

## **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 15, 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 Trent Woods, Life Community Baptist Church, Rosenberg)

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 Workshop Meeting on October 25, 2016, and the Regular Meeting on November 01, 2016. (Linda Cernosek, City Secretary)
- B. Consideration of and action on a Final Plat of Greenwood Commercial Subdivision Section Three Replat No. 1, a subdivision of 6.986 acres of land being a partial replat of Reserve "A" of Greenwood Commercial Subdivision Section Three, as recorded in Slide No. 2469A of the Plat Records of Fort Bend County, Texas, being in the James Lowery Survey, Abstract No. 275, City of Rosenberg, Fort Bend County, Texas; 5 reserves and 1 block. (Ian Knox, Planning Administrator)

- C. Consideration of and action on a Final Plat of Lamar CISD Support Services Center, being 20.98 acres in the J.W. Moore 1/4 League, Abstract 61, City of Rosenberg, Fort Bend County, Texas; 0 lots, 1 block and 1 reserve. (Ian Knox, Planning Administrator)
- D. Consideration of and action on Ordinance No. 2016-38, an Ordinance amending the Code of Ordinances by deleting Article III of Chapter 26 thereof, and substituting therefor a new Article III of Chapter 26 entitled "Property Tax Abatement Guidelines and Criteria"; providing for severability; and, providing an effective date. (Randall Malik, Economic Development Director)
- E. Consideration of and action on Resolution No. R-2248, a Resolution accepting a Drainage Easement by and between the City and Seatex, Ltd., for the purposes of constructing, reconstructing, operating, maintaining and repairing drainage and storm sewer utilities. (John Maresh, Interim City Manager)
- F. Consideration of and action on Resolution No. R-2240, a Resolution acknowledging the acceptance, by Deed, of a 1.619-acre (70,500 square foot) tract of land situated in the S.A. Stone Survey, Abstract No. 392, City of Rosenberg, Fort Bend County, Texas, and being a portion of the remainder of a called 50.337 acre tract (Tract 2) of land as described in a deed to Centex Homes recorded under Fort Bend County Clerk's File Number (F.B.C.C.F. No.) 2003177580, generally located at Bamore Road and Canyon Hill Lane, and associated with the Cottonwood development (Fort Bend County Municipal Utility District No. 148). (Travis Tanner, Executive Director of Community Development)
- G. Consideration of and action on Quarterly Investment Report for the quarter ended September 30, 2016. (Joyce Vasut, Executive Director of Administrative Services)

#### REGULAR AGENDA

- 2. Consideration of and action on appointments to the City's Hotel Occupancy Tax (HOT) Policy Evaluation Committee. (Randall Malik, Economic Development Director)
- 3. Consideration of and action on Ordinance No. 2016-34, an Ordinance amending the Code of Ordinances by amending Article VI of Chapter 24 thereof entitled "Permitted Use of Public Streets' Rights-of-Way for the Establishment and Maintenance of Trees or Decorative Landscaping", providing for a Street Right-of-Way Tree Planting List, Definitions and Additional Conditions for Approval; providing a penalty in an amount as provided in Section 1-13 of this Code for violation of any provision hereof; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; and providing for severability. (Travis Tanner, Executive Director of Community Development)
- 4. Consideration of and action on Ordinance No. 2016-39, an Ordinance finding and determining that public convenience and necessity no longer require the continued existence of that certain sanitary sewer easement and easement grant with grant of temporary construction easement generally located between Fairgrounds Road and Bamore Road and along the south right-of-way line of US Highway 59; vacating and abandoning said sanitary sewer easement and easement grant with grant of temporary construction easement; authorizing the Mayor to execute and the City Secretary to attest, respectively, a Quitclaim Deed conveying said abandoned sanitary sewer easement and easement grant with grant of temporary construction easement to the State of Texas, acting through the Texas Transportation Commission; and containing other provisions relating to the subject. (John Maresh, Interim City Manager)
- 5. Consideration of and action on Resolution No. R-2148, a Resolution authorizing the Interim City Manager to negotiate and execute, for and on behalf of the City, a Contract for Engineering Services for Avenue B Paving and Drainage Extension from 8th Street to River Road (Avenue B Connector Road), by and between the City and Kelly R. Kaluza and Associates, Inc., in an amount not to exceed \$121,090.00. (John Maresh, Interim City Manager)

6. Consideration of and action on Resolution No. R-2249, a Resolution approving and adopting a list of approved engineering consultants as recommended by the Professional Services/Engineering Project Review Committee. (John Maresh, Interim City Manager)
7. Consideration of and action on Resolution No. R-2243, a Resolution rescinding Resolution No. R-1532, previously approved on the 21st day of August 2012, which authorized the provision of public safety services, namely police protection and fire services, to certain agriculturally exempt properties with a Non-Annexation Development Agreement. (Wade Goates, Fire Chief)
8. Consideration of and action on Resolution No. R-2244, a Resolution rescinding Resolution No. R-1473, previously approved on the 17th day of April 2012, which authorized the City Manager to negotiate fire protection agreements for the provision of fire services within the City's Extraterritorial Jurisdiction. (Wade Goates, Fire Chief)
9. Review and discuss a date and time for a City Council Priorities Meeting, and take action as necessary. (John Maresh, Interim City Manager)
10. Hold Executive Session to consult with City Attorney to seek or receive advice on legal matters regarding pending or contemplated litigation regarding pending condemnation matters related to Bryan/Spacek Road Expansion Project pursuant to Section 551.071 of the Texas Government Code; to deliberate the potential purchase, exchange, lease or value of real property pursuant to Section 551.072 of the Texas Government Code; to deliberate the appointment, employment, and duties of the City Manager pursuant to Section 551.074 of the Texas Government Code; and, to deliberate economic development negotiations pursuant to Section 551.087 of the Texas Government Code.
11. Adjourn Executive Session, reconvene Regular Session, and take action as necessary as a result of Executive Session.
12. Adjournment.

DATED AND POSTED this the 11<sup>th</sup> day of November 2016, at 10:00 a.m.,

by Cynthia Sullivan

Cynthia Sullivan  
Attest:  
Cynthia Sullivan, Assistant City Secretary



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

Cynthia A. 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.