

## **NOTICE OF REGULAR CITY COUNCIL MEETING**

**NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL OF THE CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS, WILL MEET IN REGULAR SESSION OPEN TO THE PUBLIC AS FOLLOWS:**

**DATE:** Tuesday, November 1, 2016  
**TIME:** 7:00 p.m.  
**PLACE:** Rosenberg City Hall  
City Hall Council Chamber  
2110 4th Street  
Rosenberg, Texas 77471  
**PURPOSE:** Regular City Council Meeting, agenda as follows:

The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed below, as authorized by Title 5, Chapter 551, of the Texas Government Code.

Call to order: City Hall Council Chamber

Invocation and Pledge of Allegiance. (Pastor Kevin Barber, Wellspring Church International, Richmond)

Recognition of Meritorious Service Award Presented to Teresa Lee on October 12, 2016, by the Texas Environmental Health Association. (Travis Tanner, Executive Director of Community Development)

Presentation of Proclamation Recognizing November 7-11, 2016, as Municipal Court Week in the City of Rosenberg. (Cynthia A. McConathy, Mayor)

Announcements.

### **GENERAL COMMENTS FROM THE AUDIENCE.**

Citizens who desire to address the City Council with comments of a general nature will be received at this time. Each speaker is limited to three (3) minutes. In accordance with the Texas Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.

### **COMMENTS FROM THE AUDIENCE FOR CONSENT AND REGULAR AGENDA ITEMS.**

Citizens who desire to address the City Council with regard to matters on the Consent Agenda or Regular Agenda will be received at the time the item is considered. Each speaker is limited to three (3) minutes. Comments or discussion by the City Council Members will only be made at the time the agenda item is scheduled for consideration. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.

## **CONSENT AGENDA**

### **1. Review of Consent Agenda.**

All Consent Agenda items listed are considered to be routine by the City Council and may be enacted by one (1) motion. There will be no separate discussion of Consent Agenda items unless a City Council Member has requested that the item be discussed, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Regular Agenda.

- A. Consideration of and action on minutes of the Regular Meeting on October 18, 2016. (Linda Cernosek, City Secretary)

- B. Consideration of and action on Resolution No. R-2242, a Resolution authorizing the Interim City Manager to execute, for and on behalf of the City, a Contract Extension by and between the City and Cypress Creek Pest Control, Inc., for the provision of Mosquito Control Services in the amount of \$33,845.00 for a term of one (1) year, to commence on October 01, 2016, and terminate on September 30, 2017. (Rigo Calzoncin, Public Works Director)
- C. Consideration of and action on a Short Form Final Plat of Danziger-Reese Subdivision Partial Replat No. 1, being 17.82 acres in the J.D. Vermillion Survey, Abstract 340 and the G.M. Stone 1/3 League, Abstract 312, City of Rosenberg, Fort Bend County, Texas, being a replat of Lot 8, Danziger-Reese Subdivision; 0 lots, 1 block and 2 reserves. (Ian Knox, Planning Administrator)
- D. Consideration of and action on Final Plat of Summer Lakes Section Nine, being a subdivision of 13.88 acres out of the W.M. Lusk Survey, A-276 and the Jane H. Long League, A-55 in the City of Rosenberg, in Fort Bend County, Texas. (Fort Bend County Municipal Utility District No. 144), 65 lots, 4 blocks, 1 reserve (0.1517 acre). (Ian Knox, Planning Administrator)
- E. Consideration of and action on a Final Plat of Walnut Creek Section Thirteen, a subdivision of 13.985 acres containing 53 lots, 4 blocks and 0 restricted reserves out of the Wiley Martin League, A-56, Fort Bend County, Texas. (Ian Knox, Planning Administrator)
- F. Consideration of and action on presentation regarding the Rosenberg Development Corporation Annual Report for Fiscal Year ending September 30, 2016. (Randall Malik, Economic Development Director)

#### REGULAR AGENDA

- 2. Hold public hearing regarding proposed Ordinance No. 2016-19, an Ordinance creating City of Rosenberg Reinvestment Zone No. 19, same being a 19.09 acre tract of land being a portion of the 183.369 acre tract described in the deed from Windmeadows Investors, Ltd., to the Rosenberg Business Park Ltd., recorded under File No. 2013-092132, in the official public records of Fort Bend County, Texas, in the S.B. Pentecost Survey, A-378, Fort Bend County, Texas; making certain findings; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; and providing for severability. (Randall Malik, Economic Development Director)
- 3. Consideration of and action on Ordinance No. 2016-19, an Ordinance creating City of Rosenberg Reinvestment Zone No. 19, same being a 19.09 acre tract of land being a portion of the 183.369 acre tract described in the deed from Windmeadows Investors, Ltd., to the Rosenberg Business Park Ltd., recorded under File No. 2013-092132, in the official public records of Fort Bend County, Texas, in the S.B. Pentecost Survey, A-378, Fort Bend County, Texas; making certain findings; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; and providing for severability. (Randall Malik, Economic Development Director)
- 4. Consideration of and action on Resolution No. R-2153, a Resolution authorizing the Interim City Manager to execute, for and on behalf of the City, a Tax Abatement Agreement, by and between the City and Tex Pharma, LLC. (Randall Malik, Economic Development Director)
- 5. Review and discuss membership requirements for the City's Hotel Occupancy Tax (HOT) Policy Evaluation Committee, and take action as necessary. (Randall Malik, Economic Development Director)
- 6. Consideration of and action on Ordinance No. 2016-37, an Ordinance amending the Code of Ordinances by deleting all of Section 28-41 (b) and (d), Stop Signs Designated, of Article II, Division 2 of Chapter 28, Stop Streets, and substituting therefor a new Section 28-41 (b) and (d) thereof; providing for a four-way stop at the intersections of Avenue K and Allen Street, Avenue K and Carlisle Street, and Avenue P and Avenue R; providing a penalty in an amount of not less than \$1.00 or more than \$200.00 for violation of any provisions hereof; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; and providing an effective date. (Rigo Calzoncin,

Public Works Director)

7. Consideration of and action on Resolution No. R-2241, a Resolution authorizing the Interim City Manager to execute, for and on behalf of the City, a First Amendment to Escrow Agreement by and among Rosenberg Commons, LP, a Texas Limited Partnership, the City of Rosenberg, and Texas Capital Bank. (Travis Tanner, Executive Director of Community Development)
8. Consideration of and action on Resolution No. R-2235, a Resolution authorizing the Interim City Manager to execute, for and on behalf of the City, Budget Amendment 16-14 in the amount of \$746,050.00 for FY2016 year-end adjustments. (Joyce Vasut, Executive Director of Administrative Services)
9. Hold Executive Session to consult with 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, and regarding pending condemnation matters related to Bryan /Spacek Road Expansion Project, both 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.
10. Adjourn Executive Session, reconvene Regular Session, and take action as necessary as a result of Executive Session.
11. Consideration of and action on Ordinance No. 2016-36, an Ordinance finding and determining that public convenience and necessity no longer require the continued existence of and approving the closing to vehicular traffic of railroad crossing of Union Pacific Railroad Company trackage at Junker Road, generally located at Union Pacific Railroad Milepost 1 and in the Henry Scott League, Abstract No. 83, in the City of Rosenberg, Fort Bend County, Texas; vacating and abandoning those tracts of land to Union Pacific Railroad Company, the abutting owner, while reserving and retaining utility easements in the underlying property; containing various findings and other provisions related to the subject; and establishing an effective date. (John Maresh, Interim City Manager)
12. Consideration of and action on Resolution No. R-2237, a Resolution authorizing the Interim City Manager to execute, for and on behalf of the City, a Public Crossing Closure and Removal Agreement, by and between the City and Union Pacific Railroad Company for permanent closure of the railroad crossing at Junker Road and Spur 529. (John Maresh, Interim City Manager)
13. Adjournment.

DATED AND POSTED this the 28<sup>th</sup> day of October, 2016, at 11:50 a.m.,

by Cynthia Sullivan



Cynthia Sullivan  
Attest:  
Cynthia Sullivan, Assistant City Secretary

John Maresh  
Approved for Posting:  
John Maresh, Interim City Manager

Cynthia McConathy  
Approved:  
Cynthia A. McConathy, Mayor

Reasonable accommodation for the disabled attending this meeting will be available; persons with disabilities in need of special assistance at the meeting should contact the City Secretary at (832) 595-3340.

**Executive Sessions:** The City Council may retire to executive session in accordance with the Texas Government Code, any time between the meeting's opening and adjournment for the purposes of:

- consultation with legal counsel (Section 551.071);
- deliberation regarding real property (Section 551.072);
- deliberation regarding economic development negotiations (Section 551.087);
- deliberation regarding the deployment or specific occasions for implementation of security personnel or devices (Section 551.076)

**Attendance by other elected or appointed officials:** It is anticipated that members of other city boards, commissions or committees whose meetings may be governed by the Texas Open Meetings Act may attend this meeting in numbers that may constitute a quorum of the other city boards, commissions or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a possible quorum/meeting of the other boards, commissions or committees of the City, whose members may be in attendance. The members may speak as recognized by the presiding officer, but no action may be taken by any board, commission or committee unless such item is specifically provided for on an agenda designated for that board, commission or committee and posted in compliance with the Texas Open Meetings Act.

This Agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering the available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.