

CITY OF ROSENBERG

REGULAR CITY COUNCIL MEETING MINUTES

On this the 15th day of September, 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

Amanda J. Barta	Mayor Pro Tem
William Benton	Councilor at Large, Position 1
Jimmie J. Pena	Councilor, District 1
Susan Euton	Councilor, District 2
Lisa M. Wallingford	Councilor, District 3
Lynn Moses	Councilor, District 4

ABSENT

Cynthia A. McConathy	Mayor
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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
Wade Goates	Fire Chief
James Baker	Municipal Court Judge
Darren McCarthy	Parks and Recreation Director
Randall Malik	Economic Development Director
James Lewis	Director of Technology
Jenny Pavlovich	Communications 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 Pro Tem Barta called the meeting to order at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE.

Reverend Deborah Pihoda, First Assembly of God, Rosenberg, gave the invocation and led the pledge of allegiance to the flag.

ANNOUNCEMENTS.

- On Wednesday, September 16, 2015, Chili's Restaurant in Rosenberg is hosting a Give Back Event in honor of Deputy Goforth and all police officers. Proceeds will be donated to the 100 Club.

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 AUGUST 18, 2015, SPECIAL MEETING MINUTES FOR AUGUST 25, 2015, WORKSHOP MEETING MINUTES FOR AUGUST 25, 2015, AND REGULAR MEETING MINUTES FOR SEPTEMBER 01, 2015.**

B. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-2037, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A TERMINATION AGREEMENT BY AND BETWEEN THE CITY AND ROSENBERG FM 2218 LTD.**

Executive Summary: On November 1, 2005, the City of Rosenberg entered into an Agreement Concerning Development of Land with Rosenberg FM 2218, LTD., regarding the development of approximately 15.0069 acres of land located inside the City Limits. Additionally, the Agreement consented to the annexation of said 15.0069 acres into Fort Bend County Municipal Utility District No. 150 (MUD No. 150). Subsequently, water and sanitary sewer utility lines were installed and street and drainage improvements were constructed and accepted by the City.

In 2013, 13.8385 acres of the original 15.0069 acre tract was annexed into Fort Bend County Municipal Utility District No. 167, eliminating the need for capacity from MUD No. 150. The reason for the difference in acreage between the 15.0069 and 13.8385 acres is due to street right-of-way. This, in conjunction with the proposed Wind Meadows development not materializing and the City reaching an Agreement in 2013 for the majority of property in MUD No. 150 to be developed as the Rosenberg Business Park, essentially made MUD No. 150 no longer necessary. On December 5, 2013, the MUD No. 150 was dissolved. This Resolution serves to formally terminate the Development Agreement with Rosenberg FM 2218, Ltd.

Since MUD No. 150 has been dissolved, this item and the succeeding three (3) items will offer the City an opportunity to clean-up and finalize the documentation necessary to conclude any further action associated with the dissolution of MUD No. 150.

Staff recommends approval of Resolution No. R-2037 as presented.

C. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-2035, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AN AGREEMENT AND ACKNOWLEDGEMENT OF TERMINATION OF WATER SUPPLY AND WASTEWATER SERVICES CONTRACT BETWEEN THE CITY OF ROSENBERG, TEXAS, AND 2218 ROSENBERG, L.P.**

Executive Summary: On April 20, 2004, the City of Rosenberg entered into a Water Supply and Wastewater Services Contract (Contract) with 2218 Rosenberg, L.P. The Contract provided the developer the authority to utilize Fort Bend County Municipal Utility District No. 150 (MUD No. 150) to construct, finance, own and operate a water distribution system and a wastewater collection system to serve development occurring within their boundaries. This was specifically for the Wind Meadows development, consisting of 655 proposed

residential lots at the time. Subsequently, the Contract was assigned to the MUD No. 150 on December 14, 2004. Additionally, the City and MUD No. 150 amended the Contract on November 1, 2005, to service 15.0069 acres including acreage owned by Rosenberg FM 2218, Ltd. However, the proposed Wind Meadows development did not materialize and the City reached an Agreement in 2013 for the subject property to be developed as the Rosenberg Business Park. Further, the acreage owned by Rosenberg FM 2218, Ltd., was annexed into MUD No. 167. The latter two (2) events essentially made MUD No. 150 no longer necessary. The Board of Directors of MUD No. 150 approved an order dissolving the District on December 5, 2013.

This Resolution No. R-2035 serves to formally terminate the Contract between the City of Rosenberg and the District as agreed upon by the City and MUD No. 150. Staff recommends approval of Resolution No. R-2035 as presented.

D. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-2036, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AN ASSIGNMENT AND ASSUMPTION OF UTILITY COMMITMENT LETTER BY AND BETWEEN FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 150 (WIND MEADOWS) AND THE CITY OF ROSENBERG.**

Executive Summary: Fort Bend County Municipal Utility District No. 150 (MUD No. 150) has previously allocated detention volume of 13.28 acre feet to Vincent and Regina Morales. Prior to dissolution, MUD No. 150 assigned this detention capacity reservation to the City so that the City would be advised of and acknowledge this reservation. The Assignment and Assumption of the Utility Commitment Letter is necessary due to the dissolution of MUD No. 150.

Staff recommends approval of Resolution No. R-2036 as presented.

E. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-2034, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, THE ASSIGNMENT OF PUBLIC INFRASTRUCTURE, 10' SANITARY SEWER EASEMENT, DATED DECEMBER 5, 2013, WHICH ASSIGNS TO THE CITY THE EASEMENT AGREEMENT (10' SANITARY SEWER EASEMENT) DATED FEBRUARY 1, 2006, FROM WM COMMERCIAL, L.P., A TEXAS LIMITED PARTNERSHIP TO FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 150 RECORDED UNDER DOCUMENT NO. 2006012967 OF THE OFFICIAL PUBLIC RECORDS OF FORT BEND COUNTY, TEXAS, FOR THE SUM OF \$10.00.**

Executive Summary: This item serves to accept assignment of a 10' Sanitary Sewer Easement from Fort Bend County Municipal Utility District No. 150 (MUD No. 150). MUD No. 150 was granted the easement from WM Commercial L.P., on February 1, 2006. The easement provided the MUD No. 150 with the ability to construct and operate sanitary sewer lines to the proposed Wind Meadows development. However, the proposed Wind Meadows development did not materialize and the City reached an agreement in 2013 for the property to be developed as the Rosenberg Business Park. This Resolution services to assign the Sanitary Sewer Easement from the MUD No.150 to the City.

Staff recommends approval of Resolution No. R -2034 as presented.

F. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2015-28, AN ORDINANCE PROVIDING FOR THE DISANNEXATION FROM THE CORPORATE BOUNDARIES OF THE CITY OF ROSENBERG, TEXAS, OF 1.393 ACRES (60,689 SQUARE FEET) LOCATED IN THE WILEY MARTIN LEAGUE, A-56, FORT BEND COUNTY, TEXAS (FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 155 – BONBROOK PLANTATION), PURSUANT TO THE PETITION FOR DISANNEXATION; ADJUSTING THE BOUNDARIES OF COUNCIL DISTRICT NO. 4 TO EXCLUDE THE TRACT DISANNEXED HEREBY; CONTAINING CERTAIN FINDINGS; PROVIDING FOR NON-SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

Executive Summary: As discussed at the September 1, 2015 City Council meeting, staff received a request from Beazer Homes and current property owners/residents regarding the disannexation of approximately 1.393 acres from the City of Rosenberg City Limits and in Fort Bend County MUD No. 155 (Bonbrook Plantation). The tract was originally annexed

by the City in 1990 and happens to intersect with a small portion of what is now MUD No. 155, or Bonbrook Plantation. The property in question was platted in 2014 as part of Bonbrook Plantation North Section Nine. In many cases, lots were subsequently built on and sold, resulting in homeowners or residents being part in and part out of the City.

As discussed, while the City did not develop the property or necessarily create the situation, having lots in multiple jurisdictions is not a situation that staff recommends continuing. Further, the estimated fiscal impact or loss of ad valorem tax revenue is only approximately \$900 annually based on 2014 City taxes levied.

Per state law (Local Government Code, Ch. 43) and City Charter (Sec. 1.04), if property is occupied, disannexation requires a petition from the majority of voters residing in the area and additional notification requirements to be completed by petitioner/s. It appears at this time all registered voters (7 out of 7) have signed the petition. This has been verified by the Fort Bend County Elections Administrator's office. The City Attorney has reviewed the petition and attached exhibits and found them to be in conformance with the requirements of the City Charter and the Local Government Code and has also found that any publishing, posting, voting and timing requirements have been met. Additionally, the petition specifically waives the right for petitioner/s to recover any City property taxes paid to date, so there should not be a negative fiscal impact from that standpoint.

On September 1, 2015, City Council directed staff to move forward with preparing an Ordinance for this Agenda item. Staff recommends approval of Ordinance No. 2015-28, thereby disannexing 1.393 acres of land in MUD No. 155 pursuant to the petition.

Action: Mayor Pro Tem Barta made a motion, seconded by Councilor Wallingford, to approve Consent Agenda Items A, B, C, D, E, and F. The motion carried by a unanimous vote of those present.

REGULAR AGENDA

2A. ***This item was formerly item 5 on the Agenda.***

CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-2038, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RESALE DEED FOR REAL PROPERTY GENERALLY LOCATED AT BRAZOS STREET AND DESCRIBED AS TRACT 1: GEO NUMBER: 4415000120050901: LOT NO. FIVE (5) IN BLOCK NO. TWELVE (12), OF THE KAFFENBERGER ADDITION TO THE CITY OF ROSENBERG, AS MORE PARTICULARLY DESCRIBED IN VOLUME 236, PAGE 562 OF THE DEED RECORDS OF FORT BEND COUNTY, TEXAS.

Executive Summary: Mike Darlow, with Perdue, Brandon, Fielder, Collins and Mott, LLP, presented an offer received from Lisa T. Gallardo to purchase a lot on Brazos Street from the City for \$6,615.07. The official bid form, bid analysis, and a map showing the location are included in the agenda packet. The proposed resale deed has been included as Exhibit "A" to Resolution No. R-2038.

The offer is for 100% of the taxes, costs and City mowing liens due on the property. Mr. Darlow recommends the resale be approved by adopting Resolution No. R-2038.

Staff also recommends approval of Resolution No. R-2038, a Resolution authorizing the resale of property that was acquired through tax foreclosure proceedings.

Key Discussion Points: Joyce Vasut, Executive Director of Administrative Services, read the Executive Summary.

Action: Councilor Benton made a motion, seconded by Councilor Moses, to approve Resolution No. R-2038, a Resolution authorizing the Mayor to execute a resale deed for real property generally located at Brazos Street and described as Tract 1: Geo Number: 4415000120050901: Lot No. Five (5) in Block No. Twelve (12), of the Kaffenberger Addition to the City of Rosenberg, as more particularly described in Volume 236, Page 562 of the Deed Records of Fort Bend County, Texas. The motion carried by a unanimous vote of those present.

2. **REVIEW AND DISCUSS THE PROPOSED RENAMING OF COMMUNITY PARK AFTER TONY BECERRA, AND TAKE ACTION AS NECESSARY.**

Executive Summary: This item was requested to be included on the Agenda in order to discuss the possible renaming of Community Park after Rosenberg resident Tony Becerra.

Key Discussion Points: Councilor Jimmie J. Peña gave an overview of the item, explaining Mr. Becerra's service record and strong ties to the community. Scott Tschirhart, City Attorney, advised that the Parks and Recreation Board is unable to rename a park under current policy, and confirmed that the City Council has the authority to rename the park. Mr. Tschirhart further explained the post-approval procedures, including the necessity to change the park signage within 120 days of approval. Darren McCarthy, Parks and Recreation Director, advised that the cost to change the park signage would be approximately \$2,500.

Action: Councilor Benton made a motion, seconded by Councilor Pena, to change the name of Community Park to Tony Becerra Park. The motion carried by a unanimous vote of those present.

3. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-2030, A RESOLUTION AWARDED BID NO. 2015-13 FOR THE AIRPORT AVENUE PHASE II RECONSTRUCTION PROJECT (LOUISE STREET TO WEST OF GRAEBER ROAD); 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: Sealed bids were received on Wednesday, September 02, 2015, for the Airport Avenue Phase II Reconstruction Project (Louise Street to West of Graeber Road). The bids were opened and tabulated as indicated on the bid summary. A total of four (4) bids were received. Airport Avenue Phase II is included in the FY2016 Capital Improvements Projects approved by City Council on July 07, 2015 (Resolution No. R-1997).

Staff recommends Bid No. 2015-13 be awarded to Trans-Tex Construction, LLC, of Pattison, Texas, for the base bid amount of \$3,963,661.00. The construction contract time is two hundred seventy (270) calendar days. The correspondence from the Project Engineer, Sam Kruse with Costello, Inc., recommends same. Trans-Tex Construction, LLC, was previously the contractor for the Spur 529 Water Line Extension and the Reclaimed Water Line Extension to serve Terry High School projects. Trans-Tex Construction, LLC, completed both of these projects without any issues. Should the bid be awarded as recommended, the Trans-Tex Construction, LLC, proposal will be attached and will serve as Exhibit "A" to Resolution No. R-2030.

Staff recommends approval of Resolution No. R-2030 which will award Bid No. 2015-13 and provide authorization for the City Manager to negotiate and execute all required documents necessary to facilitate the Project.

Key Discussion Points: John Maresh, Assistant City Manager of Public Services, read the Executive Summary. Mr. Maresh confirmed that the company has done construction for the City in the past and we have experienced no issues with their work.

Action: Councilor Benton made a motion, seconded by Councilor Moses, to approve Resolution No. R-2030, a Resolution awarding Bid No. 2015-13 to Trans-Tex Construction, LLC, in the amount of \$3,963,661.00, for the Airport Avenue Phase II Reconstruction Project (Louise Street to West of Graeber Road); 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.

4. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-2042, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A MEMORANDUM OF LICENSE AGREEMENT AND LICENSE AGREEMENT, BY AND BETWEEN THE CITY AND GTE MOBILNET OF SOUTH TEXAS LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS, ALLOWING FOR THE INSTALLATION OF ANTENNAE, ASSOCIATED CABLING AND EQUIPMENT ON THE CITY-OWNED ELEVATED WATER STORAGE TANK LOCATED AT 2214 RUBY STREET.**

Executive Summary: GTE Mobilnet of South Texas Limited Partnership d/b/a Verizon Wireless, submitted a request seeking approval and authorization to install antennae, cabling, and related equipment on the

City-owned elevated water storage tank located at 2214 Ruby Street. Staff and the City Attorney have negotiated a License Agreement (Agreement) similar to those previously approved by City Council for similar equipment installed on this water tank by T-Mobile and Clear Wireless. The Agreement includes a primary term of ten (10) years, commencing on the date equipment installation begins, or January 01, 2016, whichever occurs first. The Agreement also provides Verizon Wireless the right to extend said license for up to four (4) additional and successive five (5) year terms. The base annual rental amount has been established at \$22,000.00, with a four percent (4%) annual increase in the rental rate for the term of the Agreement. Staff has reviewed drawings for the proposed antennae and related equipment that would be installed on the tower and has no objections.

Staff recommends approval of Resolution No. R-2042, a Resolution authorizing the City Manager to execute a Memorandum of License Agreement and License Agreement by and between the City of Rosenberg and Verizon Wireless.

Key Discussion Points: John Maresh read the Executive Summary.

Action: Councilor Euton made a motion, seconded by Councilor Benton, to approve Resolution No. R-2042, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Memorandum of License Agreement and License Agreement, by and between the City and GTE Mobilnet of South Texas Limited Partnership d/b/a Verizon Wireless, allowing for the installation of antennae, associated cabling and equipment on the City-owned elevated water storage tank located at 2214 Ruby Street. The motion carried by a unanimous vote of those present.

5. ***This item was considered at the beginning of the Agenda as item 2a.***

CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-2038, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RESALE DEED FOR REAL PROPERTY GENERALLY LOCATED AT BRAZOS STREET AND DESCRIBED AS TRACT 1: GEO NUMBER: 4415000120050901: LOT NO. FIVE (5) IN BLOCK NO. TWELVE (12), OF THE KAFFENBERGER ADDITION TO THE CITY OF ROSENBERG, AS MORE PARTICULARLY DESCRIBED IN VOLUME 236, PAGE 562 OF THE DEED RECORDS OF FORT BEND COUNTY, TEXAS.

6. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-2032, A RESOLUTION ACCEPTING AND APPROVING THE INVESTMENT POLICY OF THE CITY OF ROSENBERG.**

Executive Summary: The Public Funds Investment Act (PFIA) and the City's Investment Policy (Policy) require the Policy to be reviewed annually by the Finance/Audit Committee and the City Council.

The Policy, attached to Resolution No. R-2032 as Exhibit "A", is included in the agenda packet for review. The Policy has been reviewed by staff and was presented to the Finance/Audit Committee immediately prior to this City Council meeting.

In accordance with the PFIA and the City's Investment Policy, included in the agenda packet is a copy of the most recent training certificate and the disclosure statement for the Executive Director of Administrative Services.

City staff and the Finance/Audit Committee recommend approval of the Resolution No. R-2032, approving the Investment Policy for the City of Rosenberg.

Key Discussion Points: Joyce Vasut read the Executive Summary.

Action: Councilor Benton made a motion, seconded by Councilor Wallingford, to approve Resolution No. R-2032, a Resolution accepting and approving the Investment Policy of the City of Rosenberg. The motion carried by a unanimous vote of those present.

7. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-2039, A RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$10,000,000, FOR THE ACQUISITION, CONSTRUCTION AND IMPROVEMENT OF CERTAIN PUBLIC WORKS, AND AUTHORIZING CERTAIN OTHER MATTERS RELATING THERETO.**

Executive Summary: Marcus Deitz, with McGuireWoods LLP, has prepared Resolution No. R-2039

authorizing publication of Notice of Intention to issue Certificates of Obligation, in an aggregate principal amount not to exceed \$10,000,000 for Bryan Road, Spacek Road, Old Richmond Road and water and wastewater system improvements.

Approval of Resolution No. R-2039 is required for Mr. Deitz, City's Bond Counsel, and Joe Morrow, City's Financial Advisor, to proceed with obtaining quotes for the financing. The quotes and terms will be presented to City Council at a later date for approval. The proposed schedule is to obtain quotes on October 20, 2015.

Staff recommends approval of Resolution No. R-2039, authorizing publication of Notice of Intention to issue Certificates of Obligation, in an aggregate principal amount not to exceed \$10,000,000 for the acquisition, construction and improvement of certain public works, and authorizing certain other matters relating thereto.

Key Discussion Points: Joyce Vasut read the Executive Summary. Ms. Vasut explained that, like all other City bonds, this bond would typically be callable in ten years, or possibly nine. She explained that the bond monies can only be used for items that are named in the Intent to Issue, specifically road, water, and wastewater projects. The roads for which this bond is intended - Bryan Road, Spacek Road, and Old Richmond Road - are not named in the Resolution. Councilor Benton expressed his concern for not being more specific in the Resolution and its supporting documents. The City's Bond Counsel advises that we keep the Resolution more broad, so that there is some flexibility in the event of an extenuating circumstance in the future.

Action: Councilor Pena made a motion, seconded by Councilor Euton, to approve Resolution No. R-2039, a Resolution authorizing publication of Notice of Intention to Issue Certificates of Obligation, in an aggregate principal amount not to exceed \$10,000,000, for the acquisition, construction and improvement of certain public works, and authorizing certain other matters relating thereto.

After some discussion, Councilor Benton moved to amend the motion, adding the street names. The motion to amend died for lack of a second.

The original motion to approve Resolution No. R-2039, a Resolution authorizing publication of Notice of Intention to Issue Certificates of Obligation, in an aggregate principal amount not to exceed \$10,000,000, for the acquisition, construction and improvement of certain public works, and authorizing certain other matters relating thereto, was considered.

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

8. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-2033, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, BUDGET AMENDMENT 15-13, IN THE AMOUNT OF \$605,000 FOR CERTAIN MAINTENANCE AND OPERATIONS EXPENDITURES.**

Executive Summary: As the fiscal year-end approaches, there are several accounts that are currently over budget or are requesting purchases prior to fiscal year-end that will put the account over budget. In order to avoid large expenditures that are greater than the budgeted amounts, this budget adjustment is presented to increase certain line items by reallocating expenditures or increasing revenues. There is only one item which is for the Rosenberg Development Corporation that uses fund balance to offset the increase in expenditures. A memorandum is included in the agenda packet that describes each of the adjustments presented.

Budget Amendment 15-13 is included as Exhibit "A" to Resolution No. R-2033. Staff recommends approval of Resolution No. R-2033 as presented.

Key Discussion Points: Joyce Vasut read the Executive Summary.

Action: Councilor Euton made a motion, seconded by Councilor Wallingford, to approve Resolution No. R-2033, a Resolution authorizing the City Manager to execute, for and on behalf of the City, Budget Amendment 15-13, in the amount of \$605,000 for certain maintenance and

operations expenditures. The motion carried by a unanimous vote of those present.

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

9. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-2041, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, BUDGET AMENDMENT 15-14, IN THE AMOUNT OF \$1,364,281 FOR CERTAIN CAPITAL IMPROVEMENT PROJECTS.**

Executive Summary: This budget adjustment is presented to allow for several Capital Improvements Projects that are scheduled to begin and possibly incur expenditures prior to fiscal year end. These projects, as listed below, are all included in the FY2016 Capital Improvement Plan as approved by City Council in Resolution No. R-1997 on July 7, 2015.

1. North Side Water Improvements – Phase II – On September 1, 2015, City Council approved Resolution No. R-2029 awarding Bid No. 2015-07 in the amount of \$243,280. The Community Development Block Grant (CDBG) program provided funding in the amount of \$210,000 for this Project, of which \$39,900 was used for engineering, leaving \$170,100 for construction. The City would provide local matching funds in the amount of \$73,180 to fully fund the remaining construction cost. The City had budgeted \$61,000 for the local matching funds; therefore, a budget adjustment in the amount of \$12,180 is presented.
2. A. Meyer, Benton and Rohan Road Water Line – Funding for this Project is included in the FY2016 Budget. However, payment for the oversizing of water line needs to be made in FY2015 to Fort Bend County MUD No. 184 in the amount of \$119,776.
3. Railroad Quiet Zones – On August 18, 2015, City Council approved Resolution No. R-1982, a Resolution signifying the City's intent to participate in a Project regarding railroad crossings and directional horns and/or quiet zones, by and among the City of Rosenberg, the City of Richmond, Fort Bend County, Texas, and the Henderson-Wessendorff Foundation, in an amount not to exceed \$100,000.
4. Avenue C Connector – The FY2016 Capital Improvement Plan identified that this Project would be funded with General Fund Balance in the amount of \$939,000.
5. Bamore Road Connector - The FY2016 Capital Improvement Plan identified that this Project would be funded with General Fund Balance in the amount of \$193,325.

Budget Amendment 15-14 is included as Exhibit "A" to Resolution No. R-2041. Staff recommends approval of Resolution No. R-2041 as presented.

Key Discussion Points: Joyce Vasut read the Executive Summary.

Action: Councilor Euton made a motion, seconded by Councilor Moses, to approve Resolution No. R-2041, a Resolution authorizing the City Manager to execute, for and on behalf of the City, Budget Amendment 15-14, in the amount of \$1,364,281 for certain Capital Improvement Projects. The motion carried by a unanimous vote of those present.

10. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-2015, A RESOLUTION AWARDED BID NO. 2015-14 FOR MOSQUITO CONTROL 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: With Bid No. 2015-14, the City of Rosenberg requested written quotes for Mosquito Control Services from seven (7) contractors (and posted the bid in the newspaper) and received one (1) response and written quote.

A summary of the bids is included in the agenda packet for review. Cypress Creek Pest Control, Inc., submitted the only bid in the amount of \$32,050 which includes complete spray cycles of streets located in the City Limits. Other, less common, services were bid on an "as-needed" basis. Cypress Creek Pest Control, Inc., has satisfactorily performed these services for the City since 2009.

Staff recommends approval of Resolution No. R-2015, awarding Bid No. 2015-14 to Cypress Creek Pest Control, Inc., in the amount of \$32,050 for Mosquito Control Services for a one (1) year term; and, authorizing the City Manager to negotiate and execute all required documentation. Should City Council award this bid to Cypress Creek Pest Control, the proposal will be added to Resolution

No. R-2015 to serve as Exhibit "A".

Key Discussion Points: Jeff Trinker, Executive Director of Support Services, read the Executive Summary and confirmed that there have no issues with the services provided by this company in the past.

Action: Councilor Benton made a motion, seconded by Councilor Moses, to approve Resolution No. R-2015, a Resolution awarding Bid No. 2015-14 to Cypress Creek Pest Control, Inc., in the amount of \$32,050, for Mosquito Control 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 of those present.

11. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-2016, A RESOLUTION AWARDDING BID NO. 2015-15 FOR JANITORIAL 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 July 5, 2015, a request for quotes for Janitorial Services was published in the newspaper. Staff also distributed the contract specifications to thirty-one (31) vendors on the City's janitorial vendor list. On Wednesday, August 19, 2015, bids were received and opened for the City of Rosenberg (City) Janitorial Services Contract. A total of ten (10) bids were received, with six (6) of them complete (addendum acknowledged and bid bond provided).

A summary of the bids is included in the agenda packet for review. J & E Associates submitted the lowest base total bid in the amount of \$43,746.32. This bid is approximately 20% lower than the second lowest complete bid and about \$4,000 less than the lowest bid in 2013, when the bid specs included only four (4) buildings instead of five (5). This amount is an outlier in comparison to the other bids and has caused staff to question whether the services could be satisfactorily provided at the bid price. The second lowest complete bid was submitted by American Facility Services for a total bid of \$53,627. This company is based in the Atlanta area and the contract manager would be located in Austin. Given these distances, staff is concerned about the level of supervision and attention this contract would receive. The third lowest total bid was submitted by Ambassador Cleaning Services for \$61,385. This firm is based in Houston and already has other nearby clients, including the Richmond branch of Wharton County Junior College. For City Council's review and consideration, the proposals from J & E Associates, American Facility Services, and Ambassador Cleaning Services have been provided under separate cover along with the technical specifications for this Contract.

Due to the concerns noted above, staff recommends awarding Bid No. 2015-15 to Ambassador Cleaning Services, in the total amount of \$61,385 for the Janitorial Services Contract for a one (1) year term; and, authorizing the City Manager to negotiate and execute all required documentation. Should City Council award this bid as recommended, the proposal will be attached to Resolution No. R-2016 as Exhibit "A".

Key Discussion Points: Jeff Trinker read the Executive Summary. After discussion, the general consensus of Council was to award the contract to the lowest bidder, J & E Associates.

Action: Councilor Benton made a motion, seconded by Councilor Moses, to approve Resolution No. R-2016, a Resolution awarding Bid No. 2015-15 to J & E Associates, in the amount of \$43,746.32, for Janitorial 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 of those present.

12. **HOLD EXECUTIVE SESSION TO CONSULT WITH CITY ATTORNEY ON PENDING OR CONTEMPLATED LITIGATION, NAMELY TEXAS DEPARTMENT OF TRANSPORTATION V. ROSENBERG CONDEMNATION PROCEEDINGS, PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE.**

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

An Executive Session was held to consult with City Attorney on pending or contemplated litigation, namely Texas Department of Transportation v. Rosenberg condemnation proceedings, pursuant to Section 551.071 of the Texas Government Code.

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

Mayor Pro Tem Barta adjourned the Executive Session and reconvened into Regular Session at 8:28 p.m.

14. **ADJOURNMENT.**

There being no further business, Mayor Pro Tem Barta adjourned the meeting at 8:29 p.m.



Linda Cernosek, TRMC, City Secretary