

**CITY OF ROSENBERG**  
**REGULAR COUNCIL MEETING MINUTES**

On this the 7th day of April, 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
Amanda Barta	Councilor, District 4

**STAFF PRESENT**

Robert Gracia	City Manager
Scott M. Tschirhart	City Attorney
Anne Stark	Assistant 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
Lisa Olmeda	Human Resources Director
Jeanne M. McDonald	Attorney
Dallis Warren	Police Chief
Tommy Havelka	Police Officer
Austin Eaton	Police Officer
Wade Goates	Fire Chief
Jeff Schumann	Fire Lieutenant
Cody Bittner	Fire Driver Operator
Cornelius Brooks	Firefighter
Angela Fritz	Executive Director of Information Services
Randall Malik	Economic Development Director
Rigo Calzoncin	Public Works Director
James Lewis	Information Services Manager
Daniel Kelleher	Main Street Manager
Jackie Jurasek	Animal Control Supervisor
Kaye Supak	Executive Assistant

**CALL TO ORDER.**

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

**Invocation and Pledge of Allegiance.**

Pastor Rodrick Perkins, The Place Church, Rosenberg, gave the invocation and led the pledge of allegiance to the flag.

**PRESENTATION OF THE WILLIE D. MCQUEEN, JR., EMPLOYEE OF THE QUARTER AWARD.**

Wade Goates, Fire Chief, presented the Willie D. McQueen, Jr., Employee of the Quarter Award to Lieutenant Jeff Schumann, Driver/Operator Cody Bittner, and Firefighter Cornelius Brooks for their quick action as first responders on a scene in December 2014 involving a LCISD student in cardiac arrest.

**PRESENTATION OF CERTIFICATE OF APPRECIATION TO RANDY WEISHEIMER FOR HIS SERVICE AS A POLICE EXPLORER ADVISOR FROM 2008-2015.**

Dallis Warren presented a Certificate of Appreciation to Randy Weisheimer for his service as a Police Explorer Advisor from 2008-2015.

**PRESENTATION OF CERTIFICATES OF APPRECIATION TO CITY OF ROSENBERG COMMITTEE MEMBERS.**

Mayor Morales presented Certificates of Appreciation to members of the following boards and committees:

- Water/Wastewater Impact Fee
- Animal Control Shelter Advisory Board
- Building and Standards Board
- Firefighters' Pension Board
- Image Committee
- Main Street Advisory Board
- Parks and Recreation Board
- Planning Commission
- Rental Property Appeals Board
- Rosenberg Development Corporation
- Richmond-Rosenberg Local Government Corporation
- West Fort Bend Management District

**PRESENTATION OF ROSENBERG IMAGE COMMITTEE BEAUTIFICATION AND RENOVATION AWARDS.**

William Benton, Councilor presented Rosenberg Image Committee Beautification and Renovation Awards to:

*Present:*

- Capital One Bank                      1306 Spacek Road
- Friends of North Rosenberg        503 3<sup>rd</sup> Street
- The Witt Pitt                              2516 1<sup>st</sup> Street

*Not Present:*

- LD Sylvester Hayes                    2003 Hamilton Street
- Sidney Niemeyer                        2713 Monroe Avenue
- Richard and Bobbie Spoons        3720 Avenue R

**PRESENTATION OF PROCLAMATION PROCLAIMING APRIL 10, 2015, AMERICAN CANCER SOCIETY RELAY FOR LIFE DAY IN THE CITY OF ROSENBERG.**

Mayor Morales presented a Proclamation Proclaiming April 10, 2015, American Cancer Society Relay for Life Day in the City of Rosenberg.

**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.*

- Alex Martinez, residence unknown, provided Council with feedback from a previous City Council Meeting.
- Hebert Castillo, 1310 Cardinal Drive, Richmond, Texas addressed the Council regarding the Spacek Tract disannexation.

**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 REGULAR MEETING MINUTES FOR MARCH 17, 2015, AND WORKSHOP MEETING MINUTES FOR MARCH 24, 2015.**

**B. CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1949, A RESOLUTION IN SUPPORT OF TEXAS SENATE BILL NO. 581 RELATING TO THE CREATION OF A CAMPUS OF THE TEXAS STATE TECHNICAL COLLEGE SYSTEM IN FORT BEND COUNTY.**

**Executive Summary:** Senator Lois Kolkhorst of Texas Senate District 18 has filed Texas Senate Bill No. 581, 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-1949 as presented.

**C. CONSIDERATION OF AND ACTION ON THE CITY OF ROSENBERG FY2015 STREET OVERLAY AND RECONSTRUCTION PROJECT LIST.**

**Executive Summary:** The list of streets for the proposed FY2015 Street Overlay and Reconstruction Project was presented to City Council during the March 24, 2015 Workshop. A copy of the Priority Project List is included in the agenda packet. The cost estimate for the recommended streets included on the Priority Project List is approximately \$800,253.55. The FY2015 Budget includes \$800,000.00, which should fully fund the FY2015 project.

Upon City Council approval, staff will take the necessary actions to purchase the material, including labor and equipment utilizing the Fort Bend County bids. Staff will also prepare bid specifications and complete the bidding process for the subgrade lime stabilization. After bids are received, an action item to award this bid will be placed on a future City Council Agenda.

For reference, the list of remaining streets to be repaved from the approved FY2014 Street Paving Project list is also included in the agenda 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 FY2015 Priority Street Overlay and Reconstruction Project List as presented.

**D. CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1953, A RESOLUTION ACKNOWLEDGING THE ACQUISITION, BY GENERAL WARRANTY DEED, OF A 20-FOOT WIDE STRIP OF LAND IN THE ROBERT E. HANDY SURVEY, ABSTRACT 187, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS, BEING OUT OF AND A PART OF THAT CERTAIN CALLED 0.998 ACRE TRACT RECORDED IN VOLUME 2725, PAGE 4, OFFICIAL RECORDS, FORT BEND COUNTY, TEXAS, AND GENERALLY LOCATED AT 5187 BRYAN ROAD, ROSENBERG, TEXAS, AND ASSOCIATED WITH THE BRYAN ROAD IMPROVEMENT PROJECT.**

**Executive Summary:** As a part of the improvements necessary for the widening of Bryan Road, City Council authorized staff to negotiate and purchase certain real property, namely a 20-foot strip of property located at 5187 Bryan Road to serve as a part of the required public right-of-way for the Bryan Road Improvement Project.

Staff has successfully completed the negotiation and successfully acquired said real property. Accordingly, staff recommends approval of Resolution No. R-1953 providing for the acceptance of said property generally located at 5187 Bryan Road, Rosenberg, Texas, and associated with the Bryan Road Improvement Project.

**E. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF THE RESERVE AT BRAZOS TOWN CENTER SECTION FOUR, BEING 27.6398 ACRE TRACT OF LAND BEING A PARTIAL REPLAT OF RESERVE "H", BLOCK 4, THE VILLAGES AT ROSENBERG (SLIDE NO. 1945 A&B; F.B.C.P.R.) CONVEYED TO FIGURE FOUR PARTNERS, LTD. (F.B.C.C.F. NO. 2013159055) IN THE JANE H. LONG LEAGUE, ABSTRACT NO. 55, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS; 4 RESERVES, 104 LOTS, 3 BLOCKS.**

**Executive Summary:** The Final Plat of The Reserve at Brazos Town Center Section Four is located off of Town Center Boulevard, north of its intersection with Vista Drive. It is located within the City Limits; in Fort Bend County MUD No. 167; and immediately west of The Reserve at Brazos Town Center Section Three, which has been recorded. The Plat consists of approximately 27.6 acres, with 104 single-family residential lots and four (4) reserves.

The typical lot size for the subdivision is 50 feet in width. This is per the approved Land Plan, which was most recently amended on January 20, 2015. Per the amended Development Agreement, homes in the subdivision will also be a minimum of 51 percent masonry construction, which is noted on the Plat.

The Preliminary Plat of this subdivision was approved by the Planning Commission on November 19, 2014, and the Final Plat was recommended by approval on January 21, 2015. The proposed Final Plat is not in conflict with any applicable regulations, with the approved Land Plan for Brazos Town Center, or with the approved Preliminary Plat. That being said, staff and the Planning Commission recommend approval of the Final Plat of The Reserve at Brazos Town Center Section Four.

**F. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF THE RESERVE AT BRAZOS TOWN CENTER SECTION FIVE, A 22.1380 ACRE TRACT OF LAND IN THE ROBERT HANDY SURVEY, ABSTRACT NO. 187, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS; 3 RESERVES, 73 LOTS, 2 BLOCKS**

**Executive Summary:** The Final Plat of The Reserve at Brazos Town Center Section Five is located off of Town Center Boulevard, to the east of its intersection with FM 2218. It is located within the City Limits and in Fort Bend County MUD No. 167. The Plat consists of approximately 22.14 acres, with 73 single-family residential lots and three (3) reserves.

The typical lot size for the subdivision is fifty-five (55') feet in width. This is per the approved Land Plan, as amended on January 20, 2015. Per the amended Development Agreement, residences in the subdivision must also be a minimum of three (3) sides masonry exterior and 2,000 square feet in size.

The Preliminary Plat of this subdivision was approved by the Planning Commission on October 15, 2014, and the Final Plat was recommended for approval on January 21, 2015. The proposed Final Plat is not in conflict with any applicable regulations, with the approved Land Plan or Development Agreement for Brazos Town Center, or with the approved Preliminary Plat. That being said, staff and the Planning Commission recommend approval of the Final Plat of The Reserve at Brazos Town Center Section Five.

**G. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF THE TOWNHOMES AT BRAZOS TOWN CENTER, A 20.0427 ACRE TRACT OF LAND BEING A REPLAT OF RESTRICTED RESERVE "A", BRAZOS TOWN CENTER, SECTION TWO (PLAT NO. 20050239; F.B.C.P.R.) IN THE JANE H. LONG LEAGUE, ABSTRACT NO. 55, AND IN THE SIMON JONES SURVEY, ABSTRACT NO. 271, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS; 5 RESERVES, 139 LOTS, 3 BLOCKS.**

**Executive Summary:** The Final Plat of The Townhomes at Brazos Town is located off of Town Center Boulevard, north of its intersection with Commercial Drive. It is located within the City Limits and in Fort Bend County MUD No. 167. The Plat consists of approximately 20.04 acres, with 139 townhome lots and five (5) reserves.

The typical lot size for the subdivision is twenty-four (24) to twenty-eight (28) feet in width. This is per the approved Land Plan, as amended on January 20, 2015. Per the amended Development Agreement, the subdivision must comply with the following, among other things:

- Residences shall be a minimum of 1,700 square feet in size;
- Residences shall have three-sided masonry exterior with a landscape buffer between buildings;
- Minimum fifty-foot (50') street right-of-way width;
- Minimum twenty-seven-foot (27') pavement width measured from inside of curb to inside of curb;
- Minimum twenty-foot (20') front building lines on all lots; and,
- A two-car garage shall be required on each lot.

The Planning Commission approved the Preliminary Plat of this subdivision on October 15, 2014, and the Final Plat was recommended for approval on January 21, 2015. The proposed Final Plat is not in conflict with any applicable regulations, with the approved Land Plan or Development Agreement for Brazos Town Center, or with the approved Preliminary Plat. That being said, staff and the Planning Commission recommend approval of the Final Plat of The Townhomes at Brazos Town Center.

H. *Item H was pulled from the Consent Agenda and moved to Item 2A on the Regular Agenda.*

**CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1954, A RESOLUTION ACKNOWLEDGING THE ACCEPTANCE, BY RIGHT-OF-WAY DEED, OF A 0.3030 TRACT OF LAND SITUATED IN THE JAMES LOWERY 1/3 LEAGUE, ABSTRACT NUMBER 275 IN FORT BEND COUNTY, TEXAS, AND BEING OUT OF AND A PART OF THE TRACT OF LAND DESCRIBED IN DEED TO TRINITY LUTHERAN CHURCH OF ROSENBERG, TEXAS, AS RECORDED IN VOLUME 388, PAGE 184 OF THE FORT BEND COUNTY DEED RECORDS, AND GENERALLY LOCATED AT LOUISE STREET AND AVENUE N, AND ASSOCIATED WITH TRINITY LUTHERAN CHURCH EXPANSION PROJECT.**

**Action:** Councilor McConathy made a motion, seconded by Councilor Euton to approve Consent Agenda Items A, B, C, D, E, F, and G. The motion carried by a unanimous vote.

### REGULAR AGENDA

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

**CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1954, A RESOLUTION ACKNOWLEDGING THE ACCEPTANCE, BY RIGHT-OF-WAY DEED, OF A 0.3030 TRACT OF LAND SITUATED IN THE JAMES LOWERY 1/3 LEAGUE, ABSTRACT NUMBER 275 IN FORT BEND COUNTY, TEXAS, AND BEING OUT OF AND A PART OF THE TRACT OF LAND DESCRIBED IN DEED TO TRINITY LUTHERAN CHURCH OF ROSENBERG, TEXAS, AS RECORDED IN VOLUME 388, PAGE 184 OF THE FORT BEND COUNTY DEED RECORDS, AND GENERALLY LOCATED AT LOUISE STREET AND AVENUE N, AND ASSOCIATED WITH TRINITY LUTHERAN CHURCH EXPANSION PROJECT.**

**Executive Summary:** Trinity Lutheran Church ("Church") is located at 1512 Louise Street, which is generally the northwest intersection of Louise and Avenue N, consisting of approximately 2.5 acres. Church representatives met with City staff several months ago to discuss potentially further developing their property. One of the issues brought up at that time was the City's requirement to plat the property in order to obtain a building permit per City ordinance. At the time, staff informed the Church of a less costly and time consuming alternative to platting if they aren't subdividing the property, which is to simply dedicate any rights-of-way or easements that may be necessary and file a plat exemption form before a permit is issued. Staff identified, and the Church confirmed, that ten feet (10') of right-of-way was needed along Avenue N, since Avenue N is a collector street per the City's Major Thoroughfare Plan, and thirty feet (30') of right-of-way would be needed for Louise Street, since the Church currently owns in fee up to the centerline of the street. The Church had no objections to these dedications and submitted deed and legal description for the City's review. Staff has reviewed and found no issues with the proposed deed. However, City Council action is required to formally authorize the acceptance, hence the item being placed on the Agenda. Staff recommends approval of Resolution No. R-1954 authorizing the acceptance.

**Key Discussion Points:** Travis Tanner, Executive Director of Community Development gave an overview of the item. He explained that by dedicating the necessary rights of way to the City, the Church will be exempt from platting.

**Action:** Councilor Benton made a motion, seconded by Councilor McConathy to approve Resolution No. R-1954, a Resolution acknowledging the acceptance, by Right-of-Way Deed, of a 0.3030 tract of land situated in the James Lowery 1/3 League, Abstract Number 275 in Fort Bend County, Texas, and being out of and a part of the tract of land described in deed to Trinity Lutheran Church of Rosenberg, Texas, as recorded in Volume 388, Page 184 of the Fort Bend County Deed Records, and generally located at Louise Street and Avenue N, and associated with Trinity Lutheran Church expansion project. The motion carried by a unanimous vote.

2. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1948, A RESOLUTION IN OPPOSITION TO A REVENUE CAP AND LEGISLATIVE INTERFERENCE WITH LOCAL SERVICES.**

**Executive Summary:** Senate Bill No. 182 has been introduced to the Texas State Senate for the purpose of imposing a cap on revenue generated by City property taxes. This proposed legislation would have a minimal effect on the individual property owner's taxes but would have a dramatic impact on a City's ability to provide essential services.

Resolution No. R-1948 has been included to allow for City Council to provide its support for the opposition of such legislation.

**Key Discussion Points:**

- Vincent M. Morales, Jr., Mayor gave an overview of the item, encouraging Council to approve the Resolution.
- He explained that a cap of 4 percent as opposed to the current 8 percent would be a hindrance to the City and would add associated cost burdens.
- Councilor Benton expressed concern regarding the efficacy of the proposed letter.
- Mayor Morales explained that the City of Rosenberg would be in the company of several other cities in Texas expressing their opposition to the revenue cap, thereby adding strength in numbers.

**Action:** Councilor Grigar made a motion, seconded by Councilor McConathy to approve Resolution No. R-1948, a Resolution in opposition to a revenue cap and legislative interference with local services.

**The motion carried by a vote of 5 to 2 as follows: Yeses: Mayor Morales, Councilors Pena, Euton, Grigar and McConathy. Noes: Councilors Benton and Barta.**

3. **REVIEW AND DISCUSS OVERVIEW REGARDING MUNICIPAL UTILITY DISTRICT OPERATIONS AND DISSOLUTIONS, AND TAKE ACTION AS NECESSARY.**

**Executive Summary:** A Municipal Utility District (MUD) is a political subdivision of the State of Texas authorized by the Texas Commission of Environmental Quality (TCEQ) to provide improvements such as water, sewage, drainage and other services within the MUD boundaries. MUDs are primarily a funding mechanism for the capital outlay necessary to provide said improvements. This item has been included on the Agenda to offer City Council an opportunity to receive and discuss information regarding MUD creation and dissolution.

**Key Discussion Points:** Jeanne H. McDonald, Attorney gave a general overview of the creation and history of MUDs. No action was taken on this item.

4. **REVIEW AND DISCUSS PROPOSED SUPPORT FOR LEGISLATION CREATING FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 218, AND TAKE ACTION AS NECESSARY.**

**Executive Summary:** One part of the Municipal Utility District (MUDs) approval process is consideration of the MUDs legislative language by the Texas Legislature. MUD No. 218 has submitted legislation for the creation of their MUD. House Bill No. 4126 is included in the agenda packet. The developer, D.R. Horton, is seeking support from the City for the legislation.

This Agenda item should not be considered approval of the MUD District itself, but simply demonstrates approval of their legislation as they seek approval from our legislators in order to create the MUD District. The City may withdraw its support at any time.

Should City Council look favorably upon this request, staff will finalize and send the draft correspondence provided.

**Key Discussion Points:** Jeanne H. McDonald gave an overview of the item.

**Action:** Councilor Barta made a motion, seconded by Councilor Grigar to approve the draft correspondence in support of House Bill No. 4126, creating MUD No. 218. The motion carried by a unanimous vote.

5. **CONSIDERATION OF AND ACTION ON A SECOND READING OF ORDINANCE NO. 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. City Council considered and approved the first reading of Ordinance No. 2015-10 at the March 17, 2015 Regular Meeting. Staff recommends approval of this second reading of Ordinance No. 2015-10 as presented.

**Key Discussion Points:** John Maresh, Assistant City Manager of Public Services read the Executive Summary.

**Action:** Councilor Benton made a motion, seconded by Councilor Grigar to approve the second reading of Ordinance No. 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.

6. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1945, A RESOLUTION AWARDED BID NO. 2015-08 FOR TREE TRIMMING SERVICES; AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, A GENERAL SERVICES CONTRACT RELATED THERETO AND/OR ALL NECESSARY DOCUMENTATION REGARDING SAME.**

**Executive Summary:** On Wednesday, March 18, 2015, bids were received and opened for Bid No. 2015-08 for the Tree Trimming Services Contract in Council District No. 4. The City received three (3) bids, the lowest from Bio Landscape and Maintenance, Inc., in the amount of \$19,250.00. The prices that Bio Landscape and Maintenance, Inc., submitted were compared to previous tree trimming done by various vendors for the City and found to be favorable. References were checked and found to be acceptable.

Staff recommends approval of Resolution No. R-1945 which will award Bid No. 2015-08 and provide authorization for the City Manager to negotiate and execute all required documents necessary to facilitate the Agreement. Should City Council award Bid No. 2015-08 as recommended, the proposal will be attached to Resolution No. R-1945 to serve as Exhibit "A".

**Key Discussion Points:** John Maresh read the Executive Summary and gave an overview of the item. He explained that when the previous contract expired two years ago, District 4 was the next on the list, which is why the new contract begins there. Resulting from the reasonable bid by this company, there will be enough money to trim trees in more than one District this year. The general consensus of Council was to approve this Resolution, and to begin gathering information for the next District which could be completed during this calendar year.

**Action:** Councilor Benton made a motion, seconded by Councilor McConathy to approve Resolution No. R-1945, a Resolution awarding Bid No. 2015-08 for Tree Trimming Services; and authorizing the City Manager to negotiate and execute, for and on behalf of the City, a General Services Contract related thereto and/or all necessary documentation regarding same. The motion carried by a unanimous vote.

7. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1946, A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, AN AMENDED AND RESTATED AGREEMENT RELATING TO THE TEMPORARY ASSIGNMENT OF RIGHTS AND OBLIGATIONS UNDER WATER SUPPLY CONTRACT, BY AND BETWEEN THE CITY AND THE GULF COAST WATER AUTHORITY.**

**Executive Summary:** Beginning in 2011, City Council has annually approved a Resolution authorizing the City Manager to execute an Agreement to assign a portion of the City's contracted Brazos River Authority (BRA) raw surface water supply to the Gulf Coast Water Authority (GCWA) at the same rate paid to the BRA. The assignment is subject to BRA consent on an annual basis.

The City's contracted allocation of BRA raw surface water is four thousand five hundred (4,500) acre feet annually. The Agreement under consideration provides for consent to assign the full four thousand five hundred (4,500) acre feet on an annual basis, for the remainder of the BRA contract term which expires August 31, 2050. Section 6 of the Agreement allows either party to terminate the Agreement on December 31 of any year, provided a one-hundred twenty (120) day prior written notice is given to the other party. This provision is important as the City will retain the option to change its course regarding use of the BRA contracted water when the Brazosport Water Authority (BWA) surface water supply project begins to deliver water.

Per the Agreement, GCWA is required to pay or reimburse the City for the assigned water at the same rate charged by the BRA. For FY2015 the BRA rate is \$69.50/acre foot for a total of \$312,750.00. By assigning the raw surface water allocation to GCWA, the City will be able to recoup this full amount. These dollars will be placed back into the Subsidence (GRP) Fund to help cover expenses for the City's alternative water supply internal capital projects currently under design/construction and the BWA Water Supply Agreement which are all necessary to comply with the Fort Bend Subsidence District unfunded mandate to reduce groundwater withdrawals by thirty percent (30%) in 2016.

The Agreement has been reviewed by Attorney Patrick Lindner, serving as Special Counsel regarding water related projects. Staff recommends approval of Resolution No. R-1946, with the Agreement attached as Exhibit "A", as presented. If approved by City Council, the formal Consent Agreement for year 2015 will be placed on a future Agenda for consideration, subject to BRA consent.

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

**Action:** Councilor Euton made a motion, seconded by Councilor McConathy to approve Resolution No. R-1946, a Resolution authorizing the City Manager to negotiate and execute, for and on behalf of the City, an Amended and Restated Agreement Relating to the Temporary Assignment of Rights and Obligations under Water Supply Contract, by and between the City and the Gulf Coast Water Authority. The motion carried by a unanimous vote.

8. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1947, A RESOLUTION RELATING TO THE WATER SUPPLY AGREEMENT, BY AND BETWEEN THE CITY AND BRAZOSPORT WATER AUTHORITY.**

**Executive Summary:** On December 02, 2014, City Council authorized the Mayor to execute a Water Supply Agreement (Agreement) with the Brazosport Water Authority (BWA) as required by the amended Groundwater Reduction Plan (GRP). The Agreement provides a mechanism allowing for compliance with the Fort Bend Subsidence District unfunded mandate to reduce groundwater withdrawals by 30% beginning October 01, 2016, by constructing a pipeline supplying treated surface water to the City. Subsequently on February 03, 2015, City Council

authorized the Mayor to execute Amendment No. 1 to the Agreement, allowing the City to exercise the option to acquire an additional 2.7 million gallons of treated surface water per day.

Section 1.1 of the Agreement includes a provision that allows the City to terminate said Agreement if BWA was unable to secure the issuance of bonds necessary to finance the delivery system by March 31, 2015. Included in the packet is a timeline prepared by BWA's Financial Advisor identifying the various steps and target dates necessary to secure the bond funds. According to the timeline, the funds are scheduled to be delivered on May 27, 2015. Since this date will be past March 31, 2015, BWA has requested written assurance the City does not intend to terminate the Agreement. BWA staff has confirmed they are on schedule and still anticipate delivery of the funds on, or about, May 27, 2015.

Resolution No. R-1947 was prepared by Attorney Patrick Lindner, serving as Special Counsel regarding water related issues. Staff does recommend approval of Resolution No. R-1947 as presented.

**Key Discussion Points:** John Maresh read the Executive Summary and informed the Council that the project is proceeding at this time, now that they have the proper approval in place.

**Action:** Councilor McConathy made a motion, seconded by Councilor Euton to approve Resolution No. R-1947, a Resolution relating to the Water Supply Agreement, by and between the City and Brazosport Water Authority. The motion carried by a unanimous vote.

9. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1951, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AN ENGINEERING SERVICES PROPOSAL FOR ENGINEERING RELATED TO WATER PLANT NO. 8, BY AND BETWEEN THE CITY AND JONES AND CARTER, INC., IN AN AMOUNT NOT TO EXCEED \$586,000.00.**

**Executive Summary:** The construction of Water Plant No. 8 is necessary in order to take delivery of the treated surface water that will be provided by the Brazosport Water Authority to meet the Fort Bend Subsidence District (District) unfunded mandate to reduce groundwater withdrawal by 30% beginning October 01, 2016. The water will be stored and pumped into the City's water distribution system from this facility. Water Plant No. 8 will be located within the boundaries of Fort Bend County Municipal Utility District No. 184 (MUD No. 184) located along A. Meyer Road, between Burdett Road and Benton Road. MUD No. 184 previously agreed to convey a 3-acre water plant site to the City. This project is a component of the Amended Groundwater Reduction Plan (GRP) which has been approved by the District. The Alternate Water Project is also included in the FY2015 Capital Improvements Program approved by City Council on June 17, 2014 (Resolution No. R-1801).

An Engineering Services Proposal for Water Plant No. 8 from Jones and Carter, Inc., is included in the agenda packet as Exhibit "A" to Resolution No. R-1951 for City Council's consideration. The base amount for design and construction phase services is \$440,000.00. Additional services for topographic and boundary surveys, construction staking, construction management, field inspections, geotechnical investigation and other reimbursable expenses total \$146,000.00, for an estimated total of \$586,000.00.

Staff recommends approval of Resolution No. R-1951 as presented.

**Key Discussion Points:** John Maresh read the Executive Summary.

**Action:** Councilor McConathy made a motion, seconded by Councilor Euton to approve Resolution No. R-1951, a Resolution authorizing the City Manager to execute, for and on behalf of the City, an Engineering Services Proposal for engineering related to Water Plant No. 8, by and between the City and Jones and Carter, Inc., in an amount not to exceed \$586,000.00. The motion carried by a unanimous vote.

10. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1952, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AN ENGINEERING SERVICES PROPOSAL FOR CHLORAMINE CONVERSIONS AT WATER PLANT NOS. 2, 3, 4, 5, 6, AND 7, BY AND**

**BETWEEN THE CITY AND JONES AND CARTER, INC., IN AN AMOUNT NOT TO EXCEED \$300,000.00.**

**Executive Summary:** The City of Rosenberg currently uses a free chlorine disinfection system at its existing ground water plant sites. In order to effectively blend the chloramine-treated surface water from the Brazosport Water Authority (BWA), it is necessary to convert the existing free chlorine disinfection system to a chloramine disinfection system. This project is also a component of the Amended Groundwater Reduction Plan (GRP) which has been approved by the Fort Bend Subsidence District in order to reduce groundwater withdrawal by 30% beginning October 01, 2016. The Alternate Water Project is included in the FY2015 Capital Improvements Program approved by City Council on June 17, 2014 (Resolution No. R-1801).

The Engineering Services Proposal from Jones and Carter, Inc., included in the agenda packet as Exhibit "A" to Resolution No. R-1952, provides for the design and construction phase engineering of this conversion process. The base amount for this Project is \$225,000.00. Additional services for surveys, field inspections and other reimbursable expenses are estimated at \$75,000.00, for a total amount not to exceed \$300,000.00. It should also be noted as a part of the preliminary design phase, options for converting the gas chlorine to chlorine bleach will be provided to staff for consideration before the final design phase begins. Secondly, the installation of tank mixers is not included as a part of this project. The cost to install a mixer at every tank is estimated at \$500,000. Instead, staff proposes to complete the chloramine conversion and review the need for mixers at individual tanks, if water quality issues are encountered.

Staff recommends approval of Resolution No. R-1952 as presented.

**Key Discussion Points:** John Maresh read the Executive Summary. He clarified that this is for ground water plant sites, not Wastewater Treatment Plant 1-A that has been discussed in previous meetings.

**Action:** Councilor McConathy made a motion, seconded by Councilor Grigar to approve Resolution No. R-1952, a Resolution authorizing the City Manager to execute, for and on behalf of the City, an Engineering Services Proposal for chloramine conversions at Water Plant Nos. 2, 3, 4, 5, 6, and 7, by and between the City and Jones and Carter, Inc., in an amount not to exceed \$300,000.00. The motion carried by a unanimous vote.

**11. HOLD EXECUTIVE SESSION TO CONSULT WITH CITY ATTORNEY REGARDING PENDING LITIGATION, NAMELY IMPERIAL ARTS V. ROSENBERG, PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE.**

**Action:** Councilor Barta made a motion, seconded by Councilor McConathy 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 regarding pending litigation, namely Imperial Arts v. Rosenberg, pursuant to Section 551.071 of the Texas Government Code.

**12. 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 9:22 p.m.

**13. ANNOUNCEMENTS.**

Rosenberg Railroad Museum RailFest will be held April 11, 2015, from 11:00 a.m. - 5:00 p.m.

**14. ADJOURNMENT.**

There being no further business Mayor Morales adjourned the meeting at 9:23 p.m.



Attest:

Anne Stark, Assistant City Secretary