

NOTICE OF REGULAR COUNCIL MEETING

NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL OF THE CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS, WILL MEET IN REGULAR SESSION OPEN TO THE PUBLIC AS FOLLOWS:

DATE: Tuesday, October 20, 2015
TIME: 7:00 p.m.
PLACE: Rosenberg City Hall
City Hall Council Chamber
2110 4th Street
Rosenberg, Texas 77471
PURPOSE: Regular City Council Meeting, agenda as follows:

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: City Hall Council Chamber

Invocation and Pledge of Allegiance. (Pastor Rodrick Perkins, The Place Church, Rosenberg)

Presentation of Rosenberg Image Committee Beautification and Renovation Awards. (William Benton, Councilor, At Large Position One)

Introduction of New Police Lieutenant Chad Pino (SRO Division), Promoted August 24, 2015; and, Introduction of New Police Sergeants John Johnson (Patrol Division), Promoted on March 08, 2014; and, Daryl Segura (SRO Division), Brandon Moseley (Patrol Division), and Stephen Hart (Patrol Division) Promoted on September 02, 2015. (Dallis Warren, Chief of Police)

Announcements.

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 September 15, 2015, Special Meeting Minutes for September 22, 2015, Workshop Meeting Minutes for September 22, 2015, and Special Meeting Minutes for September 28, 2015. (Linda Cernosek, City Secretary)
- B. Consideration of and action on Resolution No. R-2047, a Resolution authorizing the City Manager to terminate, for and on behalf of the City, an Asset Disposition Services Agreement with PropertyRoom.com for online auction services. (Linda Cernosek, City Secretary)
- C. Consideration of and action on authorization to sell the proposed list of surplus property items to be included in City-wide auction. (Linda Cernosek, City Secretary)
- D. Consideration of and action on Resolution No. R-2043, a Resolution authorizing the City Manager to negotiate and execute, for and on behalf of the City, a Contract for Services by and between the City and C.J. Stommel & Associates Automotive Auctioneers for the sale of surplus City vehicles and equipment. (Linda Cernosek, City Secretary)
- E. Consideration of and action on Resolution No. R-2044, a Resolution authorizing the City Manager to execute, for and on behalf of the City, an Online Auction Memo of Understanding (Contract) for professional auction services, by and between the City and GovDeals, Inc. (Linda Cernosek, City Secretary)
- F. Consideration of and action on Resolution No. R-2058, a Resolution authorizing the Mayor to execute, for and on behalf of the City, an Interlocal Agreement for EMS Housing between Fort Bend County and the City of Rosenberg for the housing of Mobile Intensive Care Unit(s) and personnel. (Wade Goates, Fire Chief)
- G. Consideration of and action on Resolution No. R-2059, a Resolution authorizing the Mayor to execute, for and on behalf of the City, an Interlocal Agreement by and between Fort Bend County, Texas, and the City of Rosenberg for the housing of Rosenberg Fire Department response vehicles and personnel. (Wade Goates, Fire Chief)
- H. Consideration of and action on Resolution No. R-2050, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Contract Extension for Parks Grounds Maintenance Services, by and between the City and A's Camo Cutters for a term of one (1) year, in the amount of \$40,000. (Darren McCarthy, Parks and Recreation Director)

- I. Consideration of and action on Resolution No. R-2051, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Contract Extension for Seabourne Creek Regional Sports Complex Grounds Maintenance by and between the City and NRI Brokerage dba Earth First Landscapes, for a term of one (1) year in the amount of \$52,980. (Darren McCarthy, Parks and Recreation Director)
- J. Consideration of and action on Resolution No. R-2061, a Resolution authorizing the issuance of Fort Bend County Municipal Utility District No. 162 (which includes Sunrise Meadow) Unlimited Tax Refunding Bonds, Series 2015A, in an amount not to exceed \$4,800,000.00. (Jeanne McDonald, Attorney)
- K. Consideration of and action on Ordinance No. 2015-29, an Ordinance amending the Code of Ordinances, Chapter 16, Article IV – Itinerant Vendors, Solicitors and Peddlers; establishing affirmative defenses to permit requirements; establishing a responsible department; repealing all conflicting ordinances, providing a severability clause, and providing for an effective date. (Tonya Palmer, Building Official)
- L. Consideration of and action on a request by EHRA to extend approval by one (1) year for the Final Plat of Summer Lakes Section Eight, being a subdivision of 8.574 acres out of the W.M. Lusk Survey, A-276 in the City of Rosenberg, in Fort Bend County, Texas (Fort Bend County Municipal Utility District No. 144); 36 lots, 2 blocks, 1 reserve (0.5214 acres). (Travis Tanner, Executive Director of Community Development)
- M. Consideration of and action on Resolution No. R-2054, a Resolution acknowledging the acceptance, by Right-of-Way Deed, of a 0.225 acre (9,801 square foot), 10-foot wide right-of-way dedication on a called 87.141 acre tract of land conveyed to LGI Homes – Texas, LLC, and described in a deed recorded in Clerk's File No. 2014051923 of the Official Public Records of Fort Bend County, Texas (OPRFBC), out of the G.M. Stone 1/3 League, Abstract 312, in the City of Rosenberg, Fort Bend County, Texas. (Travis Tanner, Executive Director of Community Development)
- N. Consideration of and action on Resolution No. R-2055, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Second Amendment to Development Agreement by and between the City and Lennar Homes of Texas Land and Construction, Ltd. (Travis Tanner, Executive Director of Community Development)
- O. Consideration of and action on Resolution No. R-2040, a Resolution establishing a fee schedule for the permitting of Tow Trucks and Towing Companies performing non-consent tows within the City of Rosenberg. (Dallis Warren, Chief of Police)
- P. Consideration of and action on Resolution No. R-2053, a Resolution approving and adopting a Wellness and Fitness Policy. (Dallis Warren, Chief of Police)

REGULAR AGENDA

- 2. Review and discuss a presentation regarding a proposed Eagle Scout Project by Dylan Cooper of Troop 1000 to build a composter near the Prairie Demonstration Garden in Seabourne Creek Nature Park, and take action as necessary. (Darren McCarthy, Parks and Recreation Director)

3. Consideration of and action on Ordinance No. 2015-31, an Ordinance amending the Code of Ordinances by amending Chapter 21 entitled "Parks and Recreation", creating Section 21-53 to be entitled, "Prohibiting Unmanned Drone Use In City Parks"; providing for a penalty; providing that this Ordinance shall be cumulative; providing for severability and providing for an effective date. (Darren McCarthy, Parks and Recreation Director)
4. Consideration of and action on Resolution No. R-2052, a Resolution authorizing acceptance of a donation from the Rosenberg Rotary Club for a message board to be placed in Tony Becerra Park. (Darren McCarthy, Parks and Recreation Director)
5. Consideration of and action on Ordinance No. 2015-30, an Ordinance amending the Code of Ordinances, by amending Section 21-46 of Chapter 21 thereof and by adding a new Section 21-52 to Chapter 21 thereof; providing a definition of "City Parks"; prohibiting the use of tobacco products and electronic smoking devices within any City park; providing a penalty in an amount not to exceed \$2,000 for violation of any provision hereof; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; and providing for severability. (Lydia Acosta, Management Coordinator for Parks and Recreation)
6. Consideration of and action on Resolution No. R-2049, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Contract for Engineering Services for the Community Development Block Grant funded North Side Water Line Improvements - Phase III, by and between the City and Kelly R. Kaluza and Associates, Inc., in the amount of \$41,500.00. (John Maresh, Assistant City Manager of Public Services)
7. Consideration of and action on Resolution No. R-2045, a Resolution authorizing the Mayor to execute, for and on behalf of the City, an Intergovernmental Agreement, by and between the City and the H-GAC for participation in a Regional DWI Task Force from October 01, 2015, to September 30, 2016. (Dallis Warren, Chief of Police)
8. Consideration of and action on Ordinance No. 2015-33, an Ordinance authorizing and ordering the issuance of the City of Rosenberg, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2015; awarding the sale thereof; and containing matters incident thereto. (Joyce Vasut, Executive Director of Administrative Services)
9. Consideration of and action on Resolution No. R-2060, a Resolution authorizing the City Manager to negotiate and execute, for and on behalf of the City, an Agreement by and between the City and Ilcor Builders for the purchase and construction of a site-built portable building for use as office space by the Rosenberg Utilities Department in the amount of \$161,850.00. (Jeff Trinker, Executive Director of Support Services)
10. Consideration of and action on Resolution No. R-2056, a Resolution accepting the filing of a petition by land owner for annexation of a 20.37 acre (887,403 square feet) tract of land, situated in the John Foster Survey, Abstract No. 27, the Henry Scott Survey, Abstract No. 83, the B.B.B. & C. Railroad Company Survey, Abstract No. 139, the Yandell Ferris Survey, Abstract No. 375, and the Yandell Ferris Survey, Abstract No. 377, Fort Bend County, Texas. (Travis Tanner, Executive Director of Community Development)
11. Consideration of and action on Variance Decision and Order No. V2015-02, a Variance Request regarding the rear building setback requirement for Seabourne Meadows Section One, Unrestricted Commercial Reserve "A." (Travis Tanner, Executive Director of Community Development)

12. Consideration of and action on Ordinance No. 2015-32, an Ordinance amending the Code of Ordinances by adding an Article XXI. – Interim Corridor Standards to Chapter 6 – Buildings and Building Regulations; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; providing for severability; and providing an effective date. (Travis Tanner, Executive Director of Community Development)
13. 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; to deliberate the appointment, employment, and evaluation of the City Manager pursuant to Section 551.074 of the Texas Government Code; and, for deliberations regarding economic development negotiations as authorized by Section 551.087 of the Texas Government Code.
14. Adjourn Executive Session, reconvene into Regular Session, and take action as necessary as a result of Executive Session.
15. Adjournment.

DATED AND POSTED this the 16th day of October 2015, at 12:40 p.m.,

by Linda Cernosek

Linda Cernosek

Attest:

Linda Cernosek, TRMC, City Secretary



Robert Gracia

Approved for Posting:

Robert Gracia, City Manager

Cynthia A. McConathy

Approved:

Cynthia A. McConathy, Mayor

Reasonable accommodation for the disabled attending this meeting will be available; persons with disabilities in need of special assistance at the meeting should contact the City Secretary at (832) 595-3340.

Executive Sessions: The City Council may retire to executive session in accordance with the Texas Government Code, any time between the meeting's opening and adjournment for the purposes of:

- consultation with legal counsel (Section 551.071);
- deliberation regarding real property (Section 551.072);
- deliberation regarding economic development negotiations (Section 551.087);
- deliberation regarding the deployment or specific occasions for implementation of security personnel or devices (Section 551.076)

Attendance by other elected or appointed officials: It is anticipated that members of other city boards, commissions or committees whose meetings may be governed by the Texas Open Meetings Act may attend this meeting in numbers that may constitute a quorum of the other city boards, commissions or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a possible quorum/meeting of the other boards, commissions or committees of the City, whose members may be in attendance. The members may speak as recognized by the presiding officer, but no action may be taken by any board, commission or committee unless such item is specifically provided for on an agenda designated for that board, commission or committee and posted in compliance with the Texas Open Meetings Act.

This Agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering the available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.