

CITY OF ROSENBERG

REGULAR CITY COUNCIL MEETING MINUTES

On this the 2nd day of December, 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
Amanda Barta	Councilor, District 4

ABSENT

Dwayne Grigar	Councilor, District 3
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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
Charles Kalkomey	City Engineer
Dallis Warren	Police Chief
Wade Goates	Fire Chief
Randall Malik	Economic Development Director
Travis Tanner	Executive Director of Community Development
Angela Fritz	Executive Director of Information Services
Kaye Supak	Executive Assistant
Tommy Havelka	Police Sergeant
Anthony Schnacky	Police Sergeant

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 Jose Linares, Lion of Judah Church International, Rosenberg, Texas gave the invocation and led the pledge of allegiance to the flag.

PRESENTATION OF ROSENBERG IMAGE COMMITTEE BEAUTIFICATION AND RENOVATION AWARDS.

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

Present:

- Gingerbread House Day Care 2417 4th Street
- James Urbish and Walter Urbish 1315 1st Street

Not Present:

- Les and Kathy Samohyl 2526 Pecan Drive

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 OCTOBER 21, 2014, AND REGULAR MEETING MINUTES FOR NOVEMBER 04, 2014.

B. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF WALNUT CREEK SECTION SEVEN, A SUBDIVISION OF 9.621 ACRES CONTAINING 3 BLOCKS, 31 LOTS, AND 1 RESTRICTED RESERVE OUT OF THE EUGENE WHEAT SURVEY, A-396, FORT BEND COUNTY, TEXAS.

Executive Summary: The Final Plat of Walnut Creek Section Seven is a proposed subdivision consisting of 9.621 acres and thirty-one (31) residential lots located off of Irby Cobb Boulevard in the north central part of the Walnut Creek Development. The proposed Plat is located in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 152. It adjoins Walnut Creek Section Four to the immediate west.

The subdivision generally consists of sixty-foot (60') lots in accordance with the approved Land Plan for Walnut Creek. Four (4) of the lots are identified as being less than 60' lots due to being less than fifty feet (50') as measured at the right-of-way. All lots are a minimum of 60' as measured at the front building line. Additionally, the subdivision contains a 1.366-acre landscape reserve abutting the future Irby Cobb right-of-way.

The proposed Final Plat is not in conflict with the "Subdivision" Ordinance, the approved Land Plan, or with the Development Agreement for MUD No. 152. Additionally, the Planning Commission approved the Preliminary Plat on February 26, 2014, and an extension of that approval was granted by the Planning Commission on September 17, 2014. The Planning Commission recommended approval to City Council of the Final Plat of this subdivision on October 15, 2014. Staff recommends approval of the Final Plat of Walnut Creek Section Seven.

Action: Councilor McConathy made a motion, seconded by Councilor Barta to approve the Consent Agenda with a correction to Item A - October 21, 2014, Council Meeting Minutes. The motion carried by a unanimous vote of those present.

REGULAR AGENDA

2. CONSIDERATION OF AN ACTION ON RESOLUTION NO. R-1878, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AN AGREEMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR WATER LINE IMPROVEMENTS – PHASE II, BY AND BETWEEN THE CITY OF ROSENBERG, TEXAS, AND FORT BEND COUNTY, IN THE AMOUNT OF \$210,000.00.

Executive Summary: On March 18, 2014, City Council approved the Community Development Block Grant (CDBG) Fund application for the design and construction of a water line improvement project named North Side Water Line Improvements – Phase II (Project). CDBG is providing \$210,000.00 for the construction of the Project and the City will provide local matching funds in the amount of \$73,605.00 for construction, engineering services and contingencies. The Project will address an aging and undersized infrastructure deficiency in water pressure and water volume and will improve potable water service and fire protection service for the entire northern portion of the City. The executed Agreement will be returned to the Fort Bend County Community Development Department for submission to Commissioners Court for approval.

The Agreement, attached as Exhibit "A" to Resolution No. R-1878, is the standard Agreement issued by CDBG. Staff recommends approval of Resolution No. R-1878 providing authorization for the City Manager to execute the Agreement.

Key discussion points:

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

Action: Councilor McConathy made a motion, seconded by Councilor Euton to approve Resolution No. R-1878, a Resolution authorizing the City Manager to execute, for and on behalf of the City, an Agreement for Community Development Block Grant Funding for Water Line Improvements – Phase II, by and between the City of Rosenberg, Texas, and Fort Bend County, in the amount of \$210,000.00. The motion carried by a unanimous vote of those present.

3. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1880, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A CONTRACT FOR ENGINEERING SERVICES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDED NORTH SIDE WATER LINE IMPROVEMENTS – PHASE II, BY AND BETWEEN THE CITY AND KELLY R. KALUZA AND ASSOCIATES, INC., IN THE AMOUNT OF \$39,900.00.**

Executive Summary: The CDBG program is administered through the Fort Bend County Community Development Department on an annual basis to qualified organizations and municipalities. The City received CDBG funding from Fort Bend County for Phase II of this water line project to serve the north side of Rosenberg. The City match is to provide for engineering services and a portion of the construction costs. CDBG engineering procurement guidelines are followed in the selection process. The scope of engineering services is better described in a memorandum attached in the agenda packet.

The City issued a Request for Qualifications (RFQ) for engineering services on this project. Advertisements were placed in the local newspaper and posted on the City website. Statements of Qualifications (SOQs) were received from three (3) engineering firms by the Wednesday, November 05, 2014 deadline. The proposal was received by staff and a checklist was used to ensure all CDBG criteria were met. Using the checklist, the review is based on (1) the firm's familiarity with the project scope, (2) qualifications and experience of the team representatives to be assigned to this project; and (3) previous experience on projects with similar scope. Based on this review, staff recommends Kelly R. Kaluza & Associates, Inc., based on their first hand experience and knowledge of the proposed project. Kelly R. Kaluza & Associates, Inc., has previously been selected for engineering services on prior CDBG projects for the City.

Staff recommends approval of Resolution No. R-1880, a Resolution authorizing the City Manager to execute a Contract for Engineering Services for the CDBG Phase II Water Line Improvements Project, by and between the City and Kelly R. Kaluza and Associates, Inc., in the amount of \$39,900.00. A copy of the Agreement is attached to Resolution No. R-1880 as Exhibit "A".

Key discussion points:

- John Maresh read the Executive Summary.

Action: Councilor Benton made a motion, seconded by Councilor Barta to approve Resolution No. R-1880, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Contract for Engineering Services for the Community Development Block Grant funded North Side Water Line Improvements – Phase II, by and between the City and Kelly R. Kaluza and Associates, Inc., in the amount of \$39,900.00. The motion carried by a unanimous vote of those present.

4. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1883, A RESOLUTION AWARDED BID NO. 2014-21 FOR CONSTRUCTION OF THE 2014 SANITARY SEWER PIPEBURSTING PROJECT; AND, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, APPROPRIATE DOCUMENTS AND/OR AGREEMENTS REGARDING SAME.**

Executive Summary: Bids were received on Wednesday, November 19, 2014, for the 2014 Sanitary Sewer Pipebursting Project (Project). A total of three (3) bids were opened and tabulated as indicated on the bid summary form.

Staff recommends Bid No. 2014-21 be awarded to PM Construction and Rehab, LLC, for the Base Bid and Alternate Bids No. 1 and No. 2 in the total amount of \$2,570,570.00. The attached correspondence from Kelly R. Kaluza, Project Engineer, recommends same. Should the bid be awarded as recommended, the proposal from PM Construction and Rehab, LLC, will be attached and serve as Exhibit "A" to Resolution

No. R-1883. The contract time is 305 calendar days.

This Project is included in the FY2015 Capital Improvement Plan approved by City Council on June 17, 2014.

Staff recommends approval of Resolution No. R-1883 which will award Bid No. 2014-21 and provide authorization for the City Manager to negotiate and execute all required documents necessary to facilitate the Agreement.

Key discussion points:

- John Maresh read the Executive Summary.

Action: Councilor McConathy made a motion, seconded by Councilor Euton to approve Resolution No. R-1883, a Resolution awarding Bid No. 2014-21 for construction of the 2014 Sanitary Sewer Pipebursting Project; and, authorizing the City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same. The motion carried by a unanimous vote of those present.

5. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1876, A RESOLUTION DESIGNATING A REPRESENTATIVE AND AN OFFICIAL ALTERNATE TO THE HOUSTON-GALVESTON AREA COUNCIL (H-GAC) GENERAL ASSEMBLY FOR THE YEAR 2015.**

Executive Summary: The Houston-Galveston Area Council (H-GAC) has requested the City's appointment of representatives to the H-GAC's 2015 General Assembly by January 01, 2015. Councilor McConathy and Mayor Morales currently serve as Rosenberg's representatives to the Assembly. The proposed Resolution No. R-1876 will designate the 2015 Representative and Official Alternate to serve in these positions. Attached for your review is a copy of the letter of request from H-GAC and the proposed Resolution designating the City's representatives.

Action: Mayor Morales made a motion, seconded by Councilor Benton to designate Councilor McConathy as the City's representative to the Houston-Galveston Area Council (H-GAC) General Assembly for the Year 2015. The motion carried by a unanimous vote of those present.

Action: Councilor McConathy made a motion, seconded by Councilor Barta to nominate Mayor Morales as the Official Alternate to the Houston-Galveston Area Council (H-GAC) General Assembly for the Year 2015. The motion carried by a unanimous vote of those present.

6. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2014-45, AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 6. BUILDING AND BUILDING REGULATIONS, ARTICLE XIII. SIGN REGULATIONS, SECTION 6-367; PROVIDING REGULATIONS REGARDING PAINTING OF STREET NUMBERS ON CITY CURBS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Executive Summary: Regulations regarding painting of street numbers on City curbs was discussed at the April 01, 2014, April 22, 2014, August 26, 2014, and October 21, 2014 City Council Meetings. As requested by City Council, Ordinance No. 2014-45 establishes regulations regarding the painting of street numbers on City curbs and limits any decoration to include only the Texas state flag.

Staff recommends approval of Ordinance No. 2014-45 as presented.

Key discussion points:

- Scott Tschirhart, Attorney for the City provided a brief overview of the Ordinance.
- Subsection (b) was modified and subsection (c) to be included where the white portion of the flag will have reflective paint and all letters will be the same size.

Questions:

Q: In subsection (d) it stated including flags and other symbols. The Texas flag has already been accepted.

A: The Texas flag is stated straight up in the ordinance. This would mean other than the Texas flag.

Action: Councilor McConathy made a motion, seconded by Councilor Barta to approve Ordinance No. 2014-45, an Ordinance amending the Code of Ordinances by amending Chapter 6. Building and Building

Regulations, Article XII, Sign Regulations, Section 6-367; providing regulations regarding painting of street numbers on City curbs; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; providing for severability; and providing an effective date including the verbiage in Subsection (d) which defines the Texas flag as an exclusion to this paragraph. The motion carried by a unanimous vote of those present.

7. **HOLD EXECUTIVE SESSION FOR CONSULTATION WITH ATTORNEY TO RECEIVE LEGAL ADVICE REGARDING THE ALTERNATE WATER SUPPLY PROJECT WITH BRAZOSPORT WATER AUTHORITY PURSUANT TO SECTION 551.071; TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY PURSUANT TO SECTION 551.072; AND, TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL FOR THE POSITIONS OF CITY MANAGER AND SECRETARY III PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE.**

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

An Executive Session was held for consultation with Attorney to receive legal advice regarding the Alternate Water Supply Project with Brazosport Water Authority pursuant to Section 551.071; to deliberate the purchase, exchange, lease, or value of real property pursuant to Section 551.072; and, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal for the positions of City Manager and Secretary III pursuant to Section 551.074 of the Texas Government Code.

8. **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 8:38 p.m.

Councilor McConathy made a motion, seconded by Councilor Euton to direct staff to accept the counteroffer submitted for the proposed 0.856 acre Sanitary Sewer Line Easement out of 51.4768 acre tract, located at the southwest corner of U.S. Highway (I-69) and Fairgrounds Road, Fort Bend County, Texas 77471, and prepare easement documents as appropriate. The motion carried by a unanimous vote of those present.

9. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1884, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A WATER SUPPLY AGREEMENT, BY AND BETWEEN THE CITY AND BRAZOSPORT WATER AUTHORITY TO SUPPLY A POTABLE WATER SOURCE.**

Executive Summary: This item has been added to the agenda to offer City Council the opportunity to consider action on a Water Supply Agreement (Agreement) with the Brazosport Water Authority. The Agreement would provide an alternative potable water supply to the City that satisfies the Fort Bend Subsidence District (District) Regulatory Plan requirements. The City is mandated to comply with the requirement to reduce groundwater withdrawals by thirty percent (30%) on or before, October 01, 2016.

A copy of the Agreement is being provided to City Council under separate cover.

During the discussion of this Agenda item, staff will be providing a recommendation regarding approval of Resolution No. R-1884 as presented, authorizing the Mayor to execute a Water Supply Agreement by and between the City and Brazosport Water Authority to supply a potable water supply.

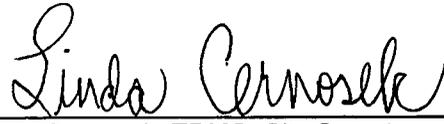
Action: Councilor McConathy made a motion, seconded by Councilor Barta to approve Resolution No. R-1884, a Resolution authorizing the Mayor to execute, for and on behalf of the City, a Water Supply Agreement, by and between the City and Brazosport Water Authority to supply a potable water source with the addition of Section 2 as noted by legal counsel, with reads as follows: "The City Council of the City of Rosenberg hereby authorizes the Mayor, on behalf of the City, to exercise the option under Section 1.1(c) of the Water Supply Agreement to acquire all, or part, of the water supply reserved by Brazosport Water Authority for the Texas Department of Criminal Justice". The motion carried by a unanimous vote of those present.

10. **ANNOUNCEMENTS.**

- Christmas in Rosenberg will be held this weekend, December 4-6, 2014.
- Channel 13 Food Drive at Terry High School.

11. **ADJOURNMENT.**

There being no further business Mayor Morales adjourned the meeting at 8:45 p.m.



Linda Cernosek, TRMC, City Secretary