

CITY OF ROSENBERG

REGULAR COUNCIL MEETING MINUTES

On this the 5th day of May, 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
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
Lisa Olmeda	Human Resources Director
Dallis Warren	Police Chief
Tracie Dunn	Assistant Police Chief
Tommy Havelka	Police Officer
Wade Goates	Fire Chief
Angela Fritz	Executive Director of Information Services
Randall Malik	Economic Development Director
James Lewis	Information Services Manager
Daniel Kelleher	Main Street Manager
Kaye Supak	Executive Assistant

The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed below, as authorized by Title 5, Chapter 551, of the Texas Government Code.

CALL TO ORDER.

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

INVOCATION AND PLEDGE OF ALLEGIANCE.

Pastor Jason Martin, Calvary Baptist Church, Rosenberg, gave the invocation and led the pledge of allegiance to the flag.

PRESENTATION OF PROCLAMATION PROCLAIMING THE WEEK OF MAY 10-16, 2015, AS NATIONAL POLICE WEEK IN THE CITY OF ROSENBERG.

Vincent M. Morales, Jr., Mayor, presented a Proclamation Proclaiming the Week of May 10-16, 2015, as National Police Week in the City of Rosenberg.

PRESENTATION OF PROCLAMATION PROCLAIMING THE WEEK OF MAY 17-23, 2015, AS NATIONAL PUBLIC WORKS WEEK IN THE CITY OF ROSENBERG.

Mayor Morales presented a Proclamation Proclaiming the Week of May 17-23, 2015, as National Public Works Week in the City of Rosenberg.

PRESENTATION OF PROCLAMATION PROCLAIMING THE MONTH OF MAY 2015 AS MOTORCYCLE SAFETY AND AWARENESS MONTH IN THE CITY OF ROSENBERG.

Mayor Morales presented a Proclamation Proclaiming the Month of May 2015 as Motorcycle Safety and Awareness Month in the City of Rosenberg.

PRESENTATION OF PROCLAMATION PROCLAIMING THE MONTH OF MAY 2015 AS NATIONAL PRESERVATION MONTH IN THE CITY OF ROSENBERG.

Mayor Morales presented a Proclamation Proclaiming the Month of May 2015 as National Preservation Month in the City of Rosenberg.

PRESENTATION OF AWARDS TO THE WINNERS OF THE ROSENBERG ARCHITECTURAL APPRECIATION PHOTOGRAPHY CONTEST.

Mayor Morales presented Awards to the Winners of the Rosenberg Architectural Appreciation Photography Contest:

- Keith Marrero 1st Place Color photo of the Cole Theater
- Srimi Sandarrajan 2nd Place black & white photo of the Vogelsang & BR Provisions Building
- Elvia Morales 3rd Place black & white photo of Old City Hall

PRESENTATION OF ROSENBERG IMAGE COMMITTEE BEAUTIFICATION AND RENOVATION AWARDS.

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

- Rogelio and Lorena Bolanos 2260 Moss Bluff Lane
- Cheryl Richardson 2026 Briar Ridge Drive
- Mario and Maria Valencia 1014 Frances Drive
- Jerry and Sandra Wheeler 1314 Elizabeth Avenue
- Discount Auto Care and Tire 4307 Avenue H

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.

- **James Urbish, 2514 Cypress Lane, Rosenberg, Texas 77471**, thanked Mayor and Council for their service in office, and congratulated them for a job well done.

CONSENT AGENDA

1. Review of Consent Agenda.

All Consent Agenda items listed are considered to be routine by the City Council and may be enacted by one (1) motion. There will be no separate discussion of Consent Agenda items unless a City Council Member has requested that the item be discussed, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Regular Agenda.

- A. CONSIDERATION OF AND ACTION ON SPECIAL MEETING MINUTES FOR APRIL 15, 2015, AND REGULAR MEETING MINUTES FOR APRIL 21, 2015.**

- B. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF PARK PLACE BOULEVARD STREET DEDICATION, BEING A SUBDIVISION OF 2.3580 ACRES OUT OF THE ROBERT E. HANDY SURVEY, A-187, IN THE CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS (FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 144).**

Executive Summary: The Final Plat of Park Place Boulevard Street Dedication consists of 2.358 acres of proposed public right-of-way. The Plat is located off of Reading Road and August Green Drive, in the City Limits and in Fort Bend County MUD No. 144. It extends from the existing portion of Park Place Boulevard abutting the Waterford Park Apartments to the roundabout where August Green Drive currently terminates.

This is a proposed eighty-foot (80') collector street right-of-way that will provide a needed secondary access to and from the subdivision. The Plat is in accordance with the Revised Land Use and Parcel Plan for MUD No. 144 and is not in conflict with any applicable regulations. The Preliminary Plat of this subdivision was approved by the Planning Commission on August 20, 2014, and the Commission subsequently recommended approval to City Council of the Final Plat on April 15, 2015.

Staff recommends approval of the Final Plat of Park Place Boulevard Street Dedication.

C. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF RIVERS MIST SECTION THREE, BEING A SUBDIVISION OF 31.51 ACRES OUT OF THE WM. LUSK SURVEY, A-276, IN FORT BEND COUNTY, TEXAS. (FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 158): ALSO BEING A PARTIAL REPLAT OF RESTRICTED RESERVE 'C', BLOCK 1, RIVERS MIST SECTION TWO, PLAT NO. 2015008851 F.B.C.P.R.; 73 LOTS, 3 BLOCKS AND 5 RESERVES (13.2161 ACRES).

Executive Summary: The Final Plat of Rivers Mist Section Three is located off of River Delta Lane and Rohan Road, south of Rivers Mist Sections One and Two. The Plat is in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 158.

The Plat consists of 73 lots, four (4) blocks, and five (5) reserves with a total of 13.2161 acres. All proposed lots are a minimum of sixty feet (60') in width. This is in accordance with the approved Land Plan for Rivers Mist dated May 2006.

The Preliminary Plat of this subdivision was approved by the Planning Commission on March 18, 2015. The Final Plat is consistent with the approved Preliminary Plat and meets all applicable regulations of the City of Rosenberg. The Commission recommended approval to City Council of the Final Plat on April 15, 2015. Staff recommends approval of the Final Plat of Rivers Mist Section Three.

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

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.

REGULAR AGENDA

2. HOLD PUBLIC HEARING REGARDING PROPOSED FINANCING TO BE ISSUED BY THE CLIFTON HIGHER EDUCATION FINANCE CORPORATION IN A MAXIMUM AMOUNT OF \$27,000,000 FOR THE PURPOSE OF FINANCING AN APPROXIMATELY 105,000 SQUARE FOOT EDUCATION BUILDING AND RELATED SITE WORK (THE "PROJECT") FOR THE TSTC FOUNDATION (THE "FOUNDATION"), WITH THE PROJECT BUILDING TO BE LEASED TO THE TEXAS STATE TECHNICAL COLLEGE SYSTEM ("TSTC").

Executive Summary: This public hearing is required by law because an education facilities corporation, more specifically the Clifton Higher Education Finance Corporation, is issuing tax exempt financing to benefit Texas State Technical College (TSTC) in Rosenberg. The site consists of approximately eighty (80) acres of land located off Interstate 69 between FM 2218 and Louise Street. However, this Agenda item deals with financing of only the initial 42 acres of the property that is being developed; TSTC will develop the property in phases. While this financing will not represent debt of the City of Rosenberg, the Internal Revenue Code requires a public hearing and subsequent approval by the City since the Project site is in the City Limits. In accordance with applicable laws, notice of the hearing was published in the newspaper more than fourteen (14) days before the meeting date. TSTC representatives will be available to discuss and answer questions regarding this Agenda item.

- Sharon Wallingford, Richmond resident, has been involved with TSTC in the past, thinks highly of the program, and is very supportive their project in Rosenberg.

Action: The public hearing was opened at 7:33:56 p.m. There being no comments from the audience, the public hearing was closed at 7:34:10 p.m.

3. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1963, A RESOLUTION IN SUPPORT OF TAX EXEMPT FINANCING TO BE UNDERTAKEN BY THE CLIFTON HIGHER EDUCATION FINANCE CORPORATION FOR THE BENEFIT OF THE TSTC FOUNDATION AND THE TEXAS STATE TECHNICAL COLLEGE SYSTEM.**

Executive Summary: As discussed in the previous Agenda item, this item/resolution is required by law because the Clifton Higher Education Finance Corporation (Corporation) is issuing tax exempt financing to benefit Texas State Technical College (TSTC) in Rosenberg. As discussed, the overall site consists of approximately eighty (80) acres of land located off of Interstate 69 between FM 2218 and Louise Street. This Agenda item deals with financing of only the initial forty-two (42) acres of the property that is being developed; TSTC will develop the property in phases. While the financing will not represent debt of the City of Rosenberg, the Internal Revenue Code requires a hearing and subsequent approval by the City since the project site is in the City. TSTC representatives will be available to discuss and answer questions regarding this Agenda item. The City Attorney has also reviewed and has no objections to the item.

Details of the process can be found in the memorandum included in the agenda packet from Dan Pleitz, attorney representing TSTC in this transaction. This Agenda item does not represent the approval of anything other than the Corporation's financing for the project. TSTC is currently going through the platting process with the City and complying with applicable standards. Staff recommends approval of Resolution No. R-1963 as presented.

Key Discussion Points: Travis Tanner gave a brief overview of the item and introduced representatives from TSTC to answer questions. Cliff Whittingstall from PBK Architects gave a presentation regarding the proposed site plans for the campus. The presentation will be updated and made available on the Rosenberg Development Corporation website. The general consensus of the Council was in support of the Resolution, and of the plan as a whole.

Action: Councilor Barta made a motion, seconded by Councilor Euton to approve Resolution No. R-1963, a Resolution in support of tax exempt financing to be undertaken by the Clifton Higher Education Finance Corporation for the benefit of the TSTC Foundation and the Texas State Technical College System. The motion carried by a unanimous vote.

4. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1964, A RESOLUTION IN SUPPORT OF HOUSE BILL NO. 3634 RELATING TO THE AUTHORITY OF A MUNICIPALITY TO IMPOSE A LOCAL TAX ON THE SALE OF CERTAIN MOTOR FUEL AND TO THE USE OF THE TAX REVENUE BY THE MUNICIPALITY; AUTHORIZING PENALTIES.**

Executive Summary: This Agenda item has been included to provide City Council an opportunity to offer its support to Texas House Bill No. 3634 which would allow for municipalities to levy a tax on certain motor fuels and further directs the resulting tax revenue to be used on roadways and roadway signage.

Key Discussion Points: Vincent M. Morales, Jr., Mayor gave an overview of the item. After some discussion, the general consensus of Council was not in favor of the Resolution. Mayor Morales then tabled the item.

Action: No action was taken.

5. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1961, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A PIPELINE CROSSING AGREEMENT RELATED TO THE NORTH SIDE WATER LINE IMPROVEMENT PROJECT – PHASE II, BY AND BETWEEN THE CITY AND UNION PACIFIC RAILROAD COMPANY, IN THE AMOUNT OF \$6,700.00**

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 Crossing Agreement (Agreement) from each railroad for the replacement water line. This particular Agreement is with the Union Pacific Railroad 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 Crossing Agreement fee is \$6,700.00. The Contractor that is awarded the construction bid will be responsible to obtain the Railroad Protective Liability Insurance. A similar agreement with the BNSF Railway Company was approved by City Council with Resolution No. R-1960 on April 21, 2015.

Staff and the City Attorney have reviewed the Agreement and recommend approval of Resolution No. R-1961 as presented.

Key Discussion Points: John Maresh, Assistant City Manager of Public Services read the Executive Summary and explained that the pipeline will go under the railroad tracks.

Action: Councilor McConathy made a motion, seconded by Councilor Euton to approve Resolution No. R-1961, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Pipeline Crossing Agreement related to the North Side Water Line Improvement Project – Phase II, by and between the City and Union Pacific Railroad Company, in the amount of \$6,700.00. The motion carried by a unanimous vote.

6. **HOLD EXECUTIVE SESSION TO CONSULT WITH CITY ATTORNEY ON PENDING LITIGATION REGARDING TEXAS DEPARTMENT OF TRANSPORTATION V. ROSENBERG EMINENT DOMAIN PROCEEDINGS PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE; TO DELIBERATE THE POTENTIAL PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY PURSUANT TO SECTION 551.072 OF THE TEXAS GOVERNMENT CODE; AND, TO DELIBERATE PERSONNEL MATTERS REGARDING THE EMPLOYMENT, EVALUATION AND DUTIES OF THE CITY MANAGER PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE.**

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

An Executive Session was held to consult with City Attorney on pending litigation regarding Texas Department of Transportation v. Rosenberg eminent domain proceedings pursuant to Section 551.071 of the Texas Government Code; to deliberate the potential purchase, exchange, lease, or value of real property pursuant to Section 551.072 of the Texas Government Code; and, to deliberate personnel matters regarding the employment, evaluation and duties of the City Manager pursuant to Section 551.074 of the Texas Government Code.

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

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

8. **ANNOUNCEMENTS.**

- The Downtown Chocolate Walk will be held on Sunday, May 17th, from 12:00 p.m. – 5:00 p.m.
- A City of Rosenberg National Day of Prayer event will be held on Thursday, May 7, 2015 at 7:00 p.m. at the City Hall Gazebo

9. **ADJOURNMENT.**

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


Linda Cernosek, TRMC, City Secretary