

CITY OF ROSENBERG

REGULAR CITY COUNCIL MEETING MINUTES

On this the 5th day of April, 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
Travis Tanner, Executive Director of Community Development
Charles Kalkomey, City Engineer
Dallis Warren, Police Chief
Justin Rodgers, Police Officer
Wade Goates, Fire Chief
Darren McCarthy, Parks and Recreation Director
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 7:00 p.m.

Invocation and Pledge of Allegiance.
Pastor Jason Martin, Calvary Baptist Church, Rosenberg, gave the invocation, and Andrew Spencer, Boy Scout Troop 1000, led the pledge of allegiance to the flag.

Presentation of Proclamation Recognizing April 5, 2016, as Mayor and County Recognition Day for National Service in the City of Rosenberg.

Cynthia A. McConathy, Mayor, presented a Proclamation recognizing April 5, 2016, as Mayor and County Recognition Day for National Service in the City of Rosenberg.

Announcements.

- Hog Wild, a free continuing education seminar for all local government officials and employees, will be held on May 26 - 27, 2016, at Texas State University in San Marcos. Randall Malik and Dallis Warren will be serving on the discussion panels.
- Rosenberg Railroad Museum RailFest will be held on Saturday, April 9, 2016, in Historic Downtown Rosenberg.

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 March 15, 2016, and Workshop Meeting on March 22, 2016.**
- C. **Consideration of and action on Ordinance No. 2016-13, 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 of not less than one dollar (\$1.00) or more than four hundred dollars (\$400.00) for violation of any provision hereof; providing for severability; and, providing for an effective date.**

EXECUTIVE SUMMARY

The Texas Department of Transportation (TxDOT) has requested the City establish a construction zone speed limit along portions of IH-69/US59 for the duration of a scheduled construction project. A City Ordinance is required to designate speed limits for the construction zones located within the City of Rosenberg, which extends east from a point near Spur 10 to a point west of FM 762 at Reading Road within the City Limits. All speed limit signage will be furnished, installed and maintained by TxDOT.

Staff recommends approval of Ordinance No. 2016-13, establishing construction zone speed limit of fifty-five miles per hour (55 MPH) along IH-69/US 59 during the construction period and automatically cancelling upon completion of the project.

- D. **Consideration of and action on Resolution No. R-2122, a Resolution accepting the filing of a petition by land owner for annexation of 7.1813 acres of land in the S.A. & M.G.R.R. Company Survey, Abstract 330, Fort Bend County, Texas.**

EXECUTIVE SUMMARY

Recently, a Preliminary Plat was approved, and a Final Plat has been submitted, for property located off of Anton Stade Road between Interstate 69 (I-69) and Randon School Road. Anton Stade Road is parallel to and to the southwest of Spur 10. A vicinity map and the approved Preliminary Plat are attached for review.

The reason for this Agenda item is that the Plat contains property both in the City Limits and the Extraterritorial Jurisdiction (ETJ). Specifically, the front of the property is in the ETJ, with the back part being in the City. As a result of being in multiple jurisdictions, it could be subject to multiple standards upon development of the property. Therefore, during the review process, staff thought it best, and the applicant did not object, to bringing all the property into the City Limits to avoid possible future confusion with permitting, etc. Specifically, the request would add approximately 7.18 acres to the City Limits.

The owner/applicant has submitted the attached petition, attached to Resolution No. R-2122 as Exhibit "A". As with previous cases of voluntary annexation, City Council must first approve a resolution accepting the petition, followed by an ordinance formally annexing the property five (5) to thirty (30) days from accepting the petition per the City Charter. Staff recommends approval of Resolution No. R-2122 accepting the petition. If approved, an ordinance will be placed on the subsequent regular City Council Agenda.

ACTION

Motion by Councilor, District 4 Lynn Moses, seconded by Councilor at Large, Position 2 Amanda J. Barta to approve Consent Agenda items A, C, and D.

Vote: 7 - 0 Carried - Unanimously

REGULAR AGENDA

2. *This item was formerly item B on the Consent Agenda.*
Consideration of and action on Ordinance No. 2016-10, an Ordinance amending the Code of Ordinances by deleting all of Section 28-41(a) and (c), Stop Signs Designated, of Article II, Division 2 of Chapter 28, Stop Streets, and substituting therefor a new Section 28-41 (a) and (c) of Article II, Division 2 of Chapter 28 thereof; providing for a three-way stop on Summer Creek Lane at Summerdale Drive, and on Lake Commons Drive at Summer Night Lane; providing a penalty in an amount of not less than \$1.00 or more than \$200.00 for violation of any provision hereof; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; providing for severability; and providing an effective date.

EXECUTIVE SUMMARY

A request was made by Councilor Lynn Moses to convert the existing one-way stop locations to three-way stop intersections on the following streets within the Summer Lakes subdivision:

- Summerdale Drive at Summer Creek Lane and;
- Lake Commons Drive at Summer Night Lane.

Staff concurs that the installation of three-way stops at these locations will benefit the safety of the traveling public and recommends approval of Ordinance No. 2016-10 as presented.

KEY DISCUSSION POINTS

Councilor Moses explained that these stop signs were requested by the residents of Summer Lakes, and thanked Rigo Calzoncin, Public Works Director, for facilitating the request.

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor, District 4 Lynn Moses to approve Ordinance No. 2016-10, an Ordinance amending the Code of Ordinances by deleting all of Section 28-41(a) and (c), Stop Signs Designated, of Article II, Division 2 of Chapter 28, Stop Streets, and substituting therefor a new Section 28-41 (a) and (c) of Article II, Division 2 of Chapter 28 thereof; providing for a three-way stop on Summer Creek Lane at Summerdale Drive, and on Lake Commons Drive at Summer Night Lane; providing a penalty in an amount of not less than \$1.00 or more than \$200.00 for violation of any provision hereof; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; providing for severability, and providing an effective date.

Vote: 7 - 0 Carried - Unanimously

3. *This item was formerly item 2 on the Regular Agenda.*
Review and discuss a presentation regarding a proposed Eagle Scout Project by Andrew Spencer of Troop 1000 to construct a rainwater harvesting system in Brazos Park, and take action as necessary.

EXECUTIVE SUMMARY

On February 25, 2016, at the regularly scheduled Parks and Recreation Board (Board) meeting, Andrew Spencer, Troop 1000, presented a proposal to construct a rainwater harvesting system on the pavilion at Brazos Park. This project is a necessity to assist in watering the Edible Arbor Trail by fellow Eagle Scout Matthew Banse of Troop 1656, and to prevent further erosion on the side of the pavilion. Construction will include installing gutters on the North and East sides of the pavilion, allowing the rain water to collect into a cistern that will be located on the northeast corner. Before installation of the gutters, braces will be installed for support, and leaf protectors will cover open-topped gutter piping to avoid clogs. The Project is estimated to be a maximum of approximately \$1,120.00. Andrew plans to fundraise through his troop and also approach the Rosenberg Development Corporation (RDC) to help with the funding. After reviewing the presentation, the Board unanimously recommended the Project plan for approval.

Staff and the Parks and Recreation Board recommend approval of the proposed Eagle Scout Project by Andrew Spencer of Troop 1000 to construct a rainwater harvesting system in Brazos Park.

KEY DISCUSSION POINTS

Darren McCarthy, Parks and Recreation Director, read the Executive Summary and introduced Andrew Spencer, Boy Scout Troop 1000, who gave a presentation regarding his proposal to construct a rainwater harvesting system on the pavilion at Brazos Park. The project consists of the installation of gutters collecting rainwater into two cisterns, which will then be used to water the Edible Arbor Trail in the park. Council thanked Mr. Spencer for his contribution to the City.

ACTION

Motion by Councilor at Large, Position 2 Amanda J. Barta, seconded by Councilor at Large, Position 1 William Benton to approve the proposed Eagle Scout Project by Andrew Spencer of Troop 1000 to construct a rainwater harvesting system in Brazos Park.

Vote: 7 - 0 Carried - Unanimously

4. *This item was formerly item 3 on the Regular Agenda.*
Consideration of and action on Ordinance No. 2016-12, an Ordinance granting consent to the Fort Bend County Municipal Utility District No. 155 for the sale and issuance of Unlimited Tax Bonds, Series 2016A, in an amount not to exceed \$3,970,000.

EXECUTIVE SUMMARY

Attached for your consideration is Ordinance No. 2016-12 granting the City's consent to Fort Bend County Municipal Utility District No. 155 (MUD No. 155) to sell Unlimited Tax Bonds, Series 2016A, in an amount not to exceed \$3,970,000. MUD No. 155 is located entirely in the City's Extraterritorial Jurisdiction. The development is generally identified as Bonbrook Plantation. City Council consented to the creation of MUD No. 155 on December 14, 2004, through Ordinance No. 2004-28 which was proposed as an approximately 448.6692 acre development. A Development Agreement and a Water Supply and Wastewater Services Agreement between the City, Bonbrook Plantation, L.P., and Beazer Homes Texas, L.P., was executed on February 22, 2005.

On November 08, 2005, the District was created along with the authorization to sell \$96,000,000 in bonds for water, wastewater, and drainage facilities and \$11,000,000 in bonds for recreational facilities with a 3-0 vote total.

There have been five (5) approved bond sales and two (2) approved refunding bond sale, outlined as follows:

- The first sale was approved by City Council on May 20, 2008, in the amount of \$6,465,000 through Ordinance No. 2008-12.
- The second sale was approved by City Council on March 01, 2011, in the amount of \$2,015,000 through Ordinance No. 2011-15.
- The third sale was approved by City Council on November 20, 2012, in the amount of \$2,050,000 through Ordinance No. 2012-44.
- The fourth sale was approved by City Council on May 06, 2014, in the amount of \$7,235,000 through Ordinance No. 2014-19.
- City Council approved Unlimited Tax Refunding Bonds, Series 2015, in the amount of \$4,655,000 on February 03, 2015.
- City Council approved Unlimited Tax Refunding Bonds, Series 2015, in the amount of \$5,565,000 on April 15, 2015.
- The fifth sale was approved by City Council on January 06, 2016, in the amount of \$5,375,000 through Ordinance No. 2016-03.

As per the proposed bond application, the current outstanding debt is \$22,210,000. After this proposed bond sale, the District will have a remaining bonding capacity of \$68,890,000. The majority of the original District is built-out, but the District has recently annexed more land on along Benton Road. It should be anticipated that there will be additional bond sales, but the remaining needs of the District should be much less than their outstanding capacity.

The District's current ad valorem tax rate is \$1.14 per \$100 valuation, which is the same as in 2015. In 2014, the rate was \$1.29, \$1.39 in 2013, and \$1.49 in 2012 and earlier.

Much of the submission documentation provided by MUD No. 155 for this proposed sale such as the Bond Order authorizing the Issuance of Bonds by MUD No. 155, the Preliminary Official Statement/Notice of Sale, Resolution Authorizing the Issuance of Bonds by MUD No. 155, 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. 2016-12 thus authorizing the sale of Unlimited Tax Bonds, Series 2016A, in an amount not to exceed \$3,970,000.

KEY DISCUSSION POINTS

Charles A. Kalkomey, P.E., City Engineer, read the Executive Summary. This proposed \$3,970,000 is intended for construction of the facilities that will serve the District, such as the underground water and sewer line that will ultimately connect to the City's systems. Representatives for the MUD stated that the debt will expire in 2040, and the MUD will not extend the final maturity of the debt thereafter.

ACTION

Motion by Councilor, District 1 Jimmie J. Pena, seconded by Councilor, District 3 Lisa Wallingford to approve Ordinance No. 2016-12, an Ordinance granting consent to the Fort Bend County Municipal Utility District No. 155 for the sale and issuance of Unlimited Tax Bonds, Series 2016A, in an amount not to exceed \$3,970,000.

Vote: 7 - 0 Carried - Unanimously

5. *This item was formerly item 4 on the Regular Agenda.*
Consideration of and action on Resolution No. R-2130, a Resolution awarding Bid No. 2016-05 for site plan improvements for Wastewater Treatment Plant Administration Office Facility Expansion; and, authorizing the Interim City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same, including Change Order No. 1.

EXECUTIVE SUMMARY

On January 05, 2016, City Council approved Resolution No. R-2094 which appropriated funding for site work necessary to accommodate the Wastewater Treatment Plant (WWTP) Office facility. Staff issued a Notice to Bidders for Bid No. 2016-05 for construction of said site work.

On March 02, 2016, bids were received and opened for Bid No. 2016-05 as shown on the attached bid summary form. A total of two (2) bids were received.

Haddock Construction Company, Inc., submitted a base bid in the amount of \$241,865.00, and additional bid items A1 - A4 in the amount of \$7,575.00 for a total bid amount of \$249,440.00. The site improvements to be constructed include eight-inch (8") and six-inch (6") PVC sanitary sewer lines, water lines and water connections, electrical service and connections, building pad, site drainage, concrete parking lot and lighting which are all required to comply with the City's ordinances, as well as pavement repair and installation within ninety (90) calendar days. Supak Construction, Inc., did not complete the bid documentation adequately for consideration and the bid was declared invalid.

Staff has determined some cost savings can be realized by performing specific elements of the project in-house. Change Order No. 1 has been included for City Council's consideration as part of this bid award, and if awarded as recommended, would eliminate parking space bumpers, parking lot striping, handicap signs, and hydromulch seeding for a potential savings of \$33,850.00 and a revised total contract amount of \$215,590.00. The project engineer, Chris Argo with Kelly R. Kaluza and Associates, Inc., recommends same.

Based on the current budget and the cost approved for the actual building, there is approximately \$85,000 remaining in the budget for site work. Therefore, should this bid be awarded as recommended, a budget adjustment would be necessary in the amount of \$130,000. This budget adjustment is presented as a separate, subsequent item on this Agenda.

Should City Council award Bid No. 2016-05 as recommended, the proposal from Haddock Construction Company, Inc., shall be attached to serve as Exhibit "A" and Change Order No. 1 shall be attached to serve as Exhibit "B" to Resolution No. R-2130.

Staff recommends approval of Resolution No. R-2130 which will award Bid No. 2016-05 and provide authorization for the Interim City Manager to negotiate and execute all required documents necessary to facilitate the Project, contingent on approval of the budget amendment to fully fund the construction.

KEY DISCUSSION POINTS

John Maresh, Interim City Manager, read the Executive Summary. The bids came in considerably higher than staff anticipated. Some of the Council members questioned whether a re-bid may yield better results. One concern of going out for re-bid is that the first set of bidders' numbers have been disclosed, so it may actually result in higher bids rather than lower bids.

ACTION

Motion by Councilor, District 1 Jimmie J. Pena, seconded by Councilor, District 2 Susan Euton to approve Resolution No. R-2130, a Resolution awarding Bid No. 2016-05 for site plan improvements for Wastewater Treatment Plant Administration Office Facility Expansion; and, authorizing the Interim City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same, including Change Order No. 1.

Vote: 3 - 4 Failed - Yeses: Councilors Pena, Euton, and Wallingford. Noes: Mayor McConathy, Councilors Benton, Barta, and Moses.

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor, District 4 Lynn Moses to reject the bids received, and to re-scope and resubmit a revised bid package for bid.

Vote: 4 - 3 Carried - Yeses: Mayor McConathy, Councilors Benton, Barta, and Moses. Noes: Councilors Pena, Euton, and Wallingford

6. *This item was formerly item 5 on the Regular Agenda.*
Consideration of and action on Resolution No. R-2128, a Resolution awarding Bid No. 2016-07 for construction of the Community Development Block Grant (CDBG) Project related to construction services for the North Side Waterline Improvements Phase III; and, providing authorization for the Interim City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same.

EXECUTIVE SUMMARY

Proposals were received on Wednesday, March 23, 2016, for Phase III of the Community Development Block Grant (CDBG) North Side Water Line Improvements. The bids were opened and tabulated as indicated on the attached bid summary form. A total of four (4) bids were received.

Staff recommends Bid No. 2016-07 be awarded to Scohil Construction Services, LLC, for the base bid amount of \$295,916.00 and Alternate Bid No. 1 in the amount of \$47,852.00, for a total contract amount of \$343,768.00 with a term of seventy-five (75) working days. The attached correspondence from Kelly R. Kaluza and Associates, Inc., recommends same. Should the bid be awarded as recommended, the Scohil Construction Services, LLC, proposal will be attached and will serve as Exhibit "A" to Resolution No. R-2128.

CDBG funding of \$300,000.00 has been provided for this Project. The City will provide local matching funds in the amount of \$43,768.00 to fully fund the remaining construction cost that is above the grant amount. A budget adjustment in the amount of \$43,768.00 will be presented for the City's local match in the a subsequent Agenda item. The City has funded the engineering services for this Project in the amount of \$41,500.00.

Staff recommends approval of Resolution No. R-2128 which will award Bid No. 2016-07 and provide authorization for the Interim City Manager to negotiate and execute all required documents necessary to facilitate the Project, contingent on approval of the budget amendment to fully fund the construction.

KEY DISCUSSION POINTS

John Maresh, Interim City Manager, read the Executive Summary and explained that the engineer will often add alternate bid items to a bid proposal, in the event that the base bid comes in under budget, so the City can take advantage of good pricing to get more out of the project. In this case, the alternate is for a crossing under FM 723, and the pricing is very good, making that addition to the project cost effective. The City has worked with this contractor in the past and has been happy with the work performed.

ACTION

Motion by Councilor, District 1 Jimmie J. Pena, seconded by Councilor, District 2 Susan Euton to approve Resolution No. R-2128, a Resolution awarding Bid No. 2016-07 for construction of the Community Development Block Grant (CDBG) Project related to construction services for the North Side Waterline Improvements Phase III; and, providing authorization for 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. *This item was formerly item 6 on the Regular Agenda.*
Consideration of and action on Resolution No. R-2132, a Resolution authorizing the Interim City Manager to execute, for and on behalf of the City, Budget Amendment 16-07 for the additional costs associated with the Community Development Block Grant (CDBG) North Side Water Line Improvements - Phase III Project, Utility Building Site Improvements and Rosenberg Development Corporation Legal Expenses in the amount of \$235,000.00.

EXECUTIVE SUMMARY

Budget Amendment 16-07 in the amount of \$235,000.00 includes the following three (3) items:

1. RDC Legal Fees - On March 10, 2016, the Rosenberg Development Corporation approved Resolution No. RDC-101 which amended the RDC's FY2016 Annual Budget by allocating \$80,000.00 from Unrestricted Fund Balance to Professional Services - Legal Fees.
2. On Wednesday, March 2, 2016, construction bids were received and opened for the Site Plan Improvements for Wastewater Treatment Plant (WWTP) Administration Office Facility Expansion. A previous Agenda item recommended to award the Contract to Haddock Construction Co., Inc., for a total contract amount of \$215,590.00. The remaining budget for the site work is approximately \$85,000.00. Therefore, an adjustment of \$130,000.00 is necessary to cover the site plan improvements if approved as recommended.
3. The original budget for the CDBG North Side Water Line Improvements - Phase III is \$360,000.00, with \$300,000.00 provided by CDBG funding and \$60,000.00 provided by the Water/Wastewater Fund. Engineering Services are \$41,000.00 and the construction contract is \$344,000.00. Therefore, a budget adjustment in the amount of \$25,000.00 is recommended to cover the construction cost for the CDBG project if approved as recommended.

Staff recommends approval of Budget Amendment 16-07, attached as Exhibit "A" to Resolution No. R-2132.

KEY DISCUSSION POINTS

Joyce Vasut, Executive Director of Administrative Services, read the Executive Summary and explained that the budget adjustment will now be for \$105,000, based on the action taken on item number 5 on the Regular Agenda. That \$105,000 will now cover Rosenberg Development Corporation Legal Fees, and the variance from the original budget for the CDBG North Side Water Line Improvements discussed in the previous item.

ACTION

Motion by Councilor at Large, Position 2 Amanda J. Barta, seconded by Councilor, District 3 Lisa Wallingford to approve Resolution No. R-2132, a Resolution authorizing the Interim City Manager to execute, for and on behalf of the City, Budget Amendment 16-07 for the additional costs associated with the Community Development Block Grant (CDBG) North Side Water Line Improvements - Phase III Project and Rosenberg Development Corporation Legal Expenses in the amount of \$105,000.00.

Vote: 7 - 0 Carried - Unanimously

8. *This item was formerly item 7 on the Regular Agenda.*
Consideration of and action on Resolution No. R-2131, a Resolution approving amendments to the Rosenberg Development Corporation Bylaws.

EXECUTIVE SUMMARY

As required in Article IX - Yearly Review of Bylaws of the Rosenberg Development Corporation (RDC), the RDC Policy Committee and Board of Directors have reviewed the Bylaws, consulted with City Attorney Scott Tschirhart, and have recommended the following revisions:

- Section 3.03 - Reduces the maximum number of City employees, officers or Council members serving as Directors on the Board from not more than three to not more than two.
- Section 5.03 - Clarifies that the current RDC President can make appointments to standing committees.
- Section 6.07 - Clarifies that a simple majority vote of directors present at a meeting shall be sufficient to constitute the act of the Board of Directors.
- Section 7.04 - Changes the signatories on payments of over \$5,000 from the Executive Director, Director of Finance, and two Directors of the Corporation to the Executive Director, Director of Finance, and the President of the Corporation or his or her designee. This change is consistent with current practices of the RDC.
- Section 7.05 - Changes the date of budget adoption by the Board from 90 days prior to the commencement of the fiscal year to 60 days.
- Section 7.09 - Removes the requirement of competitive bidding from the RDC. The change is consistent with opinion JC-109, indicating that economic development corporations are not required to comply with the notice and bidding requirements contained in Chapter 272 of the Local Government Code.
- Section 7.13 - Removes the language stating that the Board of Directors are local public officials within the meaning of the Texas Government Code Chapter 171. The removal is consistent with opinion JC-338, finding that Chapter 171 of the Local Government Code, governing conflicts of interest, does not apply to an economic development corporation.

The RDC Board of Directors have approved these revisions at the March 10, 2016, meeting and recommend approval of Resolution No. R-2131 by City Council to adopt said revisions to the RDC Bylaws.

KEY DISCUSSION POINTS

Randall Malik, Economic Development Director, read the Executive Summary, highlighting the key proposed revisions to the RDC Bylaws. The proposed amendment to Section 3.03 would reduce the number of Council members serving as Directors on the Board so that it would not create a potential quorum of City Council present at an RDC meeting in the event additional City Council members attend. To avoid a potential violation of the Open Meetings Act, an alternative solution was proposed to include language on all posted agendas that a quorum of City Council may be present at any RDC meeting. As a result, it was recommended that the proposed amendment to Section 3.03 of the Bylaws be rejected.

ACTION

Motion by Councilor, District 4 Lynn Moses, seconded by Councilor at Large, Position 1 William Benton to approve Resolution No. R-2131, a Resolution approving amendments to the Rosenberg Development Corporation Bylaws, striking Articles 3.03 and 7.09 from the proposed changes.

Vote: 7 - 0 Carried - Unanimously

9. *This item was formerly item 8 on the Regular Agenda.*
Hold Executive Session to consult with City Attorney to receive legal advice on pending or contemplated litigation regarding the Rosenberg Dangerous Buildings Program and Rosenberg Police Department Personnel pursuant to Section 551.071 of the Texas Government Code; 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, evaluation, reassignment, duties, discipline or dismissal of the Municipal Court Judge, and the evaluation and duties of all City employees involved in information services involving City Hall and the Police Department pursuant to Section 551.074 of the Texas Government Code.

ACTION

Motion by Councilor, District 3 Lisa Wallingford, seconded by Councilor, District 4 Lynn Moses to adjourn to Executive Session.

Vote: 7 - 0 Carried - Unanimously

10. *This item was formerly item 9 on the Regular Agenda.*
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.

ACTION

Motion by Councilor, District 2 Susan Euton, seconded by Councilor, District 4 Lynn Moses to accept, for and on behalf of the City of Rosenberg, an Easement containing 0.017 acres of land, more particularly described as Lot One (1) and Two (2), Block One (1) of Ward-Waddell Addition to Rosenberg, a subdivision out of the J.W. Moore Survey, Abstract 61, Fort Bend County, Texas, according to the map or plat thereof recorded in Volume 4, Page 10 of the Plat Records of said county and state, being the same property described in a deed from May Belle Armstrong to Houston Lighting and Power Company n/k/a CenterPoint Energy Houston Electric, LLC, dated January 19, 1959, and filed for record under Volume 387, Page 258 of Deed Records of said county and state; as necessary for the Old Richmond Road Reconstruction Project.

Vote: 7 - 0 Carried - Unanimously

ACTION

Motion by Councilor, District 2 Susan Euton, seconded by Councilor at Large, Position 2 Amanda J. Barta to authorize the acceptance, for and on behalf of the City of Rosenberg, of a Drainage and Utility Easement more particularly described as a 16-foot wide strip of land in the J. W. Moore 1/4 League, Abstract 61, City of Rosenberg, Fort Bend County, Texas, being over, through, and across that certain called 0.814 acre tract (Parcel "R") recorded under County Clerk's File Number 2015141432, Official Public Records, Fort Bend County, Texas, said Parcel "R" being out of Fiesta Division, according to map or plat thereof recorded in Volume 28, Page 9, Plat Records, Fort Bend County, Texas, with all bearings based upon the Texas Coordinate System, South Central Zone, NAD83, based upon GPS observations; as conveyed by Silverado Ranch, LLC, a Texas Limited Liability Company, as necessary for public drainage improvements.

Vote: 7 - 0 Carried - Unanimously

ACTION

Motion by Councilor, District 2 Susan Euton, seconded by Councilor, District 3 Lisa Wallingford to authorize the acceptance, for and on behalf of the City of Rosenberg, of a Drainage and Utility Easement more particularly described as a 60-foot wide strip of land in the J. W. Moore 1/4 League, Abstract 61, City of Rosenberg, Fort Bend County, Texas, being over, through, and across a portion of that certain called 0.616 acre tract (Parcel "5") recorded under County Clerk's File Number 2015141432, Official Public Records, Fort Bend County, Texas, said Parcel "S" being part of Fiesta Division, according to map or plat thereof recorded in Volume 28, Page 9, Plat Records, Fort Bend County, Texas, with all bearings based upon the Texas Coordinate System, South Central Zone, NAD83, based upon GPS observations; as conveyed by Silverado Ranch, LLC, a Texas Limited Liability Company, as necessary for public drainage improvements.

Vote: 7 - 0 Carried - Unanimously

ACTION

Motion by Councilor, District 2 Susan Euton, seconded by Councilor, District 4 Lynn Moses to authorize the Interim City Manager to negotiate and execute documents, for an on behalf of the City of Rosenberg, for the purchase of certain real property associated with the Bryan Road Realignment and Expansion Project, more particularly described as a 0.82 acre tract of land in the S. B. Pentecost Survey, Abstract 378, City of Rosenberg, Fort Bend County, Texas, being out of and a part of that certain called 3.879 acre tract recorded under County Clerk's file number 2003107704, Official Public Records, Fort Bend County, Texas, with all bearings based upon the Texas Coordinate System, South Central Zone, NAD83, based upon GPS observations; and, to accept a Letter Agreement regarding same.

Vote: 7 - 0 Carried - Unanimously

11. *This item was formerly item 10 on the Regular Agenda.*

Adjournment.

There being no further business, Mayor McConathy adjourned the meeting at 9:35 p.m.



Linda Cemosek, TRMC, City Secretary