

# CITY OF ROSENBERG

## REGULAR COUNCIL MEETING MINUTES

On this the 2<sup>nd</sup> day of September, 2014, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Regular Session, in the Rosenberg City Hall Council Chamber, located at 2110 4th Street, Rosenberg, Texas.

### PRESENT

Vincent M. Morales, Jr.	Mayor
William Benton	Councilor at Large, Position 1
Cynthia McConathy	Councilor at Large, Position 2
Jimmie J. Pena	Councilor, District 1
Susan Euton	Councilor, District 2
Dwayne Grigar	Councilor, District 3
Amanda Barta	Councilor, District 4

### STAFF PRESENT

Robert Gracia	City Manager
Linda Cernosek	City Secretary
Scott Tschirhart	Attorney for the City
John Maresh	Assistant City Manager of Public Services
Jeff Trinker	Executive Director of Support Services
Joyce Vasut	Executive Director of Administrative Services
Maritza Salazar	Budget Analyst
Lisa Olmeda	Human Resources Director
Charles Kalkomey	City Engineer
Dallis Warren	Police Chief
Wade Goates	Fire Chief
Travis Tanner	Executive Director of Community Development
Randall Malik	Economic Development Director
Jeremy Heath	Assistant Economic Development Director
Angela Fritz	Communications Director
James Lewis	Information Services Manager
Kaye Supak	Executive Assistant

**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 Deborah Prihoda, First Assembly of God, Rosenberg gave the invocation and led the pledge of allegiance to the flag.

### PRESENTATION OF PROCLAMATION RECOGNIZING THE CITY OF ROSENBERG AS A PURPLE HEART CITY.

Mayor Morales presented a Proclamation Recognizing the City of Rosenberg as a Purple Heart City to Felix Garcia, Robert Delgado and Jonathan Willman.

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

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

#### *Present:*

- |                        |                       |
|------------------------|-----------------------|
| ➤ Yolanda Coria        | 1044 Sally Anne Drive |
| ➤ Joe and Josie Gracia | 1110 Walger Avenue    |
| ➤ Mike and Jan Lorenz  | 1036 Frances Drive    |

#### *Not Present:*

- |                                |                             |
|--------------------------------|-----------------------------|
| ➤ Miguel Angel and Maria Ramos | 1400 Tobola Street          |
| ➤ Jack in the Box              | 3317 1 <sup>st</sup> 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.*

- Jesse Kirk, 1903 Ripple Creek Drive, Rosenberg, Texas, addressed Council regarding his concern with children walking to school in the streets and the need for the City to do something to protect the children. His concerns have been discussed with the Police Chief.

**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 AUGUST 05, 2014.**

**B. CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1851, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A SPECIAL EVENT AGREEMENT FOR USE OF THE FORT BEND COUNTY FAIRGROUNDS, BY AND BETWEEN THE CITY AND FORT BEND COUNTY.**

*Executive Summary:* The Rosenberg Fire Department will be holding their Centennial Celebration on Saturday, September 13, 2014, from 10:00 a.m., to 2:00 p.m., at the Fort Bend County Fairgrounds. A flyer for additional information was included in the agenda packet.

Since the event is being held at the Fort Bend County Fairgrounds, it will be necessary for the City to enter into an Agreement with Fort Bend County to hold this special event at the County-owned location. The Special Event Agreement (Agreement) is attached as Exhibit "A" to Resolution No. R-1851 for City Council's review and consideration.

Staff recommends approval of Resolution No. R-1851 which will authorize the City Manager to execute the Agreement to provide a location for the Rosenberg Fire Department's Centennial Celebration event.

**C. CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2014-36, 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; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

*Executive Summary:* The need for a four-way stop at the intersection of Avenue G and San Jacinto Street has been identified. The intersection of Avenue G and San Jacinto Street currently functions as a two-way stop, with San Jacinto Street stopping and Avenue G Street being non-controlled. The recommendation is to make this a four (4) way stop 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. 2014-36 as presented.

- D. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2014-37, AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY ADDING A CERTAIN PORTION OF ALAMO STREET TO SECTION 28-116 OF ARTICLE III OF DIVISION 2 OF CHAPTER 28 THEREOF, AS A PORTION OF A STREET WITHIN THE CITY UPON WHICH IT IS UNLAWFUL TO PARK A VEHICLE; PROVIDING FOR THE INSTALLATION OF "NO PARKING" SIGNS INDICATING THE BOUNDARIES OF THE NO PARKING ZONE ALONG ALAMO STREET; PROVIDING A PENALTY IN AN AMOUNT OF NOT LESS THAN \$1.00 NOR MORE THAN \$200.00 FOR EACH VIOLATION OF ANY PROVISION HEREOF; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**Executive Summary:** This Ordinance is being presented to City Council for consideration of the installation of a "no parking" zone on a portion of Alamo Street between Avenue H and Avenue G. The City has been made aware of traffic issues and safety concerns resulting from vehicles that are parked along the east side of Alamo Street which are constricting the street width and visibility at the intersection for vehicles, including emergency vehicles. The "no parking" zone would extend from the north right-of-way line of U.S. Highway 90A (Avenue H), one-hundred fifty (150) feet north, along the east side of Alamo Street. The business establishment located on the east side of Alamo Street at Avenue H appears to be generating the on-street parking. If approved, the vehicles would no longer be able to legally park within the street right-of-way. A location map of the proposed "no parking" zone was included in the agenda packet.

Staff recommends approval of Ordinance No. 2014-37 as presented to address this safety issue.

- E. **CONSIDERATION OF AND ACTION ON A FINAL PLAT OF SUMMER LAKES SECTION SIX, BEING A SUBDIVISION OF 17.16 ACRES OUT OF THE JANE H. LONG LEAGUE, A-55 AND THE WM. LUSK SURVEY, A-276, IN THE CITY OF ROSENBERG, IN FORT BEND COUNTY, TEXAS (FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 144); 80 LOTS, 6 BLOCKS, 3 RESERVES (0.4624 AC.).**

**Executive Summary:** Summer Lakes Section Six Final Plat contains 17.16 acres and 80 single-family residential lots. It is located within the City Limits and in Fort Bend County MUD No. 144. Specifically, the proposed Plat is located off of Round Lake Drive in the northeast part of Summer Lakes. It consists of the following lot sizes:

- 52, or 65 percent, 50-foot lots
- 28, or 35 percent, 60-foot or greater lots

The above lot sizes are in accordance with the MUD No. 144 Planned Unit Development (PUD) Agreement (see attached Exhibit B, Land Use & Parcel Plan). The Land Use & Parcel Plan simply identifies single-family residential as the proposed use for the areas of the Plat. The Agreement calls for the lots to be a minimum of fifty (50) feet in width and 6,000 square feet. The average lot size is over 8,000 square feet and no lots are less than fifty (50) feet in width or 6,000 square feet.

The proposed Final Plat is consistent with the Preliminary Plat, which was approved by the Planning Commission on May 21, 2014. The Plat also conforms to the MUD No. 144 Planned Unit Development (PUD) Agreement. The Planning Commission recommended approval to City Council of the Final Plat on July 16, 2014. There being no further issues, staff recommends approval of the Final Plat of Summer Lakes Section Six.

- F. **CONSIDERATION OF AND ACTION ON A FINAL PLAT OF COTTONWOOD SECTION THREE-B, A SUBDIVISION OF 8.333 ACRES OF LAND LOCATED IN THE S.A. STONE SURVEY NO. 10, A-392, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS; LOTS: 44; RESERVES: 1; BLOCKS: 4.**

**Executive Summary:** The Final Plat of Cottonwood Section Three-B consists of 8.333 acres and 44 residential lots. It is located off of Barton Creek and Pease River Lanes, immediately southwest of Cottonwood Section Three-A. The Plat is within the City Limits and in Fort Bend County MUD No. 148. All proposed lots are fifty feet (50') in width and a minimum of 6,000 square feet in size. The Land Plan was approved before the current standards relating to lot size. The Plat conforms to the approved Land Plan dated April 2003.

The Planning Commission recommended approval to City Council of the Preliminary and Final Plats on August 20, 2014. At the time this Agenda packet went to print, a draft minute excerpt from the August 20, 2014 Planning Commission meeting was not yet available. There being no conflicts with applicable regulations, staff recommends approval of the Final Plat of Cottonwood Section Three-B.

- G. **CONSIDERATION OF AND ACTION ON A FINAL PLAT OF BAYOU CROSSING SECTION THREE, A SUBDIVISION OF 8.670 ACRES OF LAND LOCATED IN THE JAMES LOWERY 1/3 LEAGUE, A-275, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS; ALSO BEING A PARTIAL REPLAT OF RESERVE "A-2", BLOCK 1, BAYOU CROSSING SECTION TWO PARTIAL REPLAT NO. ONE RECORDED AT PLAT NO. 20130258, F.B.C.P.R., AND A PARTIAL REPLAT OF LOTS 3 AND 4, J. M. DONLEY SUBDIVISION RECORDED AT VOL. 1, PG. 20, F.B.C.P.R.**

**Executive Summary:** The Final Plat of Bayou Crossing Section Three is located off of Grand Cane Lane in the Bayou Crossing Development. It is in the City Limits and immediately northeast of Bayou Crossing Section Two.

The proposed Final Plat contains 8.67 acres and 37 residential lots. All proposed lots are a minimum of sixty feet (60') in width and 6,600 square feet in size. The Plat conforms to the approved Land Plan for Bayou Crossing and to the Preliminary Plat, which was approved by the Planning Commission on June 18, 2014.

The Planning Commission recommended approval to City Council of the Final Plat on August 20, 2014. Please note that a draft minute excerpt from the August 20, 2014 Planning Commission meeting was not yet available at the time this Agenda packet went to print. There being no further issues or conflicts with City standards, staff recommends approval of the Final Plat of Bayou Crossing Section Three.

- H. **CONSIDERATION OF AND ACTION ON RIVER RUN AT THE BRAZOS SECTION FIVE AMENDING PLAT NO. 1, BEING A SUBDIVISION OF 8.3492 ACRES OUT OF THE WM. LUSK SURVEY, A-276, IN FORT BEND COUNTY, TEXAS (FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 158); 39 LOTS, 2 BLOCKS, 0 RESERVES.**

**Executive Summary:** Proposed River Run at the Brazos Section Five Amending Plat No. 1 is located off of Valley Ridge Drive at Messina Lane, in the southern part of the River Run at the Brazos development. It is in the City's Extraterritorial Jurisdiction (ETJ) and in Fort Bend County Municipal Utility District No. 158 (MUD No. 158).

The Plat contains thirty-nine (39) single-family residential lots. It was originally approved by City Council on October 15, 2013. The purpose of the Amending Plat is to correct an error in the block numbering on the recorded plat. The "Subdivision" Ordinance provides for amending plats to correct errors of this nature. The Plat only has to come before City Council; amending plats do not require Planning Commission approval.

There being no issues, staff recommends approval of River Run at the Brazos Section Five Amending Plat No. 1.

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

#### REGULAR AGENDA

2. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2014-34, AN ORDINANCE APPROVING AND ADOPTING THE CITY OF ROSENBERG, TEXAS, BUDGET FOR THE FISCAL YEAR 2014-2015; MAKING APPROPRIATIONS FOR THE CITY FOR SUCH YEAR AS REFLECTED IN SAID BUDGET; AND MAKING CERTAIN FINDINGS AND CONTAINING CERTAIN PROVISIONS RELATING TO THE SUBJECT.**

**Executive Summary:** Ordinance No. 2014-34 provides City Council with the opportunity to consider adopting the FY2014-2015 Budget as prepared and presented by staff and adjusted by City Council during the recent Budget workshops.

The proposed operating Budget as shown in the Combined Budget Summary, or Exhibit "A" of Ordinance No.

2014-34, appropriates those monies necessary to fund City operations, including general operations, water and wastewater operations, debt service obligations, special revenue fund operations, internal service fund operations and capital outlays for FY2014-2015.

This Budget, as presented in Exhibit "A", is based on the proposed FY2014-2015 Budget that was originally presented to City Council on July 22, 2014, and includes the changes presented in the memorandum dated August 27, 2014.

Staff recommends approval of Ordinance No. 2014-34, providing for and adopting the City of Rosenberg, Texas, Budget for the Fiscal Year 2014-2015.

**Key discussion points:**

- Joyce Vasut, Executive Director of Administrative Services read the Executive Summary regarding the item.

**Questions/Comments:**

- Councilor Benton thanked Joyce and staff for their efforts on this budget. Will items 2 and 3 be done in order? What happens if Item 3 fails?
- Joyce Vasut explained the items are presented in an order which is required by Finance.

**Action:** Councilor Euton made a motion, seconded by Councilor McConathy to approve Ordinance No. 2014-34, an Ordinance approving and adopting the City of Rosenberg, Texas, Budget for the Fiscal Year 2014-2015; making appropriations for the City for such year as reflected in said Budget; and making certain findings and containing certain provisions relating to the subject. The motion carried by a unanimous vote.

3. **CONSIDERATION OF AND ACTION ON RATIFICATION OF THE PROPERTY TAX INCREASE REFLECTED IN THE CITY OF ROSENBERG 2014-2015 BUDGET.**

**Executive Summary:** In accordance with statutory requirements noted in Section 102.007 of the Local Government Code, it will be necessary to ratify the property tax increase reflected in the City's 2014-2015 Budget.

In order to ratify the property tax increase, it will be necessary for City Council to indicate such ratification with the following motion:

**Motion: I move to ratify the property tax increase reflected in the 2014-2015 Budget.**

**Key discussion points:**

- Joyce Vasut read the Executive Summary regarding the item.

**Questions/Comments:**

**Q:** Why is it a tax increase even though we are reducing the tax rate?

**A:** We are reducing the tax rate to \$.49 per \$100 evaluation. It is still calculated at the 21.4 cents. State law requires this language. The valuations affect the calculations. The added value affects the calculation.

**Action:** Councilor Barta made a motion, seconded by Councilor McConathy to ratify the property tax increase reflected in the 2014-2015 Budget. The motion carried by a unanimous vote.

4. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2014-35, AN ORDINANCE PROVIDING FOR THE LEVY AND COLLECTION OF AD VALOREM TAXES OF THE CITY OF ROSENBERG, TEXAS, FOR THE YEAR 2014; PROVIDING FOR THE DATE ON WHICH SUCH TAXES SHALL BE DUE AND PAYABLE; PROVIDING FOR PENALTY AND INTEREST ON ALL TAXES NOT TIMELY PAID; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.**

**Executive Summary:** Staff recommends the adoption of Ordinance No. 2014-35. This Ordinance levies an ad valorem tax rate of \$0.4900 per \$100 valuation for Tax Year 2014, the collection of which falls in FY2014-2015, beginning October 01, 2014, and ending September 30, 2015. The maintenance and operation tax rate will be set at \$0.25858 per \$100 valuation and the debt service tax rate will be set at \$0.23142 per \$100 valuation.

To approve Ordinance No. 2014-35, it will be necessary for City Council to consider three (3) separate motions in accordance with specific statutory requirements applicable to the adoption of the tax rate, and indicated as follows:

1. **Motion:** I move that a tax rate of \$0.25858 for the purpose of funding the maintenance and operation expenses of the City be approved;
2. **Motion:** I move that a tax rate of \$0.23142 for the purpose of paying the accruing interest and to provide a sinking fund for the payment of the indebtedness of the City be approved; and,
3. **Motion:** I move that the property tax rate be increased by the adoption of a tax rate of \$0.49 per \$100 valuation, which is effectively a 2.47% increase in the tax rate, and I move to adopt Ordinance No. 2014-35.

**Key discussion points:**

- Joyce Vasut read the Executive Summary regarding the item.

**Questions/Comments:**

**Q:** Can the word "effective: be added to the motions?

**A:** Legal Counsel advised not to change the language in the motion.

**Action:** Councilor McConathy made a motion, seconded by Councilor Euton that a tax rate of \$0.25858 for the purpose of funding the maintenance and operation expenses of the City be approved. The motion carried by a unanimous vote.

**Action:** Councilor Benton made a motion, seconded by Councilor Euton that a tax rate of \$0.23142 for the purpose of paying the accruing interest and to provide a sinking fund for the payment of the indebtedness of the City be approved. The motion carried by a unanimous vote.

**Action:** Councilor Euton made a motion, seconded by Councilor McConathy that the property tax rate be increased by the adoption of a tax rate of \$0.49 per \$100 valuation, which is effectively a 2.47% increase in the tax rate, and I move to adopt Ordinance No. 2014-35. The motion carried by a unanimous vote.

5. **CONSIDERATION OF AND ACTION ON THE PROPOSED INSTALLATION OF FOUR (4) SPEED HUMPS ON SALLY ANNE DRIVE.**

**Executive Summary:** This item has been included to allow for City Council to discuss the proposed installation of four (4) speed humps to serve as traffic calming measures on Sally Anne Drive.

**Key discussion points:**

- Councilor Pena stated there is a very dangerous situation on this street. Children have to walk places and there are no sidewalks and open bar ditches. Cars parking on the street creates blind spot issues. This came to his and Councilor Benton's attention and it was their decision to sign a petition with the residents on Sally Anne Drive to get four speed humps on Sally Anne Drive.

**The following speakers addressed Council regarding the item.**

- Ladonna Meche, 1043 Sally Anne Drive voiced her concerns with the area and the danger for the children on the street.
- Rene Owen, 1041 Sally Anne Drive asked Council to consider the dangerous situation.
- Lupe Casto, 1038 Sally Anne Drive stated traffic has increased on the street and asked Council to consider the situation.
- Keith Parker, 1059 Sally Anne Drive stated the problem is getting worse and expressed concern about the children on the street.
- Paul Hernandez, 1053 Sally Anne Drive expressed concern with the increase in the traffic and a lot of people walk on the street that is very narrow. He requested Council's action on the request.

**Further discussion:**

- Councilor Benton stated there are an average of 160 children that live on that street. All properties on the street are residential. This is a drag strip running through the residential area. We have an obligation to slow down the traffic on the street. A photograph was provided

showing speed humps and they don't seem to obstruct emergency vehicles. Asphalt speed humps are very inexpensive. He asked Council's consideration on the item.

- Councilor McConathy agrees something needs to be done. What is the magic in four speed humps? She could support this but would like to get Charles Kalkomey, City Engineer in determining the appropriate distance to get the correct number of speed humps on that road.
- Councilor Benton stated the street is about a mile long and that many are needed to be effective.
- Councilor Euton agreed there is a problem. How will this affect our EMS and Fire trucks? She would like collaboration from the City on this. Isn't our Comprehensive Study going to address these kinds of issues and how long will that take?
- Robert Gracia, City Manager stated yes.
- Travis Tanner, Executive Director of Community Development stated the timeframe for the Comprehensive Plan is over the next year. It will be brought back to Council in the summer for approval although the City will be looking at it over the next year in various public forums. They will look at a variety of traffic calming devices.
- John Maresh stated staff is working on a Comprehensive Plan specifically for traffic calming. That would dovetail into the Comprehensive Plan with the specifics for traffic calming. We should have that on a Workshop before the end of this year.
- Councilor Euton stated with staff coming in the next couple of months on the requirements and settings she would prefer to wait for staff's input. She thinks it needs to be addressed but would like to wait for staff's input.
- Councilor Pena stated he thinks it needs to be done. As critical and the number of people speaking for this cause we need to address it. If the Comprehensive Plan comes in with a different idea we can make adjustments to that. We want to be proactive and not reactive.
- Councilor Grigar stated he agrees that something needs to be done but it needs to be done throughout the City, not just Sally Anne. If we let staff do their work which was directed by this Council in a recent Workshop to move on with criteria and guidelines so it is spread evenly across the City. The spacing issue would be addressed in that and there are different types of speed humps. He does not want Council to be directing "this is what I want". All of those have to be taken into account such as fire and public safety. That would be addressed by City staff and personnel driving on these streets. As we have heard, that will be done and presented in a Workshop. He thinks that would be the time to set Sally Anne as a priority for this.
- Councilor Barta agreed with what has been said and agrees with the Comprehensive Plan. This seems like an urgent situation. If we put asphalt humps down now it would help with the traffic. If they need to be changed per staff's recommendation then they can be changed. It could be six more months before something is done.
- Scott Tschirhart, City Attorney stated the preferable way to do this is to have some guidelines to go by as you are planning. If Council is going to adopt something like putting in these speed humps he encouraged them to make an independent assessment based on the evidence you have that there is a need and a dangerous situation you want to correct. He does not think you want to get into the position to be governing by petition. That becomes the basis of projects rather than staff coming up with these decisions. Don't base it on this petition that doesn't have any weight under the Charter. Base it on testimony you heard or your own observations. When you act on petitions you will have the situation where you end up with a petition someplace else where they want something else. Then if you vote against it there might be something that could be challenged over that. He urged to either let staff make a recommendation or make your independent evaluation where you say this is a dangerous situation and is a one time issue we need to fix because we recognize there is a danger.
- Councilor Barta stated this is really not a petition, just a statement that the residents feel there is a danger.
- Robert Gracia stated before this Council makes a decision he feels it is important that the Fire Chief addresses his concerns regarding traffic calming devices.
- Wade Goates, Fire Chief stated there are several areas in the county facing the same problems with traffic and how to slow it down. His concern is response considerations especially with the larger fire apparatus. He is not prepared tonight to give those times but he can come back with that information. There are options you do have as far as speed cushions, speed humps where the hump is separated out so the larger trucks such as fire trucks can pass over them without being affected by it. With the maintenance on our vehicles as well as the response time can be as great as ten seconds per hump depending on the style and it slows down a responding apparatus.
- Mayor Morales asked the Police Chief how it would affect response time for the Police

Department.

- Dallis Warren, Police Chief stated traffic devices are designed to slow vehicles down so our vehicles would have to slow down as well to safely navigate the humps.
- Councilor Benton stated the people are already being victimized. There was illegal drug activity and people driving by looking for stuff to steal. He has been on Council for three years and has expressed his concern about the drag strips we have in this City. We have to arm wrestle to get stop signs around here and now we have people coming up voicing their views. He has based his thought process on observation and testimony and as a representative of 62 people who signed that request. If there is a problem after the \$91,000 Comprehensive Plan you all paid for and he voted against, we can take up the speed humps. He urged his colleagues not to get bogged down with studies and get this done.
- Robert Gracia stated he does not want anyone leaving tonight with the misunderstanding that we are against traffic calming devices. What the Fire Chief and Police Chief shared was their concerns on the type. There are different types. We would like Council to consider the type of calming devices such as humps or bumps.
- Councilor Grigar stated he wants to make sure that everybody understands that what John Maresh is talking about bringing back is not the Comprehensive Plan. It is the guidelines for speed humps. This did not cost \$91,000 for what John Maresh and staff is doing. They are bringing back guidelines from other cities and meshing their ideas together that they think will work for the City. Now that we have a fire ladder truck loaded down with water it can be devastating on the equipment.
- Councilor Benton stated the Comprehensive Plan is \$91,000. His motion will be to install three or four speed humps out of asphalt on Sally Anne Drive. The number would be contingent on what the City Engineer feels is sufficient.
- Scott Tschirhart stated for clarification purposes, the City Attorney has no opinion whatsoever on the policy decision as to whether to install speed bumps or not. The only concern is that the decision be made upon an independent finding of this Council that there is a dangerous condition out there and not based on a petition.
- Mayor Morales stated his decision will be based in respect to what we have heard from a public safety perspective and staff is working on calming devices that will not only satisfy Sally Anne Drive but the whole community. That is the decision we have to base it on.
- Councilor Benton stated he sees that point and we need to look at that but you can't finish until you start. This is where we start and these people need to be first. Putting this off will not make it go away.
- Councilor Euton asked John Maresh if he can say that staff will be coming to the October workshop with these recommendations.
- John Maresh stated he will look at the schedule. It is either October or November.

**Action:** Councilor Benton made a motion, seconded by Councilor McConathy to approve installation of three or four asphalt speed humps on Sally Anne Drive based on the assessment of the City Engineer regarding the number needed as traffic calming devices. **The motion carried by a vote of 4 to 3 as follows: Yeses: Councilors Benton, McConathy, Pena and Barta. Noes: Mayor Morales, Councilors Euton and Grigar.**

6. **REVIEW AND DISCUSS POLICY REGARDING MAYOR/COUNCIL MEMBERS VOTING ABILITY ON ALL CITY-AFFILIATED BOARDS, CORPORATIONS, TASK FORCES, COMMITTEES, COMMISSIONS, ETC., AND TAKE ACTION AS NECESSARY.**

**Executive Summary:** This item was requested to allow City Council an opportunity to discuss voting ability of Council Members serving on all City-affiliated Boards, Commissions, Committees, Corporations, and Task Forces.

**Key discussion points:**

- Councilor Benton stated he brought the item up out of fairness for all Councilor Members. As it is now, we cannot all vote on Committees and Boards. The reason the representative to the Parks Board and Image Committee could not vote was because of the extra effort that would have to be undertaken on making the call for the meeting. He has talked to the City Manager and he assures him that the kinks have been worked out so any Council Member can attend, for example the Rosenberg Development Corporation (RDC). He would like to apply that same verbiage to the Parks Board and Image Committee and allow them to vote.
- Scott Tschirhart stated if we do this with the Parks Board and Image Committee you can appoint the Council Members as Regular Members to those two committees and not Ex-officio

members then you remove the voting hindrance on those two committees. This Council voted on this and it was revised November 5, 2013 and is the Rules of Procedure in the back of the book at every meeting. It has the Ex-officio as a part of this.

- Councilor Euton stated she is not sure she understands all the questions. The RDC is a very special committee that has three Council Members on that Board that vote. She does not have any objection to Council Members on other committees voting. She does not know why they were made Ex-officio to begin with. To compare the Parks Board to the RDC is an injustice. They are totally different styles of committees. The RDC has their own guidelines and rules because they are a corporation that was created by law.
- Scott Tschirhart stated the RDC is a governmental entity of its own which makes it different than an advisory board like a Parks Board or Image Committee. That is why it has to be treated under the statute.
- Councilor Pena stated he supports allowing Council Members to vote on these committees.
- Councilor Barta stated she understands the Parks has always been that way. The Image Committee used to be able to vote and she does not know why it was changed. If Council wants it changed back she is fine with that.
- Councilor McConathy stated the Image Committee had a Council Member that voted at one time and if the truth be told, that was changed by a former Councilor as a political maneuver. She would support changing it back to the way it was and also at the Attorney's suggestion making those two positions Regular Members if that is the easiest way to do it.
- Mayor Morales asked legal counsel if a motion could be made to change those rules to let those two committees have voting members.
- Scott Tschirhart advised to appoint those two particular members to those two particular committees as Regular Voting Members rather than do a change to the rules. They will not be appointed as Ex-officio Members as they are now. The motion would be: "I move to appoint the Council Members that serve on the Parks Board and the Image Committee to be Regular Voting Members rather than Ex-officio Members of those Committees".

**Action:** Councilor Benton made a motion, seconded by Councilor McConathy to appoint the Council Members that serve on the Parks Board and the Image Committee to be Regular Voting Members rather than Ex-officio Members of those Committees. **The motion carried by a vote of 6 to 1. Yeses: Mayor Morales, Councilors Benton, McConathy, Pena, Euton and Barta. No: Councilor Grigar.**

7. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1855, A RESOLUTION AUTHORIZING A REQUEST FOR A WAIVER OF THE LOCAL MATCH FUND PARTICIPATION REQUIREMENT BY THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) IN CONSIDERATION OF PLANNED IMPROVEMENTS TO THE W. FAIRGROUNDS ROAD BRIDGE; AND, CAUSE TO BE PERFORMED AN "EQUIVALENT-MATCH PROJECT" LOCATED WITHIN THE CITY IN RETURN FOR WAIVER OF THE LOCAL MATCH FUND PARTICIPATION REQUIREMENT; AND, AUTHORIZING THE CITY MANAGER AND/OR MAYOR TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, APPROPRIATE AGREEMENTS AND/OR DOCUMENTS REGARDING SAME.**

**Executive Summary:** During the August 19, 2014, Regular City Council Meeting, Resolution No. R-1843 authorizing participation in the Texas Department of Transportation (TxDOT) Off-System Bridge Replacement Program for replacement of the W. Fairgrounds Road bridge over Seabourne Creek utilizing the "participation-waived" form of project agreement was approved.

The next step in the process requires approval of Resolution No. R-1855 which identifies the specific project that will be completed in order to meet the ten percent (10%) local match requirement. TxDOT has agreed to allow the upcoming improvements to the Louise Street crossing over Dry Creek as the "equivalent-match" project. The value of the Louise Street project, that consists of adding one (1) 7' X 10' reinforced box culvert under Louise Street, is approximately \$169,000.00 which will meet and exceed the ten percent (10%) local match requirement estimated at \$88,209.00. The Dry Creek Regional Detention Pond Phase I Improvement Project, which also includes the Louise Street drainage structure improvements, can proceed with construction upon approval by the TxDOT Houston District Engineer. This will fulfill the City's local match requirements for the W. Fairgrounds Road bridge replacement project scheduled for 2018.

Staff recommends approval of Resolution No. R-1855 as presented.

**Key discussion points:**

- John Maresh read the Executive Summary regarding the item.

**Action:** Councilor McConathy made a motion, seconded by Councilor Barta to approve Resolution No. R-1855, a Resolution authorizing a request for a waiver of the Local Match Fund Participation requirement by the Texas Department of Transportation (TXDOT) in consideration of planned improvements to the W. Fairgrounds Road Bridge; and, cause to be performed an "Equivalent-Match Project" located within the City in return for waiver of the Local Match Fund Participation requirement; and, authorizing the City Manager and/or Mayor to negotiate and execute, for and on behalf of the City, appropriate agreements and/or documents regarding same. The motion carried by a unanimous vote.

**RECESS SESSION, RECONVENE SESSION.**

Mayor Morales recessed the meeting at 8:28 p.m. and reconvened the meeting at 8:35 p.m.

8. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1814, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A CROSSING AGREEMENT, BY AND BETWEEN THE CITY AND ENTERPRISE CRUDE PIPELINE, LLC, PERMITTING THE INSTALLATION OF A SINGLE, NEW COMMON CARRIER PIPELINE.**

**Executive Summary:** Enterprise Crude Pipeline, LLC (Enterprise), is in the process of constructing a single, new common carrier pipeline for the transportation of oil and petroleum products. The proposed pipeline will cross a City of Rosenberg "exclusive" 20-foot wide utility easement that runs along Spur 529 on the west side of Rosenberg. Because the utility easement is "exclusive" to the City of Rosenberg, Enterprise must receive consent from the City in order to install the pipeline across it. The proposed pipeline crossing location is parallel and adjacent to the Seaway pipeline that was recently constructed.

Staff has prepared a Crossing Agreement (Agreement), attached to Resolution No. R-1814 as Exhibit "A", that will permit the crossing of the easement with the pipeline. The Agreement limits the pipeline crossing width to thirty (30) feet and specifies it is limited to a single pipeline only. The Agreement also stipulates that Enterprise agrees to adjust, or move the pipeline one (1) time without compensation or reimbursement from the City in the event the pipeline location conflicts with future City utility line installations. The Agreement also includes a performance bond in the amount of \$50,000.00 in the unlikely event that damage occurs to the City infrastructure during the pipeline construction by Enterprise.

Staff recommends approval of Resolution No. R-1814, authorizing the City Manager to execute the Crossing Agreement.

**Key discussion points:**

- John Maresh read the Executive Summary regarding the item.

**Questions/Comments:**

**Q:** The performance bond is \$50,000. Didn't a previous agenda item ask for \$100,000 on a similar situation?

**A:** That was primarily for a different crossing. They will be crossing a water line with this project and it will be enough performance bonds. The crossing is an easement adjacent to Spur 529 which is TxDOT right of way.

**Action:** Councilor Barta made a motion, seconded by Councilor Euton to approve Resolution No. R-1814, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Crossing Agreement, by and between the City and Enterprise Crude Pipeline, LLC, permitting the installation of a single, new common carrier pipeline. The motion carried by a unanimous vote.

9. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1852, A RESOLUTION AUTHORIZING THE CITY MANAGER AND/OR MAYOR TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A STANDARD UTILITY AGREEMENT, BY AND BETWEEN THE CITY AND TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR WATER AND SANITARY SEWER UTILITY LINE RELOCATIONS NECESSITATED BY THE U.S. HWY 59/I-69 EXPANSION PROJECT.**

**Executive Summary:** The Texas Department of Transportation (TxDOT) U.S. Hwy 59/I-69 Expansion Project has created numerous conflicts with existing City water and sanitary sewer utility lines. The utility lines must be relocated in order to eliminate the conflicts. This Standard Utility Agreement (Agreement) specifically addresses numerous sections of water and sanitary sewer lines that will have be relocated between the Spur 10 and Reading Road phase of the Expansion Project

Due to the short timeline, TxDOT did contract with an outside engineering firm to prepare the construction plans on behalf of the City. The plans were fully reviewed and approved by City staff. TxDOT has also included the utility relocation work as a part of the TxDOT road construction contract. By doing so, the TxDOT Contractor assumes full responsibility for scheduling the work and the City does not have to assume the risk of monetary penalties if a delay were to occur in meeting the relocation deadline. This Agreement, attached as Exhibit "A" to Resolution No. R-1852, specifies that TxDOT will fully fund/reimburse the City for all eligible costs associated with the relocation, including engineering and construction costs. The Agreement will also provide reimbursement to the City for expenses associated with both staff and consultant time spent for tasks such as plan reviews, construction inspections and attending TxDOT meetings directly associated with the Expansion Project. Staff would also note that some of the attachments and exhibits are still in draft form at this time, pending final review by TxDOT.

Staff recommends approval of Resolution No. R-1852 as presented.

**Key discussion points:**

- John Maresh read the Executive Summary regarding the item.

**Action:** Councilor McConathy made a motion, seconded by Councilor Euton to approve Resolution No. R-1852, a Resolution authorizing the City Manager and/or Mayor to execute, for and on behalf of the City, a Standard Utility Agreement, by and between the City and Texas Department of Transportation (TxDOT) for water and sanitary sewer utility line relocations necessitated by the U.S. Hwy 59/I-69 Expansion Project. The motion carried by a unanimous vote.

10. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1853, A RESOLUTION AUTHORIZING THE CITY MANAGER AND/OR MAYOR TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A STANDARD UTILITY AGREEMENT, BY AND BETWEEN THE CITY AND TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR WATER AND SANITARY SEWER UTILITY LINE RELOCATIONS NECESSITATED BY THE U.S. HWY 59/I-69 EXPANSION PROJECT.**

**Executive Summary:** The Texas Department of Transportation (TxDOT) U.S. Hwy 59/I-69 Expansion Project has created numerous conflicts with existing City water and sanitary sewer utility lines. The utility lines must be relocated in order to eliminate the conflicts. This Standard Utility Agreement (Agreement) specifically addresses an existing large diameter gravity sanitary sewer line located on the east side of the feeder road between N. Fairgrounds Road and Bamore Road. The line is currently located outside of the TxDOT right-of-way in an easement dedicated to the City. The additional right-of-way being acquired by TxDOT will encroach over the easement and create conflicts with the road expansion. Therefore, the City must obtain a new easement outside of the proposed TxDOT right-of-way and construct a replacement sewer line. TxDOT did contract with an outside engineering firm to prepare the construction plans on behalf of the City. However, the City will be responsible to bid the project and construct the line. This Agreement, attached as Exhibit "A" to Resolution No. R-1853, specifies that TxDOT will fully reimburse the City for all eligible costs associated with the relocation, including the easement acquisition and construction costs. Staff would also note that some of the attachments and exhibits are still in draft form at this time, pending final review by TxDOT.

Staff recommends approval of Resolution No. R-1853 as presented.

**Key discussion points:**

- John Maresh read the Executive Summary regarding the item.

**Questions/Comments:**

**Q:** How much do you think we will have to pay to front the money?

**A:** We do not have the cost for the easement. The engineer's estimate for the construction cost is \$230,000.

**Action:** Councilor McConathy made a motion, seconded by Councilor Euton to approve Resolution No. R-1853, a Resolution authorizing the City Manager and/or Mayor to execute, for and on behalf of the City, a Standard Utility Agreement, by and between the City and Texas Department of Transportation (TxDOT) for water and sanitary sewer utility line relocations necessitated by the W.S. Hwy 59/I-69 Expansion Project. The motion carried by a unanimous vote.

11. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1854, A RESOLUTION SUSPENDING THE OCTOBER 01, 2014, EFFECTIVE DATE OF CENTERPOINT ENERGY HOUSTON ELECTRIC**

**LLC'S APPLICATION TO AMEND ITS RATE SCHEDULES TO PERMIT THE CITY TIME TO STUDY THE REQUEST; APPROVING COOPERATION WITH THE GULF COAST COALITION OF CITIES (GCCC); HIRING LLOYD GOSSELINK ROCHELLE AND TOWNSEND, P.C., ATTORNEYS AND CONSULTING SERVICES TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.**

**Executive Summary:** CenterPoint Energy Houston Electric, LLC (CenterPoint or Company) filed an application on August 08, 2014, with cities retaining original jurisdiction seeking to amend rate schedule Section 6.1.1.1.6 Lighting Services in its Tariff for Retail Delivery Service.

Resolution No. R-1854 suspends the October 01, 2014, effective date of the Company's tariff amendment for the maximum period permitted by law to allow the City, working in conjunction with the Gulf Coast Coalition of Cities (GCCC), to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

The law provides that a rate request made by an electric utility cannot become effective until at least thirty-five (35) days following the filing of the application to change rates. The law permits the City to suspend the rate change for ninety (90) days after the date the rate change would otherwise be effective. If the City does not take some action regarding the filing before the effective date, the rate request is deemed administratively approved.

The City of Rosenberg is an active member of the GCCC. The GCCC has been the primary public interest advocate before the Public Utility Commission (PUC), the courts, and the Legislature on electric utility regulation matters for nearly 20 years.

Staff recommends approval of Resolution No. R-1854 as presented.

**Key discussion points:**

- John Maresh read the Executive Summary regarding the item.

**Action:** Councilor Euton made a motion, seconded by Councilor McConathy to approve Resolution No. R-1854, a Resolution suspending the October 01, 2014, effective date of CenterPoint Energy Houston Electric LLC's application to amend its rate schedules to permit the City time to study the request; approving cooperation with the Gulf Coast Coalition of Cities (GCCC); hiring Lloyd Gosselink Rochelle and Townsend, P.C., Attorneys and Consulting Services to negotiate with the Company and direct any necessary litigation and appeals; finding that the meeting at which this Resolution is passed is open to the public as required by law; and requiring notice of this Resolution to the Company and legal counsel. The motion carried by a unanimous vote.

Councilor Benton left the meeting at 8:51 p.m.

12. **REVIEW AND DISCUSS PROPOSED CANCELLATION OF THE OCTOBER 07, 2014 REGULAR CITY COUNCIL MEETING TO ACCOMMODATE NATIONAL NIGHT OUT ACTIVITIES, AND TAKE ACTION AS NECESSARY.**

**Executive Summary:** Last year, the first Regular City Council Meeting in October was cancelled in order to allow for the members of City Council to have time to attend the "National Night Out" events that are planned in the City. This item will offer City Council the opportunity to discuss cancelling the Regular City Council Meeting scheduled for October 07, 2014.

**Action:** Councilor Euton made a motion, seconded by Councilor Barta to approve cancellation of the October 07, 2014 Regular City Council Meeting to accommodate National Night Out Activities. The motion carried by a unanimous vote of those present.

13. **Item No. 13 was tabled.**  
**HOLD EXECUTIVE SESSION TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF THE PRESIDING JUDGE OF THE MUNICIPAL COURT PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE.**

14. **Executive Session was not held.**

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

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

**Executive Summary:** This item provides an opportunity for City Council to take action out of Executive Session to establish compensation for the position of Presiding Judge of the Rosenberg Municipal Court.

City Council appointed James A. Baker to serve as the Presiding Judge for a two (2) year term beginning October 01, 2014, and ending September 30, 2016, at the City Council meeting on August 19, 2014.

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. On August 19, 2014, City Council moved to delete the car/transportation allowance as presented in the Compensation Agreement, which is indicated in the attached redlined Compensation Agreement.

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 Barta made a motion, seconded by Councilor Euton to approve Resolution R-1818, a Resolution providing for authorized compensation for the position of Presiding Judge of the Rosenberg Municipal Court with the elimination of a car allowance. The motion carried by a unanimous vote of those present.

16. **ANNOUNCEMENTS.**

- The Fire Department 100<sup>th</sup> Anniversary Celebration Saturday, September 6<sup>th</sup>
- Lexfest Living Waters September 6<sup>th</sup> – Awareness of Teenage Suicide

17. **ADJOURNMENT.**

There being no further business Mayor Morales adjourned the meeting at 8:55 p.m.

  
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Linda Cernosek, TRMC, City Secretary