

CITY OF ROSENBERG

REGULAR CITY COUNCIL MEETING MINUTES

On this the 15th day of November, 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: Jimmie J. Pena, Mayor Pro Tem
William Benton, Councilor at Large, Position 1
Amanda J. Barta, Councilor at Large, Position 2
Susan Euton, Councilor, District 2
Alice Jozwiak, Councilor, District 3
Lynn Moses, Councilor, District 4

Absent: Cynthia A. McConathy, Mayor

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
Ian Knox, Planning Administrator
Charles Kalkomey, City Engineer
Lori Remington, Human Resources Director
Dallis Warren, Police Chief
Wade Goates, Fire Chief
Randall Malik, Economic Development Director
Rigo Calzoncin, Public Works Director
Isaac Badu, Director of Technology Systems
Jenny Pavlovich, Communications Manager
Danyel Swint, Executive Assistant

Call to order: City Hall Council Chamber

Mayor Pro Tem Jimmie Pena called the meeting to order at 7:00 p.m.

Invocation and Pledge of Allegiance.

Pastor Trent Woods of Life Community Baptist Church, Rosenberg, gave the invocation and led in the pledge of allegiance to the flag.

Announcements.

Mayor Pro Tem Pena announced Rosenberg City Hall will be closed next Thursday and Friday for the Thanksgiving Holiday.

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 "Rules to Audience Comments."
- Mayor Pro Tem announced the Council will move the General Comments until after the Executive Session.
- Councilor Benton objected to moving the General Comments to later in the meeting.
- Attorney Tschirhart responded that, under the rules of order, it is in the scope of authority of the Mayor Pro Tem to move the General Comments to another time in the meeting.

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.**
- 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.**

EXECUTIVE SUMMARY

The Final Plat of Greenwood Commercial Subdivision Section Three Replat No. 1 consists of 6.986 acres, and is a partial replat of Reserve "A" of Greenwood Commercial Subdivision Section Three, located at the northwest corner of Reading Road and FM 2218.

Greenwood Commercial Subdivision Section Three was platted in 2003 with the subject property being one (1) commercial reserve (Reserve "A"). The owner/applicant wishes to plat or subdivide the original Reserve "A" into five (5) reserves, providing for access and utilities to each of the proposed reserves. The Plat includes some private utilities for which there must be a recorded agreement to ensure future maintenance. A Public Hearing was previously held at the Regular Planning Commission Meeting on September 16, 2015, pursuant to State law and the City's "Subdivision" Ordinance regarding replats.

Based on the scope of the development, a traffic impact analysis (TIA) was previously submitted for the City Engineer's review. In particular there is a proposed second curb cut off of Reading Road southeast of the existing median opening. The City's review of the TIA determined that a second curb cut would be permitted on Reading Road, provided it is a right-in only with a dedicated right turn lane. Plans for the turn lane have been approved by the City Engineer.

The Planning Commission recommended approval of the Final Plat of Greenwood Commercial Subdivision Section Three Replat No. 1 on January 20, 2016. Seeing no conflicts with applicable regulations, staff recommends approval of the Final Plat of Greenwood Commercial Subdivision Section Three Replat No. 1.

- 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.**

EXECUTIVE SUMMARY

The Final Plat of Lamar CISD Support Services Center consists of 20.98 acres and one (1) proposed reserve in one (1) block. The property is located on the east side of Lane Drive approximately 600 feet north of Mustang Avenue.

The Final Plat proposes one (1) reserve for the purposes of a Support Services Center for Lamar Consolidated Independent School District. The building will be located in the southern portion of the reserve, with access to Lane Drive. The applicant also proposes a utility easement that will span the length of the north and west property lines for the eventual connection to the water line in Jane Long Drive, located in the Lamar Estates subdivision.

The Planning Commission recommended approval of the Final Plat to City Council at the October 19, 2016 Planning Commission Meeting. Seeing no conflicts with applicable regulations, staff recommends approval of the Final Plat of Lamar CISD Support Services Center.

- 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.**

EXECUTIVE SUMMARY

Chapter 312.002(a) of the Texas Property Tax Code requires that a taxing jurisdiction adopt guidelines and criteria (guidelines) in order to consider granting tax abatements to qualifying projects in the future. It further requires that those guidelines must be reauthorized every two (2) years (Chapter 312.002(c) of the Texas Property Tax Code).

The City of Rosenberg's guidelines were last adopted as Ordinance No. 2014-42 on November 18, 2014. In order to continue to have the ability to consider tax abatements, the City Council must adopt tax abatement guidelines. At the October 25, 2016 City Council Workshop Meeting, staff was directed to increase the eligibility requirements for tax abatements from \$200,000 to \$1,000,000 in new taxable value. Ordinance No. 2016-38 includes the new taxable value and if adopted, will serve as the City's tax abatement guidelines for the next two (2) years.

Staff recommends approval of Ordinance No. 2016-38 as presented.

- 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.**

EXECUTIVE SUMMARY

As Phase 2 of an overall drainage project that would allow for the additional development of property located north and west of the Seatex, LTD., facility located at 445 SH 36N, a drainage easement (easement) has been prepared and executed by Seatex, LTD. The easement is being granted to the City of Rosenberg (City) and will allow for the immediate construction of underground storm sewer piping necessary to provided drainage to properties owned by Benedettini Cabinets, L.P., and also ZED Partners, LTD, at a future date.

Benedettini Cabinets, L.P., will fund and construct the storm sewer drainage system infrastructure within the easement and dedicate said infrastructure to the City upon completion and acceptance by the City. The proposed storm sewer will connect and extend the Phase 1 drainage project that was recently completed and consisted of underground storm sewer piping with sufficient depth and capacity under and across SH 36 and the BNSF Railway rights-of-way to an outfall point that flows to the Brazos River.

The easement has been filed and recorded with Fort Bend County. However, City Council action is still necessary to document the acknowledgment and acceptance of said easement. Staff recommends approval of Resolution No. R-2248 as presented.

- 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).**

EXECUTIVE SUMMARY

A proposed deed for right-of-way purposes for Bamore Road has been submitted to the City by Centex Homes and requires City Council approval for acceptance. The proposed dedication of right-of-way would allow for the continuation of Bamore Road to the southern extent of MUD No. 148 (Cottonwood). The subject property consists of 1.619 acres and begins at Canyon Hill Lane and existing Bamore Road. It is one hundred feet (100') in width pursuant to the City's Thoroughfare Plan and specifications for arterial streets.

MUD No. 148 (Cottonwood) is now built out; however, the right-of-way and eventual road construction will allow for development of the property to the immediate southwest. This property is owned by Fort Bend County, which intends to construct a transit facility in this location. The County also intends to construct the segment of Bamore Road to access their future facility and connect it at Canyon Hill Lane. They would construct one half of the boulevard section, as MUD No. 148 (Cottonwood) has throughout their development. However, while only two (2) lanes will initially be built, the right-of-way will allow for an eventual four (4) lane arterial to be constructed.

Staff recommends approval of Resolution No. R-2240, accepting the deed for the future right-of-way for Bamore Road. A vicinity map, survey exhibit, title report, and tax certificate are also included for review. There are evidently no delinquent taxes or liens on the property per this information. The tax certificate does, however, only account for 2015. Taxes would be owed for 2016 due to the date of acceptance of the deed, but the developer has stated in writing that they will pay any 2016 taxes due on the property. Therefore, the deed will be filed once taxes are paid.

- G. Consideration of and action on Quarterly Investment Report for the quarter ended September 30, 2016.**

EXECUTIVE SUMMARY

The Quarterly Investment Report for the quarter ended September 30, 2016, is presented for review as required by the City of Rosenberg Investment Policy and the Texas Public Funds Investment Act.

Staff recommends acceptance of the Quarterly Investment Report for the quarter ended September 30, 2016.

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor, District 4 Lynn Moses to approve Consent Agenda Items A through G.

VOTE: 6 - 0 Carried - Unanimously

REGULAR AGENDA

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor, District 4 Lynn Moses to table Item number 5 from the Regular Agenda to be considered at the December 6, 2016 Regular Council Meeting.

VOTE: 6 - 0 Carried - Unanimously

2. Consideration of and action on appointments to the City's Hotel Occupancy Tax (HOT) Policy Evaluation Committee.

EXECUTIVE SUMMARY

At the October 18, 2016 Regular Meeting, City Council adopted guidelines for the use of Hotel Occupancy Tax revenue and established guidelines regarding requests for the use of these funds from outside entities. The guidelines establish an Evaluation Committee to review Hotel Occupancy Tax applications.

City Council established parameters for the composition of the Evaluation Committee at the November 01, 2016 Regular Meeting and determined that the Evaluation Committee shall be comprised of seven (7) members: two (2) City Council members, one (1) Rosenberg Development Corporation Director, one (1) City staff member, and three (3) citizens or business representatives. The composition of the Evaluation Committee is as follows:

1. City Council Representative - Councilor Lynn Moses
2. City Council Representative - Councilor Alice Jozwiak
3. Rosenberg Development Corporation Representative - RDC Vice President Allen Scopel
4. City Staff Representative - Joyce Vasut
5. Citizen/Business Representative - To be appointed by City Council
6. Citizen/Business Representative - To be appointed by City Council
7. Citizen/Business Representative - To be appointed by City Council

This Agenda item provides the opportunity for City Council to nominate and appoint three (3) citizen or business representatives to serve on the Hotel Occupancy Tax Evaluation Committee.

KEY DISCUSSION POINTS

- Randall Malik explained the Executive Summary.
- Councilor Benton nominated Hal Ben Grady, James Urbish, and Terry Turney to the Hotel Occupancy Tax Evaluation Committee.

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor, District 4 Lynn Moses to appoint Hal Ben Grady, James Urbish, and Terry Turney for the Hotel Occupancy Tax (HOT) Policy Evaluation Committee.

VOTE: 6 - 0 Carried - Unanimously

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.

EXECUTIVE SUMMARY

At the September 27, 2016 City Council Workshop meeting, the City Ordinance regarding planting of trees in City rights-of-way was discussed relative to the MUD No. 144 (Summer Lakes) development. City Council's direction to staff was generally to continue limiting the amount of landscaping placed in the right-of-way per the Ordinance in effect. There was also some discussion that the Ordinance could be improved as it relates to specific tree types, required conditions for planting in the right-of-way, etc. Staff was directed to look into this.

After further discussions at the staff level, staff sought the advice of a professional forester who has worked on similar ordinances for other area cities (e.g., Fulshear) and is familiar with the long term impacts of right-of-way landscaping on City infrastructure. Staff was provided with a list of trees and specific conditions for planting to potentially insert into the City's Ordinance. The proposed Ordinance revisions subsequently completed by staff are attached for review. In summary, the Ordinance/list does the following:

- Provides for permitted tree types sorted by size of tree;
- Provides for a minimum area, or "growspace," required for planting based on tree type;
- Provides for minimum spacing between trees; and,

- Provides for minimum setbacks from curbs, sidewalks and other facilities.

In reviewing the list, in essence, it would be very strict towards planting of trees between sidewalks and street pavement and slightly less strict towards planting of trees in medians, for instance. Any landscaping not allowed by the list would require City Council approval, similar to the current Ordinance.

Staff believed the best approach was a City-wide Ordinance with tree list and conditions for planting that apply to all developments rather than addressing this issue through individual development agreements. Staff recommends approval of Ordinance No. 2016-34.

KEY DISCUSSION POINTS

- Travis Tanner gave the context of the item and the history of the Ordinance on types of trees.
- Travis Tanner shared slides and explained the Ordinance list that does the following:
 - Provides for permitted tree types sorted by size of tree;
 - Provides for a minimum area, or "growspace," required for planting based on tree type;
 - Provides for minimum spacing between trees; and,
 - Provides for minimum setbacks from curbs, sidewalks and other facilities.
- Councilor Euton asked if this Ordinance would apply to the older Municipal Utility Districts (MUDs).
- Travis Tanner responded the Ordinance will only apply to the new MUDs, however, the City is working to convey the new Ordinance criteria to MUDs and suggest they do not replant any trees that fall within the guidelines of the Ordinance. He also stated this will apply to any new landscaping in these areas.

ACTION

Motion by Councilor, District 4 Lynn Moses, seconded by Councilor, District 2 Susan Euton to adopt 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.

VOTE: 6 - 0 Carried - Unanimously

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.**

EXECUTIVE SUMMARY

As a part of the Texas Department of Transportation (TxDOT) project to expand the US Highway 59/I-69 corridor, additional right-of-way was acquired by TxDOT. As a result, a sanitary sewer line that was located in separate easements granted to the City of Rosenberg (City) prior to the expansion, were now within the newly acquired TxDOT right-of-way. Therefore, the City had to relocate the existing sanitary sewer line by obtaining a replacement easement outside of the TxDOT right-of-way and construct a new sewer line. One of the final remaining steps in the easement replacement and reimbursement process requires the City to execute a deed that will forever quitclaim all it's right, title, interest, claim and demand of the easements to the State of Texas. It should be noted the City is being fully reimbursed by TxDOT for the replacement easement and sewer line relocation.

Ordinance No. 2016-39 provides the opportunity for City Council to consider vacating and abandoning the above mentioned sanitary sewer easements that are no longer needed and will authorize the execution of a Quitclaim Deed (Deed) to the State of Texas.

Staff recommends the approval of Ordinance No. 2016-39, vacating and abandoning certain easements that are no longer needed and providing authorization for the Mayor to execute a Quitclaim Deed by and between the City and State of Texas acting through the Texas Transportation Commission.

KEY DISCUSSION POINTS

- John Maresh read the Executive Summary.
- Councilor Benton inquired about the value and amount of property in this item, as well as the amount TxDOT is reimbursing the City.
- John Maresh stated the City is receiving just under \$500,000.00 for the easement and the cost to construct the sanitary sewer line.

ACTION

Motion by Councilor, District 2 Susan Euton, seconded by Councilor at Large, Position 2 Amanda J. Barta to adopt 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.

VOTE: 6 - 0 Carried - Unanimously

5. *Item No. 5 was pulled from the Regular Agenda to a future meeting Agenda.*
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.

EXECUTIVE SUMMARY

Resolution No. R-2148 was originally placed on the May 17, 2016, City Council Agenda for consideration. After some discussion regarding a citizen request related to the Avenue B Paving and Drainage Extension Project (Project), the City Council voted to table this item until a public information meeting could be held for residents of the area and interested citizens. The public information meeting took place on June 14, 2016, and City Council received public comments at that time.

Based upon the comments received, City Council directed staff to inquire with the City of Richmond and Fort Bend County Commissioner, Precinct One, Richard Morrison, regarding a possible connection from River Road in Rosenberg to the as yet unimproved Richwood Drive in Richmond to serve as an additional point of access, in lieu of the Avenue B connector road. At the October 25, 2016 City Council Workshop Meeting, staff presented a General Land Plan and a Preliminary Plat for Section 2 of Riverwood Village which were presented to the Richmond City Commission in July 2016. A firm schedule for construction of the Richwood Drive improvements is not currently available therefore, City Council directed staff to proceed with the Project as planned.

The FY2016 Capital Improvement Project plan approved by City Council as Resolution No. R-1997 on July 07, 2015, includes the Avenue B Connector Road Project. Currently, River Road has only one access point from Old Richmond Road which requires all traffic to cross two (2) railroad grade crossings at Rawson Road. One of the primary purposes of this Project is to provide for a second access point, or road connection at 8th Street near Avenue B with River Road. Additionally, the Union Pacific Railroad has presented preliminary construction plans to add a second rail siding from Richmond to Rosenberg in an effort to park trains for various periods of time. The FY2016 Budget allocated sufficient funding to cover the schematic design, right-of-way acquisition, engineering design for construction plans and specifications, and a large percentage of the anticipated construction cost. Based on preliminary cost estimates, the FY2017 Budget fully funds the construction phase of the Project. Upon completion of the engineering design and bidding process, the construction bid award would be placed on a future agenda for City Council consideration and approval.

Staff recommends approval of Resolution No. R-2148, authorizing the Interim City Manager to negotiate and execute a Contract for Engineering Services for said Project in the amount of \$121,090.00.

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.**

EXECUTIVE SUMMARY

The City's list of approved engineering firms was developed to maintain a list of firms that were determined to have the expertise, experience and other qualifications needed to be selected for City projects. In general, these firms have proven to be able to complete successful municipal projects and several are also familiar with the City's standards and have successfully completed City projects. Similarly, the City would be able to eliminate an engineering firm from the list with, or without cause.

This list was previously adopted in June of 2012. On November 01, 2016, the Professional Services/Engineering Project Review Committee (Committee) met to review the list and consider revisions. The Committee has recommended twelve (12) engineering firms remain on the City's approved list, attached as Exhibit "A" to Resolution No. R-2249. Also included for City Council's reference is a redlined list of approved firms from 2012.

Staff and the Committee recommend City Council approval of Resolution No. R-2249, which will update the City's list of approved engineering firms.

KEY DISCUSSION POINTS

- John Maresh read the Executive Summary.

- It was a consensus of the Council that the list of engineering firms presented were acceptable choices for the City.

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor, District 3 Alice Jozwiak to approve 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.

VOTE: 6 - 0 Carried - Unanimously

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.**

EXECUTIVE SUMMARY

At the October 25, 2016 City Council Workshop Meeting, staff presented a number of previously approved Resolutions that provided fire service to the Extraterritorial Jurisdiction (ETJ). One of the Resolutions presented was Resolution No. R-1532, approved on August 21, 2012, which provided both fire and police services to certain areas of the ETJ.

City Council was advised at the meeting by the City Attorney, Scott Tschirhart, that certain sections of Resolution No. R-1532 that provided police service was not allowed by law. During the presentation, staff also explained how two (2) areas that are provided fire service through Resolution No. R-1532 are in a response conflict with Emergency Service District 6.

In a effort to correct issues that have been identified with Resolution No. R-1532, staff recommends approving Resolution No. R-2243 which would rescind Resolution No. R-1532, attached as Exhibit "A" to Resolution No. R-2243.

KEY DISCUSSION POINTS

- Wade Goates read the Executive Summary.
- Councilor Benton asked if these areas were in the Rosenberg Extraterritorial Jurisdiction (ETJ) and asked if they will have fire coverage.
- City Attorney Scott Tschirhart confirmed the people affected by this will receive identical services they were previously receiving, and only the police services will be provided by the Fort Bend County Sheriff's office. To further clarify, Attorney Tschirhart said the original agreements only addressed fire services and never addressed police services.
- Councilor Euton clarified the non-annexation agreements are still valid, and only the documents providing for fire services have been rescinded.

ACTION

Motion by Councilor, District 2 Susan Euton, seconded by Councilor at Large, Position 2 Amanda J. Barta to approve 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.

VOTE: 6 - 0 Carried - Unanimously

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.**

EXECUTIVE SUMMARY

At the October 25, 2016 City Council Workshop Meeting, staff presented a number of previously approved Resolutions that provided fire service to the Extraterritorial Jurisdiction (ETJ). One of the Resolutions presented was Resolution No. R-1473, approved on April 17, 2012, which allowed the City Manager to negotiate Fire Protection Agreements and set a predetermined fee schedule.

In an effort to correct issues that have been identified with Resolution No. R-1473, staff recommends approving Resolution No. R-2244 which would rescind Resolution No. R-1473, attached as Exhibit "A" to Resolution No. R-2244.

KEY DISCUSSION POINTS

- Wade Goates read the Executive Summary and stated the City has not been billing for fire services in these areas. He also said about 68% of the calls are rescue and medical calls. He further stated the population is now greater than 14,000 in these areas.
- It was a consensus of the Council to approve the Resolution.

ACTION

Motion by Councilor, District 2 Susan Euton, seconded by Councilor, District 4 Lynn Moses to approve 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.

VOTE: 6 - 0 Carried - Unanimously

9. **Review and discuss a date and time for a City Council Priorities Meeting, and take action as necessary.**

EXECUTIVE SUMMARY

This Agenda item has been included to provide an opportunity for City Council to discuss a date and time to hold an off-site meeting to discuss City Council priorities. Due to the upcoming end-of-year holidays, staff recommends late January or early February for this proposed meeting. Department heads may be required to attend as well, depending on the topics City Council desires to include. If City Council chooses to schedule a meeting, staff will need direction on the main topics Council wishes to cover, such as: Council Communications and Interaction/Governance, Teambuilding and/or Strategic Planning/Priorities. With direction from Council, staff will obtain pricing proposals and confirm venue options. The session should be limited to one day.

Staff recommends the City Council discuss and propose a meeting date and time for the review of City Council priorities.

KEY DISCUSSION POINTS

- John Maresh read the Executive Summary and asked Council for direction on a date, time and venue for a Priorities Meeting, as well as the topics Council would like to focus on at such a meeting.
- It was a consensus of the Council to email John Maresh with information and staff would bring the details back to Council at a future meeting date.
- No action was taken on this Item.

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.**

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

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

Mayor Pro Tem Pena adjourned Executive Session and reconvened into Regular Session at 8:52 p.m.

Mayor Pro Tem Pena called for anyone present that had signed up to speak under General Comments. No one came forward.

12. **Adjournment.**

There being no further business, Mayor Pro Tem Pena adjourned the meeting at 8:55 p.m.


Linda Cernosek, TRMC, City Secretary