

CITY OF ROSENBERG

REGULAR COUNCIL MEETING MINUTES

On this the 19th 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
Susan Euton	Councilor, District 2
Dwayne Grigar	Councilor, District 3
Amanda Barta	Councilor, District 4

ABSENT

Jimmie J. Pena	Councilor, District 1
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STAFF PRESENT

Robert Gracia	City Manager
Scott M. Tschirhart	City Attorney
Jeanne H. McDonald	Attorney
Linda Cernosek	City Secretary
John Maresh	Assistant City Manager of Public Services
Jeff Trinker	Executive Director of Support Services
Travis Tanner	Executive Director of Community Development
Charles Kalkomey	City Engineer
Tonya Palmer	Building Official
Dallis Warren	Police Chief
Cody Dailey	Police Lieutenant
Wade Goates	Fire Chief
Angela Fritz	Executive Director of Information Services
Randall Malik	Economic Development Director
Rigo Calzoncin	Public Works Director
James Lewis	Information Services Manager

CALL TO ORDER.

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

INVOCATION AND PLEDGE OF ALLEGIANCE.

Pastor Kevin K. Barber, Wellspring Church International, Richmond, gave the invocation and led the pledge of allegiance to the flag.

RECOGNITION AND PRESENTATION OF PLAQUE TO DEPARTING MAYOR VINCENT M. MORALES, JR., AND CITY COUNCIL MEMBER DWAYNE GRIGAR.

Cynthia McConathy, Councilor at Large, Position 2 and Mayor-elect, presented a plaque expressing appreciation to departing Mayor Vincent M. Morales, Jr., and City Council Member Dwayne Grigar.

PRESENTATION OF CERTIFICATE OF APPRECIATION TO PAULA WARREN AND DONNA WALL FOR THEIR DONATION OF A ROWING MACHINE TO THE POLICE DEPARTMENT.

Dallis Warren, Police Chief, and Cody Daily, Police Lieutenant, presented Certificates of Appreciation to Paula Warren and Donna Wall for their donation of a rowing machine to the Police Department.

PRESENTATION OF PROCLAMATION PROCLAIMING THE MONTH OF MAY 2015 AS OLDER AMERICANS MONTH IN THE CITY OF ROSENBERG.

Vincent M. Morales, Jr., Mayor, presented a Proclamation Proclaiming the Month of May 2015 as Older Americans Month 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.

COMMENTS FROM THE AUDIENCE FOR CONSENT AND REGULAR AGENDA ITEMS.

Citizens who desire to address the City Council with regard to matters on the Consent Agenda or Regular Agenda will be received at the time the item is considered. Each speaker is limited to three (3) minutes. Comments or discussion by the City Council Members will only be made at the time the agenda item is scheduled for consideration. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.

CONSENT AGENDA

1. REVIEW OF CONSENT AGENDA.

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

A. CONSIDERATION OF AND ACTION ON WORKSHOP MEETING MINUTES FOR APRIL 28, 2015, AND REGULAR MEETING MINUTES FOR MAY 05, 2015.

B. CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1968, A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, A CONSENT TO ASSIGNMENT AGREEMENT RELATING TO THE TEMPORARY ASSIGNMENT OF WATER UNDER THE BRAZOS RIVER AUTHORITY SYSTEM WATER AVAILABILITY AGREEMENT BY AND AMONG THE CITY, BRAZOS RIVER AUTHORITY, AND GULF COAST WATER AUTHORITY.

Executive Summary: On April 07, 2015, City Council approved Resolution No. R-1946, authorizing the City Manager to execute an Amended and Restated Agreement relating to the temporary assignment of the City's Brazos River Authority (BRA) 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 Temporary Consent to Assignment Agreement has been approved for each of the prior years of 2011 - 2014.

The City's annual allocation of BRA surface water is four thousand five hundred (4,500) acre feet and the Agreement under consideration provides the BRA consent to assign the full amount for the time period from the effective date of the Agreement to December 31, 2015.

The GCWA is required to 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 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 fund the alternative water supply internal projects currently under design/construction and the Brazosport Water Authority 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%) effective October 01, 2016.

Staff recommends approval of Resolution No. R-1968, with the Agreement attached as Exhibit "A", as presented.

C. CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1967, A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, A TEMPORARY AMENDMENT TO THE SYSTEM WATER AVAILABILITY AGREEMENT BY AND BETWEEN

THE CITY AND BRAZOS RIVER AUTHORITY.

Executive Summary: On April 07, 2015, City Council approved Resolution No. R-1946, authorizing the City Manager to execute an Amended and Restated Agreement related to the assignment of the City's Brazos River Authority (BRA) surface water supply to the Gulf Coast Water Authority (GCWA). Said Agreement would allow the GCWA to use the water for both municipal and industrial uses, subject to annual approval by BRA. Section 4 of the System Water Availability Agreement entered into by the City and BRA (dated 10-08-07) provides that all water made available shall be used solely for municipal purposes.

The Temporary Amendment to the System Water Availability Agreement Between Brazos River Authority and City of Rosenberg would allow GCWA to use the water supply for industrial purposes during the current, annual term ending December 31, 2015.

Staff recommends approval of Resolution No. R-1967, with the Agreement attached as Exhibit "A", as presented.

D. CONSIDERATION OF AND ACTION ON APPROVAL OF THE ISSUANCE OF FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 144 (SUMMER LAKES AND SUMMER PARK) REFUNDING TAX BONDS, SERIES 2015, IN AN AMOUNT NOT TO EXCEED \$6,600,000.

Executive Summary: Fort Bend County Municipal Utility District No. 144 (MUD No. 144) is a development generally identified as Summer Lakes (residential) and Summer Park (residential, commercial, and mixed-use). The District is located south of Reading Road and east of FM Highway 2977.

MUD No. 144 has the opportunity to "refund" or "refinance" portions of existing bonds by issuing new bonds at a lower rate of interest than the existing bonds, thus ensuring significant reduction in interest expense for the issuer. Staff has reviewed the request and associated documentation and finds that the refunding to be advantageous to MUD No. 144 and its taxpayers.

On May 06, 2003, Starwood Development, LLC, submitted a petition to the City to create a Municipal Utility District that included approximately 358.48 acres located primarily within the Corporate Limits of the City, with approximately 35.46 acres lying outside the City and outside the Extraterritorial Jurisdiction of the City of Rosenberg, to be known as Fort Bend County Municipal Utility District No. 144. Accordingly, the Petition for Consent and associated Ordinance No. 2003-21 were approved by City Council at that time. Subsequently, City Council approved Ordinance No. 2005-32 on December 13, 2005, expanding the District's territory by 173.34 acres; approved Ordinance No. 2006-10, expanding the District's territory by 17.788 acres; approved Ordinance No. 2006-18 on July 18, 2006, expanding the District's territory by an additional 1.5369 acres; and, approved Ordinance No. 2010-14 on June 01, 2010, again expanding the District's territory by an additional 6.00 acres.

Following is a list of Unlimited Tax Bond Sales and Bond Anticipation Notes (BAN) that have been previously approved by City Council:

- Ordinance No. 2006-39 - City Council approved the District's first bond sale in the amount of \$2,815,000 on December 05, 2006.
- Ordinance No. 2007-48 - City Council approved the District's BAN in the amount of \$1,650,000 on October 16, 2007. The BAN was subsequently repaid out of the bond sale authorized under Ordinance No. 2008-21.
- Ordinance No. 2008-21 - City Council approved the District's second bond sale in the amount of \$3,030,000 on October 07, 2008.
- Ordinance No. 2012-38 - City Council approved the District's BAN in the amount of \$1,301,500 on November 06, 2012. The BAN approved by City Council under Ordinance No. 2012-38 was subsequently repaid out of the Series 2013 bond sale under Ordinance No. 2013-24.
- Ordinance No. 2013-24 - City Council approved the District's third bond sale in the amount of \$2,695,000 on May 07, 2013.
- Ordinance No. 2014-27 - City Council approved the District's BAN in the amount of \$2,000,000 on June 17, 2014. The BAN approved by City Council under Ordinance No. 2014-27 was subsequently repaid out of the Series 2015 bond sale under Ordinance No.

2015-06.

- Ordinance No. 2015-06 – City Council approved the District's 4th bond sale in the amount of \$3,400,000 on February 17, 2015.

Staff is recommends approval of the issuance of Fort Bend County Municipal Utility District No.144 Refunding Tax Bonds, Series 2015, in an amount not to exceed \$6,600,000.

E. CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1957, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AND ACCEPT, FOR AND ON BEHALF OF THE CITY, A SPECIAL WARRANTY DEED BEING 12.12 ACRES OF LAND, BETWEEN THE CITY OF ROSENBERG AND ROSENBERG BUSINESS PARK, LTD.

Executive Summary: As part of the Rosenberg Business Park Development Agreement, Rosenberg Business Park, LTD., is required to convey a 12.12-acre drainage channel to the City of Rosenberg and to forego any rights to reimbursement. Staff has received a Special Warranty Deed for the 12.12-acre drainage channel. Resolution No. R-1957 has been included to allow City Council to accept the conveyance of said drainage channel.

Staff recommends approval of Resolution No. R-1957 as presented.

Action: Councilor Grigar made a motion, seconded by Councilor Barta, to approve Consent Agenda Items A, B, C, and D with the proposed correction to the minutes included in the packet. The motion carried by a unanimous vote of those present.

REGULAR AGENDA

2. CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2015-14, AN ORDINANCE CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD ON MAY 09, 2015, WITHIN THE CITY FOR THE PURPOSE OF ELECTING A MAYOR AND SIX (6) COUNCIL MEMBERS; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

Executive Summary: As Presiding Officer of the May 9, 2015 Municipal Election, the Mayor is required to hold a canvass of the election ballots, and he and the City Council must declare the election results. The proposed Ordinance would confirm that the election for City officers was held, the proper procedures were followed as mandated by law, the results have been filed with the City Council, the number of votes each candidate received, and declaration of the winning candidates.

A copy of the proposed Ordinance No. 2015-14 is included as a supporting document for City Council's approval. The canvass report from the Office of Elections Administration, Fort Bend County, Texas, was distributed at the City Council meeting and will be made available on the City's website.

Key Discussion Points: Linda Cernosek, City Secretary, read the Executive Summary.

Action: Councilor Benton made a motion, seconded by Councilor McConathy, to approve Ordinance No. 2015-14, an Ordinance canvassing the returns and declaring the results of the General Municipal Election held on May 09, 2015, within the City for the purpose of electing a Mayor and six (6) Council Members; and containing other provisions relating to the subject. The motion carried by a unanimous vote of those present.

3. CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2015-15, AN ORDINANCE CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE SPECIAL ELECTION HELD MAY 09, 2015, IN THE CITY FOR THE PURPOSE OF SUBMITTING TO THE DULY QUALIFIED RESIDENT ELECTORS OF THE CITY CONSIDERATION OF ONE (1) CHARTER PROPOSITION, AND DECLARING THAT SAID ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON ITS ADOPTION.

Executive Summary: As Presiding Officer of the May 9, 2015 Special Election, the Mayor is required to hold a canvass of the election ballots, and he and the City Council must declare the election results. The proposed Ordinance would confirm that the election for proposed Charter proposition was held, the proper procedures were followed as mandated by law, the results have been filed with the City Council, the number of votes the proposition received, and declaration of the winning proposition.

A copy of the proposed Ordinance No. 2015-15 is included as a supporting document for City Council's approval. The canvass report from the Office of Elections Administration, Fort Bend County, Texas, was distributed at the City Council meeting and will be made available on the City's website.

Key Discussion Points: Linda Cernosek read the Executive Summary.

Action: Councilor Benton made a motion, seconded by Councilor McConathy, to approve Ordinance No. 2015-15, an Ordinance canvassing the returns and declaring the results of the Special Election held May 09, 2015, in the City for the purpose of submitting to the duly qualified resident electors of the City consideration of one (1) Charter proposition, and declaring that said Ordinance shall be effective immediately upon its adoption. The motion carried by a unanimous vote of those present.

4. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2015-16, AN ORDINANCE CALLING A RUNOFF ELECTION ON SATURDAY, JUNE 13, 2015, FOR THE PURPOSE OF ELECTING COUNCIL MEMBER DISTRICT 3; PROVIDING FOR EARLY VOTING AND FOR NOTICE OF THE ELECTION; AND PROVIDING FOR OTHER MATTERS RELATING TO THE ELECTION.**

Executive Summary: The canvass of the May 19, 2015, General Election reflected that for Council District 3, no single candidate received more than fifty percent (50%) of the votes to be elected by a majority vote; therefore, a Runoff Election is required for the candidates who received the highest and second highest number of votes. The City Council must order the Runoff Election no later than the fifth (5th) day after the date the final canvass of the main election is completed. This election must be held not earlier than the twentieth (20th) or later than the forty-fifth (45th) day after the date the final canvass of the main election is completed, per Texas Election Code, Section 2.025.

The Mayor has certified to the City Secretary that for Council District 3, candidates Lisa M. Wallingford and Joe Vera should be placed on the ballot for the Runoff Election. The proposed Ordinance No. 2015-16 calls the Runoff Election for June 13, 2015, to elect one (1) Council Member to the Council District 3 position; to provide for early voting, and for Notice of the Election; and to provide for other matters relating to the election.

Key Discussion Points: Linda Cernosek read the Executive Summary.

Action: Councilor Barta made a motion, seconded by Councilor Grigar, to approve Ordinance No. 2015-16, an Ordinance calling a Runoff Election on Saturday, June 13, 2015, for the purpose of electing Council Member District 3; providing for early voting and for Notice of the Election; and providing for other matters relating to the Election. The motion carried by a unanimous vote of those present.

5. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1962, A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, AN ENGINEERING SERVICES AGREEMENT FOR THE BRYAN ROAD RECONSTRUCTION PROJECT, BY AND BETWEEN THE CITY AND LANDTECH CONSULTANTS, INC., IN AN AMOUNT NOT TO EXCEED \$978,565.**

Executive Summary: Both the Bryan Road Reconstruction Project and Spacek Road Phase II Reconstruction Project (Project) are included in the FY2015 Capital Improvement Project (CIP) plan approved by City Council on June 17, 2014. The Project will consist of widening the existing two-lane undivided roadways to a four-lane curb and gutter boulevard on Bryan Road from FM 2218 to approximately 760 feet east of Spacek Road and Spacek Road from Bryan Road to the northern boundary of the Oaks of Rosenberg Subdivision. The Project also includes the realignment of Bryan Road at FM 2218, conversion of the Bryan Road/Spacek Road intersection from a T-intersection into a 4-way intersection for the future extension of Spacek Road, construction of new/replacement bridges over Dry Creek, installation of an underground storm drainage system, water reuse line, sidewalk on one side of the boulevard and replacement of water and sanitary sewer utility lines. The engineering firm will be responsible for all aspects of the Project design including tasks such as the preparation of a topographic survey and property surveys for the additional right-of-way that will have to be acquired, securing TxDOT permits for the realignment at FM 2218 and completion of a traffic signal warrant study if required by TxDOT.

The Project does have adequate funding available for the engineering design phase. The construction phase will be funded from multiple sources, all of which are not secured at this time. The 2007 Fort Bend County Mobility Bonds (Bonds) allocated \$1.1 million and the 2013 Bonds allocated \$4.7 million for Bryan Road. The 2007 Bonds also allocated \$1.5 million for Spacek Road. The County bond funds are typically capped at 50% of the construction costs, so it is possible the City may not be able to fully utilize all of those funds on the Bryan Road portion of the Project. The City's current CIP has allocated approximately \$2.24 million for Bryan Road and \$656,000 for Spacek Road. A portion of these funds will be used for the engineering services. Therefore, the City will have to secure additional funds in FY2016 to fully fund the construction phase.

On October 12, 2012, City Council selected Landtech Consultants, Inc., to provide engineering services for the Bryan Road Reconstruction Project. Staff has negotiated the Engineering Services Agreement for the Bryan Road and Spacek Road, Phase II Reconstruction Project for your consideration. Said Agreement is attached to Resolution No. R-1962 as Exhibit "A".

Staff is recommending approval of Resolution No. R-1962. The Resolution will authorize the City Manager to negotiate and execute an Engineering Services Agreement for the Bryan Road Reconstruction Project, by and between the City and Landtech Consultants, Inc., in an amount not to exceed \$978,565.

Key Discussion Points: John Maresh, Assistant City Manager of Public Services, read the Executive Summary. He stated that the total project cost would not be accurately measurable until the engineering phase of the project. He explained that surveying is still being conducted; therefore right of way and tree preservation are undetermined at this time.

Action: Councilor McConathy made a motion, seconded by Councilor Barta, to approve Resolution No. R-1962, a Resolution authorizing the City Manager to negotiate and execute, for and on behalf of the City, an Engineering Services Agreement for the Bryan Road Reconstruction Project, by and between the City and Landtech Consultants, Inc., in an amount not to exceed \$978,565. The motion carried by a unanimous vote of those present.

6. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1920, A RESOLUTION AWARDED BID NO. 2015-06 FOR CONSTRUCTION OF FM 2977 ELEVATED WATER STORAGE TANK; AND, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, APPROPRIATE DOCUMENTS AND/OR AGREEMENTS REGARDING SAME.**

Executive Summary: Bids were received on Wednesday, May 6, 2015, for Bid No. 2015-06 for construction of the FM 2977 (Minonite Road) Elevated Water Tank (Project). A total of three (3) bids were opened and tabulated as indicated on the bid summary form included in the packet.

Staff recommends Bid No. 2015-06 be awarded to Landmark Structures, for the base bid in the amount of \$3,187,000.00 for construction of a 1.5 million gallon composite elevated tank. The composite tank structure will consist of concrete support walls with a welded steel tank. The correspondence from Charles Kalkomey, Project Engineer, recommends same. Should the bid be awarded as recommended, the proposal from Landmark Structures will be attached to and serve as Exhibit "A" to Resolution No. R-1920. The contract time is 510 calendar days.

This Project is included in the FY2015 Capital Improvement Plan approved by City Council on June 17, 2014. The Project is also a part of the City's approved Groundwater Reduction Plan and will be an essential element necessary to receive, store and blend the alternative surface water source into the distribution system. The elevated tank will also help maintain water pressure and storage capacity necessary to comply with the Texas Commission on Environmental Quality (TCEQ) water system design criteria. The tank will be constructed on City-owned property located immediately behind Fire Station No. 3.

Staff recommends approval of Resolution No. R-1920 which will award Bid No. 2015-06 and provide authorization for the City Manager to negotiate and execute all required documents necessary to facilitate the Agreement.

Key Discussion Points: John Maresh read the Executive Summary and explained that the water

that will be delivered to the tank will be provided by Brazosport Water Authority after being treated in the water plant on Meyer Road.

Action: Councilor McConathy made a motion, seconded by Councilor Euton, to approve Resolution No. R-1920, a Resolution awarding Bid No. 2015-06 for construction of FM 2977 Elevated Water Storage Tank; and, authorizing the City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same. The motion carried by a unanimous vote of those present.

7. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1969, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AMENDMENT NO. 1 TO THE MUNICIPAL MAINTENANCE AGREEMENT, BY AND BETWEEN THE CITY AND THE STATE OF TEXAS, ACTING THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, FOR PERMISSION TO PROVIDE SUPPLEMENTAL RIGHT-OF-WAY MOWING AND LITTER REMOVAL.**

Executive Summary: On April 13, 1999, the City and the State of Texas, through the Texas Department of Transportation (TxDOT) entered into a Right-of-Way Maintenance Agreement (Agreement) which provided the City with permission to perform supplemental right-of-way (ROW) mowing and litter control in certain areas along U.S. 59/I-69, from FM 762 to just beyond Bamore Road. The purpose and intent is to provide additional mowing and litter removal services above the level provided by TxDOT in an effort to project a clean, neat and positive image of Rosenberg. This in turn will help promote economic development and encourage the traveling public to stop and shop in Rosenberg.

Proposed Amendment No. 1, attached to Resolution No. R-1969 as Exhibit "A", would extend the term of said Agreement for five (5) years and would revise the ROW areas where TxDOT has agreed to allow supplemental mowing and litter control by the City. Exhibit "B" to Amendment No. 1 has been included as a separate supporting document to show the revised area. The revised area now includes U.S. 59/I-69 from FM 762 to the Rosenberg City Limits, which is approximately one (1) mile southwest of Daily Road, and the portion of FM 2218 located within the City Limits from approximately Town Center Boulevard to Koeblen Road.

The Agreement allows the City to provide the supplemental mowing and litter control if it so desires, but does not obligate the City to provide said supplemental services. The City is the entity in which TxDOT must enter into the Agreement with. In previous years, the Rosenberg Development Corporation (RDC) has provided the supplemental mowing and litter control services.

Staff recommends approval of Resolution No. R-1969 as presented.

Key Discussion Points: Rigo Calzoncin, Public Works Director, read the Executive Summary and clarified that the City of Rosenberg would enter into the interlocal agreement, but that the Rosenberg Development Corporation would oversee maintenance and funding of the mowing and litter control. The medians in the proposed areas would be included in the agreement. Considering the ongoing construction, the needs and demands of the intended areas will change over time, but this resolution and agreement provide for those changes.

Action: Councilor Barta made a motion, seconded by Councilor Benton, to approve Resolution No. R-1969, a Resolution authorizing the City Manager to execute, for and on behalf of the City, Amendment No. 1 to the Municipal Maintenance Agreement, by and between the City and the State of Texas, acting through the Texas Department of Transportation, for permission to provide supplemental right-of-way mowing and litter removal. The motion carried by a unanimous vote of those present.

8. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2015-17, AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 6 – BUILDINGS AND BUILDING REGULATIONS, ARTICLE XVII - SINGLE-FAMILY AND ACCESSORY DWELLING UNITS; SECTIONS 6-425 DEFINITIONS AND 6-426 SINGLE-FAMILY DWELLING UNITS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Executive Summary: This Agenda item provides for amendments to Chapter 6 of the Code of Ordinances relating to minimum masonry standards for single-family residential construction in new subdivisions within the City Limits. Over the last several months, the Planning Commission (Commission) and City Council have discussed a number of possible amendments to Chapter 6 including this particular Amendment. Chapter 6 generally relates to Building and Building Regulations, and the specific proposed Amendment would be found under the Single-Family Residential Dwelling Standards (Article XVII). Included in the packet are proposed revisions to the Ordinance, which staff will cover in detail at the City Council meeting. Additional background information on the Agenda item is provided below.

On July 16, 2014, the Commission received a presentation from the Texas Masonry Council explaining the benefits of masonry planning policies or ordinances requiring a minimum percentage of masonry on residential and/or nonresidential structures. The Commission had previously expressed interest in such policies, noting the amount of HardiPlank siding on homes in new subdivisions, and concerns regarding maintenance. Among the benefits of masonry planning policies that were discussed were that masonry products generally are lower maintenance, result in increased home values, are more durable, and provide for more predictability of development or architectural control. That being said, on October 15, 2014, the Commission recommended approval to City Council of an Ordinance Amendment that would require homes on lots platted after the effective date of the Ordinance to generally have a minimum of seventy-five (75) percent masonry exterior.

Staff has further refined the proposed Amendment to seventy-five (75) percent masonry exterior for one (1) story structures and fifty (50) percent for two (2) stories and above. If adopted, this would not apply to existing subdivisions or development, or to any homes built in the Extraterritorial Jurisdiction (ETJ); it would only apply to homes constructed in future subdivisions within the City with two (2) or more lots. Further, the reason this item only pertains to single-family residential is that there is an existing minimum standard in the Code of Ordinances for multi-family; additionally, most new commercial construction for which a masonry standard would be appropriate is already regulated by the West Fort Bend Management District, which has strict masonry standards.

City staff believes this Ordinance would benefit the quality of future development in the City without affecting existing development or homeowners. Staff recommends approval of Ordinance No. 2015-17.

Key Discussion Points: Travis Tanner, Executive Director of Community Services, gave an overview of the item and presented a few representative photos. He clarified that these standards would not apply to renovations of existing homes; only to new subdivisions within City limits. They would also not apply to a single new home in an existing development.

Action: Councilor McConathy made a motion, seconded by Councilor Grigar, to approve Ordinance No. 2015-17, an Ordinance amending the Code of Ordinances by amending Chapter 6 – Buildings and Building Regulations, Article XVII - Single-Family and Accessory Dwelling Units; Sections 6-425 Definitions and 6-426 Single-family Dwelling Units; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; providing for severability; and providing an effective date. The motion carried by a unanimous vote of those present.

9. **HOLD EXECUTIVE SESSION TO DELIBERATE ECONOMIC DEVELOPMENT NEGOTIATIONS REGARDING BUSINESS PROSPECTS SEEKING TO LOCATE, STAY OR EXPAND IN THE ROSENBERG AREA PURSUANT TO SECTION 551.087 OF THE TEXAS GOVERNMENT CODE.**

Action: Councilor Benton 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 deliberate the potential purchase, exchange, lease or value of real property pursuant to Section 551.072 of the Texas Government Code.

10. **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 8:58 p.m.

11. **CONSIDERATION OF ACTION ON RESOLUTION NO. R-1971, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A PERFORMANCE AGREEMENT BY AND AMONG THE CITY, THE ROSENBERG DEVELOPMENT CORPORATION, AND PARAGON OUTLETS ROSENBERG LIMITED PARTNERSHIP.**

Executive Summary: This Agenda item provides City Council the opportunity to take action on a Performance Agreement by and among the City, the Rosenberg Development Corporation, and Paragon Outlets Rosenberg Limited Partnership.

The RDC considered said Performance Agreement at its regular meeting on May 14th and authorized execution of same. A draft minute excerpt from the RDC meeting was not yet available at the time the Agenda packet went to print.

The RDC and staff recommend approval of Resolution No. R-1971, thus authorizing the Mayor to execute the Performance Agreement with Paragon Outlets Rosenberg Limited Partnership.

Action: Councilor McConathy made a motion, seconded by Councilor Barta, to approve Resolution No. R-1971, a Resolution authorizing the Mayor to execute a Performance Agreement by and among the City, the Rosenberg Development Corporation, and Paragon Outlets Rosenberg Limited Partnership. The motion carried by a unanimous vote of those present.

12. **ANNOUNCEMENTS.**

- The Sixth Annual Danny Dietz Memorial Team Roping & Bar-B-Q Competition will be held at the Fort Bend County Fairgrounds May 22 – 24.
- Fort Bend Salutes America will be held at Seabourne Creek Park on Memorial Day at 10:00 a.m.
- City of Rosenberg Oath of Office Ceremony and Reception will be held on Tuesday, June 2nd at 6:00 p.m. at City Hall.

13. **ADJOURNMENT.**

There being no further business Mayor Morales adjourned the meeting at 9:03 p.m.


Linda Cernosek, TRMC, City Secretary