

CITY OF ROSENBERG

CITY COUNCIL WORKSHOP MEETING MINUTES

On this the 24th day of March, 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
Dallis Warren	Police Chief
Tommy Havelka	Police Officer
Wade Goates	Fire Chief
Angela Fritz	Executive Director of Information Services
Darren McCarthy	Parks and Recreation Director
Rigo Calzoncin	Public Works Director
Kevin Williams	Utilities Superintendent
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 CURRENT STATUS OF THE SPACEK TRACTS' SERVICE PLAN, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.

Executive Summary: In November 2011, the City of Rosenberg annexed the area known as the "Spacek Tracts," consisting of approximately 230 acres generally located east of Spacek Road and on both sides of FM 2977; south of Fort Bend County MUD No. 144 and Rohan Road; and north of Bryan Road. A vicinity map of the area and Ordinance No. 2011-27 are included in the agenda packet for reference.

Due to concerns that have been raised regarding the annexation of this area and the related provision of City services, staff will provide an overview including, but not limited to, the following:

- Municipal service plan for the area (Exhibit "C" to Ordinance No. 2011-27)
- City services that have been provided to date and the estimated cost of providing those services
- Planned capital improvements in the area and related cost estimates
- The estimated cost of extending City water and sanitary sewer through the majority of the area
- The estimated ad valorem tax revenue collected specifically from the area
- The required procedures per City Ordinance/Charter and State law for the disannexation of this or other areas within the City limits
- The provision of fire protection services to the area

This item has been placed on the Agenda for City Council to discuss and provide direction to staff.

Key Discussion Points:

- Travis Tanner, Executive Director of Community Development gave an overview of the item.
- Mr. Tanner gave a presentation regarding current investments in the area, scheduled improvements, and future estimated costs to provide services to the area. Also included were the requirements for disannexation as stated in the City Charter.
- Upon annexation of the Spacek Tract, some City services were provided, such as fire, police, and trash. Others, such as water and sewer, have not been developed in that area to date.
- After discussion, the general consensus of the Council was in favor of disannexation, following proper procedures.

Questions/Comments:

- **Q:** Has there been a petition received to date for disannexation?
- **A:** No petition has been received to date. Some signatures have been gathered by a large number of residents in the area, but it is a small, residential area, and is not representative of the original annexation.
- **C:** We can lawfully disannex as long as the services remain contiguous and it does not cut off our ETJs.
- **Q:** Can Council initiate the disannexation without a petition?
- **A:** No we cannot. We must have a petition from the majority of the qualified voters who live in the area. We could do so if it was unoccupied territory, but if there are residences, we must have a majority under our Charter. When we receive a petition, we would have to confirm the number of qualified voters in this area.
- **Q:** Is there any plan to provide the services (water, sewer, etc.) to this area?
- **A:** The current five year CIP has a waterline to be installed along Lark Street. That project is going to be constructed regardless of disannexation, because that project is directly related to our groundwater reduction projects. Other than that, there are no other water or sanitary sewer projects on our five year CIP.
- **C:** Many of the other developments in the same area, such as the Oaks of Rosenberg neighborhood, would not be a part of the City and be afforded the services they are receiving had the Council not had the foresight to annex them. Other residents in the area took many years to receive their City-provided services that they are now enjoying. A potential issue is this area not being included in the ESD (Emergency Services District) #6, so if we disannex them, they would be without emergency services.
- **C:** Beginning September 30, 2016, the fire department is to cease operation in unincorporated areas of Fort Bend County. This was at the heart of the annexation in the first place.
- **C:** Most of the calls that are responded to by our fire department are EMS calls, and there is County-provided EMS to service the area.
- **C:** The City can still choose to provide Emergency Services to the ETJ and be reimbursed by the County for those services, but the reimbursement amount is a shortfall to the actual cost of services.
- **C:** Under State law, if we choose to disannex this piece of property, we will not be able to reannex it for any purpose for a period of ten years.
- **C:** We need to do our due diligence to inform these citizens before they begin signing a

formal petition of the potential consequences, such as the ten year time period and the emergency services. We recommend having a Town Hall Meeting to disclose this information to the residents.

Speaker:

- **Hebert Castillo, 1310 Cardinal Drive, Richmond, Texas** addressed the Council regarding this item, and presented approximately 70 petitions, which equates to 60% of the people who live in the community by his calculation. The residents are well aware of the consequential change of services and the challenges they will present, but they have dealt with these challenges before the annexation. This community is self-sufficient; the only potential issue may be fire service, which is being discussed with both the Fire Chief and the County Commissioner. In ten years, they may be requesting to be back in the City limits, but for now, they want to be disannexed.

2. REVIEW AND DISCUSS USE OF PORTABLE BUILDINGS AS AN INTERIM SOLUTION FOR OFFICE SPACE NEEDS AT WASTEWATER TREATMENT PLANT 1-A, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.

Executive Summary: During the course of the Facilities Master Plan study, City management and the Blue Ribbon Facilities Task Force (Task Force) identified a potentially dangerous office arrangement at Wastewater Treatment Plant 1-A. Several staff members have offices and workstations adjacent to a high-pressure chlorine injector. As chlorine can be a toxic chemical beyond certain thresholds, both City management and the Task Force members recognized the potential danger presented to the adjacent employees in the event of an accidental chlorine leak. Included in the agenda packet is correspondence from the Task Force recommending that the City take immediate action to mitigate this potential hazard.

Staff has considered a plan for a lease with option to purchase of modular buildings that will separate the office functions, as well as break room and meeting area space, from the operational buildings. Additional supporting documentation includes estimates and schematics for modular buildings that could fulfill the Utility Department's office needs. Due to the unusual combination of features required in the employee modular building, this facility will likely require a custom design.

Upon City Council direction to do so, staff will return in the near future with a Request for Proposals document for consideration.

Key Discussion Points:

- Jeff Trinker, Executive Director of Support Services gave an overview of the item.
- The Blue Ribbon Facilities Task Force toured all of the facilities owned by the City, and they immediately raised concern for the health and safety of the employees at this Wastewater Treatment Plant with regards to their close proximity to large quantities of pressurized chlorine. They have witnessed signs of chlorine infiltration in the office space, as evidenced by corrosion to metal objects such as pipes and file cabinets.
- Staff is asking for direction to investigate the acquisition of modular building(s) to relocate Utilities staff, and would like permission to submit a Request for Proposals.
- Robert Gracia, City Manager, emphasized the critical nature of the unsafe work environment.
- After discussion, the general consensus was to gather information through the RFP process and bring it back to Council at a later date.

Questions/Comments:

- **Q:** How long has this condition existed?
- **A:** This condition has existed for a numbers of years.
- **Q:** Are we in violation of any sort of hazardous material regulations?
- **A:** No, but in general, chlorine is a very hazardous material and it is not good to inhale.
- **C:** Typically, the lab building (which was the original intent of this structure) is just for the use of wastewater treatment plant operators for record keeping, as they spend the majority of their time outdoors. It was not intended for full-time offices of employees. Such functions are usually in separate buildings.
- **Q:** Are we providing the appropriate ventilation in this facility?
- **A:** We do meet the TCEQ requirements for ventilation.
- **Q:** How many employees are located at this facility at any one period of time?

- **A:** It varies, but there are two employees that are there the majority of the time, and other operators are in and out throughout the day.
- **Q:** What was PGAL's recommendation for this facility?
- **A:** They have not yet finalized their conclusion, but they are looking into a long-term solution of a Public Works Complex. These buildings would not be for long-term use, but for a short-term solution to the immediate problem. This particular facility was never considered for retrofit, in large part due to the conditions there.
- **C:** Staff should continue to shop around for a good price, and should consider purchasing as opposed to leasing.
- **C:** It is a dangerous situation and the employees need to be moved. However, there is concern over the cost and size of a modular building as a temporary fix.
- **C:** This is a safety issue. We need to react swiftly and strongly to get employees out of this environment, and worry about the cost later. The chief concern should be the safety and welfare of the people.
- **Q:** Why does the current proposal have space for eight if there are only two employees housed full-time in the current facility?
- **A:** We would like to move the people from the other building on the same property into the modular building so that all of the employees will be housed under one roof. There are approximately 16 people in and out throughout the day.
- **Q:** Could we cut costs by having City employees doing the electrical and plumbing in-house?
- **A:** Electrical would have to be done by a licensed electrician, but some of the plumbing could be done in-house.
- **Q:** Are we going to continue to use chlorine with our surface water treatment?
- **A:** This hazard will be phased out in the next three to five years.
- **Q:** Could these employees be relocated to a less hazardous environment, or do they need to be at this particular facility?
- **A:** They could potentially be housed somewhere else, but the issue is that there is no office space anywhere else.
- **Q:** Is this site inspected periodically by the TCEQ or the EPA?
- **A:** It is annually inspected by TCEQ, and the EPA will do a periodic inspection of the risk management plan.
- **Q:** Have we received any citations or anything to indicate that this is urgent?
- **A:** Yes, Southwest Water (the former operator of this plant) received a fine the last time there was an inspection by the EPA.
- **Q:** Why is this is a custom design instead of a standard building?
- **A:** We may be able to use a standard building for the office space, but the employee space will have to be custom because there are not any buildings that come standard with a kitchen, lockers, and a shower.

3. REVIEW AND DISCUSS HOURS OF CONSTRUCTION WITHIN THE CITY OF ROSENBERG, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.

Executive Summary: This item has been added to the Workshop Agenda in order to offer City Council the opportunity to discuss construction within the City of Rosenberg, and the hours during which said construction may occur. Included in the agenda packet is the current applicable Code relative to construction within the City.

Key Discussion Points:

- Amanda Barta, Councilor, District 4, gave an overview of the item.
- This item was brought before Council due to a cement company in the Town Center area beginning work at 2 a.m., and the subsequent complaint calls throughout the early morning hours, many coming from families with young children. Ms. Barta would like Council to review the Ordinance as it is currently written and the corresponding fines.
- Dallis Warren, Police Chief, advised that Rosenberg Police Department received a large number of calls that night and responded twice to that location. Typically, with calls of this nature, officers visit the location and are able to get voluntary compliance. In this case, assuming this business values the importance of their work or the deadline of their schedule over the threat of a relatively small fine, officers were unable to get the noise to stop.
- Scott Tschirhart, City Attorney, recommended that we include these restrictions as part of the construction permitting process, making it easier to separate businesses from residents,

ensuring that every construction company is aware of the restrictions, and granting the ability to pull a permit in order to stop the work immediately upon a violation of this nature.

- After discussion, the general consensus was to have the City Attorney investigate options and bring them before Council in order to tighten up the rules to avoid future noise complaints on this level. Another suggestion was to possibly put a vicinity map on the City's website with the areas the street sweeper proposes to sweep to inform citizens so they could move their cars out of the street during that period of time.

4. REVIEW AND DISCUSS PROPOSED IMPROVEMENT OF RECEIPT OF NOTICE REGARDING STREETS TO BE SWEEPED FROM THE STREET SWEEPING CONTRACTOR, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.

Executive Summary: This item has been added to the Workshop Agenda in order to discuss the proposed improvement of notice regarding streets scheduled to be swept in the City, and relates to notice currently provided by the street sweeping vendor in advance of such sweeping.

Key Discussion Points:

- William Benton, Councilor, At Large Position 1, brought this item before Council to ask for notice of when the street sweepers will be coming so that residents are able to move their cars in order to take full advantage of this service.
- John Maresh, Assistant City Manager, explained that the contractor gives the City daily notice of what they plan to do each day, but are unable to provide much more foresight, due to variables of equipment breakdown, weather, logistics, and the schedule or success of the previous day.
- After discussion, the general consensus was for Public Works to work with the street sweeping contractor in order to investigate possible ways to communicate their projected schedule with residents.

5. REVIEW AND DISCUSS PROPOSED POLICE PRESENCE AT THE INTERSECTIONS OF AVENUE H/STATE HIGHWAY 36 AND AVENUE I/STATE HIGHWAY 36 DURING PEAK TRAFFIC TIMES, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.

Executive Summary: There have been certain traffic-related concerns expressed regarding the intersections of Avenue H and State Highway 36, and at Avenue I and State Highway 36.

This item has been added to the Workshop Agenda to offer City Council the opportunity to discuss a potential increase in the police presence at these sites in the morning from 7:00 a.m., to 8:30 a.m., and in the evening from 4:00 p.m., to 5:30 p.m., Monday through Friday. The increased presence would not be required during the summer months and/or during school holidays. Discussion may also include potential budgetary implications of such presence, signage options, and revised signalization in these areas.

Key Discussion Points:

- Councilor Benton gave an overview of the item, stating that the lights seem to be mistimed, causing vehicles to block the intersections. He believes police presence during peak hours, along with increased signage, will help alleviate some of the violations and impatience.
- Dallis Warren agreed that there is congestion at these intersections, which are home to some of the highest volume traffic in the City. The intersections in question have been targeted by RPD on multiple occasions throughout the year, but for a daily police presence at the specified hours, the cost would be approximately \$65,000 in overtime for an entire year.
- Chief Warren has made two requests to TXDOT, and TXDOT has added some signage, but not necessarily the signage as requested. He has also requested that TXDOT review the synchronization of those traffic lights, but there is no timeline for a resolution at this time.
- After discussion, the general consensus of Council was to have Police Chief Warren provide a more detailed cost estimate of increased police presence during the high volume traffic times, and to have Mayor Morales write a letter on behalf of the City to TXDOT with regard to this intersection.

Mayor Morales recessed the meeting for a five minute break.

6. REVIEW AND DISCUSS PROHIBITION OF EIGHTEEN-WHEELER TRAFFIC FROM THE INTERSECTIONS OF AVENUE H/STATE HIGHWAY 36 AND AVENUE I/STATE HIGHWAY 36, AND TAKE ACTION AS NECESSARY TO

DIRECT STAFF.

Executive Summary: This item has been added to the Workshop Agenda in order to discuss the potential prohibition of through semi truck traffic at the intersections of Avenue H and State Highway 36 and Avenue I and State Highway 36, unless the truck's destination is actually located within the City.

Discussion may also include LED or other signalization methods that would direct truck traffic to Spur 10, or other byways outside of the City; and, proposed educational and informational signage for truck drivers that could be placed along U.S. 59, Highway 90, Spur 10, and State Highway 36 regarding same.

Key Discussion Points:

- Councilor Benton brought this item before Council to determine if there is anything Council or staff can do in order to encourage 18-wheeler trucks to use Spur 10 instead of cutting through town on Highway 36.
- Scott Tschirhart advised that the City can prohibit use of surface streets, but cannot prohibit truckers from using State Highways and Farm-to-Market Roads.
- Mayor Morales stated that many GPS devices do not even recognize Spur 10 as a route.
- The general consensus of Council was to request additional signage from TXDOT at Spur 10 to encourage 18-wheeler traffic use thereof. Mr. Tschirhart advised Council to involve State Congressmen to further persuade TXDOT.

7. REVIEW AND DISCUSS THE PROPOSED FY2015 STREET OVERLAY/RECONSTRUCTION PROJECT LIST, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.

Executive Summary: In past years, the Public Works Department has submitted the list of streets to be overlaid and rebuilt to City Council for approval. For FY2015, the Public Works Department has identified a list of twenty-seven (27) street sections that have immediate needs, at a total estimated cost of \$3.5 million. The FY2015 Budget includes funding in the amount of \$800,000, therefore staff has prioritized a list that will fall within the budgeted amount. Both of the aforementioned lists and location maps have been included within the agenda packet.

Due to the backlog of work on the Fort Bend County Road and Bridge Department's work schedule, the FY2015 proposed project list also includes the costs for a Contractor to provide the necessary equipment and labor to complete the project. All of the material, labor and equipment costs are based on current Fort Bend County bids, with the exception of the subgrade lime stabilization which will have to be bid separately by the City.

For reference, the list of remaining streets to be repaved from the approved FY2014 Street Paving Project list is also included in the packet. Fort Bend County Road and Bridge Department is still planning to complete the remainder of the FY2014 work later this Spring/Summer.

Staff recommends approval of the Prioritized FY2015 Street Overlay and Reconstruction Project List that will fall within the budgeted amount as presented. If City Council concurs, an action item will be placed on an upcoming Regular City Council Agenda.

Key Discussion Points:

- John Maresh, Assistant City Manager of Public Services read the Executive Summary.
- Councilor Grigar supports the list, and further encourages taking some of these streets that are in the worst shape out for bid in order to improve them in a timelier manner, rather than waiting on the County.
- The current plan is to wait on the County to be able to get to us on their workload, but to look into contractors as the end of the year approaches in order to be able to improve some of the worst streets sooner rather than later.
- After discussion, the general consensus of the Council was in support of the Prioritized FY2015 Street Overlay and Reconstruction Project List as presented.

8. REVIEW AND DISCUSS BUILDING PLANS FOR RESTROOM AT MACARIO GARCIA PARK, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.

Executive Summary: Replacement of the restrooms at Macario Garcia Park was designated as a park improvement in the FY2015 Budget by the Rosenberg Development Corporation. The current restroom facility is outdated and cannot be sanitized properly. Building plans for a prefabricated, modular restroom unit were presented at the regularly scheduled Parks and Recreation Board meeting on January 22, 2015. The Board reviewed the plans and after some discussion, unanimously recommended to have the current restroom facility removed and replaced with a new one similar to the plans from WalCon, Inc.

Staff has placed this item on the Agenda to receive City Council's input on the Board recommendation that a new restroom facility replace the current restroom facility in Macario Garcia Park.

Key Discussion Points:

- Darren McCarthy, Parks and Recreation Director gave an overview of the item and presented a draft document containing the suggested specifications for the replacement restroom facility.
- The \$150,000 requested would provide for deconstruction of the existing facility and construction of the new facility.
- Garcia Park is the last park for restroom replacement. Its specifications will be in line with the previous parks' restroom facilities.
- The consensus of the Council was to move forward with the proposal.

9. ADJOURNMENT.

There being no further business, Mayor Morales adjourned the meeting at 8:40 p.m.



Anne Stark, Assistant City Secretary