendment 14-12 in the amount of \$476,744.00, to fund the FY2014 Street Overlay and Reconstruction Project, the purchase of a mower and other supplemental requests. The motion carried by a unanimous vote of those present.

11. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1788, A RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR QUALIFICATIONS REGARDING A CITY FACILITIES MASTER PLAN.**

**Executive Summary:** This item has been added to the Agenda to offer City Council an opportunity to review a draft Request for Qualifications (RFQ) to ultimately select a firm to ascertain the condition of existing City facilities and to plan for and address future space needs.

The purpose of the RFQ would be to identify a firm that could provide an overview of existing and future facility needs in the most efficient and cost-effective means possible, including:

- Conduct an assessment of all City facilities including a rating of each building's condition.
- Work with staff to determine current and future space needs and develop options to meet those needs.
- Prepare and present a final Facilities Master Plan Report.

Staff recommends approval of Resolution No. R-1788, in order to issue an RFQ to receive qualifications to select a firm that will be able to provide a framework for reporting on current requirements and for developing future facility and other space needs recommendations.

**Key discussion points:**

- Jeff Trinker, Executive Director of Support Services gave an overview of the item regarding Resolution No. R-1788.

**Questions/Comments:**

- Councilor Pena stated it is a great idea. City buildings need a lot of repair and we need to move forward.
- Councilor Grigar concurred and stated this is forward thinking.
- Councilor Bolf asked if all City owned buildings will be assessed.
- Jeff Trinker explained what the plan would cover.
- Councilor Benton stated he thinks a building inspector can check the condition of the buildings and he's not sure it is necessary to hire someone to do that.
- Councilor McConathy agreed with Jeff Trinker and the need of an assessment of the city buildings. They are keeping their own records in Permits. There is a concern with employee safety. Has there been an assessment of buildings regarding code compliance?
- Jeff Trinker stated he has not seen anything specifically toward code.
- Councilor Benton asked if this is something for the next budget year.
- Joyce Vasut, Executive Director for Administrative Services stated we currently have funds available for this and is something we could move on now. There is some funding left from other projects in the general supplemental fund.
- Mayor Morales stated we need to centralize more. Fire Station No. 1 needs to be looked at. We need to plan for the future and should move forward with the plan.

**Action:** Councilor McConathy made a motion, seconded by Councilor Bolf to approve Resolution No. R-1788, a Resolution authorizing the issuance of a Request for Qualifications regarding a City Facilities Master Plan. The motion carried by a unanimous vote of those present.

12. **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 of those present.

13. **HOLD EXECUTIVE SESSION FOR CONSULTATION WITH CITY ATTORNEY TO RECEIVE LEGAL ADVICE ON LEGAL MATTERS AND PENDING OR CONTEMPLATED LITIGATION AS AUTHORIZED BY TEXAS GOVERNMENT CODE SECTION 551.071; AND, TO DELIBERATE POTENTIAL PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY PURSUANT TO SECTION 551.072 OF THE TEXAS GOVERNMENT CODE.**

An Executive Session was held for consultation with City Attorney to receive legal advice on legal matters and pending or contemplated litigation as authorized by Texas Government Code Section 551.071; and, to deliberate potential purchase, exchange, lease, or value of real property pursuant to section 551.072 of the Texas Government Code.

14. **ADJOURN EXECUTIVE SESSION, RECONVENE INTO REGULAR SESSION, AND TAKE ACTION AS NECESSARY AS A RESULT OF EXECUTIVE SESSION.**

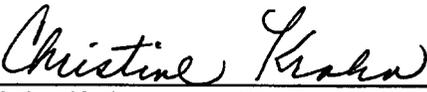
Mayor Morales adjourned the Executive Session and reconvened into Regular Session at 9:30 p.m. No action was taken as a result of Executive Session.

15. **ANNOUNCEMENTS.**

- The City's Special Election will be held Saturday, May 10, 2014.

16. **ADJOURNMENT.**

There being no further business Mayor Morales adjourned the meeting at 9:31 p.m.

  
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Christine Krahn, Acting City Secretary