

CITY OF ROSENBERG

WORKSHOP CITY COUNCIL MEETING MINUTES

On this the 22nd day of September, 2015, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Workshop Session, in the Rosenberg City Hall Council Chamber, located at 2110 4th Street, Rosenberg, Texas.

Present: Cynthia A. McConathy, Mayor
William Benton, Councilor at Large, Position 1
Susan Euton, Councilor, District 2
Lisa Wallingford, Councilor, District 3

Absent: Amanda J. Barta, Councilor at Large, Position 2
Jimmie J. Pena, Councilor, District 1
Lynn Moses, Councilor, District 4

Staff Present: John Maresh , Acting City Manager
Scott M. Tschirhart, City Attorney
Linda Cernosek, City Secretary
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
Lisa Olmeda, Human Resources Director
Dallis Warren, Police Chief
Tracie Dunn, Assistant Police Chief
Bill Henry, Police Lieutenant
Jeremy Eder, Police Lieutenant
Wade Goates, Fire Chief
Justin Rodgers, Police Officer
Randall Malik, Economic Development Director
James Lewis, Information Services Manager
Steve Trevino, Information Technology Specialist
Kaye Supak, Executive Assistant

Call to order: City Hall Council Chamber
Mayor McConathy called the meeting to order at 6:07 p.m.

AGENDA

1. **Review and discuss a presentation by Morris Architects on the Livable Centers Study undertaken by the Houston-Galveston Area Council (H-GAC), and take action as necessary to direct staff.**

EXECUTIVE SUMMARY

Shortly after being chosen by the Houston- Galveston Area Council (H-GAC) to conduct the US 90-A Livable Centers Study (Study), Morris Architects briefed City Council on the scope and purpose of the Study on November 18, 2014. Morris Architects will attend the meeting to present the completed Livable

Centers Study and answer any questions regarding same. The purpose of the Study is to facilitate a revitalization plan for the US 90-A corridor through Rosenberg.

KEY DISCUSSION POINTS

Randall Malik, Economic Development Director, read the Executive Summary and introduced Christof Spieler, Vice President of Morris Architects, who gave a presentation regarding the Livable Centers Study and its findings. The funding for this study came primarily from an H-GAC grant, with local matching by the RDC and WFBMD. Two public meetings were held in order to obtain public input, and Morris Architects believes that the residents are in favor of the proposed improvements. After discussion, the consensus of Council was generally favorable of the study and its findings, which will be taken into consideration moving forward.

2. *This item was formerly item 6 on the Agenda.*
Review and discuss signage posted at City facilities related to concealed and openly carried firearms, and take action as necessary to direct staff.

EXECUTIVE SUMMARY

During the 2015 Texas Legislative session, the Legislature passed House Bill 910 which eliminates the concealed/open carry distinction for handguns. Effective January 1, 2016, all handgun licensees may carry a handgun in a concealed manner or openly in a belt or holster. Furthermore, Senate Bill 273 (2015) prohibits cities from posting signage that excludes handgun licensees from carrying a handgun on the premises. This bill became effective September 1, 2015. Previously, the City of Rosenberg had posted signs on City facilities prohibiting the concealed carry of firearms in City buildings. Staff has removed these signs to comply with Senate Bill 273.

With the adoption of these new bills, state law allows for a City to prohibit a license holder from carrying a handgun on municipal premises in the following cases:

- At a polling place on the day of the election or while early voting is in progress;
- Any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court;
- At open meetings subject to the Open Meetings Act when a specific notice to prohibit a license holder from carrying in the room or rooms where a meeting of the government entity is held.

Cities may provide notification of prohibition with signage, orally or via the printing of Penal Code 30.06 and 30.07 statements on the actual meeting agendas.

Given these changes, staff requests direction from the City Council regarding 1) whether handguns should be prohibited from the Municipal Court area and any posted open meetings; 2) if a prohibition is desired, the manner of notification for that prohibition.

KEY DISCUSSION POINTS

Jeff Trinker, Executive Director of Support Services, read the Executive Summary and directed questions to Scott Tschirhart, City Attorney, who gave a legal overview of the item. Mr. Tschirhart recommended referencing the Penal Code on future agendas, and possibly using removable signage. After discussion, the general consensus of Council was to wait until an Attorney General decision on pending litigation is reached, in order to have more constructive discussion at a later date.

3. *This item was formerly item 2 on the Agenda.*
Review and discuss the installation of speed humps on Homestead Road, and take action as necessary to direct staff.

EXECUTIVE SUMMARY

This item has been added to the agenda to offer an opportunity for City Council to discuss traffic calming measures for Homestead Road. Attached please find the City's Traffic Calming Policy and recently received application documentation.

KEY DISCUSSION POINTS

Councilor Benton explained that the residents of Homestead Road have complained about speeding traffic in the area, particularly during school hours. Dallis Warren, Police Chief, confirmed that there will be increased police patrol of the area. The recommendation of Council was for the residents to follow the speed hump petitioning procedures currently in place, and this item will be brought back before Council at a later date.

4. *This item was formerly item 3 on the Agenda.*
Review and discuss proposed revision to Code of Ordinances, Chapter 16, Article IV. - Itinerant Vendors, Solicitors and Peddlers, and take action as necessary to direct staff.

EXECUTIVE SUMMARY

Per Code of Ordinances, Chapter 16, Article IV, itinerant merchants or vendors are required to operate under a City permit with an application fee of fifty dollars (\$50). An itinerant merchant or vendor is generally defined by the ordinance as "a person, as well as their agents and employees, who sets up and operates a temporary business within the premises of another business or any other building, enclosure, vacant lot, vehicle or location in the city, soliciting, exhibiting, selling or taking orders for or offering to sell or take orders for any goods or services."

Recent correspondence was directed at City Council questioning our authority to assess a fee pursuant to Section 16-175 (2), and also alleging discrimination against the applicant. The correspondence is attached for review. It should be noted for informational purposes that the ordinance has been applied consistently to other applicants of this nature (i.e., other itinerant merchants and vendors).

While the City Attorney is in agreement the ordinance is being applied correctly and consistently, the applicant brings up the point that "a solicitor or vendor being on the property by the prior written permission of the owner or the lawful occupant of such premises" is considered an "affirmative defense," or a possible exemption, from the ordinance. While it seems clear to staff that this defense or exemption was intended to apply to solicitors (otherwise there would be no itinerant vendor permits) the ordinance could be improved to provide for greater clarity to the applicants on this particular matter. The latter would be staff's suggestion pending direction from City Council per the attached proposed "redlines" to the ordinance.

KEY DISCUSSION POINTS

Tonya Palmer, Building Official, read the Executive Summary and described the background information of the specific complaint that was received. After discussion, Council directed the City Attorney to proceed with cleaning up the language of the Ordinance, and to bring it back before Council for approval.

5. *This item was formerly item 4 on the Agenda.*
Review and discuss proposed revision to Code of Ordinances, Chapter 30, Article III. – Towing Services for Non-consent Tows, and take action as necessary to direct staff.

EXECUTIVE SUMMARY

In September of 2014, the current heavy duty wrecker companies on the Rosenberg Police Department rotation presented a request for an increase of fees and proposed that new fees be added to the City's current fee schedule. They later presented an additional proposal for an alternate fee schedule.

A fee study was conducted by the Rosenberg Police Department and as a result, it was determined that an increase of fees would be in line with the fees charged by surrounding jurisdictions.

In September of 2015, a meeting was held with the owners of the heavy duty wrecker companies and the Rosenberg Police Department. During this meeting all parties came to a consensus on a proposed increase.

This item is being brought to City Council for review and input on the proposed revision of the fee schedule. Should City Council agree with the proposed changes, an item will be placed on a future Agenda for consideration.

KEY DISCUSSION POINTS

Dallis Warren, Police Chief, read the Executive Summary and gave a presentation on the proposed fee schedule for non-consent towing, including two fee structure options. After discussion, the consensus of Council was to move forward with the proposed Ordinance change, with the flat fee rate as proposed.

Mayor McConathy adjourned the meeting for a break at 7:40 p.m., and reconvened the meeting at 7:46 p.m.

6. *This item was formerly item 5 on the Agenda.*
Review and discuss Wellness and Fitness Policy, and take action as necessary to direct staff.

EXECUTIVE SUMMARY

The City of Rosenberg Police Department has a mandatory fitness assessment using recognized standards to reinforce and encourage maintaining a healthy lifestyle for sworn personnel. Staff has prepared a Wellness and Fitness Policy for all City employees based on these standards. The Wellness and Fitness Policy is voluntary for City employees and would allow the employees to receive incentive day(s) off depending on the level of results obtained. The staff is recommending approval of the policy providing four levels: Level 1 - one day off; Level 2 - two days off; Level 3 - three days off; Level 4 - three days off and a one-time bonus of \$150.00. Employees would only be eligible for one incentive per year, awarded in January.

The days off are not expected to create a budget impact due to supervisor's management of the department schedule. The days off are for Levels 1, 2, 3, and 4. The budget impact would be the \$150.00 one-time bonus, which is only at Level 4. It is estimated that five (5) employees from the Police Department would be eligible based on past testing history. The City does not have an accurate estimate of other City department's employees due to no previous testing history; therefore, the fiscal impact would be unknown for other departments.

KEY DISCUSSION POINTS

Police Chief Warren read the Executive Summary and introduced Bill Henry, Police Lieutenant, who gave a presentation regarding the proposed Wellness and Fitness Policy revisions. A fitness program has been in effect in the Police Department since January 1, 2013, and has been modified for non-police employees, so that all employees can have an opportunity to earn the proposed incentives. Should Council wish to proceed with the policy update, it could go into effect before the next assessment conducted by the Police Department on October 26, 2015, with incentives awarded on January 1, 2016. The general consensus of Council was in favor of the policy revision and proposed incentive program, and Council further requested that the committee policies also be revised in conjunction with the policy revisions.

7. **Review and discuss Interim Corridor Standards, and take action as necessary to direct staff.**

EXECUTIVE SUMMARY

On September 1, 2015, City Council passed Resolution No. R-2031 repealing the West Fort Bend Management District's standards as they relate to properties located in Rosenberg. The Resolution takes effect sixty (60) days from the time it was passed, which is on October 31, 2015.

The City has the authority to regulate the same development requirements as the District, but currently does not in many cases since it had previously relied on the District's more stringent standards.

Therefore staff would recommend the City adopting its own standards, or "interim" standards, until a longer term solution is reached such as adoption of a Unified Development Code (UDC) with comprehensive standards pursuant to the proposed Comprehensive Plan.

Until more comprehensive standards are adopted, the attached interim standards would at a minimum achieve the following:

- With these standards in place, Rosenberg would be the controlling entity, not a separate District. Therefore any changes or variances would be decided at the City level (Planning Commission and City Council), and the standards would be interpreted by City staff.

- The width of the 2,000' corridors is reduced to only 1,000', so it covers less area and focuses more on those areas that are visible from the public street.
- The building and parking setback lines are much less restrictive, so it allows for more developable property particularly for smaller properties in older parts of town.
- Provides for certain exemptions for existing development and minor renovations; and for the possibility of exceptions as determined by the Planning Commission for smaller properties with existing improvements on them in the interior parts of the State Highway 36 and U.S. Highway 90-A corridors.
- The required landscaping is much less (e.g., one instead of two rows of shrubs); fewer and smaller trees are generally required; and "planting diamonds," for example, are not required in parking lots.
- It specifically only allows certain types of trees (e.g., crape myrtles) in proximity to overhead utilities.
- Encourages landscaping less dependent on irrigation.
- Requires less masonry (50%) for industrial uses, and masonry may consist of concrete tilt wall for industrial. This is something that previously had to be determined by the District and could not be approved administratively per their standards.
- Does not require all masonry fencing. For example, these standards would allow coated chain link fencing. This has always been discussed as a significant cost of development if one strictly adheres to the existing District standards.
- Recognizes the City's freestanding sign size requirements and only requires that support structures for signs be compatible with the building architecture.

This item was discussed by the Planning Commission on September 16, 2015. Please note that a minute excerpt from this discussion was not yet available at print time for this Agenda packet. It is recommended that City Council review and discuss the attached draft of proposed Interim Corridor Standards and take action as necessary to direct staff. These standards must ultimately be approved by City Council to take effect.

KEY DISCUSSION POINTS

Travis Tanner read the Executive Summary and gave a presentation regarding proposed Interim Corridor Standards. Scott Tschirhart, City Attorney, stated that a letter had been received from the West Fort Bend Management District, terminating the Administrative Services Agreement between the City and the District, effective in 30 days. As a result, Mr. Tschirhart advised that City Council adopt interim standards at the October 20, 2015, Regular City Council Meeting, ensuring that there is no lapse of standards in effect. Council provided feedback to Mr. Tanner, who will incorporate their recommendations before bringing this item back before Council for adoption.

8. Adjournment.

There being no further business, Mayor McConathy adjourned the meeting at 8:36 p.m.



Linda Cernosek, TRMC, City Secretary