

CITY OF ROSENBERG

REGULAR CITY COUNCIL MEETING MINUTES

On this the 16th 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
Dwayne Grigar	Councilor, District 3
Amanda Barta	Councilor, District 4

ABSENT

Susan Euton	Councilor, District 2
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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
Luis Garza	Finance Supervisor
Charles Kalkomey	City Engineer
Dallis Warren	Police Chief
Wade Goates	Fire Chief
Travis Tanner	Executive Director of Community Development
Darren McCarthy	Parks and Recreation Director
Angela Fritz	Executive Director of Information Services
James Lewis	Information Services Manager
Kaye Supak	Executive Assistant
Tommy Havelka	Police Department
Adam Vasquez	Police Department

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

CALL TO ORDER.

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

INVOCATION AND PLEDGE OF ALLEGIANCE.

Pastor David Hodges, Grace Community Bible Church, Richmond gave the invocation and led the pledge of allegiance to the flag.

PRESENTATION OF TEXAS COMPTROLLER LEADERSHIP CIRCLE PLATINUM MEMBER AWARD FOR ACHIEVEMENT IN FINANCIAL TRANSPARENCY.

Mayor Morales presented Joyce Vasut, Executive Director of Administrative Services the Texas Comptroller Leadership Circle Platinum Member Award for Achievement in Financial Transparency to the City. Luis Garza, Finance Supervisor accepted the award on behalf of the Finance Department.

PRESENTATION OF PROCLAMATION PROCLAIMING SEPTEMBER 2014 AS PROSTATE CANCER AWARENESS MONTH IN THE CITY OF ROSENBERG.

Mayor Morales presented a Proclamation Proclaiming September 2014 as Prostate Cancer Awareness Month in the City of Rosenberg to Gabe Canales, founder of Blue Cure, an organization to draw awareness to prostate cancer especially through social media.

Mayor Morales was diagnosed with prostate cancer in May of this year and now is cancer free. The City of Rosenberg will commemorate awareness by shining blue lights at the Rosenberg City Hall Gazebo on September

25, 26, 27 and 28, 2014. The City of Katy and Missouri City have done the same by up-lighting their City Halls.

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 AUGUST 19, 2014.

B. CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2014-38, AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY ADDING THAT CERTAIN SECTION OF JUNKER ROAD, BETWEEN US 90A AND SPUR 529, TO SECTION 28-160(A) OF ARTICLE IV OF CHAPTER 28 THEREOF, AS STREETS WITHIN THE CITY UPON WHICH IT IS UNLAWFUL TO OPERATE A TRUCK AS DEFINED IN SECTION 28-159 OF THE CODE OF ORDINANCES; PROVIDING FOR THE INSTALLATION OF "NO TRUCK" SIGNS INDICATING THE BOUNDARIES OF THE NO TRUCK DESIGNATIONS ALONG JUNKER ROAD; 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 to add Junker Road to the list of streets through which it is unlawful to operate a truck. Section 28-159 of the Code of Ordinances defines the parameters of a "truck" and a copy is included in the packet for reference. The proposed Ordinance was prompted by complaints from property owners along the affected road and staff observing trucks routinely using the road as a short-cut between Spur 529 and US Hwy 90A. Junker Road is not designed to accommodate heavy truck traffic on a regular basis. By allowing trucks to deviate from State maintained roadways that are designed and more suitable for heavy loads, the road is sustaining excessive amounts of damage that will require repair by the City. The Ordinance will provide the Police Department with the tool it needs to enforce the "No Truck" designation. A location map is included in the packet.

Staff recommends approval of Ordinance No. 2014-38 as presented.

C. CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1858, A RESOLUTION AUTHORIZING ACCEPTANCE OF A DONATION OF SEVENTY-FIVE (75) TREES FROM THE APACHE FOUNDATION TREE GRANT PROGRAM TO BE PLANTED IN SEABOURNE CREEK NATURE PARK AND SEABOURNE CREEK REGIONAL SPORTS COMPLEX.

Executive Summary: On July 15, 2014, City Council recommended the Parks Department proceed with an application of an Apache Foundation Tree Grant for up to one-hundred (100) trees to be planted in Seabourne Creek Nature Park and Seabourne Creek Regional Sports Complex. On August 13, 2014, the Parks Department received notification that seventy-five (75) trees would be awarded.

Staff recommends approval of Resolution No. R-1858, a Resolution authorizing acceptance of a donation of seventy-five (75) trees from the Apache Foundation Tree Grant Program to be planted

in Seabourne Creek Nature Park and Seabourne Creek Regional Sports Complex.

D. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF BONBROOK PLANTATION NORTH SECTION ELEVEN, A SUBDIVISION OF 8.924 ACRES OF LAND SITUATED IN THE WILEY MARTIN LEAGUE, ABSTRACT 56, FORT BEND COUNTY, TEXAS; 35 LOTS, 0 RESERVES, 3 BLOCKS.

Executive Summary: The proposed Final Plat of Bonbrook Plantation North Section Eleven is located off of Blossom Terrace Lane in the northeast part of the overall Bonbrook Plantation Development. It is in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 155. The Plat contains approximately 8.924 acres and thirty-five (35) single-family residential lots.

The typical lot size for the subdivision is 65 feet in width. Each lot is a minimum of 65 feet in width at the front building line. In the lot summary table, some lots (3) are noted as being less than 65-foot lots due to being less than 50 feet at the right-of-way. The subdivision is in compliance with the approved Land Plan for Bonbrook Plantation. The Planning Commission approved the Preliminary Plat of this subdivision on January 22, 2014 and, on August 20, 2014, recommended approval to City Council of the Final Plat of the subdivision.

The proposed Final Plat is not in conflict with any applicable regulations, with the Preliminary Plat, or with the approved Land Plan for Bonbrook Plantation. That said, staff recommends approval of the Final Plat of Bonbrook Plantation North Section Eleven.

E. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF BONBROOK PLANTATION NORTH SECTION TWELVE, A SUBDIVISION OF 8.522 ACRES OF LAND SITUATED IN THE WILEY MARTIN LEAGUE, ABSTRACT 56, FORT BEND COUNTY, TEXAS; 34 LOTS, 0 RESERVES, 2 BLOCKS.

Executive Summary: The proposed Final Plat of Bonbrook Plantation North Section Twelve is located off of Blossom Terrace Lane in the northeast part of the overall Bonbrook Plantation Development. It is in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 155. The plat contains approximately 8.522 acres and thirty-four (34) single-family residential lots.

The typical lot size for the subdivision is 65 feet in width. Each lot is a minimum of 65 feet in width at the front building line. In the lot summary table, some lots (5) are noted as being less than 65-foot lots due to being less than 50 feet at the right-of-way. The subdivision is in compliance with the approved Land Plan for Bonbrook Plantation. The Planning Commission approved the Preliminary Plat of this subdivision on January 22, 2014 and, on August 20, 2014, recommended approval to City Council of the Final Plat of the subdivision.

The proposed Final Plat is not in conflict with any applicable regulations, with the approved Preliminary Plat, or with the approved Land Plan for Bonbrook Plantation. That said, staff recommends approval of the Final Plat of Bonbrook Plantation North Section Twelve.

F. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF BONBROOK PLANTATION NORTH SECTION THIRTEEN, A SUBDIVISION OF 19.476 ACRES OF LAND SITUATED IN THE WILEY MARTIN LEAGUE, ABSTRACT 56, FORT BEND COUNTY, TEXAS; 88 LOTS, 3 RESERVES (1.031 ACRES), 3 BLOCKS.

Executive Summary: The Final Plat of Bonbrook Plantation North Section Thirteen is located off of Reading Road, adjacent to Bridlewood Estates, in the east central part of Bonbrook Plantation. The proposed Plat contains 19.476 acres, 88 residential lots, and three (3) reserves consisting of 1.031 acres.

The proposed lots are a minimum of fifty feet (50') in width and 6,000 square feet in size. This is in accordance with the approved Land Plan for Bonbrook Plantation, which calls for fifty-foot (50') lots in this location of the development. The Land Plan is attached for reference. The Preliminary Plat of this subdivision was approved by the Planning Commission on June 18, 2014 and, on August 20, 2014, the Commission recommended approval to City Council of the Final Plat of the subdivision.

The proposed Final Plat is not in conflict with any applicable regulations or with the approved Preliminary Plat. Staff recommends approval of the Final Plat of Bonbrook Plantation North Section Thirteen.

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

REGULAR AGENDA

2. **HOLD EXECUTIVE SESSION TO CONSULT WITH CITY ATTORNEY ON PENDING OR CONTEMPLATED LITIGATION REGARDING CAUSE NO. 140DCV-211746; CITY OF ROSENBERG, TEXAS, AND CITY OF RICHMOND, TEXAS V. FORT BEND SUBSIDENCE DISTRICT; IN THE DISTRICT COURT OF FORT BEND COUNTY, TEXAS, 268TH JUDICIAL DISTRICT, PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE; AND, TO DISCUSS OR DELIBERATE ECONOMIC DEVELOPMENT NEGOTIATIONS REGARDING BUSINESS PROSPECTS SEEKING TO LOCATE, STAY OR EXPAND IN THE ROSENBERG AREA PURSUANT TO SECTION 551.087 OF THE TEXAS GOVERNMENT CODE.**

Action: Councilor Benton made a motion, seconded by Councilor McConathy to adjourn for Executive Session at 7:12 p.m. The motion carried by a unanimous vote of those present.

An Executive Session was held to consult with City Attorney on pending or contemplated litigation regarding Cause No. 140DCV-211746; City of Rosenberg, Texas, and City of Richmond, Texas v. Fort Bend Subsidence District; in the District Court of Fort Bend County, Texas, 268th Judicial District, pursuant to Section 551.071 of the Texas Government Code; and, to discuss or deliberate economic development negotiations regarding business prospects seeking to locate, stay or expand in the Rosenberg area pursuant to Section 551.087 of the Texas Government Code.

3. **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 8:15 p.m.

Action: Councilor Barta made a motion, seconded by Councilor Grigar to approve the Memorandum of Understanding with Paragon Outlet Partners, LLC and authorize the Mayor to sign on behalf of the City. The motion carried by a unanimous vote of those present.

4. **REVIEW AND DISCUSS CAUSE NO. 140DCV-211746; CITY OF ROSENBERG, TEXAS AND CITY OF RICHMOND, TEXAS V. FORT BEND SUBSIDENCE DISTRICT; IN THE DISTRICT COURT OF FORT BEND COUNTY, TEXAS, 268TH JUDICIAL DISTRICT, AND TAKE ACTION AS NECESSARY.**

Executive Summary: This Agenda item will allow for City Council to take action as necessary regarding discussions held during the previous Executive Session.

Key discussion points:

- Mayor Morales read the item.

Action: Councilor McConathy made a motion seconded by Councilor Benton to authorize legal counsel to dismiss a lawsuit against Fort Bend Subsidence District (FBSD) and its Board Members in their official capacity with prejudice provided FBSD approves the City's Groundwater Reduction Plan (GRP) Amendment, reissues annual permits, and agrees to dismiss its counter claim against the Cities with prejudice. The motion carried by a unanimous vote of those present.

5. **HEAR AND DISCUSS A PRESENTATION REGARDING A PROPOSED EAGLE SCOUT PROJECT TO RESTORE BLEACHERS IN SUNSET PARK, AND TAKE ACTION AS NECESSARY.**

Executive Summary: On July 24, 2014, Joshua Garcia, Troop 1000 presented a proposed Eagle Scout Project (Project) to be placed in Sunset Park to the Parks and Recreation Board (Board). After reviewing his presentation regarding the proposal to restore bleachers, the Board unanimously recommended the Project plan for approval as presented.

Staff recommends approval of the proposed Eagle Scout Project at Sunset Park based upon Joshua Garcia's presentation and the recommendation of the Parks and Recreation Board.

Key discussion points:

- Darren McCarthy, Parks and Recreation Director introduced Joshua Garcia of Troop 1000.
- Joshua Garcia, Troop 1000 presented a proposed Eagle Project to restore bleachers in Sunset Park.
- Council thanked Joshua Garcia for his interest in Rosenberg and for the project.

Action: Councilor Barta made a motion, seconded by Councilor McConathy to approve a proposed Eagle Scout Project to restore bleachers in Sunset Park. The motion carried by a unanimous vote of those present.

6. **HEAR AND DISCUSS A PRESENTATION REGARDING A PROPOSED EAGLE SCOUT PROJECT TO RESTORE PICNIC TABLES IN CITY PARKS, AND TAKE ACTION AS NECESSARY.**

Executive Summary: On August 28, 2014, Kamil Ali from Troop 797 presented a proposed Eagle Scout Project (Project) to the Parks and Recreation Board (Board) for restoration of picnic tables in multiple City parks. After reviewing his presentation to restore eight (8) picnic tables, the Board unanimously recommended the Project plan for approval as presented. The picnic tables are currently located at the Parks and Recreation facility and would be reinstalled at various parks once completed.

Staff recommends approval of the proposed Eagle Scout Project based upon Kamil Ali's presentation and the recommendation of the Parks and Recreation Board.

Key discussion points:

- Darren McCarthy introduced Kamil Ali from Troop 797.
- Kamil Ali presented a proposed Eagle Scout Project to restore picnic tables in multiple City parks.
- Council thanked Kamil for his project.

Action: Councilor McConathy made a motion, seconded by Councilor Benton to approve a proposed Eagle Scout Project to restore picnic tables in City parks. The motion carried by a unanimous vote of those present.

7. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1856, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A PROFESSIONAL SERVICES AGREEMENT FOR THE ENGINEERING SERVICES FOR THE AVENUE I AND AVENUE H WATER LINE REPLACEMENTS, BY AND BETWEEN THE CITY AND JONES AND CARTER, INC., IN THE AMOUNT OF \$224,000.00.**

Executive Summary: On Tuesday, August 26, 2014, City Council directed staff to move forward with the necessary water line replacement/relocations in advance of a forthcoming Texas Department of Transportation (TxDOT) road project that will affect FM 1640 (Avenue I) and US Hwy 90A (Avenue H) from Spur 529 to Millie Street. TxDOT provided notice of said project in a letter to the City Manager dated August 06, 2014. The water line replacement project is included in the FY15 Capital Improvement Plan (CIP) approved by City Council with Resolution No. R-1801 on June 17, 2014. Staff would also like to note the water line replacement along Avenue H will extend east of Millie Street to approximately Lawrence Street, and the water line along 7th Street will be replaced south of Avenue I to approximately Avenue M due to the poor physical condition of these lines. This water line replacement project will also improve the water distribution system capabilities that will be required in order to meet the second phase of the Fort Bend Subsidence District 60% groundwater reduction mandate scheduled for 2025. Upon completion of the engineering design and bidding process, the construction bid award for the waterline construction would be placed on a future Agenda for City Council consideration and approval. The preliminary construction cost estimate is approximately \$2.8 million. Staff will also be working with Fort Bend County staff to prepare an Interlocal Agreement for the use of 2007 Fort Bend County Mobility Project Funds in the approximate amount of \$1 million to partially fund the like-for-like utility replacement/relocations located within the TxDOT project limits along Avenue I and Avenue H. The Interlocal Agreement would also be placed on a future Agenda for City Council consideration and approval.

Staff recommends approval of Resolution No. R-1856, authorizing the City Manager to execute a Professional Services Agreement with Jones and Carter, Inc., for the engineering services for the Avenue I and Avenue H Water Line Replacements, in the amount of \$224,000.00.

Key discussion points:

- John Maresh read the Executive Summary regarding the item.

Questions/Comments:

Q: Will all lines be replaced on the same side at this time?

A: The 12" loop connecting on the north side will be replaced.

Q: Can reuse lines be put in at the same time?

A: We looked at areas for development that could utilize large amounts of reclaimed water and we did not identify anything that would make it cost effective in this area.

Q: This stops at Millie Street at one end. Are there needs to replace past Millie Street?

A: Yes, and we are going farther east in that area.

Action: Councilor Barta made a motion, seconded by Councilor Grigar to approve Resolution No. R-1856, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Professional Services Agreement for the engineering services for the Avenue I and Avenue H Water Line Replacements, by and between the City and Jones and Carter, Inc., in the amount of \$224,000.00. The motion carried by a unanimous vote of those present.

8. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1816, A RESOLUTION AUTHORIZING THE PUBLIC SALE OF CERTAIN REAL PROPERTY LOCATED AT 2033 AVENUE H, ROSENBERG, TEXAS (OLD CITY HALL), MORE PARTICULARLY DESCRIBED AS BEING THE EAST 60 FEET (E. 60') OFF OF THE EAST END OF LOTS EIGHTEEN (18), NINETEEN (19) AND TWENTY (20), IN BLOCK FORTY-THREE (43) OF THE TOWN OF ROSENBERG, FORT BEND COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME P, PAGE 146 OF THE DEED RECORDS OF FORT BEND COUNTY, TEXAS, AND FURTHER AUTHORIZING THAT THE CITY MANAGER SHALL DIRECT THE PREPARATION AND EXECUTION OF ALL NECESSARY DOCUMENTATION REGARDING SAME; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.**

Executive Summary: This Agenda item provides City Council an opportunity to review and discuss the proposed public notice and general bid instructions/procedures for the sale of the Old City Hall Building.

In consideration of the proposed sale of City-owned property, and in accordance with requirements of the Texas Local Government Code, the City shall:

- (1) Prepare and publish a Notice of Sale (to be published at least twice in a paper of general circulation) to allow all interested parties the opportunity to bid on the properties. The public notice must include a description of the land, including its locations, and the procedure by which sealed bids to purchase the land or offers to exchange the land may be submitted. The notice must be published on two separate dates and the sale or exchange may not be made until after the 14th day after the date of the second publication.
- (2) Hold a public bid opening as advertised. The proposed bid opening is scheduled for Friday, November 07, 2014, at 2:00 p.m., in the Council Chamber.
- (3) Offer the bids for formal acceptance and approval by City Council at least 14 days after the date of the second publication of the Notice of Sale.

Staff recommends approval of Resolution No. R-1816 as presented.

Key discussion points:

- Randall Malik, Economic Development Director gave an overview of the item outlining Sections:
- 2.5 The City of Rosenberg reserves the right to select any bid and sell the subject property based upon its determination of the highest bid price and best use of the property. The City of Rosenberg reserves the right to refuse and reject any and all bids.
- 2.6 The proposed use and strategy for the property will be a principal factor in judging what the City of Rosenberg deems to be the most acceptable bid.
- 4.1 After acceptance of the highest and best bid, successful bidder will be required to enter into an earnest money contract for the purchase of the property. Negotiation is intended to result in an earnest money contract for the sale and subsequent reuse of the site deemed to be most beneficial to the public and in the best interest of the City of Rosenberg.

Questions/Comments:

Q: Is it up to our discretion to accept any of the bids?

A: Yes.

Action: Councilor McConathy made a motion, seconded by Councilor Barta to approve Resolution No.R-1816, a Resolution authorizing the public sale of certain real property located at 2033 Avenue H, Rosenberg, Texas (old City Hall), more particularly described as being the east 60 feet (e. 60') off of the east end of Lots Eighteen (18), Nineteen (19) and Twenty (20), in Block Forty-Three (43) of the Town of Rosenberg, Fort Bend County, Texas, according to the map or plat thereof recorded in Volume P, Page 146 of the Deed Records of Fort Bend County, Texas, and further authorizing that the City Manager shall direct the preparation and execution of all necessary documentation regarding same; and containing other provisions relating to the subject. **The motion carried by a vote of 5 to 1 of those present as follows:**

Yeses: Mayor Morales, Councilors Benton, McConathy, Pena, and Barta. No: Councilor Grigar.

9. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1849, A RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3,200,000, FOR THE ACQUISITION, CONSTRUCTION AND IMPROVEMENT OF CERTAIN PUBLIC WORKS, AND AUTHORIZING CERTAIN OTHER MATTERS RELATING THERETO.**

Executive Summary: Marcus Deitz, Fulbright & Jaworski LLP, has prepared Resolution No. R-1849 authorizing publication of Notice of Intention to issue Certificates of Obligation, in an aggregate principal amount not to exceed \$3,200,000 for the Airport Avenue, Bryan Road and utility adjustments to Avenue H and Avenue I.

Approval of Resolution No. R-1849 is required for Mr. Deitz, City's Bond Counsel, and Joe Morrow, City's Financial Advisor, to proceed with obtaining quotes for the financing. The quotes and terms will be presented to City Council at a later date for approval. The proposed schedule is to obtain quotes on October 21, 2014.

Staff recommends approval of Resolution No. R-1849, authorizing publication of Notice of Intention to issue Certificates of Obligation, in an aggregate principal amount not to exceed \$3,200,000 for the acquisition, construction and improvement of certain public works, and authorizing certain other matters relating thereto.

Key discussion points:

- Joyce Vasut read the Executive Summary regarding the item.

Action: Councilor McConathy made a motion, seconded by Councilor Barta to approve Resolution No. R-1849, a Resolution authorizing Publication of Notice of Intention to Issue Certificates of Obligation, in an aggregate principal amount not to exceed \$3,200,000, for the acquisition, construction and improvement of certain public works, and authorizing certain other matters relating thereto. The motion carried by a unanimous vote of those present.

10. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1850, A RESOLUTION AUTHORIZING THE MAYOR TO PURCHASE REAL PROPERTY DESCRIBED AS LOT ONE (1), BLOCK EIGHTEEN (18), ROSENBERG, LOCATED IN FORT BEND COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED IN CLERK'S FILE NUMBER 9007021 OF THE REAL PROPERTY RECORDS OF FORT BEND COUNTY, TEXAS; AND, CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.**

Executive Summary: Mike Darlow, with Perdue, Brandon, Fielder, Collins and Mott LLP (PBFCM), provided a list of property held in trust by the City or Fort Bend County on lots in the City that did not sell at the initial tax sale. At the August 19, 2014 City Council meeting, City Council approved the resale of several properties that were acquired through tax foreclosure proceedings.

An additional property was included in the original list but was not presented for resale since City staff agreed that this property would be beneficial for the City to own. Therefore, Resolution No. R-1850 authorizes the City to purchase the property, described as, Lot one (1), Block Eighteen (18), Rosenberg, located in Fort Bend County, Texas, for \$1,860.00. Although this item has not been budgeted, staff will include this item in the year-end budget adjustment if approved by City Council.

The property is located at the intersection of Avenue B and 6th Street and is just about totally encumbered by the large drainage gully. The property would most likely not ever be developed due to the limited amount of usable space and floodplain issues. If the City were to improve the drainage in the area or upgrade water or sanitary sewer utilities, the property would most likely have to be acquired by the City. Public Works currently mows the drainage gully (entire property) so there would not be any additional maintenance costs associated with the acquisition.

Staff recommends approval of Resolution No. R-1850, a Resolution authorizing the purchase of the resale property that was acquired through tax foreclosure proceedings.

Key discussion points:

- Joyce Vasut read the Executive Summary regarding the item.

Action: Councilor Benton made a motion, seconded by Councilor McConathy to approve Resolution No. R-1850, a Resolution authorizing the Mayor to purchase real property described as Lot One (1), Block

Eighteen (18), Rosenberg, located in Fort Bend County, Texas, and being more particularly described in Clerk's File Number 9007021 of the Real Property Records of Fort Bend County, Texas; and, containing other provisions relating to the subject. The motion carried by a unanimous vote of those present.

11. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1848, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, BUDGET AMENDMENT 14-16 IN THE AMOUNT OF \$55,000, FOR WRITE-OFF OF CERTAIN ACCOUNTS RECEIVABLE.**

Executive Summary: Accounts receivable should be reviewed on a regular basis to determine the status and/or collectability of outstanding balances. City staff has determined that there are several areas in which outstanding accounts receivable balances should be removed from the City's General Ledger. Last year the outstanding receivables were reviewed and several were written-off. This year the write-offs still include many invoices that are greater than ten years old. After this year going forward, we will provide write-offs on a current schedule and the dollar amount should not be as large. Since these invoices were recorded as revenues when they were invoiced, they must now be written off as an expense to the City. We have also changed our policies to no longer record mowing, demolitions, and false alarms as revenue until the invoices are paid. This will also avoid large write-off expenses in the future. The recommended write-offs totaling \$55,000.00 include:

- Demolitions and mowing of weedy lots – The City's accounts reflect that \$12,471.30 of receivables for demolitions and mowing are no longer collectable by law. When someone purchases a property in a tax suit/sale, the new owner purchases the property free and clear of all liens. If the purchase price does not provide enough funds to pay off the liens, the receivable must still be removed and the lien must be released.
- The City has false alarm receivables that date back to 2000. These amounts are conveyed to a collection agency and they work the accounts according to policy. Staff recommends writing off false alarm receivables that were invoiced prior to 2010. The false alarm write-offs are recommended in the amount of \$13,875.00.
- There are many miscellaneous invoices that are outstanding. Most are for damages to City property in which the responsible party's insurance coverage did not pay so the person was invoiced. These items are beyond the retention period for insurance claims and the records have been destroyed. These miscellaneous receivables total \$28,653.67 and should have been written off years ago.

Staff recommends approval of Resolution No. R-1848 as presented.

Key discussion points:

- Joyce Vasut read the Executive Summary regarding the item.

Questions:

Q: Are the false alarms from businesses that moved out and never paid?

A: Last year the businesses that moved were written off. These are more than ten years old and are uncollectable. The collection agency has collected some. If we write off this \$13,000 there is only \$8,000 left on the books.

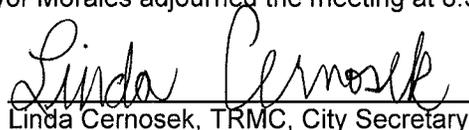
Action: Councilor McConathy made a motion, seconded by Councilor Barta to approve Resolution No. R-1848, a Resolution authorizing the City Manager to execute, for and on behalf of the City, Budget Amendment 14-16 in the amount of \$55,000, for write-off of certain accounts receivable. The motion carried by a unanimous vote of those present.

12. **ANNOUNCEMENTS.**

- The Regular City Council Workshop Meeting scheduled for September 23rd is being moved to September 30th with a Special Council Meeting at 6:00 p.m. and Workshop Meeting starting at 6:30 p.m.
- Anyone wishing to host a National Night Out Party in their neighborhood needs to contact the Rosenberg Police Department by September 25th.

13. **ADJOURNMENT.**

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


Linda Cernosek, TRMC, City Secretary