

# CITY OF ROSENBERG

## CITY COUNCIL WORKSHOP MEETING MINUTES

On this the 24<sup>th</sup> day of June, 2014, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Special Workshop Session, in the Rosenberg City Hall Council Chamber, located at 2110 4th Street, Rosenberg, Texas.

### PRESENT

Vincent M. Morales, Jr.	Mayor
William Benton	Councilor at Large, Position 1
Cynthia McConathy	Councilor at Large, Position 2
Jimmie J. Pena	Councilor, District 1 (arrived at 6:35 p.m.)
Susan Euton	Councilor, District 2
Dwayne Grigar	Councilor, District 3
Amanda Bolf	Councilor, District 4

### STAFF PRESENT

Robert Gracia	City Manager
Scott M. Tschirhart	City Attorney
Linda Cernosek	City Secretary
John Maresh	Assistant City Manager of Public Services
Jeff Trinker	Executive Director of Support Services
Joyce Vasut	Executive Director of Administrative Services
Travis Tanner	Executive Director of Community Development
Charles Kalkomey	City Engineer
Angela Fritz	Executive Director of Information Services
Dallis Warren	Police Chief
Tracie Dunn	Assistant Police Chief
Sherrie Seymour	Administrative Secretary
Terri Bradley	Records Clerk
Randy Wiesheimer	School Resource Officer
Kelly Kreuzsch	School Resource Officer
David Leal	School Resource Officer
Christian Nichols	School Resource Officer
Sherman Phillips	School Resource Officer
Clifford Bauder	School Resource Officer
Jeff Johnson	School Resource Officer
Jerry Price	School Resource Officer
Sebastian Munoz	Detective
Justin Crocker	Detective
Kevin Monfort	Detective
Randall Leonhardt	Detective
John Rivera	Detective
Tommy Havelka	Police Officer
John Johnson	Police Sergeant
Jeremy Eder	Police Sergeant
Chad Pino	Police Sergeant
Wade Goates	Fire Chief
Darrell Himly	Assistant Fire Chief
Randall Malik	Economic Development Director
Rachelle Kanak	Assistant Economic Development Director
Lisa Olmeda	Human Resources Director

**During a City Council Workshop, the City Council does not take final action on the agenda items and any consideration of final action will be scheduled at a Regular or Special City Council Meeting. Public comments are welcomed at Regular or Special City Council Meetings. No public comments will be received at a Workshop Meeting.**

**The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed below, as authorized by Title 5, Chapter 551, of the Texas**

**Government Code.**

**CALL TO ORDER.**

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

**AGENDA**

**1. REVIEW AND DISCUSS PRESENTATION REGARDING A PROPOSED CONVENTION CENTER FACILITY/MULTI-USE ARENA AT THE FORT BEND COUNTY FAIRGROUNDS, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

**Executive Summary:** This Agenda item provides City Council the opportunity to hear and discuss a presentation by Mary K. Staff, Fort Bend County Fairgrounds Manager, on a proposed convention center facility/multi-use arena at the Fort Bend County Fairgrounds.

**Key discussion points:**

- Randall Malik, Economic Development Director gave a brief overview of the item and introduced Mary Staff, Fort Bend County.
- Mary Staff provided an overview of the proposed Convention Center Facility/Multi-Use Arena at the Fort Bend County Fairgrounds.

**Questions:**

- **Q:** Will the circus use the facility?
- **A:** Yes.
- **Q:** Will the floor be dirt?
- **A:** It will have reinforced concrete bumper with dirt trucked in and scooped out after events.
- **Q:** Will there be parking lot improvements?
- **A:** Currently there are 3,200 parking spots. The property across the street has up to 6,000 spots.
- **Q:** What is the plan for upkeep?
- **A:** The Fort Bend County Fair took over the maintenance recently.
- **Q:** What kind of construction will be used?
- **A:** A metal building using some stone with a Texas theme.
- **Q:** What is the plan to finance in the community?
- **A:** The cost is \$8.2 million. At this point they are working with the Commissioners and other agencies to partner.
- No action was taken on the item.

**2. REVIEW AND DISCUSS SCOPE OF COMPREHENSIVE PLAN UPDATE PROJECT, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

**Executive Summary:** As discussed at the May 6, 2014 City Council meeting, 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 U.S. 59/1-69 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 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". At the May 6, 2014 meeting, this item was tabled for further discussion at a Workshop. The item has been placed on the Agenda for City Council to discuss the scope of the Project going forward. Staff will present additional information and the consultant will again be available to answer questions.

**Key discussion points:**

- Travis Tanner, Executive Director of Community Development gave an overview of the item regarding the Comprehensive Plan Update Project.

**Questions:**

- **Q:** Will the existing studies, such as the Transit and Pedestrian Study, West Fort Bend Management District's Access Management Study and others be used in this plan?
- **A:** Yes.
- **Q:** How will the selection process occur for the mixture of the committees?
- **A:** Staff wants to make sure that we reach more than just the Advisory Committee. We will look at the businesses, the community and residents.
- **Q:** In order to keep the integrity of the data, will there be a filter in place that will assure us that one person does not submit multiple entries?
- **A:** Yes.
- **Q:** Will there be a distinction in the filter to determine Rosenberg residents versus others?
- **A:** Yes.
- **Q:** Regarding City Support Services will the prizes be at the City's expense?
- **A:** Brian Keast, Kendig Keast Collaborative explained that is a means of eliciting additional support to provide small prizes at the City's expense which would be a nominal expense.
- **Q:** What kind of prize would the public be encouraged to participate for?
- **A:** Gift certificates to local restaurants or businesses to ensure the money remains in the community.
- **Q:** How were the costs arrived at?
- **A:** The consultant was asked and we are familiar with the project Richmond is undertaking.
- **Q:** Would this plan be binding to developers? How would it be enforced?
- **A:** Yes. They have to comply with the Comprehensive Plan when they go through the platting process. There are ordinances with setbacks, height requirements, landscaping, building exteriors that are not zoning but are binding to developers.
- **Q:** Would this plan be binding to future councils?
- **A:** It is a helpful document for continuity purposes for future councils but it does not bind a future council in a legal way.
- **Q:** What is the timeframe for completion of the plan?
- **A:** Nine months is the timeframe, but it could be extended if Council wanted it increased or additional participation, or it could be accelerated.
- **Q:** When the public is engaged is it open to anyone?
- **A:** Yes.
- Mayor Morales stated the general consensus of Council was to move forward with the Comprehensive Plan Update Project.
- No action was taken on the item.

**3. REVIEW AND DISCUSS PROPOSED TRAFFIC CALMING POLICIES, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

**Executive Summary:** This item has been added to the Agenda to allow staff the opportunity to present information regarding traffic calming measures and sample policies utilized by other municipalities.

Should City Council wish to develop a Traffic Calming Policy, staff will return with the Policy for consideration on a future City Council agenda.

**Key discussion points:**

- Charles Kalkomey, City Engineer presented information regarding traffic calming measures and cost related to each.
- Colby Wright, Jones and Carter presented a PowerPoint covering the following:
- **Pavement Markings: Improved Shoulders/Parking Lanes**
- Cost: \$250 to \$300 per 100 linear feet per direction

- **Rumble Strips**
- Cost: \$1,000 per lane per direction
- **Curb Extensions: Intersection Curb Extensions**
- Cost: \$5,000 to \$15,000 each
- **Chokers**
- Cost: \$10,000 to \$25,000 per landscaped choker
- **Chicanes**
- Cost: \$10,000 to \$20,000 each
- **Diagonal Diverter**
- Cost: \$10,000 to \$30,000 each
- **Half-Street Closures**
- Cost: \$5,000 to \$20,000 per block
- **Medians: Raised Pedestrian Refuge Island**
- Cost: \$15,000 to \$40,000 each
- **Median Barriers**
- Cost: \$10,000 to \$20,000 per 100 feet
- **Forced Turn Islands**
- Cost: \$5,000 to \$15,000 each
- **Median Islands**
- Cost: \$10,000 to \$40,000 each
- **Traffic Circles**
- Cost: \$15,000 to \$30,000 per intersection
- **Speed Humps**
- Cost: \$12,000 to \$15,000 per set depending on street width/condition
- **Speed Tables/Raised Crosswalks**
- Cost: \$20,000 to \$35,000 per set depending on street width/condition
- **Enforcement: Police Enforcement**
- Cost: No Charge
- **Speed Limit Radar Unit Signs**
- \$9,000 per installation
- Information provided in the presentation was from "Traffic Calming Handbook" the City of San Antonio and "Neighborhood Traffic Management Program" the City of Houston.

**Questions:**

- A discussion was held by Council with the general consensus that a policy be put in place but not necessarily to implement all the types of devices as presented.
- No action was taken on the item.

**4. REVIEW AND DISCUSS STREET SWEEPING SERVICES, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

**Executive Summary:** At the February 25, 2014 City Council Workshop Meeting, Councilor William Benton requested that staff return and examine the feasibility of leasing or purchasing a street sweeper as part of the annual budget process. Staff has performed more research related to the options available for sweeping City streets and will present those findings to the City Council for its consideration.

Staff has obtained a quote from H-GAC Buy for a Schwarze A9 Monsoon Regenerative Air Street Sweeper. The total purchase price for this equipment is \$219,546. Proposed financing options for this purchase through Government Capital Corporation and Wells Fargo have also been included for City Council's review. Staff will also present additional costs associated with a street sweeper (such as operations and maintenance and the personnel needs required to operate a street sweeper in-house) as part of the City Council presentation.

**Key discussion points:**

- Jeff Trinker, Executive Director of Support Services gave an overview of the item outlining the following:
  - Options for Street Sweeping
  - Street Sweeping-Conditions and Cost Assumptions
  - In-House Street Sweeping
  - **Cost Comparison**

<u>In-House Sweeping</u>	<u>Contracted Sweeping</u>
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- First year cost (capital+personnel+O&M) \$317,929
- Subsequent year costs (personnel + O&M) \$97,929 x 6
- **Seven Year Total: \$905,903**
- \$87,000 / year x 7 years
- **Seven Year Total: \$609,000**

- **Contracted Sweeping**

- Current annual street sweeping budget: \$70,000
- Based on previous bids, expected future budget: \$85,000 - \$90,000
- Seven (7) year total: \$600,000 - \$ 630,000
- After Council discussion, although not all Councilors wanted to move forward, the general consensus was to move forward with purchasing a street sweeper.
- Robert Gracia, City Manager stated we are in the process of discussing budget and we will look at it to see how it will impact the budget.
- No action was taken on the item.

5. **REVIEW AND DISCUSS ROSENBERG'S JANITORIAL AND MOSQUITO CONTROL SERVICES CONTRACTS FOR FY2015, AND TAKE ACTION AS NECESSARY TO DIRECT TO STAFF.**

**Executive Summary:** New contracts for Janitorial and Mosquito Control Services were executed for FY2014 with the option to renew for one (1) additional year. As contractors, Claron Building Maintenance, Inc. (janitorial), and Cypress Creek Pest Control (mosquito control), have performed in a satisfactory manner, City staff recommends extension of these Contracts for FY2015.

Staff expects minimal alterations to these Contracts for their extension next year. Janitorial service will be added to both the Parks and Recreation and Animal Control facilities; neither of these facilities was previously provided with janitorial service. The Parks facility will be cleaned for \$433 per month, or \$5,196 per year. The Animal Control facility will be cleaned for \$650 per month, or \$7,800 per year. These additional services will increase the annual Contract amount from \$50,536 to \$63,532.

The only anticipated change to the Mosquito Control Services Contract is the addition of the paved alley circling Bayou Park Subdivision. Cypress Creek Pest Control is currently working on the cost associated with this addition.

Should City Council direct staff to move forward with the contract extensions as presented, they will be placed on a future Agenda for consideration.

**Key discussion points:**

- Jeff Trinker gave an overview of the item as outlined in the Executive Summary.

**Questions:**

- **Q:** Is staff comfortable with the current Janitorial Contract?
- **A:** Yes.
- **Q:** Were area contractors offered the contract?
- **A:** Yes.
- **Q:** Why is the paved alley circling Bayou Park being added to the Mosquito Control Contract?
- **A:** That particular alley is like a service road with a ditch where water collects.
- The general consensus of Council was to extend both the Janitorial and Mosquito contracts.
- No action was taken on the item.

6. **REVIEW AND DISCUSS THE BUSINESS ASSISTANCE GRANT PROGRAM GUIDELINES AND CRITERIA, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

**Executive Summary:** This item has been added to the Agenda to allow for review of the Business Assistance Grant Program Guidelines and Criteria and to propose possible revisions.

Should City Council wish to revise the Guidelines and Criteria, staff will return with the requested revisions for consideration on a future City Council Agenda.

**Key discussion points:**

- Councilor Benton asked for clarification regarding funds for the program. Is this general funds and not RDC money? Is the program running out of money?
- Randall Malik, Economic Development Director stated in 2011, contingent upon the Chapter 380, the City set aside \$100,000 to fund the program for a period of four years. Yes, it is general funds. There is \$23,000 left in the funds.
- Councilor Benton asked for clarification on the Charter Development of property – development is different than improvement but Section 802 of the Charter says no expenditure of public funds shall be authorized by the City for the development of private property except for water and sewer. Are we clear on that and not violating that with this program?
- Scott M. Tschirhart, City Attorney asked for clarification on the program.
- Randall Malik explained it is similar to a traditional façade improvement matching grant for exterior improvements to businesses.
- Councilor Benton suggested adding a fifth column to the point system sheet “owner/operated” category and take five points from the economic impact and five points from historical/community impact and if you own/operate your business as opposed to a renter/leaser and applying. Suggestion was made to review the guidelines of the program to include Highway 90 and Highway 36 and not for the entire City.

**Questions:**

- **Q:** Councilor McConathy asked if the other Committee Members approve this proposal.
- **A:** Councilor Benton stated it was not discussed at the Committee level.
- **Q:** Assuming Council agrees this is a good proposal, when would it go into effect?
- **A:** Make it effective for the remaining funds and then be more conservative if it is funded in the next budget.
- **Q:** The 380 Development Code allows for the City to set aside funds from the general fund for this kind of program. Would it make more sense from a budget perspective since it is economic development driven, to fund it by RDC?
- **A:** Randall Malik stated there is a statute from the Texas Sales Tax Act that most communities that use this are communities under 20,000 that allows them the flexibility of having a Type B Economic Development Corporation this program. He thinks RDC would be ineligible to do that.
- **Q:** Councilor Bolf asked to see copies of all the applicants.
- **A:** Robert Gracia, City Manager stated copies of applications will be provided.
- **Q:** Councilor Grigar stated changes were made to the program and it was increased up to \$10,000 matching funds: We expanded the program to the whole City but the rules were not relaxed were they?
- **A:** Randall Malik stated the changes made were increasing it from \$2,500 to \$10,000 matching grant and opening it up to all businesses.
- **Q:** Councilor Grigar clarified the rules were not loosened and opened it up City wide. All the Council agreed to it at that time. When was that?
- **A:** Three months ago.
- Councilor Grigar stated after only three months we have awarded and received good feedback and we wanted that and now all of a sudden it is not good. We need to give it some time to work. Is this discrimination? Is it because the people that applied for it received money and you don't like it?
- Councilor Benton stated the program is going to be out of money.
- Councilor Euton stated we got the results we wanted and that was for the program to be used. The program will end this fiscal year. The rules do not need to change at this point, maybe at the end of the program we could re-evaluate if we want to do more funding. She does not agree with limiting it to Avenue H and Highway 36; that was part of the problem before. Avenue H and Highway 36 could be given more points to prioritize them since it was the original locations. She is not sure about the owner/operated because before there was a problem because of leased buildings. The owners were not cooperative. Aren't you penalizing the people leasing by giving more points to someone that is owner/operated?
- Councilor Benton stated it is a point system and you get more points if you are owner/operated than leaser/operated.
- Councilor Euton suggested the program be re-evaluated before it is funded again. The entire Committee needs to look at it and concur and look at your proposals to give some feedback so it is not just one person's recommendation.
- Councilor McConathy stated when she said she supported it earlier she was not inclusive of the restriction to Highway 36 and Avenue I and H, just the point system. The benefit of the point system is it doesn't deter a leaser but it helps those that have invested in the City. Giving those that own

properties who are willing to enhance them aesthetically which is an economic development plus, you are giving more of a value in scoring. She wanted to make that clear.

- Councilor Benton suggested raising the qualification points to 75 or 80 points.
- Mayor Morales suggested the Committee look at the proposal and allow the Committee to make an evaluation of it and bring that recommendation back to Council in the next budget, if Council decides to proceed moving forward. Let the remaining \$23,000 finish per the criteria established three months ago. Leave the program as it is at this time. Council will look at it again once the Committee has reviewed it.
- No action was taken on the item.

7. **REVIEW AND DISCUSS REPUBLIC SERVICES PROPOSED SOLID WASTE RATES FOR FY2015, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

**Executive Summary:** Beginning in the third year of the Contract, and each subsequent year thereafter, Republic Services may adjust rates to reflect changes in the cost of operations (per Section 10.02: Modification to Rates of the City's Contract with Republic Services). This rate increase calculation is based on the Consumer Price Index for Urban Wage Earners and Clerical Workers as well as changes in fuel costs. Republic Services has elected to modify their rates as stipulated in the Contract and has submitted to the City a rate increase of 1.64%. This rate increase only pertains to the rates charged to the City by Republic; it does not reflect the fees charged to residents by the City for garbage service. Staff has verified the calculations and determined that the amounts are in line with the Contract.

A representative from Republic will be present to answer questions. Should this rate increase be approved, staff will return at a later date to discuss this rate increase's impact on the fees charged to Rosenberg residents.

**Key discussion points:**

- Jeff Trinker gave a brief overview of the item.
- Frank Gracely, Municipal Manager, Republic Services provided the proposed solid waste rates for 2015 with the calculations below:
  - **Consumer Price Index** – Urban Wage Earners and Clerical Workers: All items
  - September 2012=228.184 April 2014=233.443
  - $233.443/228.184=5.2590$   $5.2590/228.184=.02305$   $X 90%=2.0745\%$
  - **Consumer Price Index** – Urban Wage Earners and Clerical Workers: Gasoline
  - September 2012=331.409 April 2014=316.991
  - $331.309=316.991=14.4180$   $14.4180/331.409=.04351$   $.04351 X 10%=.4351\%$
  - Price Index 1.64% [ $2.0745-.4351=1.6394$ ]
  - The general consensus of Council was to move forward with the proposed solid waste rates for FY2015.

8. **REVIEW AND DISCUSS FY2015 WATER AND SEWER RATES, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

**Executive Summary:** This item has been added to the Agenda to offer City Council and staff the opportunity to discuss Water and Sewer Rates for FY2015.

In order to continue the City's efforts to meet the 2016 Fort Bend Subsidence District mandates, staff recommends that the Subsidence Fee increase each year until 2016, at which time operational costs can be more closely projected and the Subsidence Rate can be adjusted accordingly. The recommended rate for FY2015 is to increase the rate from \$1.20 per 1,000 gallons to \$1.40 per 1,000 gallons.

The water rates are adequate to cover the cost of providing water service to customers. Staff recommends leaving the water rates at the current level until 2016 at which time we can reevaluate the rates and adjust them in coordination with the Subsidence Fees.

Staff recommends that the sewer rates increase slightly so that the sewer revenues can adequately cover the costs of providing the service. Water rates are still subsidizing the sewer expenses. For FY2015, staff recommends increasing the consumption rate from \$2.97 to \$3.10 for each 1,000 gallons used over the first 2,000 gallons. This increase will be minimal to individual customers. A low usage customer (3,000 gallons per month) would receive a \$0.13 per month increase. Any residential customer using 5,000 gallons would receive a \$0.39 per month increase and those using greater than 12,000 gallons per months would receive the maximum increase of \$1.30 per month.

A presentation regarding water and sanitary sewer rates is included in the packet and will be presented at the meeting.

**Key discussion points:**

- Joyce Vasut, Executive Director for Administrative Services gave an overview of the FY2015 Water and Sewer Rates to take effect January 1, 2015.

**Questions:**

- **Q:** Is the proposed increase based on the rate study done by the consultant?
- **A:** Yes. It was part of the plan to begin with to meet the mandate in 2016. The 100% increase was planned all along. Next year a \$1.60 fee will be proposed.
- The item will move forward and will come back to Council as an Ordinance.
- No action was taken on the item.

9. **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.

10. **HOLD EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.074 AND 551.071 TO DELIBERATE UPON THE APPOINTMENT, EVALUATIONS, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL OF, AND/OR HEAR A COMPLAINT OR CHARGE AGAINST THE POLICE CHIEF, AND CONSULT WITH AND SEEK LEGAL ADVICE FROM THE CITY'S LEGAL COUNSEL RELATED TO THOSE PERSONNEL MATTERS, AS NEEDED.**

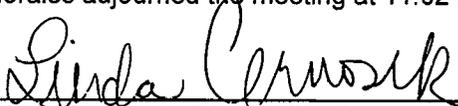
An Executive Session was held pursuant to Texas Government Code Section 551.074 and 551.071 to deliberate upon the appointment, evaluations, reassignment, duties, discipline or dismissal of, and/or hear a complaint or charge against the Police Chief, and consult with and seek legal advice from the City's legal counsel related to those personnel matters, as needed.

11. **ADJOURN EXECUTIVE SESSION, RECONVENE INTO WORKSHOP SESSION, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF AS A RESULT OF EXECUTIVE SESSION.**

Mayor Morales adjourned the Executive Session and reconvened into Workshop Session at 11:01 p.m. No action was taken as a result of Executive Session.

12. **ADJOURNMENT.**

There being no further business Mayor Morales adjourned the meeting at 11:02 p.m.

  
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Linda Cernosek, TRMC, City Secretary