

CITY OF ROSENBERG

REGULAR COUNCIL MEETING MINUTES

On this the 3rd day of March, 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
Cynthia McConathy	Councilor at Large, Position 2, Mayor Pro Tem
Jimmie J. Pena	Councilor, District 1
Susan Euton	Councilor, District 2
Dwayne Grigar	Councilor, District 3
Amanda Barta	Councilor, District 4

ABSENT

William Benton	Councilor at Large, Position 1
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STAFF PRESENT

Robert Gracia	City Manager
Linda Cernosek	City Secretary
John Maresh	Assistant City Manager of Public Services
Scott Tschirhart	Attorney for the City
Joyce Vasut	Executive Director of Administrative Services
Charles Kalkomey	City Engineer
Dallis Warren	Police Chief
John Johnson	Police Sergeant
Michael Walden	Police Officer
Wade Goates	Fire Chief
Travis Tanner	Executive Director of Community Development
Randall Malik	Economic Development Director
Angela Fritz	Executive Director of Information Services
Kaye Supak	Executive Assistant
Angelia Hayes	Court Administrator
Janie Martinez	Court Clerk

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 Kevin K. Barber, Wellspring Church International, Richmond, gave the invocation and led the pledge of allegiance to the flag.

PRESENTATION OF CERTIFICATE OF RECOGNITION TO JANIE MARTINEZ FOR OBTAINING COURT CLERK LEVEL II CERTIFICATION FROM THE MUNICIPAL COURT CLERK CERTIFICATION PROGRAM.

Joyce Vasut, Executive Director of Administrative Services, presented a Certificate of Recognition to Janie Martinez for Obtaining Court Clerk Level II Certification from the Municipal Court Clerk Certification Program.

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 FEBRUARY 05, 2015, AND REGULAR MEETING MINUTES FOR FEBRUARY 17, 2015.

B. CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2015-09, AN ORDINANCE GRANTING CONSENT TO FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 158 FOR THE SALE AND ISSUANCE OF UNLIMITED TAX BONDS, SERIES 2015, IN AN AMOUNT NOT TO EXCEED \$1,935,000.00.

Executive Summary: Ordinance No. 2015-09 grants the City's consent to Fort Bend Municipal Utility District 158 (MUD No. 158), to sell Unlimited Tax Bonds, Series 2015, in an amount not to exceed \$1,935,000. MUD No. 158 is located in the City's Extraterritorial Jurisdiction (ETJ), at the southwest corner of Reading Road and Benton Road. The development is identified as River Run on the Brazos and Rivers Mist subdivisions.

City Council consented to the creation of MUD No. 158 on December 14, 2004, through Ordinance No. 2004-29, and which was originally proposed as a 158.54 acre development. The Water Supply and Wastewater Services and Development Agreements between the City and Ventana Development Reading, LP, were executed on February 22, 2005. City Council approved Ordinance No. 2006-19 on August 15, 2006, consenting to the addition of approximately 59 acres. MUD No. 158 now is comprised of approximately 217.5 acres.

Following is a list of previous Unlimited Tax Bond Sales that have been previously approved by City Council:

- Ordinance No. 2007-35 – City Council approved the District's first sale on August 21, 2007, in the amount of \$1,460,000.
- Ordinance No. 2009-29 – City Council approved the District's second sale on August 18, 2009, in the amount of \$1,870,000.
- Ordinance No. 2011-16 – City Council approved the District's third sale on June 21, 2011, in the amount of \$1,400,000.
- Ordinance No. 2012-15 – City Council approved the District's fourth sale on April 17, 2012, in the amount \$1,600,000.
- Ordinance No. 2013-14 – City Council approved the District's fifth sale on February 19, 2013, in the amount of \$1,600,000.
- Ordinance No. 2014-16 – City Council approved the District's sixth sale on April 15, 2014, in the amount of \$1,650,000.

This will be the seventh bond sale for MUD No. 158. Submission documentation for this sale - the Official Statement/Notice of Sale, Texas Commission on Environmental Quality (TCEQ) submission documentation, minute excerpts, associated agreements, and previous bond

sale and related Ordinances are available for review in the City Secretary's Office.

Staff has reviewed the documentation and found it to be in compliance with applicable City Ordinances. Staff is recommending approval of Ordinance No. 2015-09 thus authorizing the bond issue to proceed.

C. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1931, A RESOLUTION AMENDING THE AUTHORIZED REPRESENTATIVES OF THE CITY OF ROSENBERG IN THE TEXAS LOCAL GOVERNMENT INVESTMENT POOL (TEXPOOL) ACCOUNT.**

Executive Summary: Staff is recommending that Maritza Salazar, previous Budget Analyst, be removed and John Maresh, Assistant City Manager of Public Services and Luis Garza, Accounting Supervisor be added to the list of authorized representatives for the City of Rosenberg Texas Local Government Investment Pool (TexPool) investment account. This action is necessary to authorize TexPool to issue a personal identification number to allow all authorized representatives to transact business with TexPool. The following is a list of authorized representatives:

- Robert Gracia, City Manager
- John Maresh, Assistant City Manager of Public Services
- Joyce Vasut, Executive Director of Administrative Services
- Luis Garza, Accounting Supervisor

Staff recommends approval of Resolution No. R-1931 as presented.

D. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1932, A RESOLUTION AMENDING THE AUTHORIZED REPRESENTATIVES OF THE CITY OF ROSENBERG IN THE LOCAL GOVERNMENT INVESTMENT COOPERATIVE (LOGIC).**

Executive Summary: Staff is recommending that Maritza Salazar, previous Budget Analyst, be removed and that John Maresh, Assistant City Manager of Public Services, and Luis Garza, Accounting Supervisor, be added to the list of authorized representatives for the City of Rosenberg Local Government Investment Cooperative (LOGIC) investment account. This action is necessary to authorize LOGIC to issue a personal identification number to allow authorized representatives to transact business with LOGIC. The following is a list of authorized representatives:

- Robert Gracia, City Manager
- John Maresh, Assistant City Manager of Public Services
- Joyce Vasut, Executive Director of Administrative Services
- Luis Garza, Accounting Supervisor

Staff recommends approval of Resolution No. R-1932 as presented.

E. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1933, A RESOLUTION AMENDING THE AUTHORIZED REPRESENTATIVES OF THE CITY OF ROSENBERG IN THE LONE STAR INVESTMENT POOL.**

Executive Summary: Staff is recommending that Maritza Salazar, previous Budget Analyst, be removed and John Maresh, Assistant City Manager of Public Services and Luis Garza, Accounting Supervisor be added to the list of authorized representatives for the City of Rosenberg Lone Star Investment Pool (Lone Star) account. This action is necessary to authorize Lone Star to issue a personal identification number to allow authorized representatives to transact business with Lone Star. The following is a list of authorized representatives:

- Robert Gracia, City Manager
- John Maresh, Assistant City Manager of Public Services
- Joyce Vasut, Executive Director of Administrative Services
- Luis Garza, Accounting Supervisor

Staff recommends approval of Resolution No. R-1933 as presented.

F. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1934, A RESOLUTION AMENDING THE AUTHORIZED REPRESENTATIVES OF THE CITY OF ROSENBERG IN THE TEXAS CLASS INVESTMENT POOL.**

Executive Summary: Staff is recommending that Maritza Salazar, previous Budget Analyst, be removed and John Maresh, Assistant City Manager of Public Services and Luis Garza, Accounting Supervisor be added to the list of authorized representatives for the City of Rosenberg Texas Class investment account. This action is necessary to authorize Texas Class to issue a personal identification number to allow authorized representatives to transact business with Texas Class. The following is a list of authorized representatives:

- Robert Gracia, City Manager
- John Maresh, Assistant City Manager of Public Services
- Joyce Vasut, Executive Director of Administrative Services
- Luis Garza, Accounting Supervisor

Staff recommends approval of Resolution No. R-1934 as presented.

Action: Councilor McConathy made a motion, seconded by Councilor Grigar to approve Consent Agenda Items A, B, C, D, E, and F. The motion carried by a unanimous vote of those present.

REGULAR AGENDA

2A. ***This Item was originally Agenda Item No. 7.***
HOLD EXECUTIVE SESSION:

- (a) **TO DELIBERATE THE POTENTIAL PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY PURSUANT TO SECTION 551.072 OF THE TEXAS GOVERNMENT CODE; AND,**
- (b) **TO CONSULT WITH CITY ATTORNEY TO SEEK LEGAL ADVICE REGARDING CONTRACT FOR HIRING FIRM PURSUANT TO SECTION 551.071(2) OF THE TEXAS GOVERNMENT CODE; AND,**
- (c) **TO CONSULT WITH CITY ATTORNEY ON CONTEMPLATED LITIGATION REGARDING TEXAS DEPARTMENT OF TRANSPORTATION V. ROSENBERG EMINENT DOMAIN PROCEEDINGS PURSUANT TO SECTION 551.071(1) OF THE TEXAS GOVERNMENT CODE.**

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

An Executive Session was held to deliberate the potential purchase, exchange, lease, or value of real property pursuant to Section 551.072 of the Texas Government Code; and, to consult with City Attorney to seek legal advice regarding contract for hiring firm pursuant to Section 551.071(2) of the Texas Government Code; and, to consult with City Attorney on contemplated litigation regarding Texas Department of Transportation v. Rosenberg eminent domain proceedings pursuant to Section 551.071(1) of the Texas Government Code.

2B. ***This Item was originally Agenda Item No. 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 8:03 p.m.

2C. ***This Item was originally Agenda Item No. 5.***
CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2015-08, AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY AMENDING SECTION 29-50 OF DIVISION 1 OF ARTICLE II OF CHAPTER 29 THEREOF, ESTABLISHING RATES AND CHARGES FOR WATER SERVICE; PROVIDING AN EFFECTIVE DATE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

Executive Summary: At the City Council Meeting on February 03, 2015, staff presented Amendment No. 1 to the Water Supply Agreement with Brazosport Water Authority (BWA) to acquire an additional 2.7 million gallons of water per day and place the City in a position to satisfy the Fort

Bend Subsidence District's (District) mandate for the 60% reduction in groundwater withdrawal, effective 2025. Staff also presented the cost to the City regarding the amended Agreement, as well as the anticipated cash flows. As part of that presentation, staff recommended increasing the subsidence fee July 01, 2015, and again in January 01, 2016, to meet the cost of the BWA Agreement and the cost to provide the necessary internal capital projects. The recommended rate for July 01, 2015, is to increase the rate from \$1.40 per 1,000 gallons to \$1.80 per 1,000 gallons. A second rate adjustment is recommended for January 01, 2016, to increase the rate to \$2.20 per 1,000 gallons. These proposed rate adjustments will also bring the City of Rosenberg more closely in alignment with fees being charged by similar entities to meet the District's unfunded mandate. As the internal capital projects near completion, the subsidence fees will again have to be assessed and may require additional adjustments.

Staff recommends approval of Ordinance No. 2015-08 effective July 01, 2015, and January 01, 2016, to increase the subsidence fee as a financial means to cover the operational and capital costs to meet the District's unfunded groundwater withdrawal reduction mandates and the requirements of the BWA Agreement.

Speaker:

- **Kathy Hynson, 1200 Brazos Street, Rosenberg, Texas** addressed the Council regarding this item, stating that the City should come up with an exact price for water charges under the Brazosport Water Authority program, rather than an estimate.
- She also stated that the fence at Sunset Park needs to be repaired, and recommended that Council should declare an emergency in order to amend the budget for improvements to the Rosenberg Business Park or any other budget amendments.

Key discussion points:

- Joyce Vasut, Executive Director of Administrative Services read the Executive Summary and reviewed the presentation that was given at the Regular City Council Meeting on February 3, 2015.
- She emphasized that this is an unfunded District mandate, and that the increased utility fee will only cover a portion of the cost. The Subsidence Fund will pay for some of the cost, and debt will be issued for the remainder.
- There are a lot of moving parts in these estimates, so it is difficult to pinpoint exactly how much water will be used. The numbers used for the current projection are based on present-day consumption rates. These rates are subject to change as more people continue moving into Rosenberg and using water utilities, thus spreading out the cost.
- Mayor Morales requested that Staff work with the *Fort Bend Herald* newspaper to put the costs in laymen's terms in order to effectively communicate the program to the citizens.
- It has always been the Council's recommendation to increase the water cost gradually over the years, rather than put the burden on the citizens in lump sum, decreasing severity of the impact.
- There is a future revenue-generating capacity to this project once fully executed by selling water to surrounding areas, and the rates can be cut at that time.
- The average citizen uses approximately 7,000 gallons per month, equating to \$2.80 under the current structure.
- Citizens may view the presentation in the video archive, as part of the Agenda Packet for the February 3rd Regular Council Meeting, and it will be made available on the Subsidence Planning portion of the homepage as well.

Action: Councilor McConathy made a motion, seconded by Councilor Euton to approve Ordinance No. 2015-08, an Ordinance amending the Code of Ordinances by amending Section 29-50 of Division 1 of Article II of Chapter 29 thereof, establishing rates and charges for water services; providing an effective date; providing a penalty in an amount not to exceed \$2,000 for violation of any provision hereof; and providing for severability. The motion carried by a unanimous vote of those present.

Mayor Morales left the meeting. Councilor McConathy proceeded as Mayor Pro Tem.

2. **REVIEW AND DISCUSS AN INDEPENDENT ANALYSIS REPORT OF CONTACT DATA COLLECTED BY THE POLICE DEPARTMENT FOR CALENDAR YEAR 2014, AND TAKE ACTION AS NECESSARY.**

Executive Summary: In accordance with Senate Bill 1074, more commonly known as the "Texas Racial Profiling Data Collection Law", all state law enforcement agencies are required to submit a report to their governing body – whether a county or municipality. The report must contain totals on racial profiling data, as well as analysis of the prevalence of racial profiling. The report has been provided to City Council under separate cover and has been made available for public review in the City Secretary's office.

Dr. Alex del Carmen will be present at the meeting to discuss his independent assessment of the data collected.

Key discussion points:

- Dallis Warren, Police Chief read the Executive Summary and introduced Dr. Alex del Carmen to go over the report and provide additional information.
- This report has been generated for the past twelve (12) years in order to help ensure that the Rosenberg Police Department is in compliance with Texas Law regarding racial profiling.
- In 2014, the Rosenberg Police Department received no racial profiling complaints.
- The data collected shows that the traffic stops, searches, and arrests were well aligned with the demographics of the City.
- The City of Rosenberg is very proactive in their data analysis of searches and always rises above the National Standard.
- The following recommendations were made, as they have been made and adhered to in years past:
 - Collect and analyze data on searches.
 - Provide advanced training on racial profiling to all officers.
 - Foster partnerships with organizations representing minority interests.
 - Commission quarterly data audits in order to determine the validity and reliability of data collected/reported in 2015.
- No action was taken on the item.

3. **CONSIDERATION OF AND ACTION ON COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2014.**

Executive Summary: Patillo, Brown & Hill, LLP, has completed the audit of the City of Rosenberg's financial statements for the fiscal year ended September 30, 2014. The City has received an unmodified opinion on the financial statements, which indicates the City has presented its financial statements in conformity with Generally Accepted Accounting Principles (GAAP). An unmodified opinion assures that the financial statements are free of material misstatement based upon examination of the supporting documents and disclosures of the figures contained in the City's financial statements.

The Comprehensive Annual Financial Report (CAFR) for 2014 was reviewed at the Finance/Audit Committee Meeting (Committee) on February 17, 2015, and the Committee recommended acceptance of the CAFR. Draft minutes for the Committee's recommendation were not yet available at the time this Agenda packet went to print. A letter required by Statement on Accounting Standards No. 114 was presented by the auditors and distributed with the CAFR.

John Manning, with Patillo, Brown and Hill, LLP, will present the Comprehensive Annual Financial Report for 2014, and some of the key financial highlights of the report.

Staff recommends the acceptance of the FY2014 CAFR.

Key discussion points:

- Joyce Vasut read the Executive Summary.
- Nicole Bradshaw, Patillo, Brown & Hill, LLP, gave a presentation of the Comprehensive Annual Financial (CAFR) Report for 2014.
- There are no significant weaknesses, deficiencies or variances to report regarding internal

controls or compliance with laws and regulations.

- This City of Rosenberg has been awarded with a Certificate of Achievement for Excellence in Financial Reporting for twenty-seven (27) consecutive years.

Action: Councilor Euton made a motion, seconded by Councilor Barta to accept the Comprehensive Annual Financial Report for the Fiscal Year ended September 30, 2014. The motion carried by a unanimous vote of those present.

4. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1935, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, BUDGET AMENDMENT 15-09, IN THE AMOUNT OF \$1,588,430 FOR IMPROVEMENTS TO THE ROSENBERG BUSINESS PARK, UPSIZING OF A WATERLINE ALONG SH36 NORTH, WATERLINE IMPROVEMENTS ALONG AVENUE H AND AVENUE I, AND WATER WELL MAINTENANCE.**

Executive Summary: Budget Amendment 15-09, in the amount of \$1,588,430, will allocate funds for the following:

1. Increase the Rosenberg Business Park budget by \$260,000 with funding provided by the General Fund (\$130,000) and the Rosenberg Development Corporation (\$130,000), both of which will be funded from unreserved fund balance.
2. Allocate funding in the amount of \$20,430 to upsize an 8-inch waterline installation planned by the developer along SH 36 North to a 12-inch waterline.
3. Allocate \$1,000,000 from the 2007 Fort Bend County Mobility Funds to the waterline improvement project along Avenue H and Avenue I.
4. Increase equipment repair and maintenance by \$48,000 for a water well repair.

Budget Amendment 15-09 is included as Exhibit "A" to Resolution No. R-1935. Staff recommends approval of Resolution No. R-1935 as presented.

Key discussion points:

- Joyce Vasut read the Executive Summary and explained, upon being asked, that the City policy and charter says that the City Manager can amend budgets within a department, but we go beyond by bringing these amendments to Council.

Action: Councilor Euton made a motion, seconded by Councilor Barta to approve Resolution No. R-1935, a Resolution authorizing the City Manager to execute, for and on behalf of the City, Budget Amendment 15-09, in the amount of \$1,588,430 for improvements to the Rosenberg Business Park, upsizing of a waterline along SH36 North, waterline improvements along Avenue H and Avenue I, and water well maintenance. The motion carried by a unanimous vote of those present.

5. ***This Item was moved to the beginning of the meeting as Agenda Item 2C.***

CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2015-08, AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY AMENDING SECTION 29-50 OF DIVISION 1 OF ARTICLE II OF CHAPTER 29 THEREOF, ESTABLISHING RATES AND CHARGES FOR WATER SERVICE; PROVIDING AN EFFECTIVE DATE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

6. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1872, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A TAX ABATEMENT AGREEMENT, BY AND BETWEEN THE CITY AND MARQUEZ ENTERPRISES, L.L.C.**

Executive Summary: On November 11, 2014, the City Council approved Ordinance No. 2014-43 which created Reinvestment Zone No. 18 in the City of Rosenberg. Marquez Enterprises, L.L.C., also known as Superior Tank Company, located at 1700 Bamore Road currently operates a business at the existing facility of 8,000 sq. ft. within Reinvestment Zone No. 18. The potential facility expansion will increase the facility to 54,000 sq. ft. on 6.49 acres. As a result of the expansion, total employment would increase from 18 to 100 over a five year period with an average salary of \$40,000 per year.

<u>Years</u>	<u>% of Abatement</u>	<u>City Property Taxes Generated</u>	<u>Total Amount of Abatement (\$0.49 Rate)</u>	<u>Total Amount to City (Less Tax Abatement)</u>	<u>Current Property Tax Value to the City</u>
1	50%	\$14,553	\$3,920	\$10,633	\$2,568.78
2	50%	\$14,553	\$3,920	\$10,633	\$2,568.78
3	50%	\$14,553	\$3,920	\$10,633	\$2,568.78
4	50%	\$14,553	\$3,920	\$10,633	\$2,568.78
5	50%	\$14,553	\$3,920	\$10,633	\$2,568.78
6	50%	\$14,553	\$3,920	\$10,633	\$2,568.78
7	50%	\$14,553	\$3,920	\$10,633	\$2,568.78
Total		\$101,871	\$27,440	\$74,431	\$17,981.46

At the end of the seven (7) year period, Marquez Enterprises, L.L.C. (Superior Tank) would be taxed at one hundred percent (100%).

Should City Council approve the Tax Abatement Agreement, Marquez Enterprises, L.L.C. (Superior Tank) will complete the improvements and begin operations by no later than December 31, 2016. Resolution No. R-1872 will authorize the City Manager to execute the associated Tax Abatement Agreement, attached to Resolution No. R-1872 as Exhibit "A" and provided under separate cover for review. Staff recommends approval of Resolution No. R-1872 as presented.

Key discussion points: Randall Malik, Economic Development Director read Executive Summary and gave an overview of the item.

Action: Councilor Euton made a motion, seconded by Councilor Grigar to approve Resolution No. R-1872, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Tax Abatement Agreement, by and between the City and Marquez Enterprises, L.L.C. The motion carried by a unanimous vote of those present.

7. ***This Item was moved to the beginning of the meeting as Agenda Item 2A.***

HOLD EXECUTIVE SESSION:

- (a) TO DELIBERATE THE POTENTIAL PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY PURSUANT TO SECTION 551.072 OF THE TEXAS GOVERNMENT CODE; AND,
- (b) TO CONSULT WITH CITY ATTORNEY TO SEEK LEGAL ADVICE REGARDING CONTRACT FOR HIRING FIRM PURSUANT TO SECTION 551.071(2) OF THE TEXAS GOVERNMENT CODE; AND,
- (c) TO CONSULT WITH CITY ATTORNEY ON CONTEMPLATED LITIGATION REGARDING TEXAS DEPARTMENT OF TRANSPORTATION V. ROSENBERG EMINENT DOMAIN PROCEEDINGS PURSUANT TO SECTION 551.071(1) OF THE TEXAS GOVERNMENT CODE.

8. ***This Item was moved to the beginning of the meeting as Agenda Item 2B.***

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

9. **ANNOUNCEMENTS.**

There were no announcements.

10. **ADJOURNMENT.**

There being no further business Mayor Pro Tem McConathy adjourned the meeting at 9:08 p.m.



Linda Cernosek, TRMC, City Secretary