

CITY OF ROSENBERG

CITY COUNCIL WORKSHOP MEETING MINUTES

On this the 27th day of January, 2015, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Special Workshop 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
Scott M. Tschirhart	City Attorney
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
Travis Tanner	Executive Director of Community Development
Charles Kalkomey	City Engineer
Tonya Palmer	Building Official
Rose Pickens	Inspector
Dallis Warren	Police Chief
Wade Goates	Fire Chief
Angela Fritz	Executive Director of Information Services
Darren McCarthy	Parks and Recreation Director
Randall Malik	Economic Development Director
Kaye Supak	Executive Assistant

During a City Council Workshop, the City Council does not take final action on the agenda items and any consideration of final action will be scheduled at a Regular or Special City Council Meeting. Public comments are welcomed at Regular or Special City Council Meetings. No public comments will be received at a Workshop Meeting.

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 6:00 p.m.

AGENDA

1. **REVIEW AND DISCUSS THE CITY'S JUNKED VEHICLE REGULATIONS, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: This item has been included to allow for discussion regarding the City's junked vehicle regulations. An excerpt from the City's Code, Chapter 14, Article VI – Junked Vehicles, has been included for your reference.

Key discussion points:

- Councilor Benton gave a brief overview of the item.
- Scott Tschirhart, City Attorney, advised of several options to consider in order to make non-compliance more enforceable.
- After discussion by Council, the following recommendations were made:
 - Modify definition of junk vehicle to make it more strict and consistent with State Transportation Code.
 - Reduce 30 days inoperable requirement (on private property) to 15 days.
 - Declare a violation of the ordinance as a Class C Misdemeanor.
 - Clean up “public view” in Section 14-113 to “visible from a public street” or the like.
 - Remove Occupied Premise vs. Unoccupied Premise language.
 - Include a provision regarding appellate process in Section 14-117 to offset finality of disposal of junk vehicle.
 - Modify language in Section 14-118 to define that disposal of junk vehicle would occur at owner’s expense.

Questions/Comments:

Tonya Palmer, Building Official, addressed the following questions:

Q: What issues are you having to enforce this?

A: There are two components required for definition of junk vehicle: (1) expired inspection sticker or registration, and (2) it must be wrecked, dismantled, or inoperable. In many cases, someone complains, but upon contact with the property owner, it is proven to be operable and so the case is then closed.

Q: Who is the burden of proof on to determine if the vehicle has remained inoperable for more than 72 hours?

A: Burden of proof would fall on Code Enforcement, starting with the date of the first contact as a result of a complaint being filed.

Q: When the state changes the registration and inspection to one tag, how will this ordinance be affected?

A: That is why we need to make it comply with the current Texas Transportation Code and/or change the restrictions on the definition of a junk vehicle to make it more enforceable.

Q: Would reducing 30 days inoperable to 15 days make a difference as well?

A: It would help as far as the time period to enforce it, and get a faster resolution.

- The general consensus of Council was for the City Attorney to a draft ordinance in redline fashion, including the suggestions for Council to review at the Regular Council Meeting on February 17, 2015.
- No action was taken on the item.

2. **REVIEW AND DISCUSS THE FY2015 STREET RIGHT-OF-WAY TREE TRIMMING CONTRACT, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: This item has been included on the Workshop Agenda to offer City Council the opportunity to discuss the FY2015 Street Right-of-Way Tree Trimming Contract. Prior to FY2010, the Public Works Department budget included sufficient funding to enter into an annual tree trimming contract that would generally cover a complete Council District. This allowed the City to trim trees throughout the entire City over a four year period. Prior to the FY2010 budget reductions, Council District 4 was the next in line for tree trimming.

Staff anticipates relatively few changes to the program that was provided until FY2010. The street and tree list will be updated to reflect the current City Council District boundaries, which have changed since 2010.

Staff recommends obtaining bids for the FY2015 Street Right-of-Way Tree Trimming Contract as described above. The bid proposal would be placed on a future City Council meeting Agenda for consideration and award.

Key discussion points:

- John Maresh, Assistant City Manager of Public Services read the Executive Summary regarding the FY2015 Street Right-Of-Way tree trimming contract.

Questions/Comments:

C: A lot of street lights are hindered by the overgrowth of tree limbs. This would be a valuable program to keep our streets well lit. Current procedure is reactive to complaints versus proactive to avoid complaints, non-compliance, and liability.

Q: Has there been talk about waste removal and recycling of tree limbs?

A: We will have to discuss this with the contractor, and see if we would have a space to store a stockpile for residents to use for their fireplaces if they desire.

Q: Since five months is enough time for this contractor to address the trees in a given district, then could a second district be taken care of in the same year?

A: That is possible, but we would still need to discuss this with the contractors to determine the amount of time needed and analyze the available funding.

Q: Is the clearance of 12' and 15' feet in the technical specifications established by the Uniform Traffic Code, or is that a clearance that we set?

A: There is a minimum clearance amount, but we are trying to go a little bit higher to elongate the effectiveness of the program.

- The general consensus of Council was to go out for bid, but not ask the contractor to provide wood and debris for public consumption, as most companies recycle the product internally through mulch or firewood in order to keep their costs down, resulting in a lower bid.
- No action was taken on the item.

3. **REVIEW AND DISCUSS PROPOSED TRAFFIC CALMING SPEED HUMP INSTALLATION AND REMOVAL POLICY AND PROCEDURES, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: This item has been added to the Agenda to allow City Council the opportunity to review and discuss the proposed speed hump installation and removal policy and procedures.

Based on previous direction from City Council, staff has prepared policies and procedures regarding installation and removal of speed humps. Key points of the policy include:

- Speed hump installation request process
- Criteria to determine if a street is eligible for consideration of speed hump installation
- Notification/evidence of support criteria for property owners along segments of streets under consideration
- Speed hump location criteria
- Funding criteria
- Speed hump removal request process
- Design standards, construction and maintenance criteria
- Standardized forms

The policy includes a step-by-step procedure that defines the process beginning with the initial request from a citizen, all the way through the review and final determination that may, or may not, support the installation of speed humps based on criteria that will be applied equally to all requests.

Should City Council direct staff to move forward, the Speed Hump Policies and Procedures will be placed on a future City Council Agenda for action.

Key discussion points:

- John Maresh, Assistant City Manager of Public Services presented the proposed Traffic Calming Speed Hump Installation and Removal Policy and Procedures.
- After discussion by Council, the following changes were requested:
 - Add or modify the form to require both the renter and the landlord to sign the form.

- o The petition should be done first and then the traffic study to determine need.
- o Change the forms from "petition" to "application" and add a date line for signatures.
- Scott Tschirhart, Attorney for the City stated clarification of authority of the City Manager is needed to more clearly define the City Manager's authority to determine the area included or the location of the speed hump of the affected properties.
- Councilor McConathy asked for clarification under the "Notification/Evidence Support" to the wording to better describe the placement information.
- The general consensus of Council was for staff to bring the item back with the changes as discussed.
- No action was taken on the item.

4. **REVIEW AND DISCUSS PROPOSED AMENDMENTS TO CODE OF ORDINANCES, CHAPTER 6, ARTICLES XVI AND XVII, REGARDING PARKING LOT AND SINGLE-FAMILY RESIDENTIAL DWELLING STANDARDS, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: This Agenda item addresses a number of issues in Chapter 6 that have been discussed over a relatively long period of time. Staff believed the best approach would be to cover them all in one Agenda item since all proposed amendments are found under the same Chapter. Should City Council direct staff to move forward, one (1) Ordinance addressing all of the proposed amendments described below could be placed on a future Agenda for City Council's consideration.

Over the last several months, the Planning Commission (Commission) and City Council have at different times discussed a number of possible amendments to Chapter 6 of the Code of Ordinances. Chapter 6 relates to Building and Building Regulations and the proposed amendments in particular would address Parking Lot and Single-Family Residential Dwelling Standards (Articles XVI and XVII, respectively). An overview of the proposed amendments, and draft revisions to the Ordinance were included in the agenda packet for City Council's consideration.

On April 22, 2014, City Council directed staff to research and discuss with the Commission the regulation of parking in residential yards as well as outside display of merchandise. These items were discussed by the Commission on May 21, 2014, and the Commission recommended approval of amendments to the City's existing ordinances on these matters on June 18, 2014. The ordinance amendments in question are similar to the City of Sugar Land's ordinance (as directed by City Council) and generally provide for the following:

- No parking of vehicles in residential front yards except on improved surfaces or preexisting unimproved driveways;
- Strict limitations on outside display of merchandise (i.e., 25' setback from right-of-way, not located in parking areas, owned by the owner or lessee of the property, and not greater than ten (10) percent of the building area), with the exception of certain types of merchandise such as landscaping materials and vehicles.

Further, on July 16, 2014, the Commission received a presentation from the Texas Masonry Council explaining the benefits of masonry planning policies or ordinances requiring a minimum percentage of masonry on residential and/or nonresidential structures. The Commission had previously expressed interest in such policies, noting the amount of HardiPlank siding on homes in new subdivisions and concerns regarding maintenance. Among the benefits of masonry planning policies that were discussed were that masonry products generally are lower maintenance, result in increased home values, are more durable, and provide for more predictability of development or architectural control. That being said, on October 15, 2014, the Commission recommended approval to City Council of an Ordinance Amendment that would require homes on lots platted after the effective date of the Ordinance to generally have a minimum of seventy-five (75) percent masonry exterior. Staff has further refined the proposed amendment to seventy-five (75) percent masonry exterior for one (1) story structures and fifty (50) percent for two (2) stories and above. If adopted, this would not apply to existing subdivisions or to homes built in the Extraterritorial Jurisdiction (ETJ); it would only apply to homes constructed in future developments within the City.

Finally, the Commission has previously discussed and made recommendations to City Council regarding the Parking Lot Standards and Specifications related to parking spaces abutting public streets. The City's Ordinance currently allows for businesses with twenty-five (25) or fewer parking spaces to have spaces that back into the public right-of-way. The Commission believed, and staff concurs, that it would be in the best interest of the City from a mobility and safety standpoint to not have future parking spaces abutting the right-of-way. Existing businesses would be "grandfathered" in relation to this requirement. This also would not apply to the Downtown area. The Commission recommended approval of this proposed Amendment on April 24, 2013.

Staff is requesting direction from City Council on these proposed amendments to Chapter 6 of the Code of Ordinances.

Key discussion points:

- Travis Tanner, Executive Director of Community Development presented the proposed amendments to Code of Ordinances, Chapter 6, Articles XVI and XVII, regarding parking lot and single-family residential dwelling standards.
- After discussion by the Council, the following recommendations were made:
 - An ordinance is needed to address permanent front yard parking, but should not be so strict as to not take into account different variables for short term use. Will work with legal and come back with a proposal for future discussion.
 - Add language regarding parking spaces being used for display of merchandise.
 - Proceed with ordinance proposal of 75% masonry exterior for one story homes and 50% for two story and above for future developments inside city limits.
 - Proceed with ordinance proposal to disallow new businesses to have head-in parking spaces adjoining public streets.
- No action was taken on the item.

5. **THE ITEM WAS TABLED.**

REVIEW AND DISCUSS A PROPOSED TAX CREDIT MULTIFAMILY DEVELOPMENT PROJECT BY PALLADIUM ROSENBERG, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.

Executive Summary: Palladium USA, a multifamily residential developer, has requested the opportunity to discuss with City Council a proposed tax credit multifamily development. It is staff's understanding that the project would be in the Extraterritorial Jurisdiction (ETJ) and not in the City Limits; however, they will potentially be requesting City Council's support for the project, hence the discussion item on the Agenda. At this time, specific plans for the project have not been submitted. As staff understands it, the project would be located on property bounded by FM 2977, Tori, Rohan and Reading Roads immediately outside of the City Limits.

6. **REVIEW AND DISCUSS A REQUEST FOR STATUE PLACEMENT IN SEABOURNE CREEK PARK, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: On December 18, 2014, at the regularly scheduled Parks and Recreation Board (Board) meeting, staff presented a statue request from Ms. Joan Williams McLeod. Ms. McLeod had previously addressed City Council on August 19, 2014, with a request that half of the six (6) acres of land previously donated by her family be returned. The City Attorney and City Council presented reasons why abandoning the property is a difficult process. Ms. McLeod revisited City Council on November 18, 2014, with an alternate request that a statue by guest artist Eric Kaposta be placed in Seabourne Creek Park to honor her family for donating land. Ms. McLeod also requested for the City to pay for all costs associated with the proposed statue with the monies received from the pipeline crossing the park. Recognition for the donation of land was not written into the family's Agreement, which expired one (1) year ago. The Board reviewed the meeting minutes of City Council and after some discussion, the Board unanimously recommended that a walking trail be named after the family.

Staff has placed this item on the Agenda to receive City Council's input on the Board recommendation that a walking trail being named after the Williams family to honor the family's prior donation of land to Seabourne Creek Park.

Key discussion points:

- Darren McCarthy, Parks and Recreation Director, gave an overview of the item.
- Parks Board recommended a walking trail to be named after the family.
- The general consensus of Council was to go with the Parks Department and Staff's recommendation.
- No action was taken on the item.

7. **ADJOURNMENT.**

There being no further business, the meeting adjourned at 8:20 p.m.

A handwritten signature in cursive script that reads "Linda Cernosek".

Linda Cernosek, TRMC, City Secretary