

CITY OF ROSENBERG

REGULAR CITY COUNCIL MEETING MINUTES

On this the 6th day of January, 2015, 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

ABSENT

Susan Euton	Councilor, District 2
Amanda Barta	Councilor, District 4

STAFF PRESENT

Robert Gracia	City Manager
Linda Cernosek	City Secretary
John Maresh	Assistant City Manager of Public Services
Jeff Trinker	Executive Director of Support Services
Joyce Vasut	Executive Director of Administrative Services
Charles Kalkomey	City Engineer
Dallis Warren	Police Chief
Wade Goates	Fire Chief
Travis Tanner	Executive Director of Community Development
Randall Malik	Economic Development Director
Angela Fritz	Executive Director of Information Services
James Lewis	Information Services Manager
Kaye Supak	Executive Assistant
Tommy Havelka	Police Department
Anthony Schnacky	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.

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

PRESENTATION OF CERTIFICATE OF APPRECIATION TO MR. BENNY WLECZYK FOR HIS SERVICE AS A DIRECTOR OF THE FORT BEND SUBSIDENCE

Mayor Morales presented a Certificate of Appreciation to Mr. Benny Wleczyk for his service as a Director of the Fort Bend Subsidence District for the City of Rosenberg from February 01, 2013 through January 31, 2015.

PRESENTATION OF ROSENBERG IMAGE COMMITTEE BEAUTIFICATION AND RENOVATION AWARDS.

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

Present:

➤ First United Methodist Church

1106 4th Street

- Joe and Doris Gurecky
- McDonald's – Cyndy Spacek and Mike Schmidt

1820 Allen Street
3417 1st Street

Not Present:

- Charles and Tammy Rosales

1734 Jones 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.

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 SPECIAL MEETING MINUTES FOR NOVEMBER 25, 2014, WORKSHOP MEETING MINUTES FOR NOVEMBER 25, 2014, AND REGULAR MEETING MINUTES FOR DECEMBER 02, 2014.

B. CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2015-01, AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY ADDING TO SECTION 28-71 OF DIVISION 4 OF ARTICLE II OF CHAPTER 28 THEREOF, A NEW PRIMA FACIE SPEED LIMIT OF TWENTY-FIVE (25) MILES PER HOUR ALONG SALLY ANNE DRIVE FROM LANE DRIVE TO THE EAST CITY LIMIT LINE, APPROXIMATELY ONE-THOUSAND AND FIFTY (1,050) FEET; AND REPEALING THE PRIMA FACIE SPEED LIMIT OF THIRTY (30) MILES PER HOUR ALONG SALLY ANNE DRIVE FROM LANE DRIVE TO THE EAST CITY LIMIT LINE, APPROXIMATELY ONE-THOUSAND AND FIFTY (1,050) FEET; MAKING CERTAIN FINDINGS, AUTHORIZING THE PLACEMENT OF SPEED LIMIT SIGNS ALONG SUCH STREET; PROVIDING A PENALTY FOR VIOLATION OF ANY PROVISION HEREOF; PROVIDING AN EFFECTIVE DATE AND PROVIDING FOR SEVERABILITY.

Executive Summary: Staff has prepared Ordinance No. 2015-01 to establish a 25 mile per hour speed limit on the portion of Sally Anne Drive located from Lane Drive to the east City Limit line. The current speed limit within the Rosenberg City limits is 30 miles per hour and the speed limit is reduced to 20 miles per hour within the Richmond City limits. Due to this 10 mile per hour speed limit differential at the Rosenberg/Richmond City limit line, it would be appropriate to reduce the speed limit within the Rosenberg City limits to 25 miles per hour. Based on the Texas Transportation Code, City Council has the ability to lower the speed limit to 25 miles per hour without the need to conduct a traffic study.

Staff recommends approval of Ordinance No. 2015-01, establishing the aforementioned speed limit along a portion of Sally Anne Drive.

C. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1894, A RESOLUTION DESIGNATING THE REAPPOINTMENT OF BENNY WLECZYK TO A TWO-YEAR TERM OF OFFICE ON THE FORT BEND SUBSIDENCE DISTRICT BOARD OF DIRECTORS BEGINNING FEBRUARY 01, 2015.**

Executive Summary: Every two years, the Fort Bend Subsidence District (FBSD) requires the appointment of a representative from the City of Rosenberg to its Board of Directors. Benny Wleczyk is currently serving in this position. This appointment must be made by January 16, 2015, and the representative's term of office begins on February 01, 2015. A copy of the letter from Mr. Michael Turco, General Manager for the FBSD, and Resolution No. R-1894 was included in the agenda packet.

Staff recommends approval of Resolution No. R-1894 regarding the reappointment of Benny Wleczyk to the Fort Bend Subsidence District Board of Directors.

D. **CONSIDERATION OF AND ACTION ON A FINAL PLAT OF RIVERS MIST SECTION TWO, BEING A SUBDIVISION OF 15.597 ACRES OUT OF THE WM. LUSK SURVEY, A-276, IN FORT BEND COUNTY, TEXAS (FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 158); 46 LOTS, 2 BLOCKS, 3 RESERVES (4.2658 ACRES).**

Executive Summary: The Final Plat of Rivers Mist Section Two is located off of Furlson Drive, southwest of the intersection of Reading Road and Sorens Mist Boulevard. The proposed Plat is in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 158.

The proposed Plat consists of 15.597 acres, 46 lots, two (2) blocks, and three (3) reserves with a total of 4.2658 acres. All proposed lots are a minimum of sixty feet (60') in width. This is in accordance with the approved Land Plan for Rivers Mist dated May 2006. The Preliminary Plat of this subdivision was approved by the Planning Commission on August 20, 2014. The Commission subsequently recommended approval to City Council of the Final Plat on November 19, 2014.

The proposed Final Plat meets all applicable regulations of the City of Rosenberg and is not in conflict with the Land Plan for Rivers Mist or with the approved Preliminary Plat. Staff recommends approval of the Final Plat of Rivers Mist Section Two.

E. **Item E. was pulled and not considered.**

CONSIDERATION OF AND ACTION ON A FINAL PLAT OF SUMMER LAKES SECTION SEVEN, BEING A SUBDIVISION OF 23.92 ACRES OUT OF THE W.M. LUSK SURVEY, A-276, IN THE CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS (FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 144); 53 LOTS, 5 BLOCKS, 8 RESERVES (7.4454 ACRES).

Executive Summary: The Final Plat of Summer Lakes Section Seven is located off of Reading Road and Round Lake Drive in the eastern portion of the Summer Lakes development. The Plat consists of 23.92 acres, 53 residential lots, and eight (8) reserves with a total of 7.4454 acres.

The proposed Plat contains 21 sixty-foot (60') lots and 32 seventy-foot (70') lots. The Plat complies with the Development Agreement and approved Land Plan for Fort Bend County MUD No. 144. The Land Plan, which is attached for reference, identifies the area of the Plat as single-family residential development. The Development Agreement calls for a minimum lot width of fifty feet (50') and minimum size of 6,000 square feet. All proposed lots comfortably meet these requirements. The Planning Commission approved the Preliminary Plat of this subdivision on June 18, 2014. The Commission subsequently recommended approval to City Council of the Final Plat on November 19, 2014.

The Final Plat of Summer Lakes Section Seven is not in conflict with any applicable regulations, with the Development Agreement for Fort Bend County MUD No. 144, or with the approved Preliminary Plat. Staff recommends approval of the Final Plat of Summer Lakes Section Seven.

F. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1885, A RESOLUTION REGARDING THE APPOINTMENT OF A BLUE RIBBON FACILITIES TASK FORCE TO ASSIST WITH THE DEVELOPMENT OF A FACILITIES MASTER PLAN TO ADDRESS THE CITY'S CURRENT AND FUTURE FACILITY AND SPACE REQUIREMENTS.**

Executive Summary: Pursuant to conversations held during the November 25, 2014 City Council Workshop, staff recommends approval of Resolution No. R-1885. The Resolution will name the participants that have agreed to serve on the City's Blue Ribbon Facilities Task Force.

Once established, the Task Force will begin its work in support of the City's ongoing efforts to address current and future space needs through the development of a Facilities Master Plan.

Mayor Morales stated that Consent Agenda Item E. will be pulled at the developer's request.

Action: Councilor McConathy made a motion, seconded by Councilor Grigar to approve Consent Agenda Items A, B, C, D, and F. 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 ROSENBERG V. HARWIN EXCHANGE CENTER EMINENT DOMAIN PROCEEDINGS PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE.**

Action: Councilor McConathy made a motion, seconded by Councilor Benton to adjourn to Executive Session. 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 Rosenberg v. Harwin Exchange Center eminent domain proceedings pursuant to Section 551.071 of the Texas Government Code.

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

The Executive Session was adjourned and the meeting was reconvened into Regular Session at 7:27 p.m.

Action: Councilor Benton made a motion, seconded by Councilor McConathy to settle the eminent domain proceedings with Harwin Exchange Center not to exceed \$21,000, plus closing costs and legal fees. The motion was approved by a unanimous vote of those present.

4. **ANNOUNCEMENTS.**

There were no announcements.

5. **ADJOURNMENT.**

There being no further business, the meeting adjourned at 7:29 p.m.



Linda Cernosek, TRMC, City Secretary