

CITY OF ROSENBERG

REGULAR CITY COUNCIL MEETING MINUTES

On this the 15th day of July, 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
Susan Euton	Councilor, District 2

ABSENT

Jimmie J. Pena	Councilor, District 1
Dwayne Grigar	Councilor, District 3
Amanda Bolf	Councilor, District 4

STAFF PRESENT

Robert Gracia	City Manager
Linda Cernosek	City Secretary
Scott Tschirhart	Attorney for the City
John Maresh	Assistant City Manager for Public Services
Jeff Trinker	Executive Director of Support Services
Joyce Vasut	Executive Director of Administrative Services
Angela Fritz	Executive Director of Information Services
Travis Tanner	Executive Director of Community Development
Charles Kalkomey	City Engineer
Dallis Warren	Police Chief
Wade Goates	Fire Chief
Darren McCarthy	Parks and Recreation Director
Randall Malik	Economic Development Director
James Lewis	Director of Technology
Kaye Supak	Executive Assistant
Tommy Havelka	Police Officer
John Johnson	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.

CALL TO ORDER.

Mayor Morales called the meeting to order at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE.

Pastor Ken Sinclair, Faith Lutheran Church, Sugar Land gave the invocation. John Dikeman of Troop 731 led the pledge of allegiance to the flag.

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 JUNE 17, 2014, AND SPECIAL MEETING MINUTES FOR JUNE 23, 2014.**

B. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1819, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AND ACCEPT, FOR AND ON BEHALF OF THE CITY, A DRAINAGE EASEMENT BETWEEN THE CITY OF ROSENBERG AND SIDNEY MELLON AND HARRY LEE MELLON FOR DRAINAGE FACILITIES TO BE CONSTRUCTED BY THE CITY, GENERALLY LOCATED WEST OF BAMORE ROAD AND ASSOCIATED WITH THE CENTERPOINT LATERAL IMPROVEMENTS PROJECT.**

Executive Summary: In order to complete the final phase of the Bamore Road Improvement Project, easements are required to accommodate the construction of an extension of the existing CenterPoint Lateral Drainage Channel. This channel provides the drainage outfall for the improvements to Bamore Road, and drains to Seabourne Creek. A drainage easement has been negotiated with the property owners Sidney Mellon and Harry Lee Mellon for this final phase of Bamore Road Improvements.

Staff recommends approval of Resolution No. R-1819, authorizing the Mayor to execute and accept the drainage easement. If approved, the easement will be attached to the Resolution as Exhibit "A".

C. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1820, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AND ACCEPT, FOR AND ON BEHALF OF THE CITY, A DRAINAGE EASEMENT BETWEEN THE CITY OF ROSENBERG AND K & M HOME BUILDERS, INC., FOR DRAINAGE FACILITIES TO BE CONSTRUCTED BY THE CITY, GENERALLY LOCATED WEST OF BAMORE ROAD AND ASSOCIATED WITH THE CENTERPOINT LATERAL IMPROVEMENTS PROJECT.**

Executive Summary: In order to complete the final phase of the Bamore Road Improvement Project, easements are required to accommodate the construction of an extension of the existing CenterPoint Lateral Drainage Channel. This channel provides the drainage outfall for the improvements to Bamore Road, and drains to Seabourne Creek. A drainage easement has been negotiated with the property owner, K & M Home Builders, Inc., for this final phase of Bamore Road Improvements.

Staff recommends approval of Resolution No. R-1820, authorizing the Mayor to execute and accept the drainage easement. If approved, the easement will be attached to the Resolution as Exhibit "A".

D. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2014-30, AN ORDINANCE PROVIDING FOR THE EXTENSION OF THE CITY LIMITS OF THE CITY OF ROSENBERG, TEXAS, BY VOLUNTARY ANNEXATION OF 1.00 ACRE TRACT OF LAND IN THE HENRY SCOTT LEAGUE, ABSTRACT 82, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS, BEING OUT OF AND A PART OF THE RESIDUE OF THAT CERTAIN CALLED 4.2799 ACRE TRACT (TRACT 4) RECORDED IN VOLUME 1274, PAGE 201 OF THE OFFICIAL RECORDS OF FORT BEND COUNTY, TEXAS; GRANTING TO SAID TRACT OF LAND AND TO ALL CURRENT AND FUTURE INHABITANTS OF SAID TRACT OF LAND THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID CURRENT AND FUTURE INHABITANTS BY ALL OF THE ACTS, ORDINANCES, REGULATIONS AND RESOLUTIONS OF SAID CITY, NOW IN EFFECT AND TO BE HEREAFTER ADOPTED; ADOPTING A SERVICE PLAN FOR THE ANNEXED AREA; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.**

Executive Summary: On July 1, 2014, City Council approved Resolution No. R-1811 accepting a petition for the voluntary annexation of an existing one-acre tract of land located on the south side of State Highway 36 West, between Huntington and Moore Bar Roads.

As City Council will recall, the property was part of the Union Pacific Tracts, which were annexed by the City in September of 2012. A number of the tracts had agricultural use tax exemptions and were therefore offered Non-Annexation Development Agreements (Agreement(s)) in accordance with State law. The owners of the subject property, Bob and Antonia Gonzales, entered into one of said Agreements with the City of Rosenberg. Namely, the Agreement provided immunity from City taxes. However, it did stipulate that if the property was developed for purposes other than agriculture, the development would constitute a petition by the owner for voluntary annexation of the property for full purposes by the City. Additionally, the owner has expressed an interest in developing a residence on this tract and has therefore requested that it be annexed by the City for full purposes. The remaining 7.3 acres would remain under the Agreement, as it would continue to be used for agricultural purposes, and only the one-acre tract would be subject to City taxes. This approach is directly in accordance with the language in the Agreement.

Per the City Charter and State law, with the petition for voluntary annexation now being accepted, it must be acted on by City Council within thirty (30) days of its filing. Staff recommends approval of Ordinance No. 2014-30, annexing the property for full purposes.

E. 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: As discussed at the May 6 and June 24, 2014 City Council meetings, 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/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 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 meeting, this item was tabled for further discussion at a Workshop. The item was subsequently placed on the June 24 Workshop Agenda for City Council to discuss the scope of the Project going forward. Staff presented additional information and the consultant answered questions posed by City Council. The general consensus of Council at the time was to move forward with the project. Staff recommends approval of Resolution No. R-1787.

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

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

REGULAR AGENDA

2A. This item was formerly Item E on the Consent Agenda.

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: As discussed at the May 6 and June 24, 2014 City Council meetings, 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/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 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 meeting, this item was tabled for further discussion at a Workshop. The item was subsequently placed on the June 24 Workshop Agenda for City Council to discuss the scope of the Project going forward. Staff presented additional information and the consultant answered questions posed by City Council. The general consensus of Council at the time was to move forward with the project. Staff recommends approval of Resolution No. R-1787.

Action: Councilor Benton made a motion, seconded by Councilor McConathy to table the item. The motion carried by a unanimous vote of those present.

2. HEAR AND DISCUSS A PRESENTATION REGARDING A PROPOSED EAGLE SCOUT PROJECT TO INSTALL DROUGHT-RESISTANT PLANTINGS FOR A SIGN BEAUTIFICATION PROJECT IN SEABOURNE CREEK REGIONAL SPORTS COMPLEX, AND TAKE ACTION AS NECESSARY.

Executive Summary: On June 26, 2014, John Dikeman of Troop 731 presented a proposed Eagle Scout Project (Project) to be placed in Seabourne Creek Regional Sports Complex to the Parks and Recreation Board (Board). After reviewing his presentation regarding a proposal to install drought-resistant plantings for a sign beautification project in Seabourne Creek Regional Sports Complex, the Board unanimously recommended the Project plan for approval as presented.

Staff recommends approval of the proposed Eagle Scout Project at Seabourne Creek Regional Sports Complex based upon John Dikeman's presentation and the recommendation of the Parks and Recreation Board.

Key discussion points:

- Darren McCarthy, Parks and Recreation Director introduced John Dikeman of Troop 731.
- John Dikeman presented the proposed Eagle Scout Project at Seabourne Creek Regional Sports Complex. He explained the various plantings and the locations of the plantings. The plants will be watered until they are established. The cost estimate is \$600.00 and he is seeking donations for the project.

- Council thanked John Dikeman for bringing his project to Rosenberg.

Action: Councilor McConathy made a motion, seconded by Councilor Euton to approve a proposed Eagle Scout Project to install drought-resistant plantings for a sign beautification project in Seabourne Creek Regional Sports Complex. The motion carried by a unanimous vote of those present.

3. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1815, A RESOLUTION AUTHORIZING THE PARKS AND RECREATION DEPARTMENT TO SUBMIT AN APPLICATION TO THE APACHE FOUNDATION TREE GRANT PROGRAM.**

Executive Summary: The Apache Corporation Tree Grant Program (Grant Program) focuses on improving wildlife habitats, restoring storm damage, and enhancing cities and neighborhoods. The Grant Program for 2014-2015 hopes to donate thousands of trees to applicants in Texas.

According to the Grant Program, one (1) acre of forest can provide up to four (4) tons of oxygen and remove up to six (6) tons of carbon dioxide per year. Trees bring nature into urban environments, create shade, and provide habitat for wildlife.

If awarded, staff is recommending the trees be placed in Seabourne Creek Regional Sports Complex and Seabourne Creek Nature Park in December 2014.

Staff recommends applying for the following trees through the Grant Program:

- Fifty (50) Native Pecan
- Fifty (50) Live Oak

Staff recommends approval of Resolution No. R-1815, authorizing the submittal of an application to the Apache Foundation Tree Grant Program for one-hundred (100) trees for placement in Seabourne Creek Regional Sports Complex and Seabourne Creek Nature Park.

Key discussion points:

- Darren McCarthy read the Executive Summary regarding Resolution No. R-1815.
- A schematic was shown of the park location and where the trees will be planted.

Questions:

- Councilor Euton asked if there is irrigation at the baseball fields.
- Darren McCarthy stated yes. We are trying to extend the irrigation out farther from the fields and looking at irrigation for the trees. These are native Texas pecan trees and oak trees and they do very well.

Action: Councilor McConathy made a motion, seconded by Councilor Euton to approve Resolution No. R-1815, a Resolution authorizing the Parks and Recreation Department to submit an application to the Apache Foundation Tree Grant Program. The motion carried by a unanimous vote of those present.

4. **CONSIDER MOTION TO ADJOURN FOR EXECUTIVE SESSION.**

Action: Councilor McConathy made a motion, seconded by Councilor Euton to adjourn for Executive Session. The motion carried by a unanimous vote of those present.

5. **HOLD EXECUTIVE SESSION TO DELIBERATE POTENTIAL PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY PURSUANT TO SECTION 551.072 OF THE TEXAS GOVERNMENT CODE; AND, TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF MUNICIPAL COURT JUDGE PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE.**

An Executive Session was held to deliberate potential purchase, exchange, lease, or value of real property pursuant to Section 551.072 of the Texas Government Code.

The section to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of Municipal Court Judge pursuant to Section 551.074 of the Texas Government Code was not discussed at this meeting.

6. **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 7:32 p.m. No action was taken as a result of Executive Session.

7. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1817, A RESOLUTION PROVIDING FOR THE APPOINTMENT OF THE PRESIDING JUDGE OF THE MUNICIPAL COURT OF THE CITY, FOR A TWO (2) YEAR TERM BEGINNING OCTOBER 01, 2014, AND ENDING SEPTEMBER 30, 2016.**

Executive Summary: The City's current appointment of the Presiding Judge of the Municipal Court of the City of Rosenberg will expire September 30, 2014. Making the appointment of the Judge in July, but effective October 01, 2014, allows for the associated Compensation Agreement, to be considered under the following Agenda item, to be completed during the Budget preparation for FY2014-15, thereby simplifying the FY2014-15 Budget process.

James A. Baker, the present Presiding Judge, requests appointment as the Presiding Judge of the Municipal Court of the City of Rosenberg, Texas, for a two (2) year term commencing October 01, 2014, and ending September 30, 2016; and, therefore approval of Resolution No. R-1817.

Action: Councilor Benton made a motion, seconded by Councilor McConathy to table the item. The motion carried by a unanimous vote of those present.

8. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1818, A RESOLUTION PROVIDING FOR AN ANNUAL EVALUATION AND AUTHORIZED COMPENSATION FOR THE POSITION OF PRESIDING JUDGE OF THE ROSENBERG MUNICIPAL COURT.**

Executive Summary: City Council has established an evaluation date of on or before October 1st of each year for certain "direct report" administrative positions. This item provides an opportunity for City Council to take action out of Executive Session with regard to said evaluation and establish compensation for the position of Presiding Judge of the Rosenberg Municipal Court.

City Council having contemporaneously appointed James A. Baker, Presiding Judge for the two (2) year term beginning October 01, 2014, and ending September 30, 2016, it is incumbent upon City Council to establish the compensation to be paid for that position for that term and to authorize the execution of a Compensation Agreement between the City and James A. Baker stating the compensation to be paid as so established; and, to provide for other benefits of a full time employee of the City for the two (2) year term beginning October 01, 2014, and ending September 30, 2016.

Therefore, approval of Resolution No. R-1818 is recommended with the associated Compensation Agreement attached as Exhibit "A" once compensation has been established.

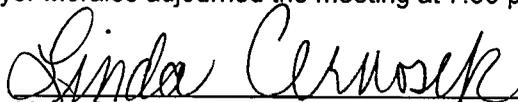
Action: Councilor Benton made a motion, seconded by Councilor McConathy to table the item. The motion carried by a unanimous vote of those present.

9. **ANNOUNCEMENTS.**

- Mayor Morales announced the Rosenberg Arts Alliance will have an event and bring in the Katy Arts Alliance. There will be a Progressive Dinner sponsored by the Young Professionals on Thursday, July 17th in Historical Downtown Rosenberg.
- Wade Goates, Fire Chief announced the Grand Opening of Fire Station No. 3 to be held Saturday, July 26, 2014 at 9:00 a.m.

10. **ADJOURNMENT.**

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


Linda Cernosek, TRMC, City Secretary