

# CITY OF ROSENBERG

## REGULAR CITY COUNCIL MEETING MINUTES

On this the 2nd day of February, 2016, 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: John Maresh, Interim City Manager  
George Hyde, 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  
Dallis Warren, Police Chief  
Justin Rodgers, Police Officer  
Shelby Macha, Police Officer  
Wade Goates, Fire Chief  
Randall Malik, Economic Development Director  
Rigo Calzoncin, Public Works Director  
James Lewis, Director of Technology  
Jenny Pavlovich, Communications Manager  
Kaye Supak, Executive Assistant

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

Mayor McConathy called the meeting to order at 7:02 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.

### **Announcements.**

- There were no 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 Meeting on January 19, 2016, and Workshop Meeting on January 26, 2016.**
- B. **Consideration of and action on authorization to sell the proposed list of surplus property items to be included in City-wide auction.**

**EXECUTIVE SUMMARY**

For City Council's consideration, staff has provided items on the attached list to be included in the City-wide auction to retire surplus equipment, confiscated items, and other salvaged property. If approved by City Council, the online auction will be with GovDeals, Inc., and the vehicles and equipment with C.J. Stommel & Associates.

Staff recommends approval of the surplus list as presented.

- C. **Consideration of and action on Resolution No. R-2098, a Resolution authorizing the Rosenberg Police Department's submission of an application for the Victims of Crime Act (VOCA) formula grant for the position of Crime Victim Liaison; and, authorizing the Police Chief to execute, for and on behalf of the City, all necessary documentation regarding same.**

**EXECUTIVE SUMMARY**

The Police Department is mandated by state statute to provide services to victims of certain crimes.

The City initially applied for and received grant funding under the Victim of Crime Act (VOCA) to provide for a full time Crime Victim Liaison under the 2013 grant program year. This grant is continuing to be funded however the program has been placed on hold until a new Authorized Official can be named by City Council.

Staff recommends approval of Resolution No. R-2098 which will designate the Police Chief as the Authorized Official to execute any and all necessary documentation related thereto.

**ACTION**

Motion by Councilor, District 2 Susan Euton, seconded by Councilor, District 4 Lynn Moses to approve Consent Agenda Items A, B, and C.

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

## REGULAR AGENDA

2. **Review and discuss an independent analysis report of contact data collected by the Police Department for calendar year 2015, and take action as necessary.**

**EXECUTIVE SUMMARY**

In accordance with Senate Bill 1074, more commonly known as the "Texas Racial Profiling Data Collection Law", all state law enforcement agencies are required to submit a report to their governing body, whether a county or municipality. The report must contain totals on racial profiling data, as well as analysis of the prevalence of racial profiling. The report has been provided to City Council under separate cover and has been made available for public review in the City Secretary's office.

Dr. Alex del Carmen will be present at the meeting to discuss his independent assessment of the data collected.

**KEY DISCUSSION POINTS**

- Dr. del Carmen reported that the City of Rosenberg received no racial profiling complaints during the time period of January 1, 2015 and December 31, 2015. He stated he often uses the City of Rosenberg as his training model for other cities because of Rosenberg's practices.
- The question was asked how an officer determines race with our population of many mixed races. Dr. del Carmen responded that he advises the officers to give their best guess and never ask the person's race.
- The Mayor and Council thanked Dr. del Carmen for his past twelve years of annual reports.

3. **Consideration of and action on Ordinance No. 2016-05, an Ordinance providing that a General Municipal Election be held on May 7, 2016, and a Run-Off Election, if required, on June 11, 2016, for the purpose of electing four single member District Councilmembers, directing the giving of notice of such elections; and providing details relating to the holding of such election.**

**EXECUTIVE SUMMARY**

The General Election for Rosenberg City Council Members, Districts 1, 2, 3, and 4 will be held on May 07, 2016. The proposed Ordinance No. 2016-05 is an Election Ordinance ordering the election, setting various election dates and procedures, and contracting with the Elections Administrator of Fort Bend County, Texas, for the General Election and a Run-off Election, if needed.

Staff recommends approval of Ordinance No. 2016-05 as presented.

**KEY DISCUSSION POINTS**

- Linda Cernosek, City Secretary, advised Council that any qualified voter can now vote at any of the voting sites during Early Voting and also on Election Day.
- Councilor Benton asked the City Secretary to try to add Manford Williams Elementary School as a possible voting site.

**ACTION**

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor, District 3 Lisa Wallingford to approve Ordinance No. 2016-05, an Ordinance providing that a General Municipal Election be held on May 7, 2016, and a Run-Off Election, if required, on June 11, 2016, for the purpose of electing four single member District Councilmembers, directing the giving of notice of such elections; and providing details relating to the holding of such election, with the possibility of adding Manford Williams Elementary School as an additional voting center.

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

4. **Consideration of and action on Ordinance No. 2016-02, an Ordinance granting consent to the Fort Bend County Municipal Utility District No. 148 (Cottonwood) for the sale and issuance of Unlimited Tax Bonds, Series 2016, in an amount not to exceed \$3,235,000.**

**EXECUTIVE SUMMARY**

Attached for your consideration is Ordinance No. 2016-02 granting the City's consent to Fort Bend County Municipal Utility District No. 148 (MUD No. 148), to sell Unlimited Tax Bonds, Series 2016, in an amount not to exceed \$3,235,000. This will be the second Unlimited Tax Bond sale for MUD No. 148.

MUD No. 148 is located within the City's Corporate Limits, and is generally located approximately one and one-half (1 1/2) miles southwest of Rosenberg proper off of I-69/US 59. The development is identified as Cottonwood.

City Council consented to the creation of MUD No. 148 on October 07, 2003, through Ordinance No. 2003-58 which was originally proposed as an approximately 151 acre development. A Development Agreement between the City and Cottonwood Travel Plaza Partners, L.P., was executed on May 06, 2003; a Water Supply and Wastewater Services Agreement between the City and Terramark Holdings, L.C., was executed on October 07, 2003.

A confirmation election for the District was held on September 21, 2004, which included the approval of water, sewer, and drainage bonds in the amount of \$9,000,000. A subsequent bond election was held on February 5, 2005. This election canceled the previous authorization for the \$9,000,000 in bonds and approved \$31,200,000 in water, sewer, and drainage bonds, along with \$3,000,000 in recreational facility bonds.

The City approved MUD No. 148's first bond sale through Ordinance No. 2007-12 on April 24, 2007, in the amount of \$2,040,000. Upon sale and issuance of the proposed Unlimited Tax Bonds, Series 2016 in the amount of \$3,235,000, there will be \$25,925,000 of voter approved bonds remaining that could be issued.

At this time, the District has approximately \$2,100,000 in projects remaining to be reimbursed. There are no plans at this time to issue the \$3,000,000 in recreational bonds.

The District's tax rate between 2005-2014 was \$0.90/\$100 valuation. The current tax rate is \$0.88/\$100 valuation.

Much of the submission documentation provided by MUD No. 148 for this proposed sale such as the Bond Order Authorizing the Issuance of Bonds by MUD No. 148, the Preliminary Official Statement/Notice of Sale, Resolution Authorizing the Issuance of Bonds by MUD No. 148, Cash Flow Analysis, Debt Fund Schedule, Summary of Costs, along with minute excerpts and related Ordinances are available for review in the City Secretary's Office.

Staff has reviewed the documentation and found it to be in compliance with applicable City Ordinances. Staff is recommending approval of Ordinance No. 2016-02 thus authorizing the sale of Unlimited Tax Bonds, Series 2016, in an amount not to exceed \$3,235,000.

## KEY DISCUSSION POINTS

Charles A. Kalkomey, P.E., City Engineer, read the Executive Summary.

### ACTION

Motion by Councilor, District 4 Lynn Moses, seconded by Councilor at Large, Position 2 Amanda J. Barta to approve Ordinance No. 2016-02, an Ordinance granting consent to the Fort Bend County Municipal Utility District No. 148 (Cottonwood) for the sale and issuance of Unlimited Tax Bonds, Series 2016, in an amount not to exceed \$3,235,000.

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

5. **Consideration of and action on Resolution No. R-2099, a Resolution providing for implementation of Option 2 of the Classification and Compensation Plan.**

### EXECUTIVE SUMMARY

On August 4, 2015, City Council approved Resolution No. R-1995 accepting the City's Classification and Compensation Plan (Plan) and implementation of Option 1, bringing all employees to the minimum rate for their classification, with the exception of the DBM Rating Band E employees. City Council also determined that the implementation of Option 2 would be discussed in 2016.

On January 20, 2016, the Finance/Audit Committee (Committee) met to discuss Option 2 of the Plan. The Committee is recommending that City Council approve implementation of Option 2, which increases employee's salary, if necessary, to bring each employee's salary to a step increase over minimum for every two years of service in the current position up to midpoint, with the exception of DBM Rating Band E employees who will be brought to the minimum level for their job classification.

The Finance/Audit Committee and staff recommend implementation of Option 2 and approval of Resolution No. R-2099.

### KEY DISCUSSION POINTS

- Joyce Vasut, Executive Director of Administrative Services, read the Executive Summary and explained there are approximately 96 employees eligible to receive Option 1 to bring them to the minimum wage according to the pay scale. Some of these employees will also be eligible to receive Option 2.

### ACTION

Motion by Councilor, District 1 Jimmie J. Pena, seconded by Councilor, District 3 Lisa Wallingford to approve Resolution No. R-2099, a Resolution providing for implementation of Option 2 of the Classification and Compensation Plan.

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

6. **Consideration of and action on Resolution No. R-2100, a Resolution awarding Bid No. 2016-02 for Right-of-Way Rough Cut, Right-of-Way Finish Cut, Open Acreage and Wastewater Treatment Plant Mowing; and, authorizing the Interim City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same.**

### EXECUTIVE SUMMARY

On Wednesday, January 20, 2016, bids were received and opened for the City of Rosenberg (City) Right-of-Way Rough Cut, Right-of-Way Finish Cut, Open Acreage and Wastewater Treatment Plant Mowing Contract. A total of three (3) bids were received. A copy of the bid summary form is included for your review.

The low bid was submitted by Rios Tree Service, Inc., of Boerne, Texas, in the amount of \$138,986.70 for the annual contract based on the quantities and frequencies specified by the City. This is a one (1) year contract with the option for the City to renew for two (2) additional one (1) year terms at the sole discretion of the City. The initial annual contract term is from March 01, 2016, through February 28, 2017. The references for Rios Tree Service, Inc., were checked and found to be acceptable for the type and quantity of work specified in this Contract. A commitment letter from Rios Tree Service, Inc. is included for your review.

Staff recommends approval of Resolution No. R-2100, awarding Bid No. 2016-02 to Rios Tree Service, Inc., in the amount of \$138,986.70 for the Right-of-Way Rough Cut, Right-of-Way Finish Cut, Open Acreage and Wastewater Treatment Plant Mowing and authorizing the Interim City Manager to negotiate and execute a General Services Contract related thereto, and/or all necessary documentation regarding same.

### KEY DISCUSSION POINTS

- Rigo Calzoncin, Public Works Director, read the Executive Summary. He introduced Anita Rios, President of Rios Tree Service who was present at the meeting.
- Ms. Rios assured Council that even though they are located in Boerne, Texas, they would hire and train local workers to mow the areas as per the contract.

**ACTION**

Motion by Councilor at Large, Position 2 Amanda J. Barta, seconded by Councilor, District 4 Lynn Moses to approve Resolution No. R-2100, a Resolution awarding Bid No. 2016-02 for Right-of-Way Rough Cut, Right-of-Way Finish Cut, Open Acreage and Wastewater Treatment Plant Mowing to Rios Tree Service, Inc., in the amount of \$138,986.70; and, authorizing the Interim 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. **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 pursuant to Section 551.074 of the Texas Government Code.**

**ACTION**

Motion by Councilor at Large, Position 2 Amanda J. Barta, seconded by Councilor, District 3 Lisa Wallingford to adjourn to Executive Session.

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

8. **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.

9. **Adjournment.**

There being no further business, Mayor McConathy adjourned the meeting at 8:15 p.m.

  
Linda Cernosek, TRMC, City Secretary