

CITY OF ROSENBERG

WORKSHOP CITY COUNCIL MEETING MINUTES

On this the 26th day of April, 2016, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Workshop 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

Absent: Lynn Moses, Councilor, District 4

Staff Present: Scott M. Tschirhart, City Attorney
Linda Cernosek, City Secretary
John Maresh, Interim City Manager
Joyce Vasut, Executive Director of Administrative Services
Travis Tanner, Executive Director of Community Development
Tonya Palmer, Building Official
Dallis Warren, Police Chief
Wade Goates, Fire Chief
Darren McCarthy, Parks and Recreation Director
Jenny Pavlovich, Communications Manager
Kaye Supak, Executive Assistant
Danyel Swint, Executive Assistant

Call to order: Council Chamber
Mayor McConathy called the meeting to order at 6:02 p.m.

AGENDA

1. **Review and discuss the potential creation/appointment of "Honorary Members" for the City's Image Committee and Parks and Recreation Board, and take action as necessary to direct staff.**

EXECUTIVE SUMMARY

This item is for City Council discussion regarding whether committee members that have served more than ten (10) continuous years on the City's Image Committee or the Parks and Recreation Board should be considered "Honorary Members" and serve in an advisory role as non-voting committee members. This would allow an opportunity for new members to serve and would not take away from the membership for quorum purposes or limit the number of members on the Image Committee or the Parks and Recreation Board.

If the consensus of City Council is to move in this direction, the Parks Board Ordinance and the Image Committee Attendance Policy will be revised and placed on a future Agenda for consideration.

KEY DISCUSSION POINTS

Mayor McConathy read the Executive Summary, and explained that on the Image Committee and Parks Board if a member has served more than ten (10) consecutive years, those members would be considered "Honorary Members" and could serve in an advisory role as non-voting committee members. This would give other applicants the opportunity to serve on these two boards without affecting the quorum. There was mention that many meetings in the past had to be canceled because there was not a quorum present.

Council's directive to staff is to draft an amendment to the ordinance and/or by laws to have members that have served more than ten (10) consecutive years, be non-voting "Honorary" members.

2. **Review and discuss residency requirements for citizen volunteers to serve on certain City Boards, Commissions, Committees and Task Forces, and take action as necessary to direct staff.**

EXECUTIVE SUMMARY

Residency requirements for service on City Boards, Commissions, Committees, or Task Forces are being reviewed to establish if City Council wishes to revise any of the residency requirements for accepting future applications for volunteers to serve on a particular Board, Commission, Committee, or Task Force.

Note that some of the residency requirements are set by state law and cannot be changed, but some of the residency requirements are set by Ordinance or through the bylaws of the particular group. If the consensus of the City Council is to revise any of these residency requirements, an item will be placed on a future Agenda for consideration.

KEY DISCUSSION POINTS

Mayor McConathy presented this item and read the Executive Summary. She asked Council if they wanted to include residents in the extraterritorial jurisdiction (ETJ) of the City that wished to be on committees. There are some task forces that require business owners, such as the Main Street Advisory Board which is composed of downtown business owners. After discussion, the general consensus of Council was to change the requirement for members on the Image Committee and Parks Board to residents, property owners, and business owners.

3. **Review and discuss the "Alcoholic Beverages" Ordinance (Chapter 3, Code of Ordinances) as it relates to extended/late hours, and take action as necessary to direct staff.**

EXECUTIVE SUMMARY

This item has been placed on the Agenda to provide City Council the opportunity to review and discuss the "Alcoholic Beverages" Ordinance (Chapter 3, Code of Ordinances) as it relates to extended/late hours. Attached for City Council's review are the current "Alcoholic Beverages" Ordinance and Ordinance No. 2002-19, which effectively repealed the allowance of extended hours in 2002 for public safety reasons. Additionally, a survey has been placed on the City's website to allow citizens to vote on whether hours should be extended for the sale of alcohol.

KEY DISCUSSION POINTS

Dallis Warren, Police Chief, read the Executive Summary and stated that State law sets the distance requirements and hours for extended/late hours. State law also states that once a county has reached a population of 800,000, the City will have to adhere to the late hours on selling alcoholic beverages. Chief Warren stated the County's population will most likely reach a population of 800,000 in the next four (4) years. The population is based on the official U.S. Census, in which the next official census will be in year 2020. His recommendation was to leave the hours for selling alcoholic beverages as is until the next census population will trigger the mandatory ruling.

Chief Warren introduced Colin Davidson, who served in the Rosenberg Police Department for over nineteen years. Colin Davidson, 9119 Rappahonook, Rosenberg, Texas, stated he worked the first twelve years as a patrol officer and sergeant, and in the Criminal Investigation Department for seven years and then as a lieutenant in the Rosenberg Police Department. Mr. Davidson stated that his first twelve years at the City he served as a patrol officer on the evening shift from 4:00 p.m. to 2:00 a.m. There were twenty-eight bars in Rosenberg that he could remember. Every night he would be going to the bars and taking care of criminal activity that stemmed from intoxication. The crimes were usually associated with intoxication ranging from minor possession to murder. There were many robberies of individuals leaving the bars between the hours of 1-3 a.m. When he was a patrol sergeant, he had anywhere from five to seven officers on his shift. Every night at 3-4 a.m. the officers' would check the bars and had to make sure the establishments were closed and the patrons were leaving the parking lots. Many times they had to wake up intoxicated individuals in the parking lots. This also led to domestic violence when the intoxicated individuals went home. There were two homicides he was investigating from individuals either in the bars or leaving the bars. Mr. Davidson gave examples of several incidents that occurred as a result of the late hours. The downtown business owners had to clean up broken bottles and human waste. He stated he doesn't agree with changing the ordinance at this time. He lives in this community and cares about this community.

Chief Warren added that since the City lowered the late hours there has been a dramatic drop in crime. About 50 percent of the calls to the bars occur after 2:00 a.m. Today, we have a total of 43 retail permits with on-premise consumption--this includes all restaurants, hotels, dance halls, and bars with on-premise consumption. This does not include off-premise consumption. The number of bars has gone down. We have about six (6) bars in the City, but there are many restaurants that operate as restaurants during the day and operate more like a bar at night. They are conducting multiple investigations right now on various alcohol establishments.

After further discussion, Council directed to keep the ordinance as is, but allow the City Attorney to draft an ordinance to regulate a dance hall type business.

4. **Review and discuss the "Food and Food Services" Ordinance (Chapter 13, Code of Ordinances) as it relates to mobile food units, and take action as necessary to direct staff.**

EXECUTIVE SUMMARY

This item has been placed on the Agenda to provide City Council an opportunity to review and discuss the "Food and Food Services" Ordinance (Chapter 13, Code of Ordinances) as it relates to mobile food units. Attached for City Council's review are the "Food and Food Services" Ordinance and the relevant excerpt from the Texas Food Establishment Rules (October 2015), as adopted by the City and relating to mobile food unit provisions.

The Texas Food Establishment Rules provide for minimum standards, and cities have the authority to adopt greater restrictions. The City's current Ordinance contains restrictions on permits not being transferable from one (1) location to another location, which has an impact on Mobile Food Units. Should City Council seek revisions to the Ordinance to provide for mobile food units, staff will prepare said revisions to the Ordinance to be placed on a future Agenda for consideration.

KEY DISCUSSION POINTS

Travis Tanner, Executive Director of Community Development, read the Executive Summary and gave an overview of food establishments as it relates to mobile food units. Chapter 13 had not been amended since 2000, which predates current trends related to mobile food units. One of the things in the ordinance is problematic for mobile food units. Our present ordinance states: "Permits are not transferable from one person to another or from one location to another location, except as otherwise permitted by this this article". Mr. Tanner suggested changing the wording in the ordinance to be transferable from one person to another or one location to another location except for mobile food units. Another consideration would be having an annual food permit.

This was brought up for discussion because mobile food vendors have become very popular especially at special events and also have mobile food trucks during an emergency. The Council's direction was to have staff and the City Attorney amend the ordinance to include mobile food trucks and to bring the ordinance back to Council.

5. **Review and discuss a presentation on recommended changes to the "Water and Wastewater" Ordinance (Chapter 29, Code of Ordinances), and take action as necessary to direct staff.**

EXECUTIVE SUMMARY

The ordinance for water and sanitary sewer services is reviewed annually relative to the rates charged to customers; however, the remainder of the ordinance regarding new accounts, deposits, penalties, fees and other policies has not been reviewed in detail since 2008. There have been several questions and concerns regarding some of the policies and fees.

A copy of the current water ordinance is attached for your review. Additionally, a matrix including some comparisons to others cities is included. These items will be discussed along with recommended changes.

KEY DISCUSSION POINTS

Joyce Vasut, Executive Director of Administrative Services, reviewed the proposed changes to the water and sewer ordinance which include: dishonored checks, application requirements, deposits, temporary service, initiation/connection fees; credit adjustments; administrative penalty/reconnection fee and multi-use accounts. Ms. Vasut presented a red-lined ordinance with all proposed revisions.

Some concerns from Council for staff to review were:

- both credit or debit cards should be accepted for dishonored payments; however, if the card is dishonored, then the customer may be put on a cash only payment basis;
- although an account can be opened with one applicant, other customer's cannot make inquiries on that account, if their name is not listed on the account;;
- if a utility customer has had an account for many years and is in good standing with the city, they should not be required to pay an increased deposit;
- temporary service for a contractor should be more than thirty (30) days.

The consensus of Council was to move forward with the ordinance changes and bring back to Council.

6. **Review and discuss a presentation regarding updates to the City's Strategic Plan for 2017-2021, and take action as necessary to direct staff.**

EXECUTIVE SUMMARY

At the March 25, 2014 Workshop, City Council was presented with each City Department's Strategic Plan (Plan) for the Fiscal Years 2015-2019. At that time, City Council directed staff to return with an Agenda item to formally adopt the Strategic Plan as a guideline for the City's strategies to address continued growth and to assist with the budget process. On April 1, 2014, City Council approved Resolution No. R-1777 adopting the Strategic Plan for Fiscal Years 2015-2019.

In 2015, City Council received a packet of updated strategic plans for fiscal years 2016-2020.

The purpose of this item is for City Council to receive a copy of each department's strategic plan for fiscal years 2017-2021. The packet of strategic plans will be submitted at the Workshop and will include the entire strategic plan document for each department. These plans contain important information about the department, such as an executive summary, mission statement, SWOT analysis, goals, strategies and action plans. This information is submitted for your reference and review.

A summary of the strategic plans will be presented to City Council at the May 24, 2016 City Council Workshop during which City Council will have the opportunity to discuss the plan in detail, if they so desire.

KEY DISCUSSION POINTS

Joyce Vasut, Executive Director of Administrative Services, presented the Strategic Plan 2017-2021 notebooks to Council for their review. Mayor McConathy suggested that Council review and be ready to discuss the Strategic Plans at the May 24, 2016 Workshop meeting.

7. **Review and discuss a presentation on health insurance alternatives and consulting services, and take action as necessary to direct staff.**

EXECUTIVE SUMMARY

The City of Rosenberg currently has a Consulting Agreement (Agreement) with Gallagher Benefit Services, Inc., for employee benefit consulting. The effective date of the Agreement was for one (1) year from July 1, 2014, to June 30, 2015. The Agreement allowed for one additional year, if mutually agreed. Therefore, the current Agreement with Gallagher Benefit Services, Inc., will expire on June 30, 2016. A copy of Resolution No. R-1785 and this Agreement (Exhibit "A" to the Resolution) are attached for your review.

The City currently receives health insurance benefits from BlueCross BlueShield of Texas. The Schedule of Coverage and the current health insurance rates are attached for your review.

The Employee Benefits Committee (Committee) will meet on Tuesday, April 26, 2016, at noon. The Committee will discuss alternatives for consulting services and health insurance plans. Based on these discussions, additional information will be presented during the City Council Workshop.

ACTION

Motion by Councilor, District 3 Lisa Wallingford, seconded by Councilor at Large, Position 2 Amanda J. Barta to table the presentation on health insurance alternatives and consulting services until the May 24, 2016 Workshop meeting due to the cancellation of the Employee Benefits Committee Meeting on April 26, 2016.

Vote: 6 - 0 Carried - Unanimously

8. **Review and discuss a presentation by Republic Services, Inc., regarding a service option for twice weekly municipal solid waste collection for residential customers, and take action as necessary to direct staff.**

EXECUTIVE SUMMARY

This item has been included to provide an opportunity for City Council to discuss residential collection service options with Republic Services, Inc. (Republic). The current residential rate is \$15.40 per month, and the current senior residential rate is \$14.63 per month. A representative from Republic will be present to discuss an option for twice weekly solid waste collection and to answer any questions.

KEY DISCUSSION POINTS

Davy Daniel and Todd Fawcett, Republic Services were present at the meeting to discuss Republic Services trash pickup in Rosenberg. They highlighted the following:

- Republic services 275 cities in Texas
- 77% of those cities have one time a week trash service
- Communities with one time a week trash service recycle an average of 37% more

Rosenberg currently has:

- Every Monday - green waste pickup
- Every Tuesday - bulky items pickup
- Every Wednesday - trash cart pickup and recycling cart pickup

Rosenberg residents participation:

- One time a week trash - 100%
- Only 2 percent or 187 homes have additional carts
- One time a week recycling - 75%
- One time a week green waste - 40%
- One time a week bulk waste - 35%

Mr. Daniel reported on the following:

- The extra trash pickup per week would cost approximately \$5-\$7 per home;
- Rosenberg recycles more than most cities they service;
- Education is the key to lessen the contamination with the recycling.

Mayor McConathy asked that in the next bid proposal for solid waste, the option for a second weekly regular trash pickup and possibly a hazardous waste pickup be put in the proposal. Council will make these considerations at that time.

9. **Review and discuss the compensation policy for employees under suspension, and take action as necessary to direct staff.**

EXECUTIVE SUMMARY

This item has been included at the request of Councilors Barta, Benton, and Wallingford to discuss the compensation policy for employees under suspension.

ACTION

Motion by Councilor at Large, Position 2 Amanda J. Barta, seconded by Councilor, District 3 Lisa Wallingford to table the discussion of the compensation policy for employees under suspension until the next workshop meeting on May 24, 2016.

Vote: 6 - 0 Carried - Unanimously

10. **Hold Executive Session to receive an update on Texas Department of Transportation v. Rosenberg condemnation proceedings pursuant to Section 551.071 of the Texas Government Code; and, to deliberate the potential purchase, exchange, lease, or value of real property pursuant to Section 551.072 of the Texas Government Code.**

ACTION

Motion by Councilor at Large, Position 2 Amanda J. Barta, seconded by Councilor, District 2 Susan Euton to adjourn to Executive Session.

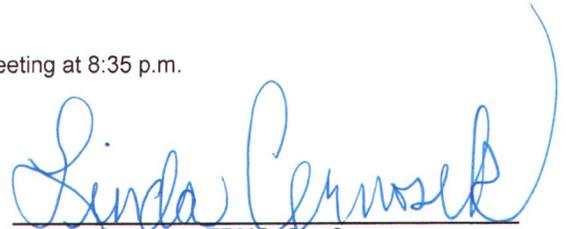
Vote: 6 - 0 Carried - Unanimously

11. **Adjourn Executive Session, reconvene Workshop Session, and take action as necessary to direct staff as a result of Executive Session.**

Mayor McConathy adjourned the Executive Session and reconvened into Regular Session.

12. **Adjournment.**

There being no further business, Mayor McConathy adjourned the meeting at 8:35 p.m.


 Linda Cernosek, TRMC, City Secretary