

CITY OF ROSENBERG

WORKSHOP CITY COUNCIL MEETING MINUTES

On this the 26th day of July, 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
Alice Jozwiak, Councilor, District 3
Lynn Moses, Councilor, District 4

Staff Present: John Maresh, Interim City Manager
Scott Tschirhart, City Attorney
Linda Cernosek, City Secretary
Joyce Vasut, Executive Director of Administrative Services
Travis Tanner, Executive Director of Community Development
Randall Malik, Economic Development Director
Rigo Calzoncin, Public Works Director
Tracie Dunn, Assistant Police Chief
Wade Goates, Fire Chief
Dan Kelleher, Main Street Program Manager
Lori Remington, Director of Human Resources
Jenny Pavlovich, Communications Manager
Charles Kalkomey, City Engineer
Danyel Swint, Executive Assistant
Steven Trevino, Interim Director of Technology

Call to order: City Hall Council Chamber

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

AGENDA

1. **Review and discuss a request from the Rosenberg Railroad Museum regarding use of Hotel Occupancy Tax funds for projects and activities, and take action as necessary to direct staff.**

EXECUTIVE SUMMARY

This item has been included to provide the Rosenberg Railroad Museum (Museum) an opportunity to request City Council's consideration of the use of Hotel Occupancy Tax (HOT) funds for projects and activities at the Museum. The Museum has identified projects totaling over \$1.2 million in their five (5) year plan and \$115,000 in annual operational funding for two (2) new positions. The Museum believes that both the projects and operations positions would meet the State eligibility requirements for utilizing HOT funds.

KEY DISCUSSION POINTS

- Randall Malik read the Executive Summary and introduced Greg Cauthen, President of the Rosenberg Railroad Museum.
- Greg Cauthen gave a presentation on the Rosenberg Railroad Museum and explained how the Hotel Occupancy Tax (HOT) would support the projects and activities of the Museum. The Museum is dedicated to its mission of preservation and education to the visitors from all over Fort Bend County and the surrounding Houston areas and more.
- He explained how the Museum is in competition with other Fort Bend County attractions.
- He also reported the Galveston Railroad Museum receives significant funding from the HOT funds.
- Greg Cauthen reported some of the future projects planned by the Museum such as, a ride-on-train like the zoo train, a rail spur track to connect to Highway 36 overpass, signage at the museum and directional signs within the area, restoration of locomotive and rolling stock, and restoration of the existing facilities.
- He also explained their plan to hire new positions to help with exhibits, adding advertising promotion in rail

fan magazines to help attract visitors to the city, as well as a "Welcome to Rosenberg" program to work with the local hotels to offer a coupon to visit the museum.

- The Museum plans to restore and enhance existing facilities such as the second floor viewing deck bridge, and elevator.
- Total requested HOT funding will take two (2) years to use all funding. The request is for \$115,000 per year for three (3) years for operational and funding for projects, plus \$1,238,000 for capital projects, totaling \$1,583,000.
- It was the consensus of the Council this was a good request, but agreed to possibly fund a matching program for a specific project which was a good way to partner with the Rosenberg Railroad Museum.
- Scott Tschirhart explained the City does not have any policies in place for this type of request for funding. He recommended the City work on this before proceeding with the expenditure of HOT funds. He recommended Randall Malik, Economic Development Director, to research and bring back information at a future workshop meeting, as to what and how other cities are using their HOT funds.

2. **Review and discuss a request for the disannexation of property generally located in the far western City Limits, and take action as necessary to direct staff.**

EXECUTIVE SUMMARY

This item has been included at the request of Councilors Jozwiak and Benton to allow for an opportunity for City Council to discuss a request for disannexation of property in the far western City Limits.

KEY DISCUSSION POINTS

- Councilor Benton explained he was asked by citizens to possibly relinquish or disannex property generally located in the western border of Rosenberg. His question to the rest of the Council is to determine if they are agreeable to the idea of disannexation before asking staff to spend time researching it.
- The Mayor stated the planned Workshop scheduled at the request of Commissioner Richard Morrison to discuss this is set for October.
- Scott Tschirhart said we have to have some type of boundary and residents must petition for annexation. The exact location of the property in question is unknown at this time.
- Councilor Benton was of the understanding that the City could disannex a property if it is their choice.
- Scott Tschirhart stated the City can do this if there are no citizens living in that property. If there are citizens living in the particular property, it would need to be requested by petition.
- Most of the Councilors asked for more information before they were in a position to discuss this item.
- Mayor McConathy addressed the audience and asked for those that live in the Rosenberg city limits or ETJ, make their voice known in writing so the Council will have a clear direction for the October Workshop.

3. **Review and discuss a proposed Contract Extension for Lime Subgrade Stabilization Services, and take action as necessary to direct staff.**

EXECUTIVE SUMMARY

This item has been placed on the Workshop Agenda to offer City Council the opportunity to discuss extending the current Lime Subgrade Stabilization Contract. Due to its size, a copy of the current Contract and Technical Specifications has been made available for public review in the City Secretary's office.

This is a unit base contract which means it is not location specific. Next fiscal year, staff will present the FY2017 Road Reconstruction List to City Council. Staff estimates to use about \$400,000.00 for lime subgrade stabilization for the next fiscal year's projects.

Resolution No. R-2025 awarded the Contract to Angel Brothers Enterprises, Ltd., on August 18, 2015, for a one (1) year term, and automatically renewing thereafter for three (3) additional one (1) year terms. The first year of this Contract will expire on August 18, 2016. Angel Brothers Enterprises, Ltd., has performed in an acceptable manner. At this time, staff is recommending the Contract term be extended for the second one (1) year option, effective August 18, 2016, through August 18, 2017.

Should City Council agree to extend the current Contract for Lime Subgrade Stabilization services, the Contract will automatically renew for the second year of a possible four-year total term and these services shall be provided under the current unit pricing. Staff recommends allowing for the automatic renewal of this Contract to become effective. If City Council concurs, no action is required.

KEY DISCUSSION POINTS

- Rigo Calzoncin read the Executive Summary.
- The consensus of the Council was to direct staff to move forward with the renewal of this contract through August 18, 2017. A contract extension will be brought back to the August 2, 2016 Council Meeting for Council action.

4. **Review and discuss a proposed Contract Extension for Concrete Sidewalk Construction and Repair Services, and take action as necessary to direct staff.**

EXECUTIVE SUMMARY

This item has been placed on the Workshop Agenda to offer City Council the opportunity to discuss the Concrete Sidewalk Construction and Repair Contract. Due to its size, a copy of the current Contract and Technical Specifications has not been included in this Agenda packet but is available for review in the City Secretary's office.

This is a unit based contract which means it is not location specific and other departments can use these prices, such as the Utilities Department and the Rosenberg Development Corporation (RDC), for sidewalk related concrete repairs and construction. Currently, there is \$150,000 proposed in the FY2017 Budget for sidewalk repairs. The RDC has \$200,000 in its FY2016 Budget and has proposed \$250,000 in its FY2017 Budget. The RDC funds are for new sidewalks.

The Contract was initially awarded to Si Environmental, LLC, on August 04, 2015, for a one (1) year term with the option to automatically renew for three (3) additional one (1) year terms. This Contract will automatically renew on August 05, 2016, if the City takes no action to terminate. Si Environmental, LLC, has performed in an acceptable manner. At this time, staff is recommending the Contract term be allowed to automatically renew for the second one (1) year term, effective August 04, 2016, through August 04, 2017.

KEY DISCUSSION POINTS

- Rigo Calzoncin read the Executive Summary.
- It was the consensus of the Council to direct staff to move forward with the renewal of Contract with Si Environmental from August 4, 2016 to August 4, 2017. A contract extension will be brought back to Council at the August 2, 2016 Council Meeting.

5. **Review and discuss proposed revisions to Code of Ordinances, Chapter 6, Article XVI. - Parking Lot Standards and Specifications, and Article VIII. - Multi-Family Developments, and take action as necessary to direct staff.**

EXECUTIVE SUMMARY

This item is one in a series of proposed Code amendments that was initially discussed at the March 16, 2016 Planning Commission Meeting and again on June 15, 2016. Specifically, it is in regard to the City's Parking (Code of Ordinances, Ch. 6, Art. XVI) and Multi-Family Development (Ch. 6, Art. VIII) standards. Potential redrafting and amendments to the City's land development and related code elements, including parking, is addressed extensively in the Comprehensive Plan and these proposed amendments are in line with those recommendations. The attached proposed ordinance revisions provide for the following:

- Shared parking for mixed uses with variable peak parking hours, and related requirements;
- More flexibility in how existing/nonconforming parking lots are handled;
- Graphics for improved understanding of parking dimensions and drive aisles;
- Graphics for improved understanding of parking setbacks;
- Improved explanation of paving standards and maintenance;
- Downtown area parking, while not required, must comply with dimensional and paving standards when constructed;
- Improved methodology for parking calculations;
- Improved and expanded schedule of parking requirements by land use; and
- Provisions for "special studies" for uses with varying parking demands and those not identified in the schedule of parking requirements.

Following discussion at the March 16, 2016 Planning Commission meeting, staff recommended amendments to the Multi-Family Development Standards as well to go along with the "Parking" Ordinance amendments. The parking standards would essentially be made less restrictive related to multi-family developments while the Multi-Family Development Standards themselves would be made more restrictive, including but not limited to the following:

- Higher masonry standards (75%);
- Gating for security purposes;
- Provisions for on-site management; and
- Giving the Planning Commission and City Council the discretion to deny multi-family development site plans too near in proximity to existing ones, resulting in potential over-concentration of multi-family developments.

The proposed Code amendments are attached for review. The Planning Commission recommended approval to City Council of these amendments at the June 15, 2016 meeting.

KEY DISCUSSION POINTS

- Travis Tanner read the Executive Summary and shared a presentation for this item.
- Some of the concerns he addressed:
 - Ordinance doesn't allow for "shared parking" between businesses with different peak hours
 - Lack of direction/flexibility in handling existing/nonconforming parking lots
 - Lacks requirements to maintain existing parking lots
 - No standards for Downtown constructed parking lots

- Lack of direction calculating required number of parking spaces
- Too few business types in schedule of uses/parking requirements
- Not enough flexibility for dealing with uses not in schedule of uses
- Multi-family parking requirement is not workable and causes many questions as to what can be rebuilt, etc.
- Mayor McConathy explained that with the growth in the City, the Planning Commission was seeing many variance requests for the parking requirements and it was cumbersome to staff. This Ordinance is a living, breathing document and can be changed if needed.
- It was the consensus of the Council to agree to these changes in the Ordinance and recommend staff to revise the Code of Ordinance.

6. **Review and discuss proposed revisions to Code of Ordinances, Chapter 25, Article III, Sec. 25-68 - Building lines - Single-family lots, and Chapter 6, Article XV - Building and Setback Lines, and take action as necessary to direct staff.**

EXECUTIVE SUMMARY

As discussed, staff has completed work on a project to review and revise specific development-related ordinances. This particular item relates to building setback lines; it is mostly due to past issues with variances being required for both carports and primary structures in subdivisions that pre-date the City's current building setback lines. For example, an older subdivision may contain many existing carports, or even primary structures, encroaching on the currently required building lines; however, a variance through the Planning Commission and City Council (an approximately 3-month process) is required to essentially match the character of the existing area. The proposed revisions seek to resolve these issues, in addition to making the overall process clearer. This item was discussed with the Planning Commission on April 20, 2016, and again on June 15, 2016. Following is a brief summary of the proposed revisions:

- Minor corrections to Chapter 6, Article XV;
- In Chapter 25, Article III, Section 25-68, allowance of carports encroaching on required setbacks when two (2) or more existing carports on the same street or block as the subject property, or five (5) or more in the same subdivision, encroach on the setbacks required in Section 25-68. Other conditions apply (e.g., 5' minimum setback, compatibility with existing structure);
- Also in Section 25-68, allowance for "special exceptions" to residential building setback lines. For example, if a variance is sought to the building line requirements, rather than go through a lengthy process to Planning Commission and City Council as prescribed by the "Subdivision" Ordinance, the Commission would have the authority to potentially grant an exception under conditions as they may apply. Variances, on the other hand, would then be reserved for variances during the actual subdivision process, rather than building or adding to a home; and
- Also in Section 25-68, lots in subdivisions platted prior to the effective date of the ordinance shall not be required to meet the setback requirements if the applicant can present information, and staff can verify, that the proposed construction will have setbacks greater than or equal to the average setback on the same block or street as the subject property.

The proposed revisions, which are attached for review, would address a number of permitting issues that have come up over the last several months. The Planning Commission recommended approval to City Council of these Code amendments at their June 15, 2016 meeting.

KEY DISCUSSION POINTS

- Travis Tanner explained this request came because of the number of variances that are required for the process to go to the Planning Commission. Often, it is a three (3) month process to go through Planning Commission and the Council. The Ordinance will allow for some of those variances. The goal is to allow administrative approval for staff to approve a building permit in an older subdivision if the applicant provides information to be compatible with existing design in the subdivisions.
- It was the consensus of the Council to recommend staff revise the Code of Ordinances with these changes.

7. **Review and discuss proposed revisions to Code of Ordinances, Chapter 25, Article III, Sec. 25-61 - Streets, and take action as necessary to direct staff.**

EXECUTIVE SUMMARY

As discussed, this agenda item is the last in a series of proposed Code amendments that have been discussed with the Planning Commission. At the May 18, 2016 Planning Commission meeting, staff made a recommendation to the Commission that local streets not identified as collectors or arterials in the Thoroughfare Plan have a minimum right-of-way of sixty (60) feet and the following minimum pavement widths:

- Streets with laydown curbs: twenty-nine (29) feet, measured back of curb to back of curb, and twenty-seven (27) feet, measured inside of curb to inside of curb; and
- Other streets: twenty-eight (28) feet, measured back of curb to back of curb, and twenty-seven (27) feet, measured inside of curb to inside of curb.

The Commission subsequently recommended a minimum local street pavement width of thirty (30) feet, measured inside of curb to inside of curb. Staff's recommendation for sticking with a lesser pavement width consistent with other cities' standards was based on the following concerns regarding greater pavement widths:

- Higher speeds on local streets based on greater pavement width;
- Increased costs to the City in terms maintaining and constructing/reconstructing streets;
- Increased drainage requirements from additional pavement; and
- The fact that perceived on-street parking issues could potentially be addressed in improved future design of neighborhoods (e.g., greater garage setbacks).

Staff seeks direction from City Council at this time on modifying the City's street standards or leaving them as-is. This issue is addressed in the Code of Ordinances, Chapter 25, Article III, Section 25-61. Proposed amendments, as recommended by the Planning Commission, are attached for review. It should be noted that staff has consulted with the City Attorney and existing developments with approved Land Plans would be vested under the existing 27' local street pavement width requirement.

KEY DISCUSSION POINTS

- Travis Tanner explained the recommendation from the Planning Commission, is thirty (30) feet from curb to curb. He presented staff's recommendation of twenty-seven (27) feet from curb to curb.
- It was a consensus of the Council to recommend the thirty (30) foot street due to the need of emergency vehicles to get through the streets with people parking on both sides of the streets.

8. **Review and discuss presentation regarding the FY2017 Proposed Budget for the City of Rosenberg and the Rosenberg Development Corporation, and take action as necessary to direct staff.**

EXECUTIVE SUMMARY

This Agenda item allows the Interim City Manager to submit the FY2017 Proposed Budget for the City of Rosenberg and the Rosenberg Development Corporation (RDC) to the City Council.

The Executive Director of Administrative Services will present the highlights of the FY2017 Proposed Budgets. City Council will be given the opportunity to review and discuss the Proposed Budgets during the presentations prepared for future meetings, workshops and public hearings.

KEY DISCUSSION POINTS

- Joyce Vasut gave a presentation of the general overview of the Proposed Budget. She explained the purpose of this item was to present the FY2017 Proposed Budget for the City of Rosenberg and the Rosenberg Development Corporation to Council to direct staff.
- It was the consensus of Council to try to fund the three (3) additional Police Officer positions.
- The Council was split with reducing the property tax rate, but they will discuss it further in the future Budget Meetings.

9. **Review and discuss creation of a City Charter Review Committee, and take action as necessary to direct staff.**

EXECUTIVE SUMMARY

This item has been included to provide an opportunity for City Council to consider the creation of a Charter Review Committee.

KEY DISCUSSION POINTS

- Mayor McConathy explained her reasons for bringing this item to Council:
 - 1) Asking Council if they are in favor of forming a Charter Review Committee
 - 2) What would be the composition of the Committee Members
 - 3) How many members of the Charter Committee would the Council prefer
- The consensus of the Council was to advertise for a Charter Review Committee to be composed of seven (7) members consisting of five (5) citizens and two (2) Council Members. Applications will be taken from the citizens. There will be a staff member assigned to serve on the Committee as well.
- Two of the immediate items for consideration would be the procedure for the Council term limits and the increase for Council members' compensation.
- Some items would be prepared for the May 2017 election and some for the May 2019 election.

10. *This item was pulled from the agenda and was not discussed.*
Review and discuss the compensation policy for employees under suspension, and take action as necessary to direct staff.

EXECUTIVE SUMMARY

A discussion item was presented at the May 24, 2016 City Council Workshop Meeting regarding the City's compensation policy for employees under suspension. City Council's general consensus at that time was to direct staff to gather similar policies from comparable cities and provide said policies for review.

Attached is a summary report showing suspension and administrative leave language from surrounding cities who responded to staff's request for information. In reviewing the policies provided, you will see similarities and the flexibility to utilize the policy based upon the specific situation. Staff and legal counsel have reviewed the language

provided and concur that the City's Policy language for Suspension and Administrative Leave is suitable to our needs and does provide us with latitude to address a variety of situations fairly and equitably.

City Council is requested to review the summary report and provide direction to staff.

11. **Hold Executive Session to deliberate the potential purchase, exchange, lease or value of real property pursuant to Texas Government Code Section 551.072.**

ACTION

Motion by Councilor, District 4 Lynn Moses, seconded by Councilor, District 2 Susan Euton to adjourn into Executive Session.

VOTE: 7 - 0 Carried - Unanimously

12. **Adjourn Executive Session, reconvene Workshop Session, and take action as necessary as a result of Executive Session.**

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

ACTION

Motion by Councilor, District 2 Susan Euton, Seconded by At-Large Position No. 2 Amanda Barta to authorize the Interim City Manager to negotiate and execute documents, for and 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 parcel #12, a certain 0.2788 acre tract of land being out of a certain tract of land conveyed to L. Allred and wife, Rose M. Allred, as recorded in Volume 541, Page 435 of the Fort Bend County Deed Records (F.B.C.D.R.), located in the Robert E. Handy Survey, Abstract No. 187, City of Rosenberg, Fort Bend County, Texas.

VOTE: 7 - 0 Carried - Unanimously by those present

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 and 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 Parcel #13, a certain 0.0586 acre tract of land being out of restricted reserve "A" of Morales subdivision, as recorded in Plat No. 20060199, Fort Bend County Plat Records (F.B.C.P.R.) and also out of a certain tract of land conveyed to Vincent Morales and wife, Regina Morales, as recorded in File No. 2002143306 of the Official Public Records of Real Property of Fort Bend County, Texas (O.P.R.R.P.F.C., TX.), located in the S.B.Pentecost Survey, Abstract No. 378, City of Rosenberg, Fort Bend County, Texas.

VOTE: 7 - 0 Carried - Unanimously by those present

13. **Adjournment.**

There being no further business, Mayor McConathy adjourned the meeting at 8:45 p.m.



Linda Cernosek, TRMC, City Secretary