CITY OF ROSENBERG
REGULAR CITY COUNCIL MEETING MINUTES

On this the 2nd day of January, 2018, 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: William Benton, Mayor
Jacob E. Balderas, Councilor at Large, Position 1
Jimmie J. Peña, Councilor, District 1
Susan Euton, Councilor, District 2
Alice Jozwiak, Councilor, District 3
Lynn Moses, Councilor, District 4

Absent: Amanda J. Barta, Councilor at Large, Position 2

Staff Present: John Maresh, City Manager
Habib Erkan, City Attorney
Linda Cernosek, City Secretary
Charles Eastland, City Engineer
Lori Remington, Human Resources Director
Tracie Dunn, Assistant Police Chief
Darrell Himly, Fire Chief
Isaac Badu, Director of Information Technology
Jeremy Heath, Interim Economic Development Director
Rigo Calzoncin, Executive Director of Public Services
Lorenzo Lerma, Content Specialist, Communications Department
Danyel Swint, Executive Assistant
Randall Leonhardt, Detective
Cody Dailey, Police Officer

Call to order: City Hall Council Chamber
Mayor Benton called the meeting to order at 7:00 p.m.

Invocation and Pledge of Allegiance.
Reverend Deborah Prihoda, The Embassy Church, Rosenberg, gave the invocation and led in the pledge of allegiance to the flag.

Presentation of Rosenberg Image Committee Christmas Lighting and Decorating Contest Awards.
Mayor Benton presented the Rosenberg Image Committee 2017 Lighting and Decorating Awards to:
- Louis Bartos, 3041 Muegge Road
- Jim and Mary Cantu, 1006 Avenue D
- Jon Caron, 2400 Pecan Court
- Arnulfo and Maria Casarez, 2518 Avenue F
- Juan Manuel and Sarah De La Torre, 1815 Jones Street
- Ricky and Nancy Eben, 3802 Junker Street
- Jimmie Jackson, 4720 Greenwood Drive
- Alfred Lujan, 3310 Grand Cane Lane
- Ronnie and Dorothy Maresh, 1307 Ellis Grove Lane
- Daizo Saito, 6402 Milam Branch Lane
- Adam Vargas, 5523 Banner Lane
- Celia Villagomez, 3424 Glenmeadow Drive

Announcements.
There were no 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.

KEY DISCUSSION POINTS
Linda Cernosek read the statement of "Rules to Audience Comments."

SPEAKER
Patricia Covarrubia, 1001 Lane Drive, Rosenberg - Ms. Covarrubia said she was a security officer in the late 90's, and said she loves and respects police officers. She said in July 2017 her father died of cancer, and at the same time, her boyfriend was in a car accident in Rosenberg. After all this time, she said she is still having trouble getting the insurance claim money from the insurance company due to the way the police officer completed the accident report. Mayor Benton asked her to get with the Assistant Police Chief, Tracie Dunn, tonight and exchange information to look into this issue. Ms. Covarrubia said she would do that.

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 December 19, 2017.**

      **ACTION**
      Motion by Councilor, District 1 Jimmie J. Peña, seconded by Councilor, District 3 Alice Jozwiak to approve Consent Agenda Item A.

      **VOTE:** 6 - 0 Carried - Unanimously

REGULAR AGENDA

2. **Consideration of and action on Resolution No. R-2400, a Resolution awarding Bid No. 2017-20 for Right-of-Way Rough Cut and Open Acreage Mowing; and, authorizing the City Manager to negotiate and execute, for and on behalf of the City; appropriate documents and/or agreements regarding same.**

   **EXECUTIVE SUMMARY**
   On Wednesday, November 22, 2017, bids were received and opened for the City of Rosenberg (City) Right-of-Way Rough Cut, and Open Acreage Mowing Contract. A total of five (5) bids were received. A copy of the bid summary form is included for review.

   The low bid was submitted by Fort Bend Commercial Cutters of Richmond, Texas, in the amount of $89,014.10, for the annual Contract based on the quantities and frequencies specified by the City. This is a one (1) year Contract with the option for the City to renew for two (2) additional one (1) year terms at the sole discretion of the City. The initial annual Contract term is from March 01, 2018, through February 28, 2019. The references for Fort Bend Commercial Cutters, were checked and found to be acceptable for the type and quantity of work specified in this Contract.

   Staff recommends approval of Resolution No. R-2400, awarding Bid No. 2017-20 to Fort Bend Commercial Cutters for the Right-of-Way Rough Cut and Open Acreage Mowing Contract, in the amount of $89,014.10, and authorizing the City Manager to negotiate and execute a General Services Contract related thereto, and/or all necessary documentation regarding same. Should City Council award said Contract as recommended, the proposal from Fort Bend Commercial Cutters will be attached to serve as Exhibit "A" to Resolution No. R-2400.

   **KEY DISCUSSION POINTS**
   - Rigo Calzoncin read the Executive Summary and introduced Daniel Ross, Fort Bend Commercial Cutters, to answer any questions from Council.
   - Mayor Benton asked about adding a portion of the side street behind Church's Chicken on Grillo Way due to the fact the company at that property left, and the grass has overgrown.
• Mr. Ross said he would mow it, and add it to the list of properties to mow.
• John Maresh said that particular portion of the street might be better served in the finish cut contract, and he will discuss it with Mr. Calzoncin.

ACTION
Motion by Councilor, District 1 Jimmie J. Peña, seconded by Councilor, District 3 Alice Jozwiaik to approve Resolution No. R-2400, a Resolution awarding Bid No. 2017-20 for Right-of-Way Rough Cut and Open Acreage Mowing to Fort Bend Commercial Cutters; and, authorizing the City Manager to negotiate and execute, for and on behalf of the City; appropriate documents and/or agreements regarding same.

VOTE: 6 - 0 Carried - Unanimously

3. Consideration of and action on Resolution No. R-2401, a Resolution awarding Bid No. 2017-21 for Right-of-Way Finish Cut, Wastewater Treatment Plants and Water Plant Mowing; and, authorizing the City Manager to negotiate and execute, for and on behalf of the City; appropriate documents and/or agreements regarding same.

EXECUTIVE SUMMARY
On Wednesday, December 06, 2017, bids were received and opened for the City of Rosenberg (City) Right-of-Way Finish Cut and and Wastewater Treatment Plants and Water Plant Mowing Contract. A total of four (4) bids were received. A copy of the bid summary form is included for review.

The low bid was submitted by A's Camo Cutters of Richmond, Texas, in the amount of $24,116.40, for the annual Contract based on the quantities and frequencies specified by the City. This is a one (1) year Contract with the option for the City to renew for two (2) additional one (1) year terms at the sole discretion of the City. The initial annual Contract term is from March 1, 2018, through February 28, 2019. The references for A's Camo Cutters were checked and found to be acceptable for the type and quantity of work specified in this Contract.

Staff recommends approval of Resolution No. R-2401, awarding Bid No. 2017-21 to A’s Camo Cutters, in the amount of $24,116.40 for the Right-of-Way Finish Cut and Wastewater Treatment Plant and Water Plant Mowing Contract, and authorizing the City Manager to negotiate and execute a General Services Contract related thereto, and/or all necessary documentation regarding same. Should City Council award said Contract as recommended, the proposal from A’s Camo Cutters and will serve as Exhibit “A” to Resolution No. R-2401.

KEY DISCUSSION POINTS
• Rigo Calzoncin read the Executive Summary, and introduced Adam Macias of A’s Camo Cutters, to answer any questions from Council.
• Councilor Peña asked Mr. Calzoncin if he approved of this company, and Mr. Calzoncin said the company had done some work for the Parks Department, and they approved of their work.
• Councilor Euton asked who had been doing this work, and Mr. Maresh said it was Reliant Sand that was awarded the previous year’s bid.
• There was no further discussion on this item.

ACTION
Motion by Councilor, District 1 Jimmie J. Peña, seconded by Councilor, District 4 Lynn Moses to approve Resolution No. R-2401, a Resolution awarding Bid No. 2017-21 for Right-of-Way Finish Cut, Wastewater Treatment Plants and Water Plant Mowing to A's Camo Cutters, and, authorizing the City Manager to negotiate and execute, for and on behalf of the City; appropriate documents and/or agreements regarding same.

VOTE: 6 - 0 Carried - Unanimously

4. Consideration of and action on Resolution No. R-2434, a Resolution authorizing the City Manager to execute, for and on behalf of the City, an Agreement for Engineering Design Services for Spacek Road from approximately Biotics Research Drive to South of Herbie Drive (Spacek Road Improvements - Phase III), by and between the City and EHRA, Inc., in the amount of $305,046.00.

EXECUTIVE SUMMARY
On October 02, 2017, the Professional Services Committee agreed to have staff request a proposal from EHRA, Inc., for Professional Engineering Services for Spacek Road Improvements - Phase III. The project consists of widening Spacek Road from Biotics Research Drive to south of Herbie Drive. The 2,100 linear foot section of road will be widened from a 2-lane to a 4-lane roadway with center median to match Spacek Phase I and II.

EHRA, Inc., has submitted the attached proposal to provide professional engineering services for design, parcel surveying for right-of-way development, bidding phase and limited construction phase services. The estimate for the work is $305,046.00. The Professional Services/Engineering Project Review Committee (Committee) met on December 18, 2017, and has recommended EHRA for these services.

Staff and the Committee recommend approval of Resolution No. R-2434, a Resolution selecting EHRA, Inc., for the provision of engineering services for the Spacek Road Improvements - Phase III project in the amount of $305,046.00, and authorizing the City Manager to execute a Contract for same.
KEY DISCUSSION POINTS

- John Maresh read the Executive Summary, and said Mr. Chau Bao, P. E. EHRA, Inc., is here to answer any questions.
- Mayor Benton asked when the work would start on the road because it is in terrible shape right now.
- Mr. Maresh said it would be several months until the work would begin on the road.
- There was no further discussion on this item.

ACTION

Motion by Councilor, District 1 Jimmie J. Peña, seconded by Councilor, District 4 Lynn Moses to approve Resolution No. R-2434, a Resolution authorizing the City Manager to execute, for and on behalf of the City, an Agreement for Engineering Design Services for SpaceX Road from approximately Biotics Research Drive to South of Herbie Drive (Spacek Road Improvements – Phase III), by and between the City and EHRA, Inc., in the amount of $305,046.00.

VOTE: 6-0 Carried - Unanimously

5. Consideration of and action on Resolution No. R-2426, a Resolution selecting a firm and awarding a Contract in response to RFQ No. 2017-24 for the provision of engineering services for the Community Development Block Grant (CDBG) North Side Waterline Improvements Phase V; and, authorizing the City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same.

EXECUTIVE SUMMARY

The Community Development Block Grant (CDBG) program is administered through the Fort Bend County Community Development Department on an annual basis to qualified organizations and municipalities. The City of Rosenberg received notice of funding through the CDBG program in the amount of $353,804 for the construction of Phase V of the Waterline Improvements Project (Project) in north Rosenberg. This is a multi-phase Project with additional phases to be submitted for future CDBG funding cycles.

The City of Rosenberg issued a Request for Qualifications (RFQs) for engineering services on this Project. The scope of engineering services is better described on the attached memorandum. Four (4) submissions were received on Wednesday, November 29, 2017. The Professional Services/Engineering Project Review Committee (Committee) met on December 18, 2017, and reviewed the submissions. Staff and the Committee recommend Kelly R. Kaluza and Associates, Inc., for consideration. The Kaluza proposal clearly indicated a thorough understanding of the Project scope and understanding of the requirements of the Project. Kelly R. Kaluza and Associates, Inc. was also the project engineer on prior phases of this Project.

Staff and the Committee recommend approval of Resolution No. R-2426, a Resolution selecting Kelly R. Kaluza and Associates, Inc., for the provision of engineering services related to CDBG North Side Waterline Improvements Phase V, in the amount of $44,700, and authorizing the City Manager to negotiate and execute a contract for same.

KEY DISCUSSION POINTS

- Rigo Calzoncin read the Executive Summary, and said Liarance Turner, Kelly R. Kaluza & Associates, Inc., is here to answer any questions.
- Councilor Euton said the Professional Services/Engineering Project Review Committee (Committee) has been very satisfied with the work done by Kelly R. Kaluza & Associates, Inc. on these projects.
- Councilor Pena agreed that the Committee has been satisfied with the work by Kelly R. Kaluza & Associates, Inc.
- Councilor Jozwiak said having a firm that is familiar with the project is a big asset for this project.
- There was no further discussion on this item.

ACTION

Motion by Councilor, District 1 Jimmie J. Peña, seconded by Councilor, District 3 Alice Jozwiak to approve Resolution No. R-2426, a Resolution selecting Kelly R. Kaluza & Associates, Inc., and awarding a Contract in response to RFQ No. 2017-24 for the provision of engineering services for the Community Development Block Grant (CDBG) North Side Waterline Improvements Phase V; and, authorizing the City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same.

VOTE: 6-0 Carried - Unanimously

6. 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; and, to deliberate the purchase, exchange, lease or value of real property pursuant to Section 551.072 of the Texas Government Code.
ACTION
Motion by Councilor, District 1 Jimmie J. Peña, seconded by Councilor, District 4 Lynn Moses to adjourn to Executive Session at 7:37 p.m.

VOTE: 6 - 0 Carried - Unanimously

7. Adjourn Executive Session, reconvene Regular Session, and take action as necessary as a result of Executive Session.
   Mayor Benton reconvened Regular Session at 8:01 p.m.

8. Consideration of and action on Resolution No. R-2369, a Resolution regarding a de minimis request from the Texas Department of Transportation (TxDOT) regarding right-of-way acquisition from Seabourne Creek Regional Sports Complex as it relates to the FM 2218 Expansion Project.

EXECUTIVE SUMMARY
A request from the Texas Department of Transportation (TxDOT) has been received for the de minimis acquisition of certain City-owned property in Seabourne Creek Regional Sports Complex for use as a right-of-way easement as part of the FM 2218 expansion project. TxDOT correspondence and a location map of the proposed acquisition were provided under separate cover and discussed in Executive Session held prior to consideration of this item.

Staff recommends approval of Resolution No. R-2369. Should City Council approve of the request for acquisition, Resolution No. R-2369 would provide necessary notification of no objection to TxDOT and authorize the City Manager to negotiate and execute all documentation necessary to facilitate the request.

KEY DISCUSSION POINTS
- John Maresh read the Executive Summary.
- There was no discussion on this item.

ACTION
Motion by Councilor, District 4 Lynn Moses, seconded by Councilor, District 2 Susan Euton to approve Resolution No. R-2369, a Resolution regarding a de minimis request from the Texas Department of Transportation (TxDOT) regarding right-of-way acquisition from Seabourne Creek Regional Sports Complex as it relates to the FM 2218 Expansion Project, contingent on adding a center turn lane, which will provide for a right turn lane.

VOTE: 6 - 0 Carried - Unanimously

   There being no further business, Mayor Benton adjourned the Regular City Council Meeting at 8:04 p.m.

Linda Cernosek, TRMC, City Secretary