

CITY OF ROSENBERG

REGULAR CITY COUNCIL MEETING MINUTES

On this the 16th day of February, 2016, 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: 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
Lisa Wallingford, Councilor, District 3
Lynn Moses, Councilor, District 4

Absent: Susan Euton, Councilor, District 2

Staff Present: John Maresh, Interim City Manager
Scott M. Tschirhart, City Attorney
Linda Cernosek, City Secretary
Jeff Trinker, Executive Director of Support Services
Joyce Vasut, Executive Director of Administrative Services
Travis Tanner, Executive Director of Community Development
Charles Kalkomey, City Engineer
Dallis Warren, Police Chief
Darrell Himly, Assistant Fire Chief
Wade Goates, Fire Chief
Randall Malik, Economic Development Director
Rigo Calzoncin, Public Works Director
Melissa Pena, Program Manager
James Lewis, Director of Technology
Jenny Pavlovich, Communications Manager
Kaye Supak, Executive Assistant

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

Invocation and Pledge of Allegiance.

Reverend Deborah Prihoda, First Assembly of God Church, Rosenberg, gave the invocation and led the pledge of allegiance to the flag.

Announcements.

- Early voting for the Joint Primary Election is now open in Fort Bend County, from February 16 - 26, 2016.
- FISH-tastic will be held at Seabourne Creek Park on Saturday, February 20, 2016, from 8:00 a.m. - 11:00 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.

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 for February 02, 2016.**
- B. **Consideration of and action on authorization of the installation of two (2) pole-mounted radar speed signs along Mahlmann Street between Avenue I and Avenue N; and, along Frances Drive between US Highway 90A and Lane Drive.**

EXECUTIVE SUMMARY

This Agenda item has been included to allow for City Council authorization and approval for the proposed installation of two (2) pole-mounted radar speed signs along two streets within the City. Specifically, two signs are proposed along Mahlmann Street between FM 1640/Avenue I and Avenue N, and two signs are proposed along Frances Drive between US Highway 90A and Lane Drive. Said installation would be completed by the Public Works Department.

- C. **Consideration of and action on authorization of the proposed installation of speed humps on Reinhard Street.**

EXECUTIVE SUMMARY

This item has been included on the Agenda to allow City Council to consider approval of a request regarding the installation of speed humps on Reinhard Street. Included for reference is the City's Policies and Procedures for Traffic Calming, Speed Hump Installation and Removal (Policy), a map that includes the location of the proposed speed humps, the Notification/Evidence of Support Application, and the quote for the installation of speed humps using hot-mix asphalt.

Within the Policy, under B3 in Item II entitled Installation of Speed Humps by Citizen Request, the section states in part: "...There must be at least 75% of the property owners and residents in support of the installation in order to proceed..." More specifically, there are fifteen (15) residential homes located on Reinhard Street. One (1) is vacant. Thirteen (13) of the homes stated they are in support of the speed hump installations, while two (2) did not respond, or provide a definitive answer. This equates to approximately 86% of the property owners being in support. Staff has determined that in this case, the information submitted does meet this 75% threshold.

Upon approval of the request, staff will proceed with the installation of two (2) asphalt speed humps on Reinhard Street.

- D. **Consideration of and action on a Final Plat of Jones Meadow Replat, a subdivision of a 0.752 acre tract being a replat of Jones Meadow Subdivision recorded in Film Code No. 20050149, F.B.C.M.R. in the James Lowery 1/3 League, Abstract No. 275, City of Rosenberg, Fort Bend County; Texas; 3 lots, 1 block and no reserves.**

EXECUTIVE SUMMARY

The Final Plat of Jones Meadow consists of 0.752 acres located at the northwest corner of Airport Avenue and Jones Street, within the City Limits. The subject property was originally platted as Jones Meadow in 2005 (attached for review). Jones Meadow is a single-family residential subdivision consisting of four (4) lots. The owner wishes to replat the property into three (3) duplex lots.

The proposed plat meets the "Subdivision" Ordinance requirements of Section 25-114 relating to duplex subdivisions. In summary, this section of the ordinance requires minimum eight-thousand (8,000) square foot lots, eighty (80) feet in width, as well as building line and other requirements with which the proposed plat complies.

The Preliminary Plat of this subdivision was approved by the Planning Commission on December 16, 2015. The Final Plat was recommended for approval at the January 20, 2016 Planning Commission Meeting following the required public hearing. Seeing no conflicts with applicable regulations, and with the proposed Final Plat being consistent with the approved Preliminary Plat, staff and the Planning Commission recommend approval of the Final Plat of Jones Meadow Replat.

- E. **Consideration of and action on the Quarterly Financial Report and Quarterly Investment Report for the quarter ended December 31, 2015.**

EXECUTIVE SUMMARY

Overall, the City's financial status is stable. The largest revenues of sales tax and property tax are less than the 25% benchmark when compared to budget and are less than last year's actual for the 1st Quarter 2015. The decrease in sales tax revenue can be attributed to the downturn of the oil and gas industry. By January 31, 2016, property tax collections are on track with collections recorded through January 2016 at approximately 60%. Expenses are under the 25% benchmark for the first quarter of FY2016.

Staff will continue to monitor the revenues and expenses. At this time, no major changes need to be made to meet budget projections. Additionally, the Quarterly Investment Report is included for your review as required by the Public Funds Investment Act.

Staff recommends the acceptance of the Quarterly Financial Reports and the Investment Report for the first quarter of Fiscal Year 2016.

- F. **Consideration of and action on Resolution No. R-2102, a Resolution authorizing the Interim City Manager to execute, for and on behalf of the City, a Contract for the Collection of Delinquent Mowing, Demolition and Paving Liens and/or Assessments, by and between the City and Perdue, Brandon, Fielder, Collins and Mott, L.L.P.**

EXECUTIVE SUMMARY

The City's current Contract for delinquent mowing assessment collection services is with Perdue, Brandon, Fielder, Collins and Mott, L.L.P. The current two-year Contract expired on January 31, 2016. On January 26, 2016, City Council discussed whether City staff should request proposals for the collection of delinquent mowing assessments or request approval of another two-year contract with Perdue, Brandon, Fielder, Collins & Mott, LLP. City Council agreed to prepare a two-year contract for the collection of delinquent mowing assessments.

There are no changes recommended to the previous Contract; therefore, services would continue without any changes. The Contract, attached to Resolution No. R-2102 as Exhibit "A", has been reviewed by the Finance staff and the City Attorney and are acceptable to both parties.

Staff recommends approval of Resolution No. R-2102.

- G. **Consideration of and action on Resolution No. R-2103, a Resolution authorizing the Interim City Manager to execute, for and on behalf of the City, a Contract for the Collection of Delinquent Taxes, by and between the City and Perdue, Brandon, Fielder, Collins and Mott, L.L.P.**

EXECUTIVE SUMMARY

The City's current Contract for the Collection of Delinquent Taxes (Contract) is with Perdue, Brandon, Fielder, Collins & Mott, L.L.P. The current two-year Contract expired on January 31, 2016. On January 26, 2016, City Council discussed whether City staff should request proposals for the collection of delinquent taxes or request approval of another two-year contract with Perdue, Brandon, Fielder, Collins & Mott, L.L.P. City Council agreed to prepare a two-year contract for the collection of delinquent taxes.

There are no changes recommended to the previous Contract, therefore, services would continue without any changes. The Contract, attached as Exhibit "A" to Resolution No. R-2103, has been reviewed by the Finance staff and the City Attorney and are acceptable to both parties.

Staff recommends approval of Resolution No. R-2103.

ACTION

Motion by Councilor, District 1 Jimmie J. Pena, seconded by Councilor at Large, Position 2 Amanda J. Barta to approve Consent Agenda items A, B, C, D, E, F, and G.

Vote: 6 - 0 Carried - Unanimously

REGULAR AGENDA

2. **Hold Executive Session to deliberate the appointment, employment and evaluation 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 4 Lynn Moses to adjourn to Executive Session.

Vote: 5 - 1 Carried - Yeses: Mayor McConathy, Councilors Barta, Pena, Wallingford, and Moses. No: Councilor Benton.

3. **Adjourn Executive Session, reconvene Regular Session, and take action as necessary as a result of Executive Session.**

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

ACTION

Motion by Councilor, District 1 Jimmie J. Pena, seconded by Councilor, District 3 Lisa Wallingford to enter into a professional service contract with the Mercer Group for the purpose of conducting certain professional services related to the search for a new City Manager.

Vote: 5 - 1 Carried - Yeses: Mayor McConathy, Councilors Barta, Pena, Wallingford, and Moses. No: Councilor Benton.

4. **Consideration of and action on Resolution No. R-2107, a Resolution awarding Bid No. 2016-04 for construction of Water Plant Nos. 2, 3, 4, 5, and 6 Chloramine Conversions; and, authorizing the Interim City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same, including Change Order No. 1.**

EXECUTIVE SUMMARY

Bids were received on Wednesday, January 27, 2016, for Bid No. 2016-04 for construction of Water Plant Nos. 2,3,4,5 and 6 Chloramine Conversion Project (Project). A total of two (2) bids were opened and tabulated as indicated on the attached bid summary form.

Staff recommends Bid No. 2016-04 be awarded to W.W. Payton Corporation, for the Base Bid plus Alternate Bid A1 in the total amount of \$1,600,000. Staff also recommends approval of Change Order No. 1, which will allow the buildings to be constructed on-site, using split-face CMU block in lieu of precast concrete buildings. This change will deduct \$200,000 from the Contract amount, resulting in a net Contract amount of \$1,400,000. The attached correspondence from Charles Kalkomey, City Engineer, recommends same. Should the bid be awarded as recommended, the proposal from W.W. Payton Corporation and Change Order No. 1 will be attached and serve as Exhibit "A" to Resolution No. R-2107. The contract time is 270 calendar days.

This Project is included in the FY2016 Capital Improvement Plan approved by City Council July 07, 2015. This Project is also a part of the City's approved Groundwater Reduction Plan and is an essential element necessary to meet the Texas Commission on Environmental Quality (TCEQ) disinfection requirements for surface water.

Staff recommends approval of Resolution No. R-2107 which will award Bid No. 2016-04, approve Change Order No. 1 and provide authorization for the Interim City Manager to negotiate and execute all required documents necessary to facilitate same.

KEY DISCUSSION POINTS

John Maresh, Interim City Manager, read the Executive Summary.

ACTION

Motion by Councilor at Large, Position 2 Amanda J. Barta, seconded by Councilor, District 3 Lisa Wallingford to approve Resolution No. R-2107, a Resolution awarding Bid No. 2016-04 for construction of Water Plant Nos. 2, 3, 4, 5, and 6 Chloramine Conversions to W.W. Payton Corporation, for the Base Bid plus Alternate Bid A1 in the total amount of \$1,600,000, including Change Order No. 1, resulting in a net Contract amount of \$1,400,000 for 270 calendar days; and, authorizing the Interim 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

5. **Consideration of and action on Resolution No. R-2108, a Resolution awarding Bid No. 2016-03 for the Old Richmond Road and Jennetta Street Reconstruction Project; and, authorizing the Interim City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same.**

EXECUTIVE SUMMARY

Bids were received on Wednesday, February 03, 2016, for Bid No. 2016-03 for construction of the Old Richmond Road/Jennetta Street Reconstruction (Project). A total of four (4) bids were opened and tabulated as indicated on the attached bid summary form.

Staff recommends Bid No. 2016-03 be awarded to Gonzalez Construction Enterprise, Inc., for the base bid (concrete pavement) in the amount of \$2,976,000.79. The attached correspondence from Thomas C. Kuykendall, P.E., CivilCorp Engineers, recommends same. Should the bid be awarded as recommended, the proposal from Gonzalez Construction Enterprise, Inc., will be attached and serve as Exhibit "A" to Resolution No. R-2108. The contract time is 365 calendar days.

This Project is included in the FY2016 Capital Improvement Plan approved by City Council on July 07, 2015, with

the passage of Resolution No. R-1997.

Staff recommends approval of Resolution No. R-2108 which will award Bid No. 2016-03 and provide authorization for the Interim City Manager to negotiate and execute all required documents necessary to facilitate the Agreement.

KEY DISCUSSION POINTS

John Maresh, Interim City Manager, read the Executive Summary and explained that, for the bidders who provided bids for asphalt, the asphalt was considerably more expensive than concrete. This project does not include sidewalks, but does include two turn lanes, and is projected to begin in March.

ACTION

Motion by Councilor, District 1 Jimmie J. Pena, seconded by Councilor, District 3 Lisa Wallingford to approve Resolution No. R-2108, a Resolution awarding Bid No. 2016-03 for the Old Richmond Road and Jennetta Street Reconstruction Project to Gonzalez Construction Enterprise, Inc., for the base bid in the amount of \$2,976,000.79; and, authorizing the Interim 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. **Consideration of and action on Resolution No. R-2109, a Resolution authorizing the Interim City Manager to negotiate and execute, for and on behalf of the City, a Temporary Amendment to the System Water Availability Agreement by and between the City and Brazos River Authority.**

EXECUTIVE SUMMARY

On April 07, 2015, City Council approved Resolution No. R-1946, authorizing the City Manager to execute an Amended and Restated Agreement related to the assignment of the City's Brazos River Authority (BRA) surface water supply to the Gulf Coast Water Authority (GCWA). Said Agreement would allow the GCWA to use the water for both municipal and industrial uses, subject to annual approval by BRA. Section 4 of the System Water Availability Agreement entered into by the City and BRA (dated 10-08-07) provides that all water made available shall be used solely for municipal purposes. (Supporting documentation for this item may be viewed with the subsequent Agenda item for Resolution No. R-2110.)

The Temporary Amendment to the System Water Availability Agreement between Brazos River Authority and the City of Rosenberg would allow the GCWA to use the water supply for industrial purposes during the current, annual term ending December 31, 2016.

Staff recommends approval of Resolution No. R-2109, with the Agreement attached as Exhibit "A", as presented.

KEY DISCUSSION POINTS

John Maresh, Interim City Manager, read the Executive Summary and explained that this amendment is necessary in order to proceed with the next item.

ACTION

Motion by Councilor, District 1 Jimmie J. Pena, seconded by Councilor, District 4 Lynn Moses to approve Resolution No. R-2109, a Resolution authorizing the Interim City Manager to negotiate and execute, for and on behalf of the City, a Temporary Amendment to the System Water Availability Agreement by and between the City and Brazos River Authority.

Vote: 6 - 0 Carried - Unanimously

7. **Consideration of and action on Resolution No. R-2110, a Resolution authorizing the Interim City Manager to negotiate and execute, for and on behalf of the City, a Consent to Assignment Agreement relating to the temporary assignment of water under the Brazos River Authority System Water Availability Agreement, by and among the City, Brazos River Authority, and Gulf Coast Water Authority.**

EXECUTIVE SUMMARY

On April 07, 2015, City Council approved Resolution No. R-1946, authorizing the City Manager to execute an Amended and Restated Agreement relating to the temporary assignment of the City's Brazos Water Authority (BRA) surface water supply to the Gulf Coast Water Authority (GCWA) at the same rate paid to the BRA. The assignment is subject to BRA consent on an annual basis. The Temporary Consent to Assignment Agreement has been approved for each of the prior years of 2011-2015.

The City's annual allocation of BRA surface water is four thousand five hundred (4,500) acre feet and the Agreement under consideration provides the BRA consent to assign the full amount for the time period from the effective date of the Agreement to December 31, 2016.

The GCWA is required to reimburse the City for the assigned water at the same rate charged by the BRA. For FY 2016, the BRA rate is \$70.50/acre foot for a total of \$317,250.00. By assigning the surface water allocation to

the GCWA, the City will be able to recoup this full amount. These dollars will be placed back into the Subsidence (GRP) Fund to help fund the alternative water supply internal projects currently under design/construction and the Brazosport Water Authority Water Supply Agreement which are all necessary to comply with the Fort Bend Subsidence District unfunded mandate to reduce groundwater withdrawals by thirty percent (30%) effective October 01, 2016.

Staff recommends approval of Resolution No. R-2110, with the Agreement attached at Exhibit "A", as presented.

KEY DISCUSSION POINTS

John Maresh, Interim City Manager, read the Executive Summary and explained that this agreement allows the City to assign water to the Gulf Coast Water Authority in order to recuperate the amount paid by the City for unused water under the agreement with the Brazos River Authority.

ACTION

Motion by Councilor at Large, Position 2 Amanda J. Barta, seconded by Councilor, District 4 Lynn Moses to approve Resolution No. R-2110, a Resolution authorizing the Interim City Manager to negotiate and execute, for and on behalf of the City, a Consent to Assignment Agreement relating to the temporary assignment of water under the Brazos River Authority System Water Availability Agreement, by and among the City, Brazos River Authority, and Gulf Coast Water Authority.

Vote: 6 - 0 Carried - Unanimously

8. **Consideration of and action on Resolution No. R-2105, a Resolution authorizing the Interim City Manager to execute, for and on behalf of the City, a Contract Extension for the provision of Street Sweeping Services, by and between the City and Kustom Sweeping, LLC, in the amount of \$98,479.92 for a term of one (1) year, terminating February 01, 2017.**

EXECUTIVE SUMMARY

The City's current Street Sweeping Services Contract, expired on Monday, February 01, 2016, contains a provision for a one-time, one-year Contract Extension at the same rate and terms.

The current base bid rate for one-time per month street sweeping is \$61.00 per curb mile, covering approximately 102.81 miles for a total base amount of \$75,256.92. The current Contract also includes an alternate bid item consisting of streets that receive a twice per month sweeping service during the months of November through February, covering approximately 77.41 curb miles at a rate of \$75.00 a curb mile, for a total amount of \$23,223.00. The total Contract bid amount including the alternate sweeping cycles is \$98,479.92.

The list of streets included in both the base bid and alternate bid are included in the Contract documents provided with this Agenda item.

The contractor currently performing this service, Kustom Sweeping, LLC, has performed adequately and staff recommends exercising the option to extend the Contract through February 01, 2017.

KEY DISCUSSION POINTS

Rigo Calzoncin, Public Works Director, read the Executive Summary. Scott Corl from Kustom Sweeping, LLC, explained that the increased rate of \$75.00 is for the alternate sweeping, above and beyond the usual sweeping, which requires an additional truck. There is currently a map and schedule on the City's website of when and where street sweeping will occur, so that citizens can determine when they should move their vehicles.

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor, District 4 Lynn Moses to approve Resolution No. R-2105, a Resolution authorizing the Interim City Manager to execute, for and on behalf of the City, a Contract Extension for the provision of Street Sweeping Services, by and between the City and Kustom Sweeping, LLC, in the amount of \$98,479.92 for a term of one (1) year, terminating February 01, 2017.

Vote: 6 - 0 Carried - Unanimously

Mayor McConathy adjourned the meeting for a break at 8:00 p.m., and reconvened the meeting at 8:05 p.m.

9. **Consideration of and action on Resolution No. R-2104, a Resolution approving and adopting the Professional Development Policy and providing for implementation of same.**

EXECUTIVE SUMMARY

On August 04, 2015, City Council approved Resolution No. R-1995, accepting and approving the Classification and Compensation Plan (Plan) regarding job classification and compensation data as prepared by Gallagher Benefits Services, Inc. Additionally, City Council approved implementation of Option 1 of the Plan, bringing all employees to minimum pay for their classification excluding those personnel ineligible under the Annual Performance Appraisal and Pay-for-Performance (Merit) Program and DBM Rating E Bands.

On February 02, 2016, City Council adopted Resolution No. R-2099, approving the implementation of Option 2, which brings employees to a salary level between minimum and midpoint in their classification with a step increase above minimum for every two (2) years of service in their current position and brings Band E employees to the minimum pay level for their classification, but excludes those personnel ineligible under the Annual Performance Appraisal and Pay-for-Performance (Merit) Program.

The proposed Professional Development Policy (Policy) was established to complement the implementation of the Plan. On December 01, 2015, City Council approved Resolution No. R-2080, approving a portion of the Policy for the Rosenberg Police Department incentive pay. On January 20, 2016, the Finance/Audit Committee recommended approval of the entire Policy offering benefits to full-time City employees for the following:

1. Academic Education Pay
2. Tuition Reimbursement
3. Incentive Pay
4. Training, Memberships and Subscriptions

The Policy was also presented to City Council at the January 26, 2016 City Council Workshop. The Policy, attached as Exhibit "A" to Resolution No. R-2104, includes an effective date of April 01, 2016. Therefore, incentive pay and education pay, as addressed in the Policy, would be implemented in April and applications for tuition reimbursement for the 2016 Fall Semester would be made available to employees. The incentive pay and education pay will be covered in the current Budget and the tuition reimbursements will be budgeted for FY2017.

The Finance/Audit Committee and City staff recommend approval of Resolution No. R-2104.

KEY DISCUSSION POINTS

Joyce Vasut, Executive Director of Administrative Services, read the Executive Summary.

ACTION

Motion by Councilor at Large, Position 2 Amanda J. Barta, seconded by Councilor, District 3 Lisa Wallingford to approve Resolution No. R-2104, a Resolution approving and adopting the Professional Development Policy and providing for implementation of same.

Vote: 6 - 0 Carried - Unanimously

10. **Consideration of and action on Resolution No. R-2111, a Resolution authorizing the Interim City Manager to execute, for and on behalf of the City, Budget Amendment 16-05 in the amount of \$70,000.00, for the improvements, relocation costs, and site work associated with the relocation of Fire Administration.**

EXECUTIVE SUMMARY

On October 20, 2015, City Council approved Resolution No. R-2059 which authorized an Interlocal Agreement by and between Fort Bend County and the City of Rosenberg for the housing of Rosenberg Fire Department response vehicles and personnel. Budget Amendment 16-05 is needed to appropriate \$70,000.00 necessary to complete the improvements and associated costs with the relocation to the new Fire Administration Building at 4336 Highway 36 South, Rosenberg, Texas 77471.

Staff recommends approval of Budget Amendment 16-05, attached to Resolution No. R-2111 as Exhibit "A", as presented.

KEY DISCUSSION POINTS

Joyce Vasut, Executive Director of Administrative Services, read the Executive Summary. Wade Goates, Fire Chief, explained that this is a four year lease with a month-to-month option thereafter. Of the \$70,000 requested, approximately half of that amount is for equipment, furniture, and fixtures that the City would retain ownership of upon future relocation.

ACTION

Motion by Councilor, District 1 Jimmie J. Pena, seconded by Councilor at Large, Position 2 Amanda J. Barta to approve Resolution No. R-2111, a Resolution authorizing the Interim City Manager to execute, for and on behalf of the City, Budget Amendment 16-05 in the amount of \$70,000.00, for the improvements, relocation costs, and site work associated with the relocation of Fire Administration.

Vote: 6 - 0 Carried - Unanimously

11. **Consideration of and action on appointment to the Firefighters' Pension Board.**

EXECUTIVE SUMMARY

The Firefighters' Pension Board (Board) was established to oversee and review the volunteer firefighter pension contributions and fund. There are six (6) trustees on the Board, that serve two-year staggered terms. They consist of one (1) trustee selected by the governing body, three (3) trustees who are active members (retirees) elected by the department, and two (2) citizen trustees chosen by the other Board members.

The governing body member was Lisa Olmeda, who served as the primary pension administrator. Ms. Olmeda's term expired on December 31, 2015, and she is no longer employed by the City. Therefore, the alternate pension administrator, Assistant Fire Chief Darrell Himly should be appointed as the government body's selected member.

Staff recommends City Council appoint Darrell Himly to the Firefighters' Pension Board for a two-year term, to expire December 31, 2017.

KEY DISCUSSION POINTS

Wade Goates, Fire Chief, read the Executive Summary. Upon appointment, a new alternate appointee will be needed, to be determined at a later date.

ACTION

Motion by Councilor, District 3 Lisa Wallingford, seconded by Councilor at Large, Position 2 Amanda J. Barta to approve the appointment of Darrell Himly to the Firefighters' Pension Board.

Vote: 6 - 0 Carried - Unanimously

12. **Consideration of and action on Resolution No. R-2101, a Resolution authorizing the Mayor to execute, for and on behalf of the City, a Joint Election Agreement and Contract for Election Services for the 2016 General Municipal Election, by and between the City and Fort Bend County, Texas.**

EXECUTIVE SUMMARY

Resolution No. R-2101 is a Resolution authorizing the Mayor to execute and the City Secretary to attest the Joint Election Agreement and Contract for Election Services, by and between the City and the Fort Bend County Elections Administrator of Fort Bend County, Texas. Exhibit "A" to the Resolution is a Contract with Fort Bend County to have the Fort Bend County Elections Administrator coordinate, supervise and handle all aspects of administering the May 7, 2016 City of Rosenberg General Election and Runoff Election, if needed.

According to the Election Services Contract, the City will pay Fort Bend County for equipment, supplies, services and administrative costs related to the May 7, 2016 General Election. The Elections Administrator will serve as the administrator for the election, but the City will remain responsible for the lawful conduct of the election. The Elections Administrator will provide advisory services in connection with decisions to be made and actions to be taken by the officers of the City. The Contract attachments include the Election Day County-Wide Polling Places (Attachment A); the Early Voting Schedule (Attachment B), and the estimated costs (Attachment C). Note that the Early Voting Polling Place Schedule is subject to change if any of the other political subdivisions cancel their election.

The City Secretary is recommending approval of Resolution No. R-2101 for the Joint Election Agreement and Contract for Election Services with Fort Bend County.

KEY DISCUSSION POINTS

Linda Cemosek, City Secretary, read the Executive Summary. The date of the election is governed by State Election Law.

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor, District 4 Lynn Moses to approve Resolution No. R-2101, a Resolution authorizing the Mayor to execute, for and on behalf of the City, a Joint Election Agreement and Contract for Election Services for the 2016 General Municipal Election, by and between the City and Fort Bend County, Texas.

Vote: 6 - 0 Carried - Unanimously

13. **Consideration of and action on Variance Decision and Order No. V2016-01, a Variance Request to the requirements of Section 25-68 of the Code of Ordinances relating to the building lines for single-family residential lots for a proposed residential addition located at 1421 5th Street (Tinker Addition, Block 26, Lot 6).**

EXECUTIVE SUMMARY

A Variance Request has been submitted for a proposed residential addition at 1421 5th Street. An aerial map of the property, application materials, and photos are attached for review. The property is located at the northeast corner of 5th Street and Avenue M.

The subdivision in which the subject property is located was platted in 1908. It does not appear to have any platted building lines or setbacks. The current "Subdivision" Ordinance (Code of Ordinances, Ch. 25, Sec. 25-68), however, requires a 15' side building line on corner single-family residential lots that side upon minor streets. This requirement appears to have been in place since 2005 and, to staff's knowledge, has been enforced consistently since that time.

In this case, the applicant has proposed to build an addition over the required setback of fifteen feet (15') from

the Avenue M right-of-way. The existing building already encroaches into the required setback due to being constructed in 1920 (per fort Bend Central Appraisal District records), but the addition would increase the extent to which it encroaches in the setback.

Variances must be evaluated by the Planning Commission based on the four (4) criteria outlined in the Code (Sec. 25-8). Following is staff's analysis of each of the criteria.

(1) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land;

The existing subdivision and house pre-date current City ordinances, resulting in nonconformity to the ordinances. The addition/variance would increase the nonconformity; however, the property has an existing detached garage already built up to the right-of-way line. Additionally, the right-of-way width is eighty feet (80'), which is wider than usual for a local street and results in a stricter setback from the actual street/pavement.

(2) The granting of the variance will not be detrimental to the public safety or welfare, or injurious to other property in the area;

Staff cannot identify any safety concerns or specific negative impacts associated with the request.

(3) The granting of the variance will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this chapter; and

The granting of the variance should not prevent orderly subdivisions in the area. New subdivisions are viewed differently from older subdivisions with lesser or nonexistent building lines in that they are required to have building lines in accordance with current City codes.

(4) A more appropriate design solution exists which is not currently allowed in this chapter.

It is possible that this is the most appropriate design solution in light of the current situation. The addition cannot be located at the rear of the house rather than the side because there is an existing restroom resulting in potential conflicts with plumbing.

The Planning Commission unanimously recommended approval to City Council of the variance on January 20, 2016, citing the stricter 80' right-of-way width, the fact that new improvements would be kept within the fence and that there are existing improvements already encroaching on the required setback.

KEY DISCUSSION POINTS

Travis Tanner, Executive Director of Community Development, gave an overview of the variance request and presented the area map of the property. Mr. Tanner also reviewed the variance criteria, and confirmed that this variance request does comply with the criteria.

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor at Large, Position 2 Amanda J. Barta to approve Variance Decision and Order No. V2016-01, a Variance Request to the requirements of Section 25-68 of the Code of Ordinances relating to the building lines for single-family residential lots for a proposed residential addition located at 1421 5th Street (Tinker Addition, Block 26, Lot 6).

Vote: 6 - 0 Carried - Unanimously

14. **Consideration of and action on Resolution No. R-2106, a Resolution authorizing the Interim City Manager to execute, for and on behalf of the City, a Digital Billboard Conversion Agreement, by and between the City and Clear Channel Outdoor, Inc.**

EXECUTIVE SUMMARY

Pursuant to Ordinance No. 2016-04, adopted on January 19, 2016, Clear Channel Outdoor has proposed a Digital Billboard Conversion Agreement (Agreement) that would allow for the addition of a double-faced, 14'x48' digital billboard located at 26205 Southwest Freeway (Shell station property at southwest corner of I-69 and FM 2218). The proposed Agreement generally provides for the following:

- Removal of existing off-premises sign faces in the City at a 3:1 ratio (4,032 square feet or greater) per Exhibit "A";
- Sign pole/support structure to have masonry exterior generally in accordance with Exhibit "B"; and,
- Clear Channel to provide advertising spots to the City per item "4" in the Agreement.

The proposed Agreement, attached to Resolution No. R-2106 as Exhibit "A", has been reviewed and it complies with the recently adopted ordinance. Staff recommends approval of Resolution No. R-2106 authorizing the Interim City Manager to execute the proposed Digital Billboard Conversion Agreement.

KEY DISCUSSION POINTS

Travis Tanner, Executive Director of Community Development, read the Executive Summary. This agreement will effectively remove 21 billboards in the City and will provide the opportunity to broadcast emergency and relevant local information. Lee Vela with Clear Channel Outdoor stated that he intends to move aggressively in removing the old signs in order to start construction of the new, digital sign by May 2016.

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor at Large, Position 2 Amanda J. Barta to approve Resolution No. R-2106, a Resolution authorizing the Interim City Manager to execute, for and on behalf of the City, a Digital Billboard Conversion Agreement, by and between the City and Clear Channel Outdoor, Inc.

Vote: 5 - 1 Carried - Yeses: Mayor McConathy, Councilors Benton, Barta, Pena, and Moses. No: Councilor Wallingford.

15.

Adjournment.

There being no further business, Mayor McConathy adjourned the meeting at 8:35 p.m.



Linda Cernosek, TRMC, City Secretary