

CITY OF ROSENBERG

SPECIAL CITY COUNCIL MEETING MINUTES

On this the 23rd day of August, 2016, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Special 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, Interim City Manager
Joyce Vasut, Executive Director of Administrative Services
Travis Tanner, Executive Director of Community Development
Tonya Palmer, Building Official
Lori Remington, Human Resources Director
Dallis Warren, Police Chief
Tracie Dunn, Assistant Police Chief
Wade Goates, Fire Chief
Randall Malik, Economic Development Director
Rigo Calzoncin, Public Works Director
Melissa Pena, Program Manager
Jenny Pavlovich, Communications Manager
Luis Garza, Finance Manager
Daniel Kelleher, Main Street Manager
Steven Trevino, Interim Director of Technology
Danyel Swint, Executive Assistant
Joseph Rogers, Police Sargeant
Justin Rodgers, Police Officer

Call to order: City Hall Council Chamber

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

Announcements.

- Mayor McConathy reminded Councilors there would be a photograph taken on Thursday, August 25th at 6 30 p m. at Seabourne Creek Nature Park regarding the donation from the Lions Club.
- Mayor McConathy reminded Councilors of the Saturday, August 27th Special Council Meeting beginning at 9 00 a m. and breakfast at 8 30 a m.

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.

REGULAR AGENDA

1. **Hold public hearing to consider comments relating to Fiscal Year 2016-2017 Proposed Budget, which includes the City of Rosenberg's Capital Improvement Plan (CIP), and take action as necessary.**

EXECUTIVE SUMMARY

Section 9.06 of the Rosenberg City Charter requires the Rosenberg City Council to hold a public hearing on the proposed Budget submitted, and, all interested persons shall be given an opportunity to be heard for or against any item or the amount of any item contained in the proposed Budget.

Notice of this public hearing was published in the newspaper on Sunday, August 14, 2016, and Sunday, August 21, 2016.

This public hearing is held to provide the citizens the opportunity to present their comments regarding the proposed FY2016-2017 Budget.

KEY DISCUSSION POINTS

- Mayor McConathy opened the public hearing at 6:03 p.m.
- Joyce Vasut read the Executive Summary.
- Claudine Vass, 10406 Shanley Trace Lane, Richmond - Ms. Vass is the President of Fort Bend Pets Alive. She spoke about the Animal Control Budget which she feels is too low to achieve the 2017 Shelter goals. She explained how shelter medicine could lower costs of spay and neuter surgeries, and that new medicines and procedures are being taught in several communities which could also help Rosenberg save more animals
- Danna Psencik, 2820 Talasek, Rosenberg - Ms. Psencik wants the tax dollars to help shelter pets with life saving measures and get animals adopted out of the Shelter. She said the City of Rosenberg needs to allocate funds to purchase wellness drugs. She also said addressing management problems now will prevent building a bigger Animal Shelter and implementing a Shelter medicine program will lower vetting costs.
- Deena Poteet, 315 Rude Road, Rosenberg - Ms. Poteet spoke as a tax paying resident, expecting the tax dollars to be used to provide life saving measures for the Shelter animals. The national adoption rate is 2% and the City of Rosenberg has enough citizens to increase the adoption rate. She questioned the \$4,000.00 budgeted to pick up carcasses. Her call to action to the City is to do more research and look at what other No-Kill Shelters do
- Susan Culver, 1715 Wild Rye Trail, Sugar Land - Ms. Culver stated the budget for the Animal Control Shelter is grossly underfunded and understaffed. At the 0.1% increase, the budget will not keep up with the growth of the City. She recommends increasing the hours of operation and using shelter medicines rather than so much vetting, which would keep the costs down. She was very pleased to see that all adopted animals in the shelter leave with a microchip and she encouraged the City to continue that practice.
- Wayne Poldrack, 2514 Pecan Drive, Rosenberg - Mr. Poldrack asked why the Rosenberg taxpayers should be expected to fund what appears to be irresponsible pet owners. He asked why the City is experiencing all the animals received in the shelter. He encouraged the advocates that support increasing the budget to raise funds for a shelter themselves.
- James Urbish, 2514 Cypress Lane, Rosenberg - Mr. Urbish distributed information on Austin's No-Kill Shelter. To be classified as a no-kill shelter, Austin cannot euthanize more than 10 percent of the animals it takes in. In the time since city leaders first started discussing the policy in 2008, the Austin Animal Services' budget has increased by 146% to nearly \$12 million. Also in that time, the number of employees has increased from 81.5 to 106.5. Mr. Urbish also spoke about the increase in dog bites in Travis County as a result of putting aggressive dogs back in the community through adoptions. Mr. Urbish stated he appreciates not raising the budget for the Animal Control Shelter.
- Lorene Lindsey, 1713 Wimberly Hollow Lane, Rosenberg - Ms. Lindsey spoke about the 2017 Proposed Budget in the Animal Control line item. She stated the City would not be able to achieve the goals set with this proposed budget amount. She encouraged the Council to re-evaluate the Budget and do the right thing.
- Mayor McConathy closed the public hearing at 6:26 p.m.

2. **Hold first public hearing to consider comments relating to the proposed Ad Valorem Tax Rate for the Fiscal Year beginning October 01, 2016, and ending September 30, 2017, and take action as necessary.**

EXECUTIVE SUMMARY

Chapter 26 of the Property Tax Code requires that taxing units comply with Truth-in-Taxation laws during the tax rate adoption process. These laws were designed to make taxpayers aware of tax rate proposals and to provide an avenue for comment. On August 08, 2016, City Council set two (2) public hearing dates for Tuesday, August 23, 2016, at 6 00 p m , and Tuesday, August 30, 2016, at 6 30 p m , to receive public comment regarding the proposed Ad Valorem Tax Rate for the fiscal year beginning October 1, 2016, and ending September 30, 2017.

The required notice was published in the newspaper on August 14, 2016, to give the public the proper notification.

The Truth-in-Taxation laws also require that at each public hearing, the governing body must announce the date, time and place of the meeting at which it will vote on the tax rate. The meeting to vote on the tax rate has been set for Tuesday, September 06, 2016, at 7 00 p.m., at the Rosenberg City Hall Council Chamber at 2110 4th Street, Rosenberg, Texas 77471

KEY DISCUSSION POINTS

- Joyce Vasut read the Executive Summary.
- Mayor McConathy opened the Public Hearing at 6 28 p.m.
- Chris Martin, 7819 Lake Commons Drive, Rosenberg - Mr. Martin spoke in favor of leaving the Ad Valorem Tax Rate at \$0.47 versus dropping it to \$0.45 per \$100 of property value to allow the City to hire three (3) additional police officers, increasing from 43 to 46 peace officers. He reported if average home values in Rosenberg were between \$110,000 and \$116,000, the tax increase from \$0.45 to \$0.47 per \$100 of property value would be \$23.00 per year per household which is less than a family would pay for one dinner.
- Hearing no other requests to speak regarding this item, Mayor McConathy closed the public hearing at 6 32 p.m.

3. **Review and discuss Fiscal Year 2016-2017 Budget as submitted by the Interim City Manager on July 26, 2016, pursuant to the Rosenberg City Charter, and take action as necessary.**

EXECUTIVE SUMMARY

Section 9.08 of the Rosenberg City Charter requires that after the conclusion of the public hearing on the proposed Budget, the City Council may insert new items or may increase or decrease the items of said Budget, except items in proposed expenditures fixed by law. However, if City Council requests to increase the total proposed expenditures, it shall also provide for an increase in the total anticipated revenue to at least equal such proposed expenditures.

At this time, staff will present changes that have been recommended to the proposed Budget and City Council shall have an opportunity to discuss the proposed FY2016-2017 Budget, any changes thereto, and by a majority vote direct staff to make additional changes

The FY2016-2017 Budget will be considered for adoption at the September 06, 2016 City Council Meeting.

KEY DISCUSSION POINTS

- Joyce Vasut read the Executive Summary and explained the memorandum dated August 23, 2016, titled FY2017 Proposed Budget Changes. During the recent Budget workshops and Council Meetings, City staff presented the proposed FY2017 Budget. Several recommendations for changes were considered and discussed. Based on these discussions, the following changes are recommended to be made to the FY2017 Proposed Budget
1. Increase Property Tax Revenues - Current Taxes by \$215,000 in the General Fund due to an increase in the M & O tax rate to equal a total tax rate of \$0 47 per \$100 valuation
 2. Increase in the Salaries and Wages and corresponding benefits for the Police Department for the addition of three police officer positions in the amount of \$215,007.
 3. City Council considered the assessment payable to Summer Park Property Owners Association, Inc. in the amount of \$11,469 from the Fire Station No 3 Operating Fund and determines that revenues were not available to fund this item.
- Councilor Benton asked how much revenue the two cent increase would generate and Joyce Vasut replied \$440,000. Councilor Benton stated the addition to police staff would be \$215,000 and asked where the additional \$225,000 would be spent.
 - Ms. Vasut stated the budget as proposed, required a \$ 46 tax rate. It is an increased budget from last year, but that is to cover increased expenses in the budget. There are no additional funds, leaving the personnel and services as is.
 - Councilor Benton encouraged Chief Dallis Warren to hire the third staff member at the Animal Shelter Chief Warren and Lori Remington stated the position is advertised at the present time in Indeed com, Government jobs com and the Fort Bend Herald.
 - Councilor Moses asked Chief Warren if he would please explain how long it takes to hire a police officer.
 - Chief Warren explained the application process takes from two to three months. Once a job offer is made, the applicant goes through an extensive training program as well as an orientation program with the entire City. The probation period for a police officer is one year. The first six months is training. If they lose the applicant in the first year, or are unsuccessful in the hiring process, it will take 1-1/2 to 2 times the salary to replace that applicant.
 - Councilor Barta stated that the Council has been communicating with the citizens regarding the strides being made to correct some deficiencies at the Animal Shelter, but it takes time
 - Mayor McConathy stated that one benefit of listening to all the complaints about the Animal Shelter since May of this year, is the Council and staff has been able to make changes in personnel and volunteers. Unfortunately, the Council and Staff are not boasting about all the things that are being done in that area. Historically, the Council has not advertised the positive things being accomplished. This Council has never declared the Animal Shelter to be a No-Kill Shelter. She further stated the City and Council has been painted with a broad stroke to be animal killers, uncaring, and uncompassionate, and that is far from the truth. If the Council did not care, we would not be responding at all.
 - Councilor Benton asked Chief Warren if there was an update to the City consolidating the Animal Shelter with the County facility.
 - Chief Warren talked to the County last week, finalized all the information they requested, and the conversations are progressing.
 - Mayor McConathy said the discussion of the Animal Shelter partnering with Fort Bend County Shelter would be addressed in a future workshop.

4. **Consideration of and action on Resolution No. R-2206, a Resolution authorizing the Interim City Manager to execute, for and on behalf of the City, Budget Amendment 16-12 to appropriate funds for legal services in the amount of \$100,000.00**

EXECUTIVE SUMMARY

The budget for legal services for FY2016 is \$180,000.00. Legal services, provided by the City Attorney through May 2016, total approximately \$186,000.00.

Based on the current expense, a budget adjustment for an additional \$100,000.00 is necessary to cover the anticipated legal expenses for the remainder of FY2016. A summary of legal services will be provided under separate cover for City Council's review.

Staff recommends approval of Budget Amendment 16-12, attached as Exhibit "A" to Resolution No. R-2206, in the amount of \$100,000.00.

KEY DISCUSSION POINTS

- Joyce Vasut read the Executive Summary.
- Councilor Benton questioned the unreserved fund balance.
- Joyce Vasut explained it is the excess revenue over the expenses throughout history. She further explained the fund balance could be used in any way, but it is good financial policy not to use it for operational expenses. The best practice for spending fund balance is for one time cost of an item or project. Most of the fund is cash and draws interest.
- Councilor Barta thanked Ms. Vasut for explaining the fund balance. Councilor Barta also asked City Attorney Scott Tschirhart to provide Council with a breakdown of the legal expenses.
- Mr. Tschirhart thanked Council for the opportunity to speak to this item. One of the areas that legal fees have increased is Texas Public Information Act requests. Animal Control requests alone were \$7,000. The City is not able to be reimbursed for these fees. Another area of great expense was Police Department unanticipated personnel issues. Mr. Tschirhart will supply a breakdown for the Council.
- Councilor Euton asked if the total amount of the Budget Adjustment is not spent, will the money go back into the Fund Balance? Ms. Vasut said it will.
- Mayor McConathy asked if the \$215,000 was funding the three officers salaries only. Ms. Vasut answered the information she supplied was for salary and benefits for the three new positions.
- Ms. Vasut explained the vehicles for the new positions would come out of the Fund Balance the first year

ACTION

Motion by Councilor, District 2 Susan Euton, seconded by Councilor at Large, Position 1 William Benton to approve Resolution No. 2206, a Resolution authorizing the Interim City Manager to execute, for and on behalf of the City, Budget Amendment 16-12 to appropriate funds for legal services in the amount of \$100,000.00

VOTE: 7 - 0 Carried - Unanimously

5. **Consideration of and action on Resolution No. R-2208, a Resolution directing the Interim City Manager or the Interim City Manager's designee to execute all documents to institute eminent domain proceedings for the acquisition of a 0.021 acre tract for a permanent public street right of way, consisting of a 0.021 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 Reserve "A" of Bass Bryan Road Tract Subdivision, according to map or plat thereof recorded under County Clerk's File Number 20100042, Plat Records, Fort Bend County, Texas; property owned and claimed by Bass Investment Group, LLC; and directing the City Attorney to initiate condemnation proceedings.**

EXECUTIVE SUMMARY

This item has been included to provide an opportunity for City Council to authorize eminent domain proceedings for property required as permanent public street right-of-way as part of the Bryan Road and Spacek Road Widening and Expansion Project.

Staff recommends approval of Resolution No R-2208 as presented.

KEY DISCUSSION POINTS

- John Maresh read the Executive Summary.
- Mr. Maresh said Item 7 will have a replacement Resolution that has been slightly revised.
- Mayor McConathy stated Items 5 through 12 will be a vote by showing of hands either for or against the motion
- Motion was made by Councilor Pena.
- Councilor Benton stated that he will vote against any item pertaining to eminent domain as a philosophical reason, not that he opposes the project on Bryan Road.
- City Attorney Tschirhart stated the City Staff has worked with the land acquisition team going above and beyond trying to purchase the land needed for this project. These particular tracts and the owners are represented by one lawyer who approached land owners and signed them up to be represented by him. The City has been able to work with all the other landowners to purchase the land for fair market value, or in some cases, above There is still a possibility to settle these on amicable terms.

- Mayor McConathy affirmed the City Attorney's comments that the City has made every effort and worked in good faith amicable terms for all parties.

ACTION

Motion by Councilor, District 1 Jimmie J. Pena, seconded by Councilor, District 4 Lynn Moses to approve Resolution No. R-2208, a Resolution directing the Interim City Manager or the Interim City Manager's designee to execute all documents to institute eminent domain proceedings for the acquisition of a 0.021 acre tract for a permanent public street right of way, consisting of a 0.021 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 Reserve "A" of Bass Bryan Road Tract Subdivision, according to map or plat thereof recorded under County Clerk's File Number 20100042, Plat Records, Fort Bend County, Texas, property owned and claimed by Bass Investment Group, LLC; and directing the City Attorney to initiate condemnation proceedings.

VOTE: 6 - 1 Carried

No Councilor at Large, Position 1 William Benton

6. **Consideration of and action on Resolution No. R-2209, a Resolution directing the Interim City Manager or the Interim City Manager's designee to execute all documents to institute eminent domain proceedings for the acquisition of a 0.2913 acre tract for a permanent public street right of way, consisting of a 0.2913 acre tract of land conveyed to Arthur W. Snyder, Jr. and wife, June Snyder, as recorded in Volume 542, Page 837 of the Fort Bend County Deed Records (F.B.C.D.R.), located in the S.B. Pentecost Survey, Abstract No. 378 and Eugene Wheat Survey, Abstract No. 396, City of Rosenberg, Fort Bend County, Texas; property owned and claimed by Arthur W. Snyder, Jr. and wife, June Snyder; and directing the City Attorney to initiate condemnation proceedings.**

EXECUTIVE SUMMARY

This item has been included to provide an opportunity for City Council to authorize eminent domain proceedings for property required as permanent public street right-of-way as part of the Bryan Road and Spacek Road Widening and Expansion Project.

Staff recommends approval of Resolution No. R-2209 as presented.

KEY DISCUSSION POINTS

- John Maresh read the Executive Summary.
- Councilor Benton stated he will vote no on this item.

ACTION

Motion by Councilor at Large, Position 2 Amanda J Barta, seconded by Councilor, District 1 Jimmie J. Pena to approve Resolution No. R-2209, a Resolution directing the Interim City Manager or the Interim City Manager's designee to execute all documents to institute eminent domain proceedings for the acquisition of a 0.2913 acre tract for a permanent public street right of way, consisting of a 0.2913 acre tract of land conveyed to Arthur W. Snyder, Jr. and wife, June Snyder, as recorded in Volume 542, Page 837 of the Fort Bend County Deed Records (F.B.C.D.R.), located in the S.B. Pentecost Survey, Abstract No. 378 and Eugene Wheat Survey, Abstract No. 396, City of Rosenberg, Fort Bend County, Texas, property owned and claimed by Arthur W. Snyder, Jr. and wife, June Snyder, and directing the City Attorney to initiate condemnation proceedings.

VOTE: 6 - 1 Carried

No Councilor at Large, Position 1 William Benton

7. **Consideration of and action on Resolution No. R-2210, a Resolution directing the Interim City Manager or the City Manager's designee to execute all documents to institute eminent domain proceedings for the acquisition of a 0.2356 acre tract and a 0.0027 acre tract for a permanent public street right of way, and a Utility Easement, consisting of a 0.2356 acre tract of land and a 0.0027 acre tract of land conveyed to Noel A. Bryan, as recorded in Volume 913, Page 289 of the Fort Bend County Deed Records (F.B.C.D.R.), located in the Eugene Wheat Survey, Abstract No. 396, City of Rosenberg, Fort Bend County, Texas; property owned and claimed by Noel A. Bryan; and directing the City Attorney to initiate condemnation proceedings.**

EXECUTIVE SUMMARY

This item has been included to provide an opportunity for City Council to authorize eminent domain proceedings for property required as permanent public street right-of-way as part of the Bryan Road and Spacek Road Widening and Expansion Project.

Staff recommends approval of Resolution No. R-2210 as presented.

KEY DISCUSSION POINTS

- John Maresh stated this Resolution is also necessary for the Bryan Road and Spacek Road widening projects.

ACTION

Motion by Councilor, District 2 Susan Euton, seconded by Councilor, District 1 Jimmie J. Pena to approve as amended Resolution No. R-2210, a Resolution directing the Interim City Manager or the Interim City Manager's designee to execute all documents to institute eminent domain proceedings for the acquisition of a 0.2356 acre tract and a 0.0027 acre tract for a permanent public street right of way, and a Utility Easement, consisting of a 0.2356 acre tract of land and a 0.0027 acre tract of land conveyed to Noel A. Bryan, as recorded in Volume 913, Page 289 of the Fort Bend County Deed Records (F.B.C.D.R.), located in the Eugene Wheat Survey, Abstract No. 396, City of Rosenberg, Fort Bend County, Texas, property owned and claimed by Noel A. Bryan, and directing the City Attorney to initiate condemnation proceedings.

VOTE: 6 - 1 Carried

No Councilor at Large, Position 1 William Benton

8. **Consideration of and action on Resolution No. R-2211, a Resolution directing the Interim City Manager or the Interim City Manager's designee to execute all documents to institute eminent domain proceedings for the acquisition of a 0.1735 acre tract for a permanent public street right of way, consisting of a 0.1735 acre tract of land conveyed to Robert Allen Wright and wife, Alice Bowen Wright, as recorded in Volume 366, Page 562 and Volume 2522, Page 220 of the Fort Bend County Deed Records (F.B.C.D.R.), located in the Eugene Wheat Survey, Abstract No. 396, City of Rosenberg, Fort Bend County, Texas; property owned and claimed by Robert Allen Wright and wife, Alice Bowen Wright; and directing the City Attorney to initiate condemnation proceedings.**

EXECUTIVE SUMMARY

This item has been included to provide an opportunity for City Council to authorize eminent domain proceedings for property required as permanent public street right-of-way as part of the Bryan Road and Spacek Road Widening and Expansion Project.

Staff recommends approval of Resolution No. R-2211 as presented.

KEY DISCUSSION POINTS

- John Maresh read the Executive Summary.

ACTION

Motion by Councilor, District 1 Jimmie J. Pena, seconded by Councilor, District 2 Susan Euton to approve Resolution No. R-2211, a Resolution directing the Interim City Manager or the Interim City Manager's designee to execute all documents to institute eminent domain proceedings for the acquisition of a 0.1735 acre tract for a permanent public street right of way, consisting of a 0.1735 acre tract of land conveyed to Robert Allen Wright and wife, Alice Bowen Wright, as recorded in Volume 366, Page 562 and Volume 2522, Page 220 of the Fort Bend County Deed Records (F.B.C.D.R.), located in the Eugene Wheat Survey, Abstract No. 396, City of Rosenberg, Fort Bend County, Texas, property owned and claimed by Robert Allen Wright and wife, Alice Bowen Wright, and directing the City Attorney to initiate condemnation proceedings.

VOTE: 6 - 1 Carried

No Councilor at Large, Position 1 William Benton

9. **Consideration of and action on Resolution No. R-2212, a Resolution directing the Interim City Manager or the Interim City Manager's designee to execute all documents to institute eminent domain proceedings for the acquisition of a 0.0747 acre tract for a permanent public street right of way, consisting of a 0.0747 acre tract of land conveyed to Theodore George Jablonski and wife, Patricia L. Jablonski, as recorded in Volume 865, Page 26 and Volume 2699, Page 2184 of the Fort Bend County Deed Records (F.B.C.D.R.), located in the Eugene Wheat Survey, Abstract No. 396, City of Rosenberg, Fort Bend County, Texas; property owned and claimed by Theodore George Jablonski and wife, Patricia L. Jablonski; and directing the City Attorney to initiate condemnation proceedings.**

EXECUTIVE SUMMARY

This item has been included to provide an opportunity for City Council to authorize eminent domain proceedings for property required as permanent public street right-of-way as part of the Bryan Road and Spacek Road Widening and Expansion Project.

Staff recommends approval of Resolution No. R-2212 as presented.

KEY DISCUSSION POINTS

- John Maresh read the Executive Summary

ACTION

Motion by Councilor, District 2 Susan Euton, seconded by Councilor, District 1 Jimmie J. Pena to approve Resolution No. R-2212, a Resolution directing the Interim City Manager or the Interim City Manager's designee to execute all documents to institute eminent domain proceedings for the acquisition of a 0.0747 acre tract for a permanent public street right of way, consisting of a 0.0747 acre tract of land conveyed to Theodore George Jablonski and wife, Patricia L. Jablonski, as recorded in Volume 865, Page 26 and Volume 2699, Page 2184 of the Fort Bend County Deed Records (F.B.C.D.R.), located in the Eugene Wheat Survey, Abstract No. 396, City of Rosenberg, Fort Bend County, Texas, property owned and claimed by Theodore George Jablonski and wife, Patricia L. Jablonski, and directing the City Attorney to initiate condemnation proceedings.

VOTE: 6 - 1 Carried

No Councilor at Large, Position 1 William Benton

10. **Consideration of and action on Resolution No. R-2213, a Resolution directing the Interim City Manager or the Interim City Manager's designee to execute all documents to institute eminent domain proceedings for the acquisition of a 0.0418 acre tract for a permanent public street right of way, consisting of a 0.0418 acre tract of land conveyed to Judith K. Bryan, as recorded in File No. 2000058345 of the Official Public Records of Real Property of Fort Bend County, Texas (O.P.R.R.P.F.B.C., Tx), located in the Eugene Wheat Survey, Abstract No. 396, City of Rosenberg, Fort Bend County, Texas; property owned and claimed by Judith K. Bryan; and directing the City Attorney to initiate condemnation proceedings.**

EXECUTIVE SUMMARY

This item has been included to provide an opportunity for City Council to authorize eminent domain proceedings for property required as permanent public street right-of-way as part of the Bryan Road and Spacek Road Widening and Expansion Project.

Staff recommends approval of Resolution No. R-2213 as presented.

KEY DISCUSSION POINTS

- John Maresh read the Executive Summary

ACTION

Motion by Councilor, District 2 Susan Euton, seconded by Councilor at Large, Position 2 Amanda J. Barta to approve Resolution No. R-2213, a Resolution directing the Interim City Manager or the Interim City Manager's designee to execute all documents to institute eminent domain proceedings for the acquisition of a 0.0418 acre tract for a permanent public street right of way, consisting of a 0.0418 acre tract of land conveyed to Judith K. Bryan, as recorded in File No. 2000058345 of the Official Public Records of Real Property of Fort Bend County, Texas (O.P.R.R.P.F.B.C., Tx), located in the Eugene Wheat Survey, Abstract No. 396, City of Rosenberg, Fort Bend County, Texas; property owned and claimed by Judith K. Bryan, and directing the City Attorney to initiate condemnation proceedings.

VOTE: 6 - 1 Carried

No Councilor at Large, Position 1 William Benton

11. **Consideration of and action on Resolution No. R-2214, a Resolution directing the Interim City Manager or the Interim City Manager's designee to execute all documents to institute eminent domain proceedings for the acquisition of a 0.0773 acre tract for a permanent public street right of way, consisting of a 0.0773 acre tract of land conveyed to Norman Carlton Bryan and wife, Judy Koym Bryan, as recorded in Volume 762, Page 822 of the Fort Bend County Deed Records (F.B.C.D.R.), located in the Eugene Wheat Survey, Abstract No. 396, City of Rosenberg, Fort Bend County, Texas; property owned and claimed by Norman Carlton Bryan and wife, Judy Koym Bryan; and directing the City Attorney to initiate condemnation proceedings.**

EXECUTIVE SUMMARY

This item has been included to provide an opportunity for City Council to authorize eminent domain proceedings for property required as permanent public street right-of-way as part of the Bryan Road and Spacek Road Widening and Expansion Project.

Staff recommends approval of Resolution No. R-2214 as presented.

KEY DISCUSSION POINTS

- John Maresh read the Executive Summary.

ACTION

Motion by Councilor, District 4 Lynn Moses, seconded by Councilor at Large, Position 2 Amanda J. Barta to approve Resolution No. R-2214, a Resolution directing the Interim City Manager or the Interim City Manager's designee to execute all documents to institute eminent domain proceedings for the acquisition of a 0.0773 acre tract for a permanent public street right of way, consisting of a 0.0773 acre tract of land conveyed to Norman Carlton Bryan and wife, Judy Koym Bryan, as recorded in Volume 762, Page 822 of the Fort Bend County Deed Records (F.B.C D.R.), located in the Eugene Wheat Survey, Abstract No. 396, City of Rosenberg, Fort Bend County, Texas, property owned and claimed by Norman Carlton Bryan and wife, Judy Koym Bryan, and directing the City Attorney to initiate condemnation proceedings.

VOTE: 6 - 1 Carried

No Councilor at Large, Position 1 William Benton

- 12 **Consideration of and action on Resolution No. R-2215, a Resolution directing the Interim City Manager or the Interim City Manager's designee to execute all documents to institute eminent domain proceedings for the acquisition of a 0.1193 acre tract for a permanent public street right of way, consisting of a 0.1193 acre tract of land conveyed to Hampton A. Bryan, Jr. and wife, Brenda Bryan, as recorded in Volume 2460, Page 2508 of the Fort Bend County Deed Records (F.B.C.D.R.), located in the Eugene Wheat Survey, Abstract No. 396, City of Rosenberg, Fort Bend County, Texas; property owned and claimed by Hampton A. Bryan, Jr. and wife, Brenda Bryan; and directing the City Attorney to initiate condemnation proceedings.**

EXECUTIVE SUMMARY

This item has been included to provide an opportunity for City Council to authorize eminent domain proceedings for property required as permanent public street right-of-way as part of the Bryan Road and Spacek Road Widening and Expansion Project.

Staff recommends approval of Resolution No. R-2215 as presented.

KEY DISCUSSION POINTS

- John Maresh read the Executive Summary

ACTION

Councilor At-Large Position No.1 William Benton made a motion to disapprove Resolution R-2215. Motion failed due to the lack of a second

ACTION

Motion by Councilor, District 2 Susan Euton, seconded by Councilor, District 3 Alice Jozwiak to approve Resolution No. R-2215, a Resolution directing the Interim City Manager or the Interim City Manager's designee to execute all documents to institute eminent domain proceedings for the acquisition of a 0.1193 acre tract for a permanent public street right of way, consisting of a 0.1193 acre tract of land conveyed to Hampton A. Bryan, Jr. and wife, Brenda Bryan, as recorded in Volume 2460, Page 2508 of the Fort Bend County Deed Records (F.B.C.D.R.), located in the Eugene Wheat Survey, Abstract No. 396, City of Rosenberg, Fort Bend County, Texas, property owned and claimed by Hampton A. Bryan, Jr. and wife, Brenda Bryan, and directing the City Attorney to initiate condemnation proceedings.

VOTE: 6 - 1 Carried

No Councilor at Large, Position 1 William Benton

13. **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 City Manager 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 2 Susan Euton to adjourn to Executive Session.

VOTE: 7 - 0 Carried - Unanimously

14. **Adjourn Executive Session, reconvene Special Session, and take action as necessary as a result of Executive Session.**
Mayor McConathy adjourned Executive Session and reconvened into Regular Session at 8 09 p.m

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, a Drainage Easement between the City of Rosenberg and 2ML Real Estate Interests, Inc. for the Avenue F drainage outfall facilities to be constructed by the City, generally described as a 0.04 acre tract of land in the J. W. Moore ¼ League, Abstract 61, City of Rosenberg, Fort Bend County, Texas, being over, through, and across a portion of Parcel "B" of Fiesta Division, according to map or plat thereof recorded in Volume 28, Page 9, Plat Records, Fort Bend County, Texas, being a called 3.231 acre tract recorded under County Clerk's File Number 2015062984, Official Public Records, Fort Bend County, Texas

VOTE: 7 - 0 Carried - Unanimously

ACTION

Motion by Mayor Cynthia A. McConathy, seconded by Councilor, District 1 Jimmie J. Pena to accept the basic terms offered by Union Pacific for closing Junker Road and authorize the Interim City Manager or his designee to negotiate a formal agreement.

Concerning the closing of Junker Road, Councilor Benton asked the City Attorney if the City has authority to reject the proposal. City Attorney Tschirhart said no, but it is Union Pacific's general policy never to do something like this without first consulting with the local authority and attempting to work something out.

VOTE: 6 - 1 Carried

No Councilor at Large, Position 1 William Benton

15. **Adjournment.**

There being no further business, Mayor McConathy adjourned the meeting at 8.14 p m.


Linda Cernosek, TRMC, City Secretary