

## **NOTICE OF REGULAR CITY 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, December 15, 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 Dave Hodges, Grace Community Bible Church, Richmond)

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 minutes of the Regular City Council Meeting for December 01, 2015.  
(Linda Cernosek, City Secretary)

- B. Consideration of and action on Resolution No. R-2083, a Resolution authorizing the acceptance, for and on behalf of the City, of a Utility Easement more particularly described as a 20-foot wide strip of land in the Wiley Marin Survey, Abstract 56, Fort Bend County, Texas, being over, through, and across that certain called 3.0 acre tract recorded under County Clerks File Number 2014111212, Official Public Records, Fort Bend County Texas, as conveyed to the City by Christopher Lee Cobb, Owner. (Charles A. Kalkomey, P.E., City Engineer)
- C. Consideration of and action on Resolution No. R-2084, a Resolution authorizing the issuance and conveyance from the City of a Pipeline Easement, more particularly described as all that certain 1.157 acres of land, out of the 527.545 acre tract described as Tract Three in the deed from Freeman Irby Cobb to F. Irby Cobb, Trustee, recorded under Volume 1888, Page 1443, in the Official Public Records of Fort Bend County, Texas, in the E.P. Everett Survey, A-387, Fort Bend County, Texas, as conveyed by the City to Christopher Lee Cobb. (Charles A. Kalkomey, P.E., City Engineer)
- D. Consideration of and action on Resolution No. R-2085, a Resolution authorizing the Interim City Manager to execute, for and on behalf of the City, Budget Amendment 16-03, in the amount of \$225,990.00 for accrued benefits for retired City Manager. (Joyce Vasut, Executive Director of Administrative Services)
- E. Consideration of and action on Ordinance No. 2015-40, an Ordinance establishing speed limits during construction along a portion of IH-69 (US 59) within the Corporate Limits of the City of Rosenberg, Texas; and, providing a penalty in an amount of not less than one dollar (\$1.00) or more than four hundred dollars (\$400.00) for violation of any provision hereof; and providing for severability and an effective date. (John Maresh, Interim City Manager)
- F. Consideration of and action on Ordinance No. 2015-41, an Ordinance establishing speed limits during construction along a portion of IH-69 (US 59) within the Corporate Limits of the City of Rosenberg, Texas; and, providing a penalty in an amount of not less than one dollar (\$1.00) or more than four hundred dollars (\$400.00) for violation of any provision hereof; and providing for severability and an effective date. (John Maresh, Interim City Manager)

#### REGULAR AGENDA

- 2. Consideration of and action on Resolution No. R-2086, a Resolution authorizing the appointment of an Interim City Manager for the City of Rosenberg. (Cynthia A. McConathy, Mayor)
- 3. Review and discuss a presentation regarding a proposed Eagle Scout Project by A. Jared Martinez of Troop 923 to construct a pavilion in Tony Becerra Park, and take action as necessary. (Darren McCarthy, Parks and Recreation Director)
- 4. Hold Executive Session to consult with City Attorney on pending or contemplated litigation regarding disannexation of the "Spacek Tracts" pursuant to Section 551.071 of the Texas Government Code.
- 5. Adjourn Executive Session, reconvene Regular Session, and take action as necessary as a result of Executive Session.
- 6. 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. (Scott M. Tschirhart, City Attorney)
- 7. Consideration of and action on Resolution No. R-2082, a Resolution authorizing the Interim City Manager to execute, for and on behalf of the City, Budget Amendment 16-02, in the amount of \$9,969,500.00 for Certificates of Obligation, Series 2015. (Joyce Vasut, Executive Director of Administrative Services)

8. Consideration of and action on Resolution No. R-2081, a Resolution authorizing the Mayor to execute a resale deed for real property generally located at 1028 Sally Anne Drive and described as Tract 3: Geo Number: 8845000010154901: Lot No. 15 (E 55') and Lot No. 16 (W 20') in Block No. 1, of the Timberlane Addition, located in the City of Rosenberg, Fort Bend County, Texas, more particularly described in Deed Number 270773, Volume 657, Page 807 files in the real property records of Fort Bend County, Texas. (Joyce Vasut, Executive Director of Administrative Services)
9. Consideration and action on Resolution No. R-2072, a Resolution awarding Bid No. 2015-18 for construction of Water Plant No. 8; and, authorizing the Interim City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same. (John Maresh, Interim City Manager)
10. Consideration of and action on Resolution No. R-2087, a Resolution authorizing the Interim City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding On-Call Right-of-Way Acquisition Services associated with the Bryan Road/Spacek Road Expansion Project. (John Maresh, Interim City Manager)
11. Hold Executive Session to consult with City Attorney regarding potential litigation regarding release of confidential information, and regarding pending litigation, namely Imperial Arts v. Rosenberg Development Corporation, pursuant to Section 551.071 of the Texas Government Code, and to deliberate the appointment, employment, and evaluation of the City Manager pursuant to Section 551.074 of the Texas Government Code.
12. Adjourn Executive Session, reconvene Regular Session, and take action as necessary as a result of Executive Session.
13. Adjournment.

DATED AND POSTED this the 11<sup>th</sup> day of December 2015, at 12:55p. m.,

by

Linda Cernosek

Linda Cernosek

Attest:

Linda Cernosek, TRMC, City Secretary



John Maresh

Approved for Posting:

John Maresh, Interim 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.