

CITY OF ROSENBERG

REGULAR CITY COUNCIL MEETING MINUTES

On this the 1st day of March, 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
Scott M. Tschirhart, City Attorney
Linda Cernosek, City Secretary
Joyce Vasut, Executive Director of Administrative Services
Dallis Warren, Police Chief
Wade Goates, Fire Chief
Rigo Calzoncin, Public Works Director
Jenny Pavlovich, Communications Manager
Kaye Supak, Executive Assistant

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 Kevin Barber, Wellspring International Church, Richmond, gave the invocation and led the pledge of allegiance to the flag.

Presentation of Certificate of Recognition to Cameron Thompson for the Rosenberg Image Committee's Unsung Hero Award.

Mayor McConathy Councilor Benton, and Police Chief Warren presented a Certificate of Recognition to Cameron Thompson for the Rosenberg Image Committee's Unsung Hero Award.

Presentation of Rosenberg Image Committee Beautification and Renovation Awards.

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

- Frank and Francisca Garcia, 1018 Vera Cruz Drive
- Rich and Amanda Uvalle, 1330 Brooks Avenue
- Fort Bend Kia, 26633 Southwest Freeway

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 Joint Meeting on February 11, 2016, and Regular Meeting on February 16, 2016.**
- B. **Consideration of and action on the City of Rosenberg FY2016 Street Overlay and Reconstruction Project List.**

EXECUTIVE SUMMARY

The Public Works Department presented the FY 2016 Street Paving and Reconstruction Project List to City Council during the February 23, 2016 Workshop. A copy of the Street Paving and Reconstruction List is included the packet. The cost estimate of the recommended streets included on the Street Paving and Reconstruction List is approximately \$1.16 million dollars. The FY2016 Budget includes funding in the amount of \$900,000.00. Additional funds in the approximate amount of \$281,316.00 are also available from FY 2014 and FY2015 street paving projects making the total funds available \$1.18 million, which should fully fund the FY2016 Street Paving and Reconstruction Project.

Upon City Council approval, staff will take the necessary actions to purchase the material, including labor and equipment utilizing the Fort Bend County bids, with the exception of the subgrade stabilization for which the City already has a contract with Angel Brothers Enterprises, Ltd. (Resolution No. R-2025).

Staff recommends approval of the FY2016 Street Paving and Reconstruction Project List as presented.

- C. **Consideration of and action on Resolution No. R-2119, a Resolution authorizing the Rosenberg Fire Department's continued participation in the Fort Bend County Regional Hazardous Material Response Program.**

EXECUTIVE SUMMARY

On August 17, 2004, the City of Rosenberg, by and through the Rosenberg Fire Department, became a participating member of the Fort Bend County Regional Hazardous Material Response Program (Program). The City of Rosenberg has benefited greatly from being a member of the Program over the last twelve (12) years.

Recently, Fort Bend County Judge Robert Hebert requested official notification by way of Resolution from the member entities if they wish to remain a member of the Program. Staff has included the 2004 Emergency Response Plan as Exhibit "A" to Resolution No. R-2119.

Staff recommends approval of Resolution No. R-2119, authorizing the Rosenberg Fire Department's continued participation in the Fort Bend County Regional Hazardous Material Response Program.

- D. **Consideration of and action on Resolution No. R-2116, a Resolution authorizing the Interim City Manager to execute, for and on behalf of the City, an Agreement for Community Development Block Grant funding for Water Line Improvements - Phase III, by and between the City and Fort Bend County, in the amount of \$300,000.00.**

EXECUTIVE SUMMARY

On March 17, 2015, City Council approved the Community Development Block Grant (CDBG) Fund application for the design and construction of a waterline improvement project named North Side Water Line Improvements - Phase III (Project). CDBG is providing \$300,000.00 for the construction of the Project and the City will provide local matching funds in the amount of \$71,500.00 for construction, engineering services, and contingencies. City Council previously approved Resolution No. R-2049 which authorized an Engineering Services Agreement for this Project with Kelly R. Kaluza and Associates, Inc., in the amount of \$41,500.00. The City will contribute an additional \$30,000.00 for construction and contingencies for a total of \$71,500.00 in local matching funds.

The Project will address an aging and undersized infrastructure deficiency in water pressure and water volume and will improve potable water service and fire protection service for the entire northern portion of the City. The executed Agreement will be returned to the Fort Bend County Community Development Department for submission to Commissioners Court for approval.

The Agreement, attached as Exhibit "A" to Resolution No. R-2116, is the standard Agreement issued by CDBG. Staff recommends approval of Resolution No. R-2116 providing authorization for the Interim City Manager to execute the Agreement.

- E. **Consideration of and action on Resolution No. R-2113, a Resolution authorizing the Rosenberg Police Department's submission of an application for the Edward Byrne Memorial Justice Assistance Grant for the purchase of ticket writers, and authorizing the Police Chief to execute all necessary documentation regarding same.**

EXECUTIVE SUMMARY

The Edward Byrne Memorial Justice Assistance Grant is a federally funded grant program administered in Texas through the Governor's Office. The Rosenberg Police Department has in the past submitted and received grant funds for equipment and personnel through this grant program.

Resolution No. R-2113 will authorize the Rosenberg Police Department to apply for grant funds for the replacement of the electronic ticket writers used by our officers. These writers were originally purchased through court technology funds and seized assets. These units are over 7 years old and have a usable lifespan of 5 years; many of these units are in need of repair or no longer functioning.

Staff recommends approval of Resolution No. R-2113 which will authorize submittal of the grant application and designate the Police Chief as the grantee's authorized official to apply for, accept, reject, alter or terminate the grant on behalf of the Rosenberg Police Department.

- F. **Consideration of and action on Resolution No. R-2112, a Resolution authorizing the Rosenberg Police Department's submission of an application for the Edward Byrne Memorial Justice Assistance Grant for the purchase of body worn cameras, and authorizing the Police Chief to execute any and all necessary documentation regarding same.**

EXECUTIVE SUMMARY

During the last legislative session, the State of Texas authorized a grant program for local law enforcement agencies to assist with funding for the purchase of body worn cameras and related hardware and software. The Rosenberg Police Department submitted a preliminary application for funding, which has been selected for funding pending the completion of the full application.

Resolution No. R-2112 authorizes the City of Rosenberg Police Department to apply for funding through the Governor's Office for the purchase of body worn cameras. The Department has received preliminary approval to apply for grant funds up to \$37,290.00. State law requires a 25% match of the grant award, which is \$9,322.50, resulting in a total project budget of \$46,612.50. The City's match in the amount of \$9,322.50 is included in the FY2016 Budget.

Staff recommends approval of Resolution No. R-2112 which authorizes the submittal of the grant application and will designate the Police Chief as the authorized official to apply for, accept, reject, alter or terminate the grant on behalf of the Rosenberg Police Department.

ACTION

Motion by Councilor, District 3 Lisa Wallingford, seconded by Councilor, District 2 Susan Euton to approve Consent Agenda items A, B, C, D, E, and F.

Vote: 7 - 0 Carried - Unanimously

REGULAR AGENDA

2. **Consideration of and action on Comprehensive Annual Financial Report for the Fiscal Year Ended September 30, 2015.**

EXECUTIVE SUMMARY

Pattillo, Brown & Hill, LLP has completed the audit of the City of Rosenberg's financial statements for the fiscal year ended September 30, 2015. The City has received an unmodified opinion of the financial statements, which indicates the City has presented its financial statements in conformity with Generally Accepted Accounting Principles (GAAP). An unmodified opinion assures that the financial statements are free of material misstatement based upon examination of the supporting documents and disclosures of the figures contained in the City's financial statements.

The Comprehensive Annual Financial Report (CAFR) for 2015 was reviewed at the Finance/Audit Committee Meeting (Committee) on February 15, 2016, and the Committee recommended acceptance of the CAFR. A letter required by Statement of Accounting Standards No. 114 was presented by the auditors and distributed with the CAFR.

The CAFR will be distributed under separate cover for City Council review.

John Manning with Pattillo, Brown & Hill, LLP, will present the Comprehensive Annual Financial Report for FY2015 and some of the key financial highlights of the report. Staff recommends the acceptance of the FY2015 CAFR.

KEY DISCUSSION POINTS

Joyce Vasut, Executive Director of Administrative Services, read the Executive Summary and introduced John Manning with Pattillo, Brown & Hill, LLP, who presented the Comprehensive Annual Financial Report for FY2015 and some of the key financial highlights of the report. No material weaknesses or significant deficiencies that are required to be reported under Government Auditing Standards were found as a result of the audit.

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor, District 4 Lynn Moses to accept Comprehensive Annual Financial Report for the Fiscal Year Ended September 30, 2015.

Vote: 7 - 0 Carried - Unanimously

- 3. **Hold Executive Session for consultation with City Attorney to seek or receive advice on legal matters regarding pending litigation, namely Texas Department of Transportation v. Rosenberg condemnation proceedings, regarding after-hours liquor permits, and regarding ad valorem taxes levied on real property donated to the City pursuant to Section 551.071 of the Texas Government Code; and, for deliberations on the appointment, employment, evaluation, reassignment, and duties of the City Secretary and Police Chief pursuant to Section 551.074 of the Texas Government Code.**

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor, District 4 Lynn Moses to adjourn to Executive Session.

Vote: 7 - 0 Carried - Unanimously

- 4. **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.

- 5. **Consideration of and action on Resolution No. R-2118, a Resolution confirming completion of an annual evaluation for the position of City Secretary; and, authorizing Amendment No. Three to the Employment Agreement establishing base compensation for said position.**

EXECUTIVE SUMMARY

City Council has established an evaluation date of on or before October 1st of each year for certain "direct report" administrative positions. This item provides an opportunity for City Council to take action out of Executive Session with regard to said evaluation and compensation for the position of City Secretary currently held by Linda Cernosek. The last evaluation was performed on October 21, 2014.

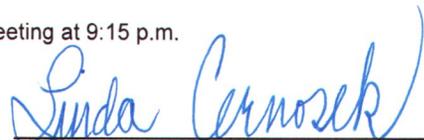
Staff recommends approval of Resolution No. R-2118, which will confirm completion of the annual evaluation for the position of City Secretary and authorizes the base compensation for said position to be established by Amendment No. Three to the City Secretary Employment Agreement. Amendment No. Three is attached as Exhibit "A" to Resolution No. R-2118.

ACTION

Motion by Councilor at Large, Position 2 Amanda J. Barta, seconded by Councilor, District 3 Lisa Wallingford to approve Resolution No. R-2118, a Resolution confirming completion of an annual evaluation for the position of City Secretary; and, authorizing Amendment No. Three to the Employment Agreement establishing base compensation for said position.

Vote: 7 - 0 Carried - Unanimously

- 6. **Adjournment.**
There being no further business, Mayor McConathy adjourned the meeting at 9:15 p.m.



 Linda Cernosek, TRMC, City Secretary