

CITY OF ROSENBERG

WORKSHOP CITY COUNCIL MEETING MINUTES

On this the 25th day of October, 2016, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Workshop 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
Jimmie J. Pena, 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, Interim City Manager
Scott M. Tschirhart, City Attorney
Linda Cernosek, City Secretary
Joyce Vasut, Executive Director of Administrative Services
Travis Tanner, Executive Director of Community Development
Charles Kalkomey, City Engineer
Lori Remington, Human Resources Director
Dallis Warren, Police Chief
Wade Goates, Fire Chief
Isaac Badu, Director of Technology Systems
Randall Malik, Economic Development Director
Rigo Calzoncin, Public Works Director
Jenny Pavlovich, Communications Manager
Luis Garza, Finance Manager
Cody Dailey, Police Officer

Call to order: City Hall Council Chamber
Mayor McConathy called the meeting to order at 6:00 p.m.

AGENDA

1. **Review and discuss a presentation regarding the proposed extension of River Road to Richwood Drive in Richmond, Texas, and take action as necessary to direct staff.**

EXECUTIVE SUMMARY

As a result of City Council discussions regarding the proposed Avenue B Connector Road Project, City Council took action to table the approval of an engineering design contract at the June 14, 2016 meeting. Staff was directed to reach out to Fort Bend County Commissioner, Precinct One, Richard Morrison and also the City of Richmond regarding a possible connection of River Road to Richwood Drive in Richmond to serve as a secondary ingress and egress route, in lieu of the Avenue B connector road.

The City of Richmond staff has acknowledged the receipt of a General Land Plan for the development of additional land around the Riverwood Village subdivision. Both a Preliminary Plat for Section 2 and the General Land Plan were presented to the Richmond City Commission in July 2016. According to the City of Richmond staff, they understand the developer will be making improvements to Riverwood Drive and River Road at some point in time. However, there is no defined schedule or timeline currently available.

Based on this discussion, staff is seeking direction regarding further action on the Avenue B Connector Road Project.

KEY DISCUSSION POINTS

- John Maresh read the Executive Summary.
- Discussion followed with the question of the budget for this project.
- John Maresh said the cost estimate is \$1,400,000, and \$940,000 has already been budgeted for this item in

- the Fiscal Year 2017 Capital Improvement Projects.
- Councilor Benton stated he is not in favor of this project at this time.
- It was a general consensus of the Council to move forward with the Avenue B Connector Road Project.

2. **Review and discuss updates to the City's website, and take action as necessary to direct staff.**

EXECUTIVE SUMMARY

This Agenda item is to allow City Council an opportunity to preview the City's new website before it goes live. The new appearance, structure, and backend content management system is the first step in overhauling the City website in order to be leveraged as a key source of City information and communication.

KEY DISCUSSION POINTS

- Jenny Pavlovich presented an update to the City of Rosenberg's new website and reported the launch date is planned to be November 7, 2016.
- Consensus of the Council was the new website design is great.

3. **Review and discuss Contract for Solid Waste Collection and Disposal for Residential and Commercial Services, by and between the City and BFI Waste Services of Texas, LP, dba Republic Services, Inc., and take action as necessary to direct staff.**

EXECUTIVE SUMMARY

On June 19, 2012, City Council approved Resolution No. R-1508 which authorized the execution of a Contract regarding solid waste collection and disposal for residential and commercial services with BFI Waste Services of Texas, LP, dba Republic Services, Inc. The initial five (5) year term of the Contract will expire on September 30, 2017. The Contract does contain a provision that allows for a one-time, five (5) year extension, provided the Contractor, Republic Services, Inc., provides written notice of its intent to extend said Contract at least one-hundred eighty (180) days prior to the expiration date, which is April 03, 2017. If the Contractor submits written notice of its intent to extend said Contract within this time frame, the City has up to ninety (90) days to terminate the Contract, or it will automatically renew for the single, five (5) year period.

While no action is required at this time, staff does want to make City Council aware of the Contract terms and extension option. This item will be placed back onto a Workshop Agenda as early as January 24, 2017, for direction. If City Council desires to significantly revise the service levels and/or desires to go through the complete bidding process, staff will need to begin preparing the documents in February.

This Agenda item provides an opportunity for City Council to discuss these services and direct staff accordingly.

KEY DISCUSSION POINTS

- John Maresh read the Executive Summary.
- John Maresh handed out additional information: a complaint log, and the chart of charges in services.
- Council discussed the need for twice a week trash pick up.
- The representative from Republic Waste indicated he would talk about the cost for a second weekly residential trash pick-up.
- The consensus of the Council was to direct staff to work with Republic and come back to a future workshop with the new information on cost for twice a week trash pick up.

4. **Review and discuss the Street Sweeping Services Contract, and take action as necessary to direct staff.**

EXECUTIVE SUMMARY

This item has been included to offer City Council an opportunity to review the proposed FY2017 Street Sweeping Contract and direct staff accordingly. The current Street Sweeping Contract will expire on February 01, 2017. Per discussion held during the FY2017 Budget approval process, staff has prepared a base street sweeping list, which is the list approved by City Council in 2016 for the one time per month sweeping service (maps attached). Airport Avenue, between Louise Street and Graeber Road, is the only proposed addition to the current list. An alternate list of streets has also been prepared for areas that generate large amounts of leaves during the fall and winter months (maps attached). Should City Council agree, these alternate streets would receive an additional street sweeping cycle to help minimize the leaf accumulations, which typically occur during the months of November through February.

Staff recommends requesting bids for the monthly Street Sweeping Services Contract as described above for a one (1) year term with the option to extend the Contract for one (1) additional one (1) year term at the discretion of City Council. The bid award for these services would be placed on a future City Council meeting Agenda for consideration.

KEY DISCUSSION POINTS

- Rigo Calzoncin read the Executive Summary.
- Mayor McConathy reported that after the budget process was complete, she met with Joyce Vasut, and with a portion of the General Fund balance, the budget will accommodate 50% of the purchase of a street sweeper. By also budgeting 50% out of next year's General Fund balance, the City could fully fund a street

sweeper purchase next year. She also stated by out sourcing the street sweeping services another year, there would be time to train and plan for sweeping the streets in-house.

- Councilor Moses indicated she is in favor of taking this year to plan and train staff for this purpose.
- Councilor Benton is also in favor of purchasing a street sweeper and keeping street sweeping in-house rather than outsourcing.
- Councilor Jozwiak was in favor of the plan to purchase a street sweeper.
- Councilors Pena and Euton are not in favor of purchasing a street sweeper and approve the current contract to bid for outsourcing this item.
- It was a consensus of Council to direct staff to request bids for the monthly Street Sweeping Services Contract for a (1) year term as stated.

5. **Review and discuss the Mosquito Control Services Contract, and take action as necessary to direct staff.**

EXECUTIVE SUMMARY

Staff is charged with the responsibility of administering and implementing mosquito control efforts within the City of Rosenberg. This item has been included on the Workshop Agenda to offer City Council the opportunity to discuss these services. The current Contract with Cypress Creek Pest Control, Inc., is up for renewal and has an option to extend for one-year which may be exercised in 2016.

The current Contract and technical specifications are attached for reference.

Staff recommends exercising the option to extend the current contract for one (1) year. Should City Council direct staff to move forward with the Contract Extension, an item will be placed on a future Agenda for consideration.

KEY DISCUSSION POINTS

- Rigo Calzoncin read the Executive Summary.
- It was the consensus of the Council to direct staff to move forward with the Contract Extension.

6. **Review and discuss City of Rosenberg Tax Abatement Guidelines, and take action as necessary to direct staff.**

EXECUTIVE SUMMARY

The current "Tax Abatement" Ordinance is set to expire on November 18, 2016. This Agenda item provides City Council the opportunity to discuss provisions which City Council would like to see added to the new Tax Abatement Guidelines. Staff proposes to raise the eligibility requirements for tax abatements from \$200,000 to \$1,000,000 in new taxable value. This change is consistent with the minimum investment requirements of Fort Bend County.

Staff recommends discussion of the Tax Abatement Guidelines be held and direction be provided to staff for any desired changes. Should City Council direct staff to move forward, an Ordinance will be placed on a future Regular Meeting Agenda for consideration.

KEY DISCUSSION POINTS

- Randall Malik explained the current "Tax Abatement" Ordinance is set to expire on November 18, 2016.
- Randall Malik shared two recommended changes to the Ordinance:
 - Increase the minimum guidelines to qualify for Tax Abatement from \$200,000 to \$1,000,000 in new taxable value which matches with the Fort Bend County guidelines.
 - Add a factor for the type of benefits the employer provides its employees.
- Councilor Euton agrees with the changes. She asked if there was a standard abatement for the \$1,000,000 Tax Abatement.
- Randall Malik answered there was not a standard Tax Abatement written in the Ordinance.
- Councilor Benton asked if the City must give a Tax Abatement for every business that comes to Rosenberg.
- Scott Tschirhart explained that the City of Rosenberg does not have to treat every business exactly the same. He further explained that this is just one of the tools the City has for economic development.
- Mayor McConathy stated the consensus of the Council is they are in agreement with these guidelines for the incentives.

7. **Review and discuss Fire Services and First Responder Services in the Extraterritorial Jurisdiction (ETJ) of the City of Rosenberg, and take action as necessary to direct staff.**

EXECUTIVE SUMMARY

On July 05, 2016, City Council requested that staff present an item to discuss time limits and notification of citizens regarding the termination of fire service in the Extraterritorial Jurisdiction (ETJ). Staff would like to take this opportunity to review the three (3) methods that the Fire Department provides service to the ETJ.

The first method is through Resolution No. R-1532, which provides for public safety services to certain areas that have Non-Annexation Development Agreements. There are two main areas, the Baker Road and Klosterhoff Road sections, as depicted on the map. Staff will need to verify with the Fort Bend County Fire Marshal's Office if emergency responses to these areas can remain part of the reimbursement program through the Interlocal Agreement for Fire and Emergency Services.

The next method is the Interlocal Agreement for Fire and Emergency Services (Agreement) with Fort Bend County. The Agreement provides funding in exchange for services in the ETJ that are not in a contracted area. In FY2016, the Fire Department responded to 214 calls in the area covered by the Agreement. This number equates to approximately 4.7 percent of emergency responses handled by the Fire Department in the same time period.

The final method is through contracts with certain Municipal Utility Districts (MUDs) Property Owners' Associations, and one Industrial District Agreement with Frito-Lay. Through the language in these contracts, these areas receive the same level of service that is expected by citizens and business owners who are in the City Limits. The Agreement with Fort Bend County does not cover areas that fall under this category.

In addition, City Council approved Resolution No. R-1473 on April 17, 2012, establishing a schedule of fees for Fire Protection Agreements.

KEY DISCUSSION POINTS

- Wade Goates explained the research staff had completed to discuss time limits and notification of citizens regarding the termination of fire service agreements in the Extraterritorial Jurisdiction (ETJ).
- Scott Tschirhart explained that in Texas, municipalities are not allowed to contract to provide police services outside their city limits, but are allowed to contract for fire and emergency services. He also stated that apparently the City entered into public service agreements that called for fire service, but not police service; then the city passed a Resolution that states the City provides police service as well. Scott Tschirhart stated this is what the City needs to clarify and clean up.
- Mayor McConathy clarified that the Council is discussing rescinding the resolution that was specific to providing police services in those areas.
- Wade Goates presented maps with specific areas marked that were covered by interlocal agreements.
- Councilor Benton asked what amount Fort Bend County pays Rosenberg for fire protection in Rosenberg's ETJ.
- Wade Goates stated the County reimburses Rosenberg a flat rate of \$114,500 per year no matter how many fire calls to which they respond.
- Wade Goates also stated executing an agreement with a MUD allows the department to treat those calls as if they were in the City limits.
- Councilor Benton said the people living in those ETJ areas believe Fort Bend County should pay for the fire calls in those areas because they already pay Fort Bend County taxes and they are not interested in paying the City of Rosenberg for fire service.
- Scott Tschirhart stated this process allows the Council to undo the older non-annexation agreements and return those citizens to the position they were prior to the older agreements. This gives the City opportunity to clean up those agreements and take out the fire service. He also stated that if this property ever gets developed, those developers may come to the City for fire service at that time.
- It was a consensus of the Council to direct staff to bring these items back to a future Council Agenda.

8. Review and discuss the Fire Protection Agreement for Bridlewood Estates, and take action as necessary to direct staff.

EXECUTIVE SUMMARY

On October 16, 2012, the City entered into a Fire Protection Agreement to provide fire and first responder services to Bridlewood Estates Property Owners' Association (POA). On September 17, 2013, City Council approved Resolution No. R-1701 to extend the termination date for fire and first responder services to unincorporated areas to September 30, 2016.

Subsequently, on November 05, 2013, City Council passed Resolution No. R-1717, which temporarily suspended the monthly fire service fee for the POA. The suspension of the fee was requested by Bridlewood POA due to the first extension of the termination date for fire service in the Extraterritorial Jurisdiction (ETJ) (Resolution No. R-1701) as noted in Resolution No. R-1717.

As set by Section 2 of Resolution No. R-1717, October 01, 2016, was the date that the suspended fire service payments were to resume. Staff is requesting direction on whether to issue a notice to the Bridlewood POA resuming the collection of the monthly fire service fee payment, or present a new resolution that would further extend the time period in which collection of the monthly payment would be suspended.

KEY DISCUSSION POINTS

- Wade Goates read the Executive Summary.
- Mayor McConathy stated that the Bridlewood subdivision was left out of the ESD for fire coverage
- Wade Goates reported the \$30.00 per month per residential household would be less costly to the property owner than paying the fee for the ESD.
- Councilor Euton asked if this agreement would give these property owners a higher level of service.
- Wade Goates confirmed it would give them a higher level of service.
- Councilor Benton suggested Mayor McConathy and Scott Tschirhart review the resolution before going forward.
- It was a consensus of Council to allow the contract to expire as staff has recommended and begin billing the property owners for fire service.

9. **Hold Executive Session to consult with City Attorney to seek or receive legal advice on legal matters regarding pending or contemplated litigation regarding pending condemnation matters related to the Bryan/Spacek 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; and, to deliberate the evaluation and duties of the Police Chief pursuant to Texas Government Code Section 551.074.**

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor, District 2 Susan Euton to adjourn to Executive Session.

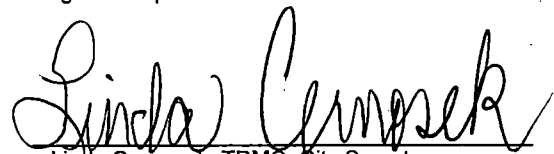
VOTE: 6 - 0 Carried - Unanimously

10. **Adjourn Executive Session, reconvene Workshop Session, and take action as necessary as a result of Executive Session.**

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

11. **Adjournment.**

There being no further business, Mayor McConathy adjourned the meeting at 8:15 p.m.



Linda Cernosek, TRMC, City Secretary