

# CITY OF ROSENBERG

## REGULAR CITY COUNCIL MEETING MINUTES

On this the 1st day of December, 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: Cynthia A. McConathy, Mayor  
William Benton, Councilor at Large, Position 1  
Amanda J. Barta, Councilor at Large, Position 2  
Jimmie J. Pena, Councilor, District 1  
Susan Euton, Councilor, District 2  
Lisa Wallingford, Councilor, District 3  
Lynn Moses, Councilor, District 4

Staff Present: Robert Gracia, City Manager  
Scott M. Tschirhart, City Attorney  
Linda Cernosek, City Secretary  
John Maresh, Assistant City Manager of Public Services  
Jeff Trinker, Executive Director of Support Services  
Joyce Vasut, Executive Director of Administrative Services  
Travis Tanner, Executive Director of Community Development  
Charles Kalkomey, City Engineer  
Dallis Warren, Police Chief  
Justin Rodgers, Police Officer  
Wade Goates, Fire Chief  
Darrell Himly, Assistant Fire Chief  
Justin Jurek, Fire Marshal  
Randall Malik, Economic Development Director  
James Lewis, Information Services Manager  
Jenny Pavlovich, Communications Manager

### **Call to order: City Hall Council Chamber**

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

### **Invocation and Pledge of Allegiance.**

Reverend Daniel Haas, St. John's United Church of Christ, Rosenberg, gave the invocation and led the pledge of allegiance to the flag.

### **Presentation of Rosenberg Image Committee Beautification and Renovation Awards.**

Mayor McConathy and Councilor Benton presented Rosenberg Image Committee Beautification and Renovation Awards to:

- Marcus and Rebecca Gracia, 923 Gulf Court
- Tom Herfort, 2419 Chestnut Drive
- Carlos Leon and Cynthia Rincon, 1531 Kent Valley Lane
- Frank and Grace Salinas, 1406 Brooks Avenue

### **Announcements.**

- Rosenberg Christmas Nights is being held in Downtown Rosenberg on Friday, December 4th, and Saturday, December 5th. All are encouraged to attend.
- Friday, December 4th, is the Channel 13 Food Drive. Canned goods can be delivered to Terry High School off of FM 2218.

## 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.

- **Heber Castillo**, 1310 Cardinal Drive, Richmond - Mr. Castillo lives in the area of the Spacek Tracts, and asks that this City Council correct the mistake made by previous Council members by proceeding with disannexation. He believes that the City has collected more taxes than the cost of providing services to the area, and asks that the points that he considers inaccuracies in the proposed Ordinance be corrected before moving forward with the vote.

## 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 minutes of the Regular Meeting on November 17, 2015.**
- B. **Consideration of and action on Resolution No. R-2080, a Resolution providing for incentive pay for the Rosenberg Police Department.**

#### **EXECUTIVE SUMMARY**

On Monday, November 23, 2015, the Finance/Audit Committee met to deliberate a draft of the City's Professional Development Policy (Policy). It was determined at this meeting that the current incentive pay structure for Police Department officers and public safety support specialists should be addressed sooner rather than later when the entire Policy is completed and approved. (Please note that a minute excerpt from the Finance/Audit Committee meeting was not yet available at print time.)

Resolution No. R-2080 is being presented for City Council consideration in advance of the full Policy, which will be placed on a future meeting Agenda. As stated in the Resolution, incentive pay for police officers and public safety support specialists will be approved at \$150 for Intermediate, \$300 for Advanced and \$400 for Master. This incentive pay is not cumulative but rather adds \$150 per certification level. Therefore, if a police officer was at the advanced certification on August 8, 2015, and received the master certification on October 1, 2015, the officer will receive an incentive of \$150 for their progression from advanced certification to master certification, retroactive from October 1, 2015.

Although this incentive was not included in the incentive pay line item for the FY2016 Police Department budget, the department will have enough salary savings from unfilled positions to cover the cost of the incentive pay.

The Finance/Audit Committee and staff recommend approval of of Resolution No. R-2080 as presented.

- C. **Consideration of and action on the biannual calculation of Wholesale Water Rates and Charges.**

#### **EXECUTIVE SUMMARY**

In June 2011, City Council established a wholesale water rate in order that certain Municipal Utility Districts (MUDs) might avoid paying for duplicated services that are currently facilitated by the MUDs and/or their operators. Addendums to the Water Supply and Wastewater Services Agreements (Agreement) which included the recommended wholesale water rate were approved. According to the Agreements, the wholesale water rates were updated in November 2011 and are required to be updated every two (2) years.

In 2013, Ordinance No. 2013-40 provided an update to the wholesale water rate, increasing the discount from 17.53% to 18.40%, therefore decreasing the wholesale water rate to 81.6% of the commercial water rate. The wholesale water rate was recalculated in 2015, and the wholesale water rate will remain at 81.6%

Staff included this item to document that the 2015 wholesale water rate calculation was performed; however, since no changes are recommended in the wholesale water rate for 2015, City Council action is not necessary.

#### **ACTION**

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor, District 2 Susan Euton to approve Consent Agenda items A, B, and C.

Vote: 7 - 0 Carried - Unanimously

## REGULAR AGENDA

2. **Review and discuss a report regarding the status of collections for delinquent taxes, fines, and mowing and demolition liens, and take action as necessary.**

### **EXECUTIVE SUMMARY**

Mike Darlow from Perdue, Brandon, Fielder, Collins and Mott, LLP, has provided information on the status of collection efforts for the City of Rosenberg. Mr. Darlow will be available at the City Council meeting to discuss collection efforts and answer any questions.

This report is presented for City Council's information and to allow for any questions about the process. No action is required on this report.

### **KEY DISCUSSION POINTS**

Joyce Vasut, Executive Director of Administrative Services, read the Executive Summary and introduced Mike Darlow from Perdue, Brandon, Fielder, Collins and Mott, LLP, who gave a presentation on Delinquent Tax Collections. The total collectible tax base is \$231,254.48 for all previous years. Council thanked Mr. Darlow for his presentation and the diligent work of his firm.

3. **Consideration of and action on Resolution No. R-2074, a Resolution awarding Bid No. 2015-19 for the Rosenberg Development Corporation Transportation Gateways Enhanced Grounds Maintenance Finish Cut Areas: FM 2218, Hwy 90A and Lane Drive, Avenue F - 4th Street to 6th Street, and Avenue G and 4th Street Lot; 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**

At the October Rosenberg Development Corporation (RDC) Meeting, the Board authorized staff to receive formal bids for RDC Transportation Gateways Enhanced Ground Maintenance Finish Cut Areas: FM 2218, Hwy 90A and Lane Drive, Avenue F-4th Street to 6th Street, and Avenue G and 4th Street Lot. Bids were advertised in the Fort Bend Herald on October 18, 2015, and October 25, 2015. Sealed bids were received on Wednesday, November 4, 2015. The bids were opened and tabulated as indicated on the attached bid summary.

At the November 12, 2015 RDC Meeting, the Board recommended that City Council award Bid No. 2015-19 to Reliant Sand and Construction in the amount of \$19,475.00. Staff recommends approval of Resolution No. R-2074. Should City Council award Bid No. 2015-19 as recommended, the proposal will be attached to Resolution No. R-2074 as Exhibit "A".

### **KEY DISCUSSION POINTS**

Randall Malik, Economic Development Director, read the Executive Summary and explained that, on this particular contract, some of the previous concerns about sidewalks and weeds have been addressed to prevent future concerns.

### **ACTION**

Motion by Councilor at Large, Position 2 Amanda J. Barta, seconded by Councilor, District 1 Jimmie J. Pena to approve Resolution No. R-2074, a Resolution awarding Bid No. 2015-19 to Reliant Sand and Construction in the amount of \$19,475.00 for the Rosenberg Development Corporation Transportation Gateways Enhanced Grounds Maintenance Finish Cut Areas: FM 2218, Hwy 90A and Lane Drive, Avenue F - 4th Street to 6th Street, and Avenue G and 4th Street Lot; and, authorizing the City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same.

Vote: 7 - 0 Carried - Unanimously

4. **Consideration of and action on Resolution No. R-2075, a Resolution awarding Bid No. 2015-20 for the Rosenberg Development Corporation Transportation Gateways Enhanced Grounds Maintenance of Finish Cut Areas: Hwy 36 at US 90 A, I-69 at Hwy 36, and I-69 at FM 2218; 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**

At the October RDC Meeting, the Board authorized staff to receive formal bids for Finish Cut Areas: Hwy 36 at US 90A, I-69 at Hwy 36, and I-69 at FM 2218. Bids were advertised in the Fort Bend Herald on October 18, 2015, and October 25, 2015. Sealed bids were received on Wednesday, November 04, 2015. The bids were opened and tabulated as indicated on the attached bid summary.

At the November 12, 2015 RDC Meeting, the RDC recommended City Council award Bid No. 2015-20 to Estelita

Oledan DBA ECOCUTTER in the amount of \$8,888.88. Staff recommends approval of Resolution No. R-2075, awarding Bid No. 2015-20 to Estelita Oledan DBA ECOCUTTER. Should City Council award the bid as recommended, the proposal will be attached to Resolution No. R-2075 to serve as Exhibit "A".

#### **KEY DISCUSSION POINTS**

Randall Malik, Economic Development Director, read the Executive Summary and explained an additional intersection has been added to this contract to address previous concerns. The company to which the bid is being awarded is opening up an additional office in Katy, which has enabled them to come in with the lowest bid.

#### **ACTION**

Motion by Councilor at Large, Position 2 Amanda J. Barta, seconded by Councilor at Large, Position 1 William Benton to approve Resolution No. R-2075, a Resolution awarding Bid No. 2015-20 to Estelita Oleda dba Ecocutter in the amount of \$8,888.88 for the Rosenberg Development Corporation Transportation Gateways Enhanced Grounds Maintenance of Finish Cut Areas: Hwy 36 at US 90 A, I-69 at Hwy 36, and I-69 at FM 2218; and, authorizing the City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same.

**Vote:** 7 - 0 Carried - Unanimously

5. **Consideration of and action on Resolution No. R-2076, a Resolution awarding Bid No. 2015-21 for the Rosenberg Development Corporation Transportation Gateways Enhanced Grounds Maintenance of Rough Cut Areas: Highway 36 to Spur 10; 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**

At the October Rosenberg Development Corporation (RDC) Meeting, the Board authorized staff to receive formal bids for Transportation Gateways Enhanced Grounds Maintenance Rough Cut Areas: Highway 36 to Spur 10. Bids were advertised in the Fort Bend Herald on October 18, 2015, and October 25, 2015. Sealed bids were received on Wednesday, November 04, 2015. The bids were opened and tabulated as indicated on the attached bid summary.

At the November 12, 2015 RDC Meeting, the Board recommended City Council award Bid No. 2015-21 to Williams Transport in the amount of \$25,137.00. Staff recommends approval of Resolution No. R-2076, awarding Bid No. 2015-21 to Williams Transport. Should City Council award Bid No. 2015-21 as recommended, the proposal will be attached to Resolution No. R-2076 to serve as Exhibit "A".

#### **KEY DISCUSSION POINTS**

Randall Malik, Economic Development Director, read the Executive Summary and explained that language was included in the contract to terminate any portion of this agreement if it becomes in conflict with TXDOT construction areas.

#### **ACTION**

Motion by Councilor, District 2 Susan Euton, seconded by Councilor, District 3 Lisa Wallingford to approve Resolution No. R-2076, a Resolution awarding Bid No. 2015-21 to Williams Transport in the amount of \$25,137.00 for the Rosenberg Development Corporation Transportation Gateways Enhanced Grounds Maintenance of Rough Cut Areas: Highway 36 to Spur 10; and, authorizing the City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same.

**Vote:** 7 - 0 Carried - Unanimously

6. **Consideration of and action on Resolution No. R-2077, a Resolution awarding Bid No. 2015-22 for the Rosenberg Development Corporation Transportation Gateways Enhanced Ground Maintenance of Rough Cut Areas: FM 762 to Hwy 36; I-69 from FM 2218 to Hwy 36; 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**

At the October Rosenberg Development Corporation (RDC) Meeting, the Board authorized staff to receive formal bids for RDC Transportation Gateways Enhanced Grounds Maintenance of Rough Cut Areas: FM 762 to Hwy 36; I-69 from FM 2218 to Hwy 36. Bids were advertised in the Fort Bend Herald on October 18, 2015, and October 25, 2015. Bids were formally submitted to City of Rosenberg on November 04, 2015. A bid summary form is attached for review.

At the November 12, 2015 RDC Meeting, the Board recommended to City Council that Bid No. 2015-22 be awarded to Williams Transport in the amount of \$16,398.80. Staff recommends approval of Resolution No. R-2077, a Resolution awarding Bid No. 2015-22 to Williams Transport. Should City Council award Bid No. 2015-22 as recommended, the proposal will be attached to Resolution No. R-2077 to serve as Exhibit "A".

### KEY DISCUSSION POINTS

Randall Malik, Economic Development Director, read the Executive Summary and explained that this area is heavily under construction, making the bids lower.

### ACTION

Motion by Councilor at Large, Position 2 Amanda J. Barta, seconded by Councilor, District 4 Lynn Moses to approve Resolution No. R-2077, a Resolution awarding Bid No. 2015-22 to Williams Transport in the amount of \$16,398.80 for the Rosenberg Development Corporation Transportation Gateways Enhanced Ground Maintenance of Rough Cut Areas: FM 762 to Hwy 36; I-69 from FM 2218 to Hwy 36; and, authorizing the City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same.

**Vote:** 7 - 0 Carried - Unanimously

7. **Consideration of and action on Resolution No. R-2073, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Proposal for Engineering Services for 2016 construction project representation/inspection services, by and between the City and Jones and Carter, Inc., in an amount up to \$90,000.00.**

### EXECUTIVE SUMMARY

This item has been placed on the Agenda to offer City Council the opportunity to consider the proposal for Engineering Services for providing Construction Project Representation Services (Proposal) for 2016.

City Council has annually approved the Proposal from Jones and Carter, Inc., since its inception in 2009 as a means to provide consistent construction project oversight and to control the overall construction management costs for Capital Projects. The contracted inspection services have continued to work efficiently for the City during the past seven (7) years with the availability of multiple inspectors to monitor and observe numerous construction projects simultaneously. The inspectors are able to communicate with City staff on a daily basis. Jones and Carter, Inc., maintains a full-service construction phase department with adequate resources to manage multiple project inspections. They also have a sufficient number of inspectors that are familiar with the City of Rosenberg construction standards and able to provide coverage when inspectors are unavailable due to vacations, illness or training. This program provides the greatest amount of flexibility to the City when the number of Capital Projects increases or decreases, as the City only pays for the actual hours of inspection time required.

Prior to the City's engagement of contracted inspection services with Jones and Carter, Inc., the engineering firm responsible for a specific project design and construction also provided the inspection services which were limited to only one specific project. With multiple projects underway simultaneously, the City was paying for multiple inspectors which was not cost effective. In some cases, the City hired an engineering firm to design a project, but the firm did not offer construction phase or inspection services, which meant the City had to hire a separate firm to provide these services. In other instances, the third party inspectors were not familiar with the City of Rosenberg construction standards resulting in delays, incorrect interpretations of the standards, or the already limited City staff members having to expend time to review construction phase work.

The amount of the Proposal for calendar year 2016 has been reduced by \$10,000.00. The Proposal for said services is attached as Exhibit "A" to Resolution No. R-2073. Staff recommends approval of Resolution No. R-2073, authorizing the City Manager to execute a Proposal for Engineering Services with Jones and Carter, Inc., for 2016 construction project representation/inspection services.

### KEY DISCUSSION POINTS

John Maresh, Assistant City Manager of Public Services, read the Executive Summary. The hours per week fluctuate based on which projects are ongoing. Capital Projects for 2016 include Airport Road, Bryan Road, Old Richmond Road, and water line inspections, as well as beginning other possible projects. Council is authorizing \$90,000, but will only be charged for actual hours worked, thanks to the wording in the contract.

### ACTION

Motion by Councilor, District 4 Lynn Moses, seconded by Councilor, District 2 Susan Euton to approve Resolution No. R-2073, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Proposal for Engineering Services for 2016 construction project representation/inspection services, by and between the City and Jones and Carter, Inc., in an amount up to \$90,000.00.

**Vote:** 7 - 0 Carried - Unanimously

8. ***This item was pulled from the agenda to be considered at the December 15, 2015, Regular Meeting.***

**Consideration of and action on Ordinance No. 2015-38, an Ordinance providing for the disannexation from the Corporate Boundaries of the City of Rosenberg, Texas, of 81.1 acres located in the Robert Handy Survey, Abstract 187, Fort Bend County, Texas, 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.**

9. **Consideration of and action on Resolution No. R-2078, a Resolution authorizing the City Manager to execute, for and on behalf of the City, an Agreement for Medical Director for EMS First Responders, by and between the City of Rosenberg, Texas, and Dr. Benjamin E. Oei, M.D.**

**EXECUTIVE SUMMARY**

Resolution No. R-2078 provides the opportunity for City Council to consider an Agreement (Agreement) with Dr. Benjamin E. Oei, M.D., for Medical Director services for the Fire Department. The Agreement and Medical Director services would allow the Fire Department to enhance services provided to our citizens. Dr. Benjamin E. Oei, M.D. will provide Medical Director services for \$500.00 dollars per month which includes devoted time of five (5) hours per month.

Staff recommends approval of Resolution No. R-2078, providing authorization for the City Manager to execute an Agreement by and between the City and Dr. Benjamin E. Oei, M.D., for Medical Director services.

**KEY DISCUSSION POINTS**

Wade Goates, Fire Chief, read the Executive Summary and explained that Dr. Oei would provide policy oversight for EMS response and skill enhancements, fulfilling regulatory requirements.

**ACTION**

Motion by Councilor, District 4 Lynn Moses, seconded by Councilor, District 2 Susan Euton to approve Resolution No. R-2078, a Resolution authorizing the City Manager to execute, for and on behalf of the City, an Agreement for Medical Director for EMS First Responders, by and between the City of Rosenberg, Texas, and Dr. Benjamin E. Oei, M.D.

**Vote:** 7 - 0 Carried - Unanimously

10. **Consideration of and action on Resolution No. R-2079, a Resolution authorizing the Mayor to execute, for and on behalf of the City, a Cooperation Agreement between First Responder Organizations Providing Basic and Advanced Life Support and Fort Bend County Emergency Medical Service.**

**EXECUTIVE SUMMARY**

Resolution No. R-2079 provides the opportunity for City Council to consider a Cooperation Agreement (Agreement) with Fort Bend County, by and through Fort Bend County Emergency Medical Service. The Agreement is required by the Texas Department of State Health Services for first responder organizations. The term of the Agreement, attached to Resolution No. R-2079 as Exhibit "A", is from the date of execution by the last party through midnight on September 30, 2016, and will continue thereafter with automatic one-year renewals unless specifically terminated by either party.

Staff recommends approval of Resolution No. R-2079, providing authorization for the Mayor to execute a Cooperation Agreement Between First Responder Organizations Providing Basic and Advanced Life Support and Fort Bend County Emergency Medical Service.

**KEY DISCUSSION POINTS**

Wade Goates, Fire Chief, read the Executive Summary and explained that this agreement will report to the State of Texas who will transport our patients if we are not a transporting agency.

**ACTION**

Motion by Councilor, District 2 Susan Euton, seconded by Councilor at Large, Position 2 Amanda J. Barta to approve Resolution No. R-2079, a Resolution authorizing the Mayor to execute, for and on behalf of the City, a Cooperation Agreement between First Responder Organizations Providing Basic and Advanced Life Support and Fort Bend County Emergency Medical Service.

**Vote:** 7 - 0 Carried - Unanimously

11. **Hold Executive Session to deliberate the potential purchase, exchange, lease or value of real property pursuant to Section 551.072 of the Texas Government Code; and, to deliberate the appointment, employment and evaluation of the City Manager, and to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Chief of Police, Patrol Lieutenant (Animal Control), Code Compliance Supervisor (Animal Control), and Code Compliance Officer (Animal Control) pursuant to Section 551.074 of the Texas Government Code.**

**ACTION**

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor at Large, Position 2 Amanda J. Barta to adjourn to Executive Session.

**Vote:** 7 - 0 Carried - Unanimously

12. **Adjourn Executive Session, reconvene Regular Session, and take action as necessary as a result of Executive Session.**  
Mayor McConathy adjourned the Executive Session and reconvened into Regular Session.

13. **Adjournment.**  
There being no further business, Mayor McConathy adjourned the meeting at 9:50 p.m.



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Linda Cernosek, TRMC, City Secretary