

CITY OF ROSENBERG

REGULAR CITY COUNCIL MEETING MINUTES

On this the 19th day of July, 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
Alice Jozwiak, Councilor, District 3
Lynn Moses, Councilor, District 4

Staff Present. Scott M. Tschirhart, City Attorney
Linda Cernosek, City Secretary
John Maresh, Assistant City Manager of Public Services
Joyce Vasut, Executive Director of Administrative Services
Travis Tanner, Executive Director of Community Development
Ian Knox, Planning Administrator
Charles Kalkomey, City Engineer
Dallis Warren, Police Chief
Wade Goates, Fire Chief
Randall Malik, Economic Development Director
Jenny Pavlovich, Communications Manager
Daniel Kelleher, Main Street Manager
Danyel Swint, Executive Assistant

Call to order: City Hall Council Chamber
Mayor McConathy called the meeting to order at 7 01 p.m.

Invocation and Pledge of Allegiance.

Reverend Frankie Rodriguez, Living Stones Church, Rosenberg, gave the invocation and led in the pledge of allegiance to the flag

Announcements.

Mayor McConathy reminded everyone of the Special City Council Meeting, Wednesday, July 20th at the Rosenberg Civic Center at 6 30 p.m to discuss the Animal Control Shelter operations.

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

SPEAKERS

- Joyce Long, 1308 James Street, Rosenberg, Texas, had concerns regarding people parking on both sides of James Street as well as parking on their yards. This makes it difficult for her clients to drive down the street and for her to back out of the driveway without hitting any other automobiles. She regrets the lack of pride in the property surrounding her home.
- Fran Naylor, 1424 Callender Street, Rosenberg, had concerns with the Highway 36 and State Highway 59 / Interstate 69 construction. This is a safety concern and she would like to see security and safety measures in place before school starts.

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 Workshop Meeting Minutes for June 28, 2016, and Regular Meeting Minutes for July 05, 2016.

B. Consideration of and action on Resolution No. R-2184, a Resolution authorizing the award of a Rosenberg Main Street Program Physical Improvement Matching Grant in an amount not to exceed \$345,000 to Brandon Campbell for beautification improvements to a bench, that will be placed at the 3rd Street Art Park, generally located at 809 3rd Street.

EXECUTIVE SUMMARY

At its June 23, 2016 meeting, the Main Street Advisory Board recommended that Rosenberg City Council award a Main Street Program Physical Improvement Matching Grant (Grant) to Brandon Campbell for beautification improvements to a bench that will be placed at the 3rd Street Art Park, located at approximately 809 3rd Street.

Staff and the Main Street Advisory Board recommend approval of Resolution No. R-2184 as presented.

C. Consideration of and action on a Final Plat of Casa de Oracion Place, a replat of 6.1444 acres (267,561 sq. ft.) of land being Lots 3, 4 and 5, Block 2, Montrose Acres, a subdivision in the City of Rosenberg, Fort Bend County, Texas, according to the map or plat thereof recorded in Volume 196 Page 444-A of the Deed Records of Fort Bend and a 3.45 acre tract in Henry Scott League, Abstract No. 83, Fort Bend County, Texas; 1 block and 1 reserve.

EXECUTIVE SUMMARY

The Final Plat of Casa de Oracion Place is a replat consisting of 6.1444 acres located on the south side of Brooks Avenue between 1st Street and Bamore Road

The north half of the requested replat was originally platted as Montrose Acres, Block 2, Lots 3 through 5, while the south half is 3.44 acres of unplatted property. The owner wishes to combine the properties into one for the purpose of building a church.

The Planning Commission recommended approval of the Final Plat on June 15, 2016. Seeing no conflicts with applicable regulations, staff recommends approval of the Final Plat of Casa de Oracion Place.

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor, District 4 Lynn Moses to approve Consent Agenda Items A-C.

VOTE: 7 - 0 Carried - Unanimously

REGULAR AGENDA

2. Consideration of and action on Resolution No. R-2182, a Resolution authorizing publication of Notice of Intention to Issue Certificates of Obligation, in an aggregate principal amount not to exceed \$10,000,000, for the acquisition, construction and improvement of certain public works, and authorizing certain other matters relating thereto.

EXECUTIVE SUMMARY

Marcus Deitz, with Orrick, Herrington & Sutcliffe, LLP, has prepared Resolution No. R-2182 authorizing publication of Notice of Intention to issue Certificates of Obligation, in an aggregate principal amount not to exceed \$10,000,000 for Bryan Road and Spacek Road improvements including road, drainage, water and wastewater

system improvements.

Approval of Resolution No. R-2182 is required for Mr. Deitz, City's Bond Counsel, and Joe Morrow, City's Financial Advisor, to proceed with obtaining quotes for the financing. The quotes and terms will be presented to City Council at a later date for approval. The proposed schedule is to obtain quotes on September 6, 2016.

Staff recommends approval of Resolution No. R-2182, authorizing publication of Notice of Intention to issue Certificates of Obligation, in an aggregate principal amount not to exceed \$10,000,000 for the acquisition, construction and improvement of certain public works, and authorizing certain other matters relating thereto.

KEY DISCUSSION POINTS

- Joyce Vasut, Executive Director of Administrative Services, read the Executive Summary.
- Marcus Deitz, with Orrick, Herrington & Sutcliffe, LLP, was present to answer questions pertaining to the intent to issue Certificates of Obligation, Series 2016.
- Joyce Vasut mentioned that most of the \$10,000,000 principal amount was for the Bryan Road and Spacek Road improvements including road, drainage, water and wastewater system improvements.

ACTION

Motion by Councilor, District 1 Jimmie J. Pena, seconded by Councilor, District 2 Susan Euton to approve Resolution No. R-2182, a Resolution authorizing publication of Notice of Intention to Issue Certificates of Obligation, in an aggregate principal amount not to exceed \$10,000,000, for the acquisition, construction and improvement of certain public works, and authorizing certain other matters relating thereto.

VOTE: 7 - 0 Carried - Unanimously

- 3 **Consideration of and action on Resolution No. R-2183, a Resolution providing for the amendment of the City Council Rules of Procedure (Tenth Revision), namely Article III, Item 2, entitled "City Council Discussion", by providing for the Mayor to limit the City Council Members' comments to three (3) minutes, if needed; and, by amending Article IV, Item 1, entitled "Agenda", by providing for the deferment of requested additional items to a later agenda if more research is needed or in the case of a lengthy, current agenda.**

EXECUTIVE SUMMARY

Pursuant to discussion had at the most recent City Council Workshop held on June 28, 2016, Resolution No. R-2183 is provided for consideration. Also attached, for information and review, is a redlined copy of the City Council Rules of Procedure containing the revised language, along with an excerpt from the associated Workshop Meeting Minutes.

Upon approval of Resolution No. R-2183, Article III, Item 2, entitled "City Council Discussion" will be revised by limiting the City Council Member's comments to three (3) minutes each, if needed. Article IV, Item 1, entitled "Agenda", will provide for City Council Members to individually notify the City Secretary or her designee of their request to add an agenda item and will also provide for the Mayor or City Manager to defer additional agenda items to a later agenda if more research is needed, or in the case of a lengthy agenda.

A clean, revised version of the City Council Rules of Procedure (Tenth Revision) is attached to Resolution No. R-2183 as Exhibit "A". Staff recommends approval of Resolution No. R-2183.

KEY DISCUSSION POINTS

- Mayor McConathy read the Executive Summary
- Mayor McConathy shared information regarding the process that is currently used by staff to assign items of interest to the future agendas.
- The following speakers spoke against Resolution No. R-2183, providing for the Mayor to limit the City Council Members' comments to three (3) minutes, if needed, and, by providing for the deferment of requested additional items to a later agenda if more research is needed or in the case of a lengthy, current agenda.
 - Nancy Talasek, 1403 Miles Street, Rosenberg
 - Benjamin Brink, 1833 Old Creek Drive, Rosenberg
 - James Urbish, 2514 Cypress Lane, Rosenberg
 - Sam Carlisi, 1119 Lark Lane, Rosenberg
 - Fran Naylor, 1424 Callender Street, Rosenberg
 - Carolyn Seiler, 2625 Cedar Lane, Rosenberg
- Councilors Moses, Benton, Barta, Jozwiak, Pena, and Euton spoke against Resolution No. R-2183, and possibly giving up the rights of future Councilors to not be able to place an item(s) on agendas. Mayor McConathy explained a misunderstanding that it takes two (2) Councilors to add an item on a future Agenda. It does not take two (2) Councilors, but only one (1) Councilor to add an item on an agenda. She said she understands the opinions of each person.

ACTION

Motion by Councilor, District 1 Jimmie J. Pena, seconded by Councilor at Large, Position 1 William Benton to reject approval of Resolution No. R-2183, a Resolution providing for the amendment of the City Council Rules of Procedure (Tenth Revision), namely Article III, Item 2, entitled "City Council Discussion", by providing for the Mayor to limit the City Council Members' comments to three (3) minutes, if needed, and, by amending Article IV, Item 1, entitled "Agenda", by providing for the deferment of requested additional items to a later agenda if more research is needed or in the case of a lengthy, current agenda

VOTE: 7 - 0 Carried - Unanimously

4. **Consideration of and action on cancellation of the October 04, 2016 Regular City Council Meeting to accommodate the National Night Out activities.**

EXECUTIVE SUMMARY

As in years past, the first Regular City Council Meeting in October has been cancelled to allow for the members of City Council to attend "National Night Out" events that are planned in the City This item provides an opportunity for City Council to discuss the proposed cancellation of the October 04, 2016 Regular City Council Meeting to accommodate attendance at "National Night Out" events that evening

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor, District 4 Lynn Moses to approve the cancellation of the October 04, 2016 Regular City Council Meeting to accommodate the National Night Out activities.

VOTE: 7 - 0 Carried - Unanimously

5. **Hold Executive Session to consult with the City Attorney to seek or receive advice on legal matters regarding pending or contemplated litigation regarding a Union Pacific Railroad Company request to close Junker Road crossing pursuant to Section 551.071 of the Texas Government Code; to deliberate the potential purchase, exchange, lease, or value of real property pursuant to Texas Government Code Section 551.072; and, to deliberate the appointment, employment and duties of the Municipal Court Judge 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 4 Lynn Moses to adjourn to Executive Session.

VOTE: 7 - 0 Carried - Unanimously

6. **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. No action was taken as a result of Executive Session

7. **Adjournment.**
There being no further business, Mayor McConathy adjourned the meeting at 8:53 p m


Linda Cernosek, TRMC, City Secretary