

CITY OF ROSENBERG

REGULAR COUNCIL MEETING MINUTES

On this the 17th 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
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

ABSENT

Amanda Barta	Councilor, District 4
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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
Randall Malik	Economic Development Director
Charles Kalkomey	City Engineer
Tracie Dunn	Assistant Police Chief
Wade Goates	Fire Chief
Darren McCarthy	Parks and Recreation Director
James Lewis	Director of Technology
Kaye Supak	Executive Assistant
John Johnson	Police Department
Tommy Havelka	Police Department

CALL TO ORDER.

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

INVOCATION AND PLEDGE OF ALLEGIANCE.

Reverend Michelle Linares, Lion of Judah International, Rosenberg, gave the invocation and Jonathan Liang, Boy Scout Troop 1000, led the pledge of allegiance to the flag.

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 WORKSHOP MEETING MINUTES FOR FEBRUARY 24, 2015, AND REGULAR MEETING MINUTES FOR MARCH 03, 2015.**
- B. *Item B was pulled from the Consent Agenda and moved to Item 2A on the Regular Agenda.* **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1937, A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, A STORM WATER MANAGEMENT INTERLOCAL COOPERATION AGREEMENT, BY AND BETWEEN THE CITY AND FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 147, REGARDING PARTICIPATION IN THE STORM WATER MANAGEMENT PROGRAM.**
- C. *Item C was pulled from the Consent Agenda and moved to Item 2B on the Regular Agenda.* **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1938, A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, A STORM WATER MANAGEMENT INTERLOCAL COOPERATION AGREEMENT, BY AND BETWEEN THE CITY AND FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 159 REGARDING PARTICIPATION IN THE STORM WATER MANAGEMENT PROGRAM.**
- D. *Item D was pulled from the Consent Agenda and moved to Item 2C on the Regular Agenda.* **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1939, A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, A STORM WATER MANAGEMENT INTERLOCAL COOPERATION AGREEMENT, BY AND BETWEEN THE CITY AND FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 167 REGARDING PARTICIPATION IN THE STORM WATER MANAGEMENT PROGRAM.**
- E. *Item E was pulled from the Consent Agenda and moved to Item 2D on the Regular Agenda.* **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1944, A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, A STORM WATER MANAGEMENT INTERLOCAL COOPERATION AGREEMENT, BY AND BETWEEN THE CITY AND FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 144 REGARDING PARTICIPATION IN THE STORM WATER MANAGEMENT PROGRAM.**
- F. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1941, A RESOLUTION IN SUPPORT OF TEXAS HOUSE BILL NO. 658 RELATING TO THE CREATION OF A CAMPUS OF THE TEXAS STATE TECHNICAL COLLEGE SYSTEM IN FORT BEND COUNTY.**
Executive Summary: Representative John Zerwas of Texas House District 28 has filed Texas House Bill No. 658, relating to the creation of a campus of the Texas State Technical College (TSTC) in Fort Bend County. TSTC is working with the George and Henderson-Wessendorff Foundations on building a new TSTC Fort Bend Campus.

Staff recommends approval of Resolution No. R-1941 as presented.

- G. **CONSIDERATION OF AND ACTION ON A SHORT FORM FINAL PLAT OF BRAZOS PLAZA PARTIAL REPLAT NO. 2, A SUBDIVISION OF 2.5532 ACRES OF LAND OUT OF THE ROBERT E. HANDY SURVEY, ABSTRACT NUMBER 187 CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS BEING A REPLAT OF RESTRICTED RESERVE "C" BRAZOS PLAZA SLIDE NO. 20070179 P.R.F.B.C. & BEING A REPLAT OF RESTRICTED RESERVE "F" BRAZOS PLAZA PARTIAL REPLAT NO. 1 SLIDE NO. 20110039 P.R.F.B.C.; 1 RESERVE, 1 BLOCK.**
Executive Summary: The Short Form Final Plat of Brazos Plaza Partial Replat No. 2 is a proposed replat consisting of 2.5532 acres and only one (1) commercial reserve. The

property is located on the north side of US59/I-69, slightly southwest of its intersection with Reading Road. The tract is in the City Limits and in the West Fort Bend Management District (District) and therefore will be subject to the District's standards when developed. It has frontage on US59/I-69, but will only have access from Industrial Parkway.

The purpose of the replat in this case is simply to remove a property line between two (2) reserves, creating one (1) reserve instead of two (2). It has been submitted as a Short Form Final Plat, eliminating the necessity to submit a Preliminary Plat, because it does not require the extension of any streets or utilities. There being no issues in conflict with the "Subdivision" Ordinance, staff recommends approval of the Short Form Final Plat of Brazos Plaza Partial Replat No. 2. The Planning Commission recommended approval to City Council of the plat on February 18, 2015.

H. **CONSIDERATION OF AND ACTION ON A FINAL PLAT OF SUMMER LAKES SECTION SEVEN, BEING A SUBDIVISION OF 23.85 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, 10 RESERVES (7.2560 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 23.85 acres, 53 residential lots, and ten (10) reserves with a total of 7.256 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. That said, staff recommends approval of the Final Plat of Summer Lakes Section Seven.

I. **CONSIDERATION OF AND ACTION ON AN AMENDING PLAT OF BRIDLEWOOD ESTATES SECTION 4 PARTIAL REPLAT NO. 1; 2 LOTS, 0 BLOCKS, 0 RESERVES BEING 2.01 ACRES IN THE JOSEPH KUYKENDALL LEAGUE, ABSTRACT 49, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS, BEING A REPLAT OF LOTS 10 & 11, BLOCK 1, BRIDLEWOOD ESTATES SECTION 4.**

Executive Summary: Proposed Bridlewood Estates Section 4 Partial Replat No. 1 is located off of Grande Gables Drive. It is in the northern part of Bridlewood Estates along FM 762 that is within the City Limits.

The Plat contains two (2) single-family residential lots and a total of 2.01 acres. The property was originally platted in 1998. The purpose of the Amending Plat is simply to move a property line between the two lots to avoid the encroachment of a driveway that was recently constructed onto the adjoining property. The "Subdivision" Ordinance provides for amending plats to resolve issues of this nature. The Plat only has to come before City Council; amending plats do not require Planning Commission approval.

There being no issues, staff recommends approval of Bridlewood Estates Section 4 Partial Replat No. 1.

J. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1928, A RESOLUTION AUTHORIZING THE ROSENBERG POLICE DEPARTMENT'S SUBMISSION OF AN APPLICATION FOR THE VICTIMS OF CRIME ACT (VOCA) FORMULA GRANT FOR THE POSITION OF CRIME VICTIM LIAISON, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTATION REGARDING**

SAME.

Executive Summary: The Police Department is mandated by state statute to provide services to victims of certain crimes.

The City initially applied for and received grant funding under the Victim of Crime Act (VOCA) to provide for a full time Crime Victim Advocate under the 2013 grant program year. This grant application will continue to fund this position and would provide eighty percent (80%) funding. A twenty percent (20%) match would be required from the City under this grant program. If awarded, this continuation grant would begin on September 1, 2015, and end August 31, 2016. If approved, this will be the fourth year the City has received this award.

Staff recommends approval of Resolution No. R-1928 which will finalize the grant application process and designate the City Manager as the authorized official to accept the award and execute any and all necessary documentation related thereto.

K. CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1929, A RESOLUTION AUTHORIZING THE ROSENBERG POLICE DEPARTMENT'S SUBMISSION OF AN APPLICATION FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FOR THE POSITION OF SPECIAL CRIMES DETECTIVE, AND AUTHORIZING CITY MANAGER TO EXECUTE ANY AND ALL NECESSARY DOCUMENTATION REGARDING SAME.

Executive Summary: The investigation of sexual, physical abuse and family related crimes requires specialized skills and coordination with other agencies such as Children's Protective Services and the Children's Advocacy Center. In addition, the Police Department is mandated by State statute to register and track the sex offenders who commit these types of crimes. There is an opportunity to seek funding under the Edward Byrne Memorial Justice Assistance Grant (JAG) to provide for a full time Special Crimes Detective whose function will be to specialize in the investigation of these crimes and individuals who commit them. The goal of the Special Crimes Detective is to provide expert investigation in family violence, sexual assault, physical/sexual child abuse, and other family related and sex crime cases. In addition, the Special Crimes Detective will monitor all registered sex offenders located within the City Limits of Rosenberg, Texas, through status and compliance checks.

If approved, this grant application would provide eighty percent (80%) funding. A twenty percent (20%) match would be required from the City under this grant program. This grant would begin on September 1, 2015, and ending August 31, 2016. If approved, this will be the first year we have received this award.

Staff recommends approval of Resolution No. R-1929 which will finalize the grant application process and designate the City Manager as the authorized official to accept the award and execute any and all necessary documentation related thereto.

L. CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1930, A RESOLUTION AUTHORIZING THE ROSENBERG POLICE DEPARTMENT'S SUBMISSION OF AN APPLICATION FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FOR THE POSITION OF CRIME ANALYST, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTATION REGARDING SAME.

Executive Summary: The Rosenberg Police Department has adopted a more "Predictive Policing" mindset to crime analyzing by utilizing Compstat, Raids-on-Line and additional predictive software to assist with combating and predicting the criminal element. Researching and analyzing the data needed for these programs is a very time consuming meticulous task that requires attention to detail. With the addition of a Crime Analyst, detectives would be able to produce more quality investigations and the efficiency of the unit would greatly increase. Crime analysis can improve a police department's efficiency and enhance its ability to apprehend criminals. Specifically, crime analysis systems identify crime patterns and series, forecast future occurrences of crime, identify likely victims of crime, provide investigative leads, solve open cases, and provide supporting data for community policing programs and departmental planning efforts.

The goal of this project is to provide the Rosenberg Police Department with an individual who is designated to improve intelligence and information sharing within the police department, surrounding law enforcement agencies, and other regional partners through Houston Regional Intelligence Service Center.

This grant application if approved would provide full (100%) funding. If awarded, this grant would begin on September 1, 2015 and ending August 31, 2016.

Staff recommends approval of Resolution No. R-1930 which will finalize the grant application process and designate the City Manager as the authorized official to accept the award and execute any and all necessary documentation related thereto.

Action: Councilor McConathy made a motion, seconded by Councilor Euton to approve Consent Agenda Items A, F, G, H, I, J, K, and L. The motion carried by a unanimous vote of those present.

REGULAR AGENDA

2A. ***This Item was originally Item B on the Consent Agenda.***

CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1937, A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, A STORM WATER MANAGEMENT INTERLOCAL COOPERATION AGREEMENT, BY AND BETWEEN THE CITY AND FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 147, REGARDING PARTICIPATION IN THE STORM WATER MANAGEMENT PROGRAM.

Executive Summary: This item has been included on the Agenda to offer City Council the opportunity to consider approval of a Storm Water Management Interlocal Cooperation Agreement (Agreement) with Fort Bend County Municipal Utility District No. 147 (District) regarding participation in the City's storm water management program (SWMP). This is one of four (4) separate District's with the identical Agreement for consideration at the March 17th City Council meeting. This District is located completely within the City Limits, with the City being responsible for construction inspections inside of the District boundaries through the normal permitting and inspection process. Therefore, the Agreement would minimize duplication of effort by both entities. Per the Agreement, the District would continue to be solely responsible for the operation and maintenance of detention basins including the cleaning and removal of trash and other debris. The primary objectives of the Agreement are summarized as follows:

- Develop a comprehensive and coordinated strategy for managing storm water pollution controls and complying with current requirements of the TCEQ issued permit.
- Develop a comprehensive and coordinated SWMP as required by the TCEQ permit to address the following minimum control measures:
 1. Public education, outreach and involvement
 2. Illicit discharge detection and elimination
 3. Construction site storm runoff control
 4. Post-construction storm water management in new development and redevelopment
 5. Pollution prevention and good housekeeping for municipal operations
- Identify and facilitate opportunities for cooperation that will assist the parties in meeting state and federal requirements for improving storm water quality
- Assist with development of storm water pollution control management plans and programs, discharge monitoring reports, annual reports and other TCEQ reports
- Coordinate training opportunities and distribute public information materials as needed
- Coordinate and address special needs upon request, such as tracking illicit connection/illegal dumping remediation activities and/or mapping storm drain outfalls and storm sewer systems
- Assist with the inspection and enforcement of the general permit, as directed by the City.

The Agreement also requires the District to provide an annual funding contribution to the City to cover administrative, operational and technical services provided by the City. The annual fee for the first year of the permit term is \$1,500. The initial term of the Agreement is for a five (5) year period and will automatically renew at the end of the five (5) year term, unless either party

provides notice to terminate.

Staff recommends approval of Resolution No. R-1937, a Resolution authorizing the City Manager to execute the Agreement regarding participation in the storm water management program, attached as Exhibit "A" to Resolution No. R-1937.

Key Discussion Points:

- Council Benton made the general comment that Council relies heavily on Staff to bring it to their awareness when such items will add extended time and additional debt to MUDs.
- City Manager Gracia noted the comment and will advise Staff accordingly.

Action: Councilor McConathy made a motion, seconded by Councilor Euton to approve Items 2A, 2B, 2C, and 2D. The motion carried by a unanimous vote of those present.

2B. ***This item was originally Item C on the Consent Agenda.***

CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1938, A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, A STORM WATER MANAGEMENT INTERLOCAL COOPERATION AGREEMENT, BY AND BETWEEN THE CITY AND FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 159 REGARDING PARTICIPATION IN THE STORM WATER MANAGEMENT PROGRAM.

Executive Summary: This item has been included on the Agenda to offer City Council the opportunity to consider approval of a Storm Water Management Interlocal Cooperation Agreement (Agreement) with Fort Bend County Municipal Utility District No. 159 (District) regarding participation in the City's storm water management program (SWMP). This is one of four (4) separate District's with the identical Agreement for consideration at the March 17th City Council meeting. This District is located completely within the City Limits, with the City being responsible for construction inspections inside of the District boundaries through the normal permitting and inspection process. Therefore, the Agreement would minimize duplication of effort by both entities. Per the Agreement, the District would continue to be solely responsible for the operation and maintenance of detention basins including the cleaning and removal of trash and other debris. The primary objectives of the Agreement are summarized as follows:

- Develop a comprehensive and coordinated strategy for managing storm water pollution controls and complying with current requirements of the TCEQ issued permit.
- Develop a comprehensive and coordinated SWMP as required by the TCEQ permit to address the following minimum control measures:
 1. Public education, outreach and involvement
 2. Illicit discharge detection and elimination
 3. Construction site storm runoff control
 4. Post-construction storm water management in new development and redevelopment
 5. Pollution prevention and good housekeeping for municipal operations
- Identify and facilitate opportunities for cooperation that will assist the parties in meeting state and federal requirements for improving storm water quality
- Assist with development of storm water pollution control management plans and programs, discharge monitoring reports, annual reports and other TCEQ reports
- Coordinate training opportunities and distribute public information materials as needed
- Coordinate and address special needs upon request, such as tracking illicit connection/illegal dumping remediation activities and/or mapping storm drain outfalls and storm sewer systems
- Assist with the inspection and enforcement of the general permit, as directed by the City.

The Agreement also requires the District to provide an annual funding contribution to the City to cover administrative, operational and technical services provided by the City. The annual fee for the first year of the permit term is \$1,500. The initial term of the Agreement is for a five (5) year period and will automatically renew at the end of the five (5) year term, unless either party provides notice to terminate.

Staff recommends approval of Resolution No. R-1938, a Resolution authorizing the City Manager

to execute the Agreement regarding participation in the storm water management program, attached as Exhibit "A" to Resolution No. R-1938.

Items 2A, 2B, 2C, and 2D were voted upon and carried in one motion under Item 2A.

2C. ***This Item was originally Item D on the Consent Agenda.***

CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1939, A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, A STORM WATER MANAGEMENT INTERLOCAL COOPERATION AGREEMENT, BY AND BETWEEN THE CITY AND FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 167 REGARDING PARTICIPATION IN THE STORM WATER MANAGEMENT PROGRAM.

Executive Summary: This item has been included on the Agenda to offer City Council the opportunity to consider approval of a Storm Water Management Interlocal Cooperation Agreement (Agreement) with Fort Bend County Municipal Utility District No. 167 (District) regarding participation in the City's storm water management program (SWMP). This is one of four (4) separate District's with the identical Agreement for consideration at the March 17th City Council meeting. This District is located completely within the City Limits, with the City being responsible for construction inspections inside of the District boundaries through the normal permitting and inspection process. Therefore, the Agreement would minimize duplication of effort by both entities. Per the Agreement, the District would continue to be solely responsible for the operation and maintenance of detention basins and pump station, including the cleaning and removal of trash and other debris. The primary objectives of the Agreement are summarized as follows:

- Develop a comprehensive and coordinated strategy for managing storm water pollution controls and complying with current requirements of the TCEQ issued permit.
- Develop a comprehensive and coordinated SWMP as required by the TCEQ permit to address the following minimum control measures:
 1. Public education, outreach and involvement
 2. Illicit discharge detection and elimination
 3. Construction site storm runoff control
 4. Post-construction storm water management in new development and redevelopment
 5. Pollution prevention and good housekeeping for municipal operations
- Identify and facilitate opportunities for cooperation that will assist the parties in meeting state and federal requirements for improving storm water quality
- Assist with development of storm water pollution control management plans and programs, discharge monitoring reports, annual reports and other TCEQ reports
- Coordinate training opportunities and distribute public information materials as needed
- Coordinate and address special needs upon request, such as tracking illicit connection/illegal dumping remediation activities and/or mapping storm drain outfalls and storm sewer systems
- Assist with the inspection and enforcement of the general permit, as directed by the City.

The Agreement also requires the District to provide an annual funding contribution to the City to cover administrative, operational and technical services provided by the City. The annual fee for the first year of the permit term is \$1,500. The initial term of the Agreement is for a five (5) year period and will automatically renew at the end of the five (5) year term, unless either party provides notice to terminate.

Staff recommends approval of Resolution No. R-1939, a Resolution authorizing the City Manager to execute the Agreement regarding participation in the storm water management program, attached as Exhibit "A" to Resolution No. R-1939.

Items 2A, 2B, 2C, and 2D were voted upon and carried in one motion under Item 2A.

2D. ***This Item was originally Item E on the Consent Agenda.***

CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1944, A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, A STORM WATER

MANAGEMENT INTERLOCAL COOPERATION AGREEMENT, BY AND BETWEEN THE CITY AND FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 144 REGARDING PARTICIPATION IN THE STORM WATER MANAGEMENT PROGRAM.

Executive Summary: This item has been included on the Agenda to offer City Council the opportunity to consider approval of a Storm Water Management Interlocal Cooperation Agreement (Agreement) with Fort Bend County Municipal Utility District No. 144 (District) regarding participation in the City's storm water management program (SWMP). This is one of four (4) separate District's with the identical Agreement for consideration at the March 17th City Council meeting. This District is located almost completely within the City Limits, with the City being responsible for construction inspections for the portion of the District located within the City Limits through the normal permitting and inspection process. Therefore, the Agreement would minimize duplication of effort by both entities. Per the Agreement, the District would continue to be solely responsible for the operation and maintenance of detention basins including the cleaning and removal of trash and other debris. The primary objectives of the Agreement are summarized as follows:

- Develop a comprehensive and coordinated strategy for managing storm water pollution controls and complying with current requirements of the TCEQ issued permit.
- Develop a comprehensive and coordinated SWMP as required by the TCEQ permit to address the following minimum control measures:
 1. Public education, outreach and involvement
 2. Illicit discharge detection and elimination
 3. Construction site storm runoff control
 4. Post-construction storm water management in new development and redevelopment
 5. Pollution prevention and good housekeeping for municipal operations
- Identify and facilitate opportunities for cooperation that will assist the parties in meeting state and federal requirements for improving storm water quality
- Assist with development of storm water pollution control management plans and programs, discharge monitoring reports, annual reports and other TCEQ reports
- Coordinate training opportunities and distribute public information materials as needed
- Coordinate and address special needs upon request, such as tracking illicit connection/illegal dumping remediation activities and/or mapping storm drain outfalls and storm sewer systems
- Assist with the inspection and enforcement of the general permit, as directed by the City.

The Agreement also requires the District to provide an annual funding contribution to the City to cover administrative, operational and technical services provided by the City. The annual fee for the first year of the permit term is \$1,500. The initial term of the Agreement is for a five (5) year period and will automatically renew at the end of the five (5) year term, unless either party provides notice to terminate.

Staff recommends approval of Resolution No. R-1944, a Resolution authorizing the City Manager to execute the Agreement regarding participation in the storm water management program, attached as Exhibit "A" to Resolution No. R-1944.

Items 2A, 2B, 2C, and 2D were voted upon and carried in one motion under Item 2A.

2. REVIEW AND DISCUSS A PRESENTATION REGARDING A PROPOSED EAGLE SCOUT PROJECT TO REFURBISH BENCHES AT COMMUNITY PARK, AND TAKE ACTION AS NECESSARY.

Executive Summary: On January 22, 2015, at the regularly scheduled Parks and Recreation Board (Board) meeting, Jonathan Liang, Troop 1000, presented a proposal to refurbish park benches at Community Park. After reviewing the presentation regarding the proposal, the Board unanimously recommended the Project plan for approval.

Staff recommends approval of the proposed Eagle Scout Project at Community Park based upon Jonathan Liang's presentation and the recommendation of the Parks and Recreation Board.

Key Discussion Points:

- Darren McCarthy, Parks and Recreation Director read the Executive Summary and introduced Jonathan Liang.
- Jonathan Liang, Boy Scout Troop 1000, gave a presentation explaining the proposed Eagle Project involving renovation of existing benches and the addition of two new benches.
- Funding for the additional benches will be provided by leftover funds from the donation from The CHURCH for lights, who have already given their permission.
- Mayor and Council thanked Jonathan for his interest in Community Park and his service to the City.

Action: Councilor McConathy made a motion, seconded by Councilor Euton to approve the proposed Eagle Scout Project to refurbish benches at Community Park. The motion carried by a unanimous vote of those present.

3. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1942, A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, AN AGREEMENT, BY AND BETWEEN THE CITY AND THE ROSENBERG ROUGHNECKS YOUTH FOOTBALL, FOR THE USE OF DESIGNATED FIELDS AT SEABOURNE CREEK REGIONAL SPORTS COMPLEX AND SUNSET PARK.**

Executive Summary: At the regularly scheduled Parks and Recreation Board (Board) meeting on December 18, 2014, staff presented a proposed Agreement, by and between the City of Rosenberg and the Rosenberg Roughnecks Youth Football (RRYF), for the use of designated fields at Seabourne Creek Regional Sports Complex and Sunset Park for the youth football league. RRYF has also requested use of the concession stand. Currently, the Rosenberg National Little League (RNLL) has exclusive use of the concession stand written into their Agreement with the City.

After some discussion, the Board unanimously recommended the RRYF Agreement be extended, with updates, through 2016 so the end of the Agreement term will coincide with the Agreement terms and expiration in place for RNLL. At that time, provisions for the mutual use of the concession stand may be incorporated into any new Agreements with both RNLL and RRYF.

Staff recommends approval of Resolution No. R-1942 to update and extend the Agreement with the RRYF, attached to the Resolution as Exhibit "A".

Key Discussion Points: Darren McCarthy read the Executive Summary. This document has been reviewed by the City Attorney for compliance.

Action: Councilor McConathy made a motion, seconded by Councilor Grigar to approve Resolution No. R-1942, a Resolution authorizing the City Manager to negotiate and execute, for and on behalf of the City, an Agreement, by and between the City and the Rosenberg Roughnecks Youth Football, for the use of designated fields at Seabourne Creek Regional Sports Complex and Sunset Park. The motion carried by a unanimous vote of those present.

4. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1936, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT AN APPLICATION TO THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND FOR NORTH ROSENBERG WATER DISTRIBUTION IMPROVEMENTS - PHASE III FOR APPROXIMATELY \$300,000.00.**

Executive Summary: Community Development Block Grant (CDBG) requests are being accepted by Fort Bend County Community Development for the HUD program year 2015. Staff is requesting City Council's approval to pursue the construction and completion of water line infrastructure improvements to serve the north side of Rosenberg. This proposed project will be Phase III of a water infrastructure project originally approved by CDBG for funding in 2005 to improve potable water service to the north side of Rosenberg. This rehabilitation project will offer relief of a long-standing deficiency in the City's infrastructure. The project must be located within a designated area that meets the low to moderate income level criteria based on the 2010 Census data.

The application will include a request for CDBG funding for approximately \$300,000.00. The application will indicate a proposed local match of 10% for construction contingency and the City will pay for engineering. If the application is approved for funding, the local matching funds would be included in a future budget. Requests must be submitted no later than March 20, 2015. Staff recommends approval of the project application submission as proposed in Resolution No. R-1936.

Key Discussion Points: John Maresh, Assistant City Manager of Public Services read the Executive Summary. The general consensus of Council was that this is a worthwhile improvement project.

Action: Councilor Benton made a motion, seconded by Councilor Grigar to approve Resolution No. R-1936, a Resolution authorizing the City Manager to execute and submit an application to the Community Development Block Grant Fund for North Rosenberg Water Distribution Improvements - Phase III for approximately \$300,000.00. The motion carried by a unanimous vote of those present.

5. **CONSIDERATION OF AND ACTION ON A FIRST READING OF ORDINANCE 2015-10, AN ORDINANCE GRANTING TO SIENERGY, L.P., A FRANCHISE TO FURNISH AND SUPPLY GAS TO THE GENERAL PUBLIC IN THE CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS, FOR THE TRANSPORTING, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID MUNICIPALITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE STREETS, ALLEYS, AND PUBLIC WAYS; REQUIRING COMPLIANCE WITH ALL REGULATORY ORDINANCES OF THE CITY; AND PROVIDING FOR ALL OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.**

Executive Summary: It was recently determined that SiEnergy, L.P., is providing natural gas service to areas that are now located within a portion of the Rosenberg city limits. Therefore, SiEnergy, L.P., is required to obtain a franchise agreement from the City. In accordance with Article XII of the City Charter, the City Attorney has prepared Ordinance No. 2015-10 which will grant said franchise to furnish and supply gas to the general public.

Article XII, Section 12.03 of the City Charter identifies specific procedures for approval of franchise ordinances which are summarized below:

- Ordinances shall not be passed finally until its third and final reading
- Ordinances shall be read at three separate regular meetings of the City Council, the last of which shall take place not less than thirty days from the first
- No ordinance granting a franchise shall pass any reading except by a vote of the majority of the City Council
- Ordinances shall not take effect until sixty days after its adoption on its third and final reading
- Any time before the ordinance shall finally take effect, a petition can be presented to the City Council signed by not less than twenty percent of the voters voting at the last regular municipal election, but in no event less than one hundred fifty bona fide qualified voters, requiring the City Council submit the question of granting said franchise to a vote of the qualified voters of the City

SiEnergy, L.P., has reviewed the Ordinance and has no objections to any of the terms. Staff recommends approval of Ordinance No. 2015-10 as presented.

Key Discussion Points: John Maresh read the Executive Summary and gave an overview of the item.

Action: Councilor Benton made a motion, seconded by Councilor McConathy to approve the first reading of Ordinance 2015-10, an Ordinance granting to SiEnergy, L.P., a franchise to furnish and supply gas to the general public in the City of Rosenberg, Fort Bend County, Texas, for the transporting, delivery, sale, and distribution of gas in, out of, and through said Municipality for all purposes; providing for the payment of a fee or charge for the use of the streets, alleys, and public ways; requiring compliance with all regulatory ordinances of the City; and providing for all other provisions related to the subject matter hereof. The motion carried by a unanimous vote of those present.

6. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1940, A RESOLUTION AUTHORIZING THE CITY ENGINEER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, THE ANNUAL REPORT FOR THE CITY OF ROSENBERG'S STORM WATER MANAGEMENT PLAN UNDER TPDES GENERAL PERMIT NO. TXR040272 TO REGULATE STORM WATER DISCHARGES FOR SMALL MUNICIPAL SEPARATE SEWER SYSTEMS (MS4) UNDER TPDES PHASE II MS4 GENERAL PERMIT (TXR040272).**

Executive Summary: The Texas Commission on Environmental Quality (TCEQ) originally adopted the General Permit TXR040000 for the regulation of storm water discharges. Authorized by the Clean Water Act, Phase I regulations were in place for cities with a population in excess of 100,000. The Phase II General Permit for smaller cities located in Urbanized Areas was approved in November 2007.

The majority of the City of Rosenberg (City) lies within the Houston Urbanized Area as originally determined by the 2000 Census; therefore, the City has been identified as a Small Municipal Separate Sewer System (MS4), and complies with the requirements of the Clean Water Act by filing the General Permit.

The City submitted the Notice of Intent and the Storm Water Management Plan to the TCEQ in February 2008. For the past six (6) years, staff presented the Annual Report for the year, and authorized the City Engineer to execute the report and file it.

This is the seventh annual report. This is the first report filed under the revised General Permit issued by the TCEQ.

The revised General Permit requires that the City submit an Annual Report of activities for the reporting period of August 13, 2013 to December 31, 2014. This Agenda item will allow staff to update City Council on the status of the Permit and review the activities for this year. The Annual Report has been included in the agenda packet as Exhibit "A" to Resolution No. R-1940.

Staff recommends approval of Resolution No. R-1940 which accepts the Annual Report and authorizes the City Engineer to execute the Annual Report under TPDES General Permit No. TXR040272 to regulate storm water discharges.

Key Discussion Points: Charles Kalkomey, City Engineer gave an overview of the Item.

Action: Councilor Benton made a motion, seconded by Councilor McConathy to approve Resolution No. R-1940, a Resolution authorizing the City Engineer to execute, for and on behalf of the City, the Annual Report for the City of Rosenberg's Storm Water Management Plan under TPDES General Permit No. TXR040272 to regulate storm water discharges for Small Municipal Separate Sewer Systems (MS4) under TPDES Phase II MS4 General Permit (TXR040272). The motion carried by a unanimous vote of those present.

7. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1943, A RESOLUTION IN SUPPORT OF A PROPOSED SENIOR HOUSING DEVELOPMENT BY CAMPANILE AT SEABOURNE CREEK LP.**

Executive Summary: As discussed at the February 24, 2015 City Council Workshop Meeting, Les Kilday of Campanile at Seabourne Creek LP, has proposed a senior, multi-family development, Campanile at Seabourne Creek, to be located off of Reese Road between I-69 and FM 2218. A vicinity map is included in the agenda packet for reference. The property consists of approximately 9.8 acres for which 132 units are proposed.

At this time, only the preliminary site plan has been provided. A more detailed site plan would be required at a later time for staff to review. Because the project would not comply with the City's multi-family parking requirement beginning at four (4) spaces per unit, a Planned Unit Development (PUD) agreement must be established for the project to go forward. Such an agreement would require a recommendation by the Planning Commission and approval by City Council. At this time, however, what the developer is requesting is a resolution of support for the project from City Council.

When discussed on February 24, 2015, City Council generally had no objections except to say that the project be age-restricted per the developer's presentation, that it not be tax-exempt.

and that there be on-site management among other things. This would be a "tax credit" project through the Texas Department of Housing and Community Affairs, similar to Brazos Senior Villas located at 5801 Reading Road, which was done by the same developer. The tax credit program requires a resolution of support from City Council, hence this agenda item. Resolution No. R-1943 speaks to the age of residents in the development and it should be kept in mind that for the development to go forward, a PUD agreement still must be reached between the developer and the City.

Staff recommends approval of Resolution No. R-1943.

Key Discussion Points: Travis Tanner, Executive Director of Community Development read the Executive Summary and pointed out that some of the language that was discussed at the February 24th Workshop Council Meeting has already been included in this Resolution. This Resolution is only general support of the application, and the other developmental concerns will be worked out at a later time.

Action: Councilor Grigar made a motion, seconded by Councilor Benton to approve Resolution No. R-1943, a Resolution in support of a proposed senior housing development by Campanile at Seabourne Creek LP. The motion carried by a unanimous vote of those present.

8. **HOLD EXECUTIVE SESSION TO CONSULT WITH CITY ATTORNEY ON PENDING LITIGATION REGARDING TEXAS DEPARTMENT OF TRANSPORTATION V. ROSENBERG EMINENT DOMAIN PROCEEDINGS PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE.**

Action: Councilor McConathy made a motion, seconded by Councilor Euton 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 litigation regarding Texas Department of Transportation v. Rosenberg eminent domain proceedings pursuant to Section 551.071 of the Texas Government Code.

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

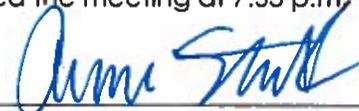
Mayor Morales adjourned the Executive Session and reconvened into Regular Session at 7:53 p.m.

10. **ANNOUNCEMENTS.**

The City of Rosenberg will host its annual Easter Egg Hunt, beginning at 3:00 pm on Saturday, March 28, at the R. W. Lindsey Gazebo in Seabourne Creek Nature Park, 3827 State Highway 36 South.

11. **ADJOURNMENT.**

There being no further business Mayor Morales adjourned the meeting at 7:53 p.m.



Anne Stark, Assistant City Secretary