

CITY OF ROSENBERG

REGULAR COUNCIL MEETING MINUTES

On this the 21st 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

Cynthia McConathy	Mayor Pro Tem
William Benton	Councilor at Large, Position 1
Jimmie J. Pena	Councilor, District 1
Susan Euton	Councilor, District 2
Dwayne Grigar	Councilor, District 3
Amanda Barfa	Councilor, District 4

ABSENT

Vincent M. Morales, Jr.	Mayor
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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
Tonya Palmer	Building Official
Dallis Warren	Police Chief
Tommy Havelka	Police Officer
Wade Wehring	Police Officer
Angela Fritz	Executive Director of Information Services
Darren McCarthy	Parks and Recreation Director
Lydia Acosta	Recreation Program Coordinator
Randall Malik	Economic Development Director
Fernando DeLaGarza	Information Technology Specialist
Kaye Supak	Executive Assistant

CALL TO ORDER.

Mayor Pro Tem McConathy called the meeting to order at 7:01 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE.

Pastor Frankie Rodriguez, Living Stones Church, Sugar Land, gave the invocation.
Lamar High School Air Force Junior ROTC Unit TX-792nd led the pledge of allegiance to the flag.

PRESENTATION OF CERTIFICATES OF APPRECIATION TO 2015 FISH-TASTIC SPONSORS AND VOLUNTEERS.

Lydia Acosta, Recreation Programs Coordinator, presented Certificates of Appreciation to the 2015 FISH-tastic Sponsors and Volunteers.

PRESENT:

- Annalee Machemehl
- B. F. Terry High School National Honor Society
- Coastal Prairie Chapter of Texas Master Naturalists

NOT PRESENT:

- David's Tackle Box
- Kempner High School Interact Club
- Lamar High School Leo's
- Lamar High School National Honor Society

PRESENTATION OF CERTIFICATES OF APPRECIATION TO 2015 EASTER EGG HUNT SPONSORS AND VOLUNTEERS.

Lydia Acosta presented Certificates of Appreciation to the 2015 Easter Egg Hunt Sponsors and Volunteers.

PRESENT:

- Annalee Machemehl
- Lamar High School Air Force Junior ROTC Unit TX-792nd

NOT PRESENT:

- Another Time Soda Fountain
- George Ranch High School Student Council
- Girl Scout Troop 3503
- Lamar High School Leos
- Whataburger

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 REGULAR MEETING MINUTES FOR APRIL 07, 2015.

B. *Item B was pulled from the Consent Agenda and moved to Item 2A on the Regular Agenda.* CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2015-11, AN ORDINANCE GRANTING CONSENT TO THE FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 167 (WHICH INCLUDES BRAZOS TOWN CENTER) FOR THE SALE AND ISSUANCE OF UNLIMITED TAX BONDS, SERIES 2015, IN AN AMOUNT NOT TO EXCEED \$3,575,000.

Action: Councilor Benton made a motion, seconded by Councilor Euton, to approve Consent Agenda Item A. 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 ORDINANCE NO. 2015-11, AN ORDINANCE GRANTING CONSENT TO THE FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 167 (WHICH INCLUDES BRAZOS TOWN CENTER) FOR THE SALE AND ISSUANCE OF UNLIMITED TAX BONDS, SERIES 2015, IN AN AMOUNT NOT TO EXCEED \$3,575,000.

Executive Summary: Included in the agenda packet is Ordinance No. 2015-11 granting the City's consent to Fort Bend County Municipal Utility District No. 167 (MUD No. 167), to sell Unlimited Tax Bonds, Series 2015, in an amount not to exceed \$3,575,000. MUD No. 167 is located within the City's Corporate Limits. The development is generally identified as Brazos Town Center.

City Council consented to the creation of MUD No. 167 on June 28, 2005, through Ordinance No. 2005-14 which was originally proposed as a 121.81 acre development. A Development Agreement between the City and A-S 70 HWY 59-FM762, LP, was executed on December 07, 2004; a Water Supply and Wastewater Services Agreement was executed on December 06, 2005; and an Economic Development Agreement was executed on August 08, 2006. City Council approved Ordinance No. 2006-06 consenting to the addition of 173.8037 acres into MUD No. 167 on April 04, 2006, and Ordinance No. 2007-03 consented to the addition of 118.7858 acres into MUD No. 167 on February 06, 2007, for a total of approximately 414 acres.

This will be the fifth Unlimited Tax Bond sale for MUD No. 167.

- The first sale of Unlimited Tax Bonds was approved by City Council on July 01, 2008, through Ordinance No. 2008-20 in the amount of \$3,165,000.
- MUD No. 167's Tax Road Bond Anticipation Note was approved by City Council on November 18, 2008, through Ordinance No. 2008-48 in the amount of \$3,560,000.
- A Road Bond sale was approved by City Council on June 16, 2009, through Ordinance No. 2009-19 in the amount of \$7,000,000.
- The Texas Commission on Environmental Quality (TCEQ) issued an order approving the issuance of \$4,120,000 in bonds on September 29, 2010. However, after the tax assessment values were released at that time, MUD No. 167 revised the bond issuance to \$3,000,000. The second Unlimited Tax Bonds sale, in the amount of \$3,000,000, was approved by City Council on November 16, 2010, through Ordinance No. 2010-28, deferring the remaining \$1,120,000 to a future sale.
- The second part of the previous sale of Unlimited Tax Bonds was approved by City Council on April 17, 2012, through Ordinance No. 2012-17 in the amount of \$1,120,000 for a total of the TCEQ approved \$4,120,000.
- The third sale was approved by City Council on November 20, 2012, through Ordinance No. 2012-43 in the amount of \$3,000,000.
- The fourth sale of Unlimited Tax Bonds was approved by City Council on May 04, 2014, through Ordinance No. 2014-20 in the amount of \$3,725,000.

Much of the submission documentation provided by MUD No. 167 for this proposed sale such as the Bond Order Authorizing the Issuance of Bonds by MUD No. 167, the Preliminary Official Statement/Notice of Sale, Resolution Authorizing the Issuance of Bonds by MUD No. 167, Cash Flow Analysis, Debt Fund Schedule, Summary of Costs, along with minute excerpts and related Ordinances are available for review in the City Secretary's Office.

Staff has reviewed the documentation and found it to be in compliance with applicable City Ordinances. Staff is recommending approval of Ordinance No. 2015-11 thus authorizing the sale of Unlimited Tax Bonds, Series 2015, in an amount not to exceed \$3,575,000.

Questions/Comments:

Q: Has the MUD listed what items they wish to spend \$3.575 million on?

A: Yes, on page 6 of the handout (included in the agenda packet) is a table of the items that

have been paid for by the developer, who will be reimbursed by the MUD.

Q: How long will this debt last?

A: 25 years. This debt is scheduled to expire in 2039.

Q: Will there be more debt issued?

A: Yes. \$48 million have been authorized. They do have more bonds to sell in the future.

Action: Councilor Barta made a motion, seconded by Councilor Euton, to approve Ordinance No. 2015-11, an Ordinance granting consent to the Fort Bend County Municipal Utility District No. 167 for the sale and issuance of Unlimited Tax Bonds, Series 2015, in an amount not to exceed \$3,575,000. The motion carried by a unanimous vote of those present.

2. **CONSIDERATION OF AND ACTION ON A THIRD AND FINAL 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. City Council considered and approved the first reading of Ordinance No. 2015-10 at the March 17, 2015 Regular Meeting. The second reading was unanimously approved by City Council at the April 07, 2015 meeting. Staff recommends approval of Ordinance No. 2015-10 as presented on this the third and final reading.

Key Discussion Points: John Maresh, Assistant City Manager of Public Services read the Executive Summary. This being the third reading of the Ordinance, there was minimal discussion.

Action: Councilor Grigar made a motion, seconded by Councilor Euton, to approve 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.

3. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1955, A RESOLUTION FINDING THAT CENTERPOINT ENERGY ENTEX'S ("CENTERPOINT" OR "COMPANY") STATEMENT OF INTENT TO INCREASE RATES FILING WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.**

Executive Summary: On March 27, 2015, CenterPoint Energy Texas Gas ("CenterPoint") filed a Statement of Intent to Change Rates in its Texas Coast Division with each of the Gulf Coast Coalition of Cities ("GCCC") with original jurisdiction. In the filing, the CenterPoint asserts that it is entitled to a \$6.77 million increase or an 11.3% increase in base revenues.

In late March, the GCCC engaged the services of a consultant, Mr. Karl Nalepa, to review CenterPoint's filing. Mr. Nalepa will review the filing and identify adjustments that should be made to CenterPoint's request. The GCCC is recommending that the cities deny the requested relief.

The City of Rosenberg must deny the application by April 30, 2015, or the rate increase requested by CenterPoint will become effective on May 1, 2015. Accordingly, GCCC's legal counsel is requesting that each GCCC city adopt a resolution to deny CenterPoint's request for a rate increase. If the Resolution is adopted, CenterPoint will have thirty (30) days to appeal the decision to the Railroad Commission where the appeal will be considered with CenterPoint's filing for the environs and those cities that have relinquished their original jurisdiction currently pending at the Commission.

Resolution No. R-1955 has been included to allow City Council the opportunity to deny CenterPoint's request for a rate increase.

Key Discussion Points: John Maresh read the Executive Summary. He explained that there was a rate filing as recently as 2-3 years that was settled, and we anticipate that this case would be the same. If the Resolution is not passed, the City of Rosenberg would, by default, automatically accept the higher rate. By passing the Resolution, we are able to start an appeal with the Railroad Commission and possible have the rate increase amount lowered.

Action: Councilor Benton made a motion, seconded by Councilor Euton, to approve Resolution No. R-1955, a Resolution finding that CenterPoint Energy Entex's ("CenterPoint" or "Company") Statement of Intent to Increase Rates filing within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the Company; finding that the meeting at which this Resolution is passed is open to the public as required by law; and requiring notice of this Resolution to the Company and legal counsel. The motion carried by a unanimous vote of those present.

4. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1959, A RESOLUTION FINDING THAT CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC'S ("CENTERPOINT" OR "COMPANY") APPLICATION FOR APPROVAL OF A DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.**

Executive Summary: On April 06, 2015, CenterPoint Energy Houston Electric, LLC ("CenterPoint" or "Company") filed Application for Approval of a Distribution Cost Recovery Factor (DCRF) with each of the Gulf Coast Coalition of Cities (GCCC) that has retained jurisdiction over CenterPoint's rates. In the filing, CenterPoint asserts that it is entitled to a \$16,704,985 increase in distribution revenues.

GCCC has engaged the services of a consultant, Mr. Karl Nalepa, to review CenterPoint's filing. Mr. Nalepa will review the filing and identify adjustments that should be made to CenterPoint's request. The GCCC is recommending that the Cities deny the requested relief.

The City of Rosenberg must deny the application by June 05, 2015, or the rate increase requested by CenterPoint will become effective. Accordingly, GCCC's legal counsel is requesting that each GCCC city adopt the Resolution to deny CenterPoint's request for a rate increase. If the Resolution is adopted, CenterPoint will have thirty (30) days to appeal the decision to the Public Utility Commission where the appeal will be consolidated with CenterPoint's filing for the environs and those cities that have relinquished their original jurisdiction currently pending at the Commission.

Resolution No. R-1959 has been included to allow City Council the opportunity to deny CenterPoint's request for a rate increase.

Key Discussion Points: John Maresh read the Executive Summary and explained that this item is generally the same as the previous item.

Action: Councilor Euton made a motion, seconded by Councilor Grigar, to approve Resolution No. R-1959, a Resolution finding that CenterPoint Energy Houston Electric, LLC's ("CenterPoint" or "Company") application for approval of a Distribution Cost Recovery Factor to increase distribution rates within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the Company; finding that the meeting at which this Resolution is passed is open to the public as required by law; and requiring notice of this Resolution to the Company and legal counsel. The motion carried by a unanimous vote of those present.

5. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1956, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A COMMERCIAL LOAD MANAGEMENT SOP AGREEMENT, BY AND BETWEEN THE CITY AND CENTERPOINT ENERGY SERVICE COMPANY, LLC, FOR THE COMMERCIAL LOAD MANAGEMENT STANDARD OFFER PROGRAM.**

Executive Summary: As part of the 2009 Siemens Energy Efficiency Project, CenterPoint Energy (CenterPoint) installed load management metering equipment at Wastewater Treatment Plant No. 2, located at 3650 N. Fairgrounds Road allowing the City to participate in the Commercial Load Management Standard Offer Program (Program). On May 17, 2011, City Council approved Resolution No. R-1317, authorizing the City Manager to execute the initial Agreement to participate in the Program. CenterPoint Energy is now requiring the approval of a new Agreement for Program years 2015 – 2020.

As in previous years, the Program only applies to the hours of 1:00 p.m. to 7:00 p.m., excluding weekends and Federal Holidays, during the months of June, July, August, and September. CenterPoint is limited to a maximum of four (4) unscheduled curtailments during the summer peak demand hours mentioned above and must provide a minimum of thirty (30) minutes notice before the curtailment start time. During the curtailment period, the City can fully operate Wastewater Treatment Plant No. 2 using standby generator power.

A copy of the Agreement is attached to Resolution No. R-1956 as Exhibit "A" for review. The base Contract is for a five (5) year term beginning in 2015, and ending in 2020. However, the Program operates on a year to year basis and the City will have to submit the load curtailment nomination to CenterPoint along with an application annually for the duration of the Agreement term. By participating, the City has received the following cash incentives from CenterPoint Energy:

2010 - \$9,591.20

2011 - \$11,720.00

2012 - \$12,760.00

2013 - \$11,544.06

2014 - \$ 0.00 (Rosenberg application was not selected by CenterPoint to participate.)

The City has again applied for the 2015 Program and has been accepted by CenterPoint. Staff recommends approval of Resolution No. R-1956, authorizing the City Manager to execute, for and on behalf of the City, an Agreement, by and between the City and CenterPoint Energy Service Company, LLC, for the Commercial Load Management Standard Offer Program.

Key Discussion Points: John Maresh read the Executive Summary. He added that this program is an incentive during the summer months to reduce our load in order to help prevent the necessity of rolling black outs. There is a generator at the water treatment plant, and it is actually beneficial to exercise it during these periods in order to ensure that it is in good working condition. If, for any reason, the generator was unable to kick on, then we would just go back onto the power load and not receive the credit.

Action: Councilor Euton made a motion, seconded by Councilor Barta, to approve Resolution No. R-1956, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Commercial Load Management SOP Agreement, by and between the City and CenterPoint Energy Service Company, LLC, for the Commercial Load Management Standard Offer Program.. The motion carried by a unanimous vote of those present.

6. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1960, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A PIPELINE LICENSE RELATED TO THE NORTH SIDE WATER LINE IMPROVEMENTS PROJECT – PHASE II, BY AND BETWEEN THE CITY AND BNSF RAILWAY COMPANY, IN THE AMOUNT OF \$6,225.00.**

Executive Summary: On December 02, 2014, City Council approved Resolution No. R-1878 authorizing the City Manager to execute an Agreement for Community Development Block Grant funding for the North Side Water Line Improvement Project - Phase II (Project). The Project includes the replacement of an existing six (6) inch water line located in the 6th Street right-of-way and crossing both the BNSF and Union Pacific railroad rights-of-way (ROW) between Avenue F and Avenue E. As a requirement of crossing railroad ROW, the City must execute a separate Pipeline License (License) from each railroad for the replacement water line. This particular License is with the BNSF Railway Company for access upon their premises. The License will allow for the installation of a 12-inch PVC potable water line within a 20-inch steel casing. The Pipeline License fee is \$5,075.00 plus an additional \$1,150.00 for BNSF's Railroad Protective Liability Insurance for a total amount of \$6,225.00. (The total remittance amount will also include an additional \$150.00 payment for the separate administrative processing fee balance.

Staff and the City Attorney have reviewed the Pipeline License and recommend approval of Resolution No. R-1960 as presented.

Key Discussion Points: John Maresh read the Executive Summary. After brief discussion, the general consensus was to pass the Resolution.

Action: Councilor Euton made a motion, seconded by Councilor Grigar, to approve Resolution No. R-1960, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Pipeline License related to the North Side Water Line Improvement Project – Phase II, by and between the City and BNSF Railway Company, in the amount of \$6,225.00. The motion carried by a unanimous vote of those present.

7. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2015-12, AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 14 – HEALTH, SANITATION AND NUISANCES, ARTICLE VI – JUNKED VEHICLES; PROVIDING FOR PENALTIES; PROVIDING FOR A CUMULATIVE AND CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

Executive Summary: At the January 27, 2015 Workshop Meeting, City Council requested specific revisions to the "Junked Vehicle" Ordinance. These revisions are included in Ordinance No. 2015-12. A redlined version is also included in the agenda packet to allow City Council to review the

previous Code with the changes as presented in Ordinance No. 2015-12.

Staff recommends approval of Ordinance No. 2015-12 as presented.

Key Discussion Points: Scott Tschirhart, City Attorney, read the Executive Summary and opened the floor for discussion.

Questions/Comments:

C: This topic is one that we receive the most citizen complaints about. We want to make sure that we are accomplishing our goal with this Ordinance without over-doing anything.

Q: What are the positive changes that this Ordinance would bring to Code Enforcement?

A: There would be two major improvements: the length of time that that we are required to witness a vehicle sit unmoved before we can investigate would be reduced from 30 to 15 days, and the term "inoperable" is more clearly defined for enforcement purposes.

Q: Would the vehicle have to be seen from public view?

A: If a vehicle can be seen from public view, Code Enforcement can walk onto the property (driveway, sidewalk, front yard) to view identifying numbers on the vehicles. If the vehicle is in a back yard and not visible from a public street, then Code Enforcement cannot enter the property without the consent of the owner or a search warrant. These laws are set clearly by the State of Texas and adhered to regularly by Code Enforcement Officers.

C: I feel this is an invasion of personal liberties. I don't see why a car cover would not appease a neighbor as a screening device, but I know I'm in the minority.

C: The majority of the information included on the draft provided by Scott was already included in the Ordinance, but has been moved for better understanding. Most of the recommendations offered have been provided and tested by the Texas Municipal League.

C: There is a scrap yard mentioned in this Ordinance, although Rosenberg does not have one at this time. That was included for future growth purposes.

Action: Councilor Benton made a motion to approve Ordinance No. 2015-12, striking Item 2 of Section 14-115, "(2) Pursuant to the procedures established by this section, the person authorized to administer these procedures may enter private property to examine a public nuisance, to obtain information to identify the nuisance, and to remove or direct the removal of the nuisance." The motion died for lack of a second.

Further Action: After additional discussion, Councilor Pena made a motion, seconded by Councilor Barta, to approve Ordinance No. 2015-12, an Ordinance amending the Code of Ordinances by amending Chapter 14 – Health, Sanitation and Nuisances, Article VI – Junked Vehicles; providing for penalties; providing for a cumulative and conflicts clause; providing a severability clause; and providing an effective date.

The motion carried by a vote of 5 to 1 as follows: Yeses: Mayor Pro Tem McConathy, Councilors Benton, Barta, Pena, and Grigar. No: Councilor Euton.

8. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2015-13, AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 6 BUILDINGS AND BUILDING REGULATIONS, ARTICLE XIV. RESERVED, ESTABLISHING RESTRICTIONS ON FENCES ON PUBLIC PROPERTY; ESTABLISHING LOCATION RESTRICTIONS; ESTABLISHING APPROVED FENCING MATERIALS; ESTABLISHING REQUIREMENTS FOR FENCE MAINTENANCE; ESTABLISHING FENCE RESTRICTIONS; ESTABLISHING REQUIREMENTS FOR DILAPIDATED FENCE REMEDIATION; REPEALING ALL CONFLICTING ORDINANCES, PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Executive Summary: This item was last discussed at the February 24, 2015 City Council Workshop Meeting. At the time, the City Attorney had prepared a draft Ordinance containing a number of requirements for fences (permits, etc.) per direction from City Council. However, following discussion held at that meeting, the Ordinance has been scaled back significantly to address maintenance issues only based on the consensus of City Council. In summary, the revised Ordinance provides for the following:

- Fences must be maintained so as not to overhang or interfere with public property;
- Fences shall not be more than twenty (20%) percent out of vertical alignment;
- Damaged, removed, or missing portions of a fence shall be replaced or repaired with comparable materials to the remaining portion;
- The owner of any fence, existing or new, shall be responsible for the removal of any and all graffiti;
- Any and all vegetation shall be kept clear of fences and shall not be allowed to grow into a fence; and,
- Dilapidated fences are prohibited; should violations not be corrected by the owner within a ten (10) day time period, the City may remove the fence at its own expense and the cost shall be charged against the land and become a personal obligation of the owner.

Staff recommends approval of Ordinance No. 2015-13.

Key Discussion Points: Travis Tanner, Executive Director of Community Services, read the Executive Summary. After some discussion, the general consensus of Council was overall favorable, with the following revisions:

- Strike 6-390. b. 3. "The owner of any fence, existing or new, shall be responsible for the removal of any and all graffiti." This topic is covered elsewhere in the Code.
- Strike 6-390. b. 4. "Any and all vegetation shall be kept clear of fences and shall not be allowed to grow into a fence." Many people grow vines or berries on their fences.
- In 6-390. c. 2. Change "Should the violations not be corrected by the owner within a ten (10) day time period" to a thirty (30) day time period.

Action: Councilor Benton made a motion, seconded by Councilor Barta, to make the recommended changes and approve as revised Ordinance No. 2015-13, an Ordinance amending the Code of Ordinances, Chapter 6 Buildings and Building Regulations, Article XIV. Reserved, establishing restrictions on fences on public property; establishing location restrictions; establishing approved fencing materials; establishing requirements for fence maintenance; establishing fence restrictions; establishing requirements for dilapidated fence remediation; repealing all conflicting ordinances, providing a severability clause; and providing for an effective date.

The motion carried by a vote of 5 to 1 as follows: Yeses: Mayor Pro Tem McConathy, Councilors Benton, Barta, Pena, and Grigar. No: Councilor Euton.

Further discussion: Scott Tschirhart asked to be allowed to make the recommended changes and resubmit a clean copy for signature. He clarified that the Ordinance was passed on April 21st and could be enforced immediately.

9. **REVIEW AND DISCUSS A PROPOSED SURVEY REGARDING THE ONE-WAY PAIRS PROJECT, AND TAKE ACTION AS NECESSARY.**

Executive Summary: This item was requested to allow City Council an opportunity to discuss surveying the public related to the Texas Department of Transportation's One-Way Pairs Project.

Key Discussion Points:

- William Benton, Councilor, At-Large Position 1, explained his desire for the ability to conduct quick satisfaction surveys of the citizens of Rosenberg.
- Angela Fritz, Executive Director of Information Services, explained the upcoming Community Survey that will be conducted by a third party and will be statistically representative of the citizens. There is some customization available, but the surveying process is 17 weeks.
- After discussion, it was determined that staff would investigate and present options during the upcoming budget cycle for conducting surveys in the future.
- No action was taken on the item.

10. **HOLD EXECUTIVE SESSION TO DELIBERATE THE POTENTIAL PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY PURSUANT TO SECTION 551.072 OF THE TEXAS GOVERNMENT CODE.**

Action: Councilor Benton made a motion, seconded by Councilor Euton, to adjourn to Executive Session. The motion carried by a unanimous vote.

An Executive Session was held to deliberate the potential purchase, exchange, lease or value of real property pursuant to Section 551.072 of the Texas Government Code.

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

Mayor Pro Tem McConathy adjourned the Executive Session and reconvened into Regular Session at 8:52 p.m.

12. **ANNOUNCEMENTS.**

There is a Candidates' Forum hosted by the Central Fort Bend Chamber Alliance on Wednesday, April 22, 2015, at 6:00 p.m.

Strike Out Autism, hosted by Hope For Three, will be held on Sunday, April 26th at Constellation Field in Sugar Land. Councilor Barta will be on hand to present a Proclamation.

13. **ADJOURNMENT.**

There being no further business Mayor Pro Tem McConathy adjourned the meeting at 8:53 p.m.



Anne Stark, Assistant City Secretary