

# CITY OF ROSENBERG

## REGULAR COUNCIL MEETING MINUTES

On this the 3<sup>rd</sup> day of June, 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

Cynthia McConathy	Mayor Pro-Tem
William Benton	Councilor at Large, Position 1
Jimmie J. Pena	Councilor, District 1
Susan Euton	Councilor, District 2
Dwayne Grigar	Councilor, District 3
Amanda Bolf	Councilor, District 4

### ABSENT

Vincent M. Morales, Jr.	Mayor
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### 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
Joyce Vasut	Executive Director of Administrative Services
Charles Kalkomey	City Engineer
Dallis Warren	Police Chief
Wade Goates	Fire Chief
Travis Tanner	Executive Director of Community Development
Randall Malik	Economic Development Director
Angela Fritz	Communications Director
Kaye Supak	Executive Assistant
Tommy Havelka	Police Officer
Matt Curry	Police Officer

**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.**

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### CALL TO ORDER.

Mayor Pro Tem McConathy called the meeting to order at 7:00 p.m.

### INVOCATION AND PLEDGE OF ALLEGIANCE.

Reverend Charles Surovik, New Covenant Fellowship, Rosenberg gave the invocation and led the pledge of allegiance to the flag.

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

Mayor Pro Tem McConathy and Councilor Benton presented Image Beautification and Renovation Awards to:

#### Present:

- |                               |                        |
|-------------------------------|------------------------|
| > Wayne and Catherine Coleman | 922 Gulf Court         |
| > Billy and Haydee Ruiz       | 1006 San Antonio Court |

#### Not Present:

- |                                 |                             |
|---------------------------------|-----------------------------|
| > Misael and Adelfa Garza       | 1614 6 <sup>th</sup> Street |
| > Melissa Hinson and Marty Gray | 1400 Georgina Street        |
| > Jesus and Elizabeth Torres    | 509 Reinhard Street         |

### 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 MAY 06, 2014.**

**B. CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2014-26, AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY DELETING ALL OF SECTION 28-41 (B) AND (D), STOP SIGNS DESIGNATED, OF ARTICLE II, OF DIVISION 2 OF CHAPTER 28, STOP STREETS, AND SUBSTITUTING THEREFOR A NEW SECTION 28-41 (B) 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 THEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.**

*Executive Summary:* Staff has identified the need for a four-way stop at the intersection of Avenue J and 6th Street. A total of three (3) traffic crashes have occurred at, or near, this intersection over the most recent three (3) year period. The intersection currently functions as a two-way stop, with Avenue J stopping and 6<sup>th</sup> Street being non-controlled. The recommendation is to make this a four (4) way stop intersection due to the number of traffic crashes that have occurred and the restricted sight visibility at the northwest corner of the intersection.

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

Staff recommends approval of Ordinance No. 2014-26 as presented.

**C. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF BONBROOK PLANTATION NORTH SECTION TEN, A SUBDIVISION OF 12.205 ACRES OF LAND SITUATED IN THE WILEY MARTIN LEAGUE, ABSTRACT 56, FORT BEND COUNTY, TEXAS; 39 LOTS, 1 RESERVE (0.917 ACRE), 3 BLOCKS.**

*Executive Summary:* The Final Plat of Bonbrook Plantation North Section Ten is located off of Blossom Terrace Lane in the northeast part of Bonbrook Plantation. It is located in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County Municipal Utility District No. 155 (MUD No. 155). The Plat contains thirty-nine (39) residential lots and one (1) 0.917-acre landscape reserve.

The proposed lot size for the subdivision is predominantly sixty-five foot (65') lots in accordance with the approved Land Plan, although many lots are larger and a few (5) are slightly smaller due to being cul-de-sac lots that are less than fifty feet (50') wide as measured at the front property line. All lots are a minimum of 65' at the front building line. Overall, the lot layout is consistent with the Land Plan. It is also consistent with the Preliminary Plat, which was approved by the Planning Commission on January 22, 2014.

The Planning Commission recommended approval to City Council of the Final Plat on March 26, 2014. With the Final Plat being consistent with the approved Preliminary Plat and Land Plan, and not in conflict with any applicable regulations, staff recommends approval of the Final Plat of Bonbrook Plantation North Section Ten.

D. **CONSIDERATION OF AND ACTION ON QUARTERLY FINANCIAL REPORT AND QUARTERLY INVESTMENT REPORT FOR QUARTER ENDING MARCH 31, 2014.**

**Executive Summary:** Overall, the financial status of the City is stable. Most funds have positive variances when compared to budget and prior year actuals. The largest revenues of sales tax and property tax are positive when compared to budget and expenses which are within the 50% benchmark for the second quarter of FY2014.

Staff will continue to monitor the revenues and expenses. At this time, no major changes need to be made to meet budget projections. Additionally, the Quarterly Investment Report was included in the agenda packet for review as required by the Public Funds Investment Act.

Staff recommends the acceptance of the Quarterly Financial Reports and the Investment Report for the second quarter of Fiscal Year 2014.

Item D was moved to the Regular Agenda as Item 2A.

**Action:** Councilor Benton made a motion, seconded by Councilor Euton to approve Items A, B, and C on the Consent Agenda. The motion carried by a unanimous vote of those present.

**REGULAR AGENDA**

2A. ***This item was previously Item D on the Consent Agenda.***

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**Question:**

- Councilor Euton stated that when the Finance Audit Committee met, the allocations of the financials were out of proportion by our by-laws. Is that back in balance now?
- Joyce Vasut, Executive Director of Administrative Services stated not exactly. Some adjustments were made. \$2M million more dollars was put into the CD CEDARS program which fixed it for a short time. Then we issued debt and all that debt when back into an account but since then more adjustments have been made and it is in balance now. As of March 31, 2014, it was not. It was because the debt was issued and the whole lump sum went into one pool. Our actual breakdown among CDs, Pool investments and operating account are good. The only thing that is not balanced on this report is that there's too much in TEXPOOL. We have since transferred some of the TEXPOOL money to Lone Star and have fixed that.
- Councilor Benton asked how much the debt was. Joyce Vasut stated we have not received the \$5 million yet. We received the \$1.6 million which was the GOs for Dry Creek. The \$5 million that was sold at the last Council meeting will be received in June.
- Councilor Benton asked what the debt referenced was. Joyce Vasut stated that was the \$1.56 million for GOs.

**Action:** Councilor Benton made a motion, seconded by Councilor Euton to approve the Quarterly Financial Report and Quarterly Investment Report for quarter ending March 31, 2014. The motion carried by a unanimous vote of those present.

2. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1798, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN ENGINEERING SERVICES PROPOSAL FOR PERMIT OF STORM WATER MANAGEMENT PROGRAM, BY AND BETWEEN THE CITY AND JONES AND CARTER, INC., IN THE AMOUNT OF \$45,000.00.**

**Executive Summary:** The Texas Commission on Environmental Quality (TCEQ) issued a new general

storm water permit in December 2013. Under the permit, the City of Rosenberg is required to create and submit a new Storm Water Management Program (SWMP) and Notice of Intent to TCEQ. The SWMP is a five (5) year program which is required to be administered annually for the five (5) year term. The City Engineer has been responsible for the SWMP development, administration, reporting and compliance oversight since its inception. The Engineering Services Proposal under consideration, attached to Resolution No. R-1798 as Exhibit "A", will formalize these responsibilities and the associated fees for each of the next five (5) years.

Staff recommends approval of Resolution No. R-1798, authorizing the City Manager to execute an Engineering Services Proposal for Permit of Storm Water Management Program, in the total amount of \$45,000.00 over the five (5) year permit term.

**Key discussion points:**

- John Maresh, Assistant City Manager of Public Services read the Executive Summary.

**Questions/Comments:**

- Councilor Euton referenced the backup for the item and said that Jones and Carter is also suppose to debate the SWMP by June 11<sup>th</sup>. Is that Item No. 3?
- John Maresh stated it is the next item and they have already done that.
- Councilor Benton asked what we get for the \$45,000.
- Charles Kalkomey, City Engineer explained the first part is putting together the storm water management plan and is part of the next agenda item. Each year they do the annual report which helps staff to put out notices required twice a year. It is documented and put into a report. Inspection reports done on a quarterly basis by the departments are put in the report. They update the ordinances as necessary for illicit discharges, construction inspections, permitting processes, review permits and help Code Enforcement with their work.
- Councilor Benton asked if something suspicious is seen should it be reported.
- Yes, to Code Enforcement. They are responsible for that under this permit.
- Councilor Benton asked if that is part of the storm water management.
- Yes, they have helped develop the standards and with the inspection process and reporting. They collect all the reports through the year and put them into a final report to be sent to the state.
- Mayor Pro Tem McConathy stated this program is for five years but she said the expenditure is all upfront for five years as opposed to the expenditure being each year in which it is incurred.
- Charles Kalkomey stated it will be billed on an annual basis.

**Action:** Councilor Pena made a motion, seconded by Councilor Euton to approve Resolution No. R-1798, a Resolution authorizing the City Manager to execute an Engineering Services Proposal for Permit of Storm Water Management Program, by and between the City and Jones and Carter, Inc., in the amount of \$45,000.00. The motion carried by a unanimous vote of those present.

3. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1797, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AND SUBMIT, FOR AND ON BEHALF OF THE CITY, AN APPLICATION TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) FOR THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) GENERAL PERMIT NO. 040000.**

**Executive Summary:** The Texas Commission on Environmental Quality (TCEQ) issued a new Texas Pollutant Discharge Elimination System (TPDES) - General Permit No. 040000 on December 13, 2013. The permit authorizes the discharge of storm water from Municipal Separate Storm Sewer System's (MS4) to surface waters in the State of Texas. The City of Rosenberg is considered an MS4 and is required to create and submit a new Storm Water Management Program (SWMP) and Notice of Intent (NOI) to the TCEQ by June 11, 2014. This SWMP will be a five (5) year comprehensive program which will need to be administered annually, as was the previous permit. The purpose of the MS4 Storm Water Permit is to implement Best Management Practices (BMP's) consisting of schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters. This also includes establishing storm water treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks and other sources of potential runoff or contamination of the waters.

Staff recommends approval of Resolution No. R-1797 authorizing the Mayor to execute and submit an application to the TCEQ for the MS4 Storm Water Permit.

**Key discussion points:**

- John Maresh gave an overview of the item.

**Action:** Councilor Bolf made a motion, seconded by Councilor Euton to approve Resolution No. R-1797, a Resolution authorizing the Mayor to execute and submit, for and on behalf of the City, an application to the Texas Commission on Environmental Quality (TCEQ) for the Municipal Separate Storm Sewer System (MS4) General Permit No. 040000. The motion carried by a unanimous vote of those present.

4. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1796, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A MUTUAL AID AGREEMENT FOR PERSONNEL, EQUIPMENT AND OTHER RESOURCES, BY AND BETWEEN THE CITY AND THE GULF COAST STATE PLANNING REGION OF THE HOUSTON-GALVESTON AREA COUNCIL (H-GAC), FOR THE TERM BEGINNING WHEN APPROVED THROUGH DECEMBER 31, AND RENEWING AUTOMATICALLY FOR ONE (1) YEAR ON EACH ANNIVERSARY THEREAFTER.**

**Executive Summary:** The Houston-Galveston Area Council (H-GAC) has updated its regional Mutual Aid Agreement (Agreement) and made it available to all political subdivisions in the region. In the past, this Agreement was for County use only.

The new Agreement better addresses reimbursement issues raised by the Federal Emergency Management Agency (FEMA). It provides financial protection to both the requesting and responding jurisdictions during a major disaster, while still allowing for day-to-day "neighborly" mutual aid. Additionally, this Regional MAA document allows political subdivisions, other than just counties, to participate. Other political subdivisions do not have to be formal members of H-GAC to participate.

Staff recommends approval of Resolution No. R-1796 authorizing the approval of a Mutual Aid Agreement for personnel, equipment and other resources.

**Key discussion points:**

- Dallis Warren, Police Chief gave an overview of the item.

**Questions/Comments:**

- Mayor Pro Tem McConathy asked if this includes tree removal.
- Dallis Warren stated the City participates in a Debris Management Program County wide. John Maresh is the point of contact for that. We have an existing contract for debris removal.

**Action:** Councilor Euton made a motion, seconded by Councilor Benton to approve Resolution No. R-1796, a Resolution authorizing the Mayor to execute, for and on behalf of the City, a Mutual Aid Agreement for personnel, equipment and other resources, by and between the City and the Gulf Coast State Planning Region of the Houston-Galveston Area Council (H-GAC), for the term beginning when approved through December 31, and renewing automatically for one (1) year on each anniversary thereafter. The motion carried by a unanimous vote of those present.

5. **CONSIDERATION OF AND ACTION ON A SECOND READING OF ORDINANCE NO. 2014-25, AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY ADDING A NEW ARTICLE III TO CHAPTER 15 THEREOF, DEFINING CERTAIN TERMS; MAKING IT UNLAWFUL FOR CERTAIN REGISTERED SEX OFFENDERS TO RESIDE WITHIN 2,500 FEET OF PREMISES WHERE CHILDREN GATHER; PROHIBITING PROPERTY OWNERS FROM RENTING REAL PROPERTY TO CERTAIN REGISTERED SEX OFFENDERS; PROVIDING EXCEPTIONS TO THE ORDINANCE; PROVIDING PENALTIES FOR VIOLATIONS OF THE ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**Executive Summary:** On May 20, 2014, City Council considered two versions of Ordinance No. 2014-25, establishing regulations pertaining to the residency of registered sex offenders. Ordinance No. 2014-25 V1 contained provisions for posting of signage on the premises of sex offender residences. Ordinance No. 2014-25 V2 did not contain the signage provisions. City Council voted to approve Ordinance No. 2014-25 V2. The vote to approve Ordinance No. 2015-25 V2 was four (4) "ayes" to three (3) "noes". Per Section 3.10 of the City Charter, a second reading is required for the adoption of Ordinance No. 2015-25 V2. Please note that a draft minute excerpt for the May 20, 2014 City Council Meeting was not yet available at print time for this item.

This Agenda item allows for a second and final reading of the "Sex Offender" Ordinance, being presented as Ordinance No. 2014-25. Staff recommends approval of Ordinance No. 2014-25.

**Key discussion points:**

- Tracie Dunn, Assistant Police Chief read the Executive Summary.

**Questions/Comments:**

- Councilor Euton stated she has had feedback from the community and she supports the ordinance without the signage.
- Councilor Pena stated he accepted the ordinance with the signage and after getting feedback from the community he accepts it without the signage.
- Councilor Grigar stated he supports it without the signage like he did previously.
- Councilor Bolf stated she wanted the signage and it seems to be 50/50 regarding the ordinance. She will accept it without the signage.
- Councilor Benton stated he received comments and he will support it without the signage.
- Mayor Pro Tem McConathy stated she has heard comments like all of Council that the signage would not be productive. She supports it without the signage.

**Action:** Councilor Benton made a motion, seconded by Councilor Euton to approve a second reading of Ordinance No. 2014-25, an Ordinance amending the Code of Ordinances by adding a new Article III to Chapter 15 thereof, defining certain terms; making it unlawful for certain registered sex offenders to reside within 2,500 feet of premises where children gather; prohibiting property owners from renting real property to certain registered sex offenders; providing exceptions to the ordinance; providing penalties for violations of the ordinance; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; providing a severability clause; and providing an effective date. The motion carried by a unanimous vote of those present.

**Further Comment:**

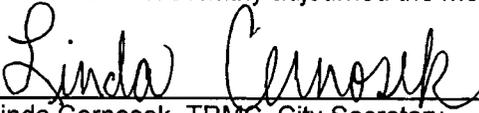
- Councilor Grigar asked when this will go into effect.
- Dallis Warren stated immediately.

6. **ANNOUNCEMENTS.**

- June 14<sup>th</sup> is Flag Day
- June 15<sup>th</sup> is Father's Day

7. **ADJOURNMENT.**

There being no further business Mayor Pro Tem McConathy adjourned the meeting at 7:35 p.m.

  
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Linda Cernosek, TRMC, City Secretary