

CITY OF ROSENBERG

REGULAR CITY COUNCIL MEETING MINUTES

On this the 20th day of December, 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
Susan Euton, Councilor, District 2
Alice Jozwiak, Councilor, District 3
Lynn Moses, Councilor, District 4

Staff Present:
John Maresh, Interim City Manager
Linda Cernosek, City Secretary
Cynthia Trevino, City Attorney
Joyce Vasut, Executive Director of Administrative Services
Travis Tanner, Executive Director of Community Development
Charles Kalkomey, City Engineer
Dallis Warren, Police Chief
Lori Remington, Human Resources Director
Isaac Badu, Director of Information Technology
Randall Malik, Economic Development Director
Rigo Calzoncin, Public Works Director
Jenny Pavlovich, Communications Manager
Danyel Swint, Executive Assistant
Tracie Dunn, Assistant Police Chief
Daniel Kelleher, Main Street Program Manager
Nicole Emidy, Police Officer
Dustin Stroud, Police Officer

Call to order: City Hall Council Chamber

Mayor McConathy called the meeting to order at 7:00 p.m.

Invocation and Pledge of Allegiance.

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

Announcements.

Mayor McConathy wished everyone a Merry Christmas and a prosperous New Year.

GENERAL COMMENTS FROM THE AUDIENCE.

Citizens who desire to address the City Council with comments of a general nature will be received at this time. Each speaker is limited to three (3) minutes. In accordance with the Texas Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.

KEY DISCUSSION POINTS

Linda Cernosek read the statement of "*Rules to Audience Comments.*"

SPEAKERS

Paul Christy, 2510 Woodwind, Richmond - Paul Christy stated he is not affiliated with any group and speaks independently for defenseless animals. He stated that he is willing to promote or find new candidates for Council that support an Animal Shelter that would not kill unwanted pets.

Claudine Vass, 10406 Shanley Trace Lane, Richmond - Claudine Vass stated she is an officer of the Fort Bend Pets Alive organization and she presented information that does not accurately reflect reality at Rosenberg Animal Shelter. She thanked Assistant Chief Tracie Dunn for working hard to make the reports more accurate.

Ann Gardner, 16811 Alabaster Court, Houston - Ann Gardner stated the definition of a "No-Kill Shelter" as a noun: abandoned animals are not put to sleep when no home can be found for them; and as an adjective: all healthy, or treatable animals are saved. She invited Council to visit one of the no-kill Animal Shelters in Houston. She has been working with them for sixteen (16) years.

Danna Psencik, 2820 Talasek Street, Rosenberg - Danna Psencik said she is a newly appointed volunteer at the Rosenberg Animal Shelter. She recommended Council continue to learn about "No-Kill Shelters" and how this movement is targeted to save more lives.

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.

At Councilor Benton's request, Mayor McConathy pulled Item C from the Consent Agenda and moved it to the Regular Agenda as Item 2A for consideration.

A. **Consideration of and action on Regular Meeting Minutes for December 06, 2016.**

B. **Consideration of and action on Resolution No. R-2261, a Resolution accepting and approving the Investment Policy of the City of Rosenberg.**

EXECUTIVE SUMMARY

The Public Funds Investment Act (PFIA) and the City's Investment Policy (Policy) require the Policy to be reviewed annually by the City Council. The Policy, attached to Resolution No. R-2261 as Exhibit "A", is included for review. Several minor changes have been made to the policy to meet the investment policy certification guidelines established by the Government Treasurer's Organization of Texas (GTOT). Once approved by City Council the revised policy will be submitted to the GTOT for certification. Staff plans to bring the policy back to City Council next Spring, if necessary, to implement any changes that may be recommended by the GTOT.

In accordance with the PFIA and the City's Investment Policy, attached is a copy of the most recent training certificate and the disclosure statement for the Executive Director of Administrative Services.

City staff recommends approval of the Resolution No. R-2261, approving the Investment Policy for the City of Rosenberg.

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor, District 4 Lynn Moses to approve Consent Agenda items A and B.

VOTE: 7 - 0 Carried - Unanimously

REGULAR AGENDA

2.A. *This item was formerly Item C on the Consent Agenda.*

Consideration of and action on Resolution No. R-2260, a Resolution authorizing the Mayor to execute a Resale Deed for real property generally located at Avenue B and Fifth Street: GEO Number: 7835000120060901: All that certain tract or parcel of land lying and being situated in Fort Bend County, Texas, known and designated as Lot 6, Block 12 according to the map of the plan of the town of Rosenberg, Texas, according to map recorded in the Deed Records of said Fort Bend County, Texas.

EXECUTIVE SUMMARY

Mike Darlow, with Perdue, Brandon, Fielder, Collins and Mott, LLP, presented an offer received from Juan Zavala to purchase a lot on generally located at Avenue B and 5th Street, from the City for \$1,860.66 The official bid form, letter from the bidder, bid analysis, and a map showing the location are attached. The proposed resale deed has been included as Exhibit "A" to Resolution No. R-2260.

Although the offer is for less than 50% of the value, it is in the City's best interest to proceed with the sale and get the property back on the City's tax roll. Mr. Darlow recommends the resale be approved by adopting Resolution No. R-2260.

Staff also recommends approval of Resolution No. R-2260, a Resolution authorizing the resale of property that was acquired through tax foreclosure proceedings.

KEY DISCUSSION POINTS

- Joyce Vasut read the Executive Summary.
- Councilor Benton asked if the lot had water on it during the flood, and if Juan Zavala had consulted with staff.
- Travis Tanner reported that the lot probably had water on it during the flood, and that Juan Zavala had talked to staff regarding building restrictions on this lot.
- Mike Darlow, of Perdue, Brandon, Fielder, Collins and Mott, presented the offer received from Juan Zavala and stated that Mr. Zavala had done his research and due diligence on the restrictions on the property.

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor, District 2 Susan Euton to approve Resolution No. R-2260, a Resolution authorizing the Mayor to execute a Resale Deed for real property generally located at Avenue B and Fifth Street: GEO Number: 7835000120060901: All that certain tract or parcel of land lying and being situated in Fort Bend County, Texas, known and designated as Lot 6, Block 12 according to the map of the plan of the town of Rosenberg, Texas, according to map recorded in the Deed Records of said Fort Bend County, Texas

VOTE: 7 - 0 Carried - Unanimously

2. **Review and discuss a report regarding the status of collections for delinquent taxes, fines, mowing and demolition liens, and take action as necessary.**

EXECUTIVE SUMMARY

Mr. Mike Darlow from Perdue, Brandon, Fielder, Collins & Mott, LLP, has provided information on the status of collection efforts for the City of Rosenberg. Mr. Darlow will be available at the City Council meeting to discuss collection efforts and answer any questions.

This report is presented for City Council's information and to allow for any questions about the process. No action is required on this report.

KEY DISCUSSION POINTS

- Joyce Vasut read the Executive Summary.
- Mike Darlow of Perdue, Brandon, Fielder, Collins & Mott explained the collection report he provided for this item. He reported the City has an excellent collection history. He reported less than 2% of taxes owed to the City of Rosenberg are turned over for collection.
- Mike Darlow also reported other types of money collected for the City is Court fines and fees, false alarm fees, and outstanding mowing and demolition liens. Eighty percent of what is turned over for collection by this firm has been collected.
- Councilor Benton asked if Mike Darlow's firm also collects for the County and the School Districts. He asked what the firm is paid for collecting these delinquent taxes and what the City charges annually for delinquent taxes.
- Mike Darlow explained that they do not collect any other taxes, but the City of Rosenberg taxes. He further explained they are paid a 20% fee, added on to the delinquent tax payer's amount owed to the City, and therefore these services cost the City nothing.

ACTION

No action taken.

3. **Consideration of and action on presentation by Kimberly Brown, Executive Director, regarding the Housing Authority of the City of Rosenberg Annual Report for Fiscal Year Ended September 30, 2016.**

EXECUTIVE SUMMARY

The Rosenberg Housing Authority of the City of Rosenberg is mandated by U.S. Department of Housing and Urban Development (HUD) to make an annual report to the Rosenberg City Council. Kimberly Brown, Executive Director, requested to be placed on the City Council Agenda in order to present the annual report for fiscal year ending September 30, 2016.

KEY DISCUSSION POINTS

- Kimberly Brown presented the Rosenberg Housing Authority 2016 Annual Report.
- Councilor Benton clarified all funding is federal dollars, and asked if people have to be a United States citizen to qualify for assistance, as well as if they are drug tested.

- Kimberly Brown said at least one person needs to be a US citizen, and they do not drug test the families, but they make sure they are not on the felony or on life-time sexual predators list.
- Mayor McConathy highlighted the assistance the housing authority provided to Fort Bend Corps with the flood victims and how appreciative they are and thanked Ms. Brown on their behalf.

ACTION

No action taken.

4. **Consideration of and action on Resolution No. R-2255, a Resolution authorizing acceptance of Aetna Group Medicare Advantage Over 65 Retiree Extended Services Area (ESA) PPO Plan for the 2017 Year Renewal, as recommended by Holmes Murphy and Associates, Inc.**

EXECUTIVE SUMMARY

The Employee Benefits Trust and Benefits Committee met on Tuesday, December 13, 2016, to review and discuss the City of Rosenberg's Medicare Advantage Over 65 Retiree Plan renewal proposal for January 01, 2017, through December 31, 2017.

The Aetna Medicare Advantage Extended Service Area (ESA) PPO Plan is currently offered to the over 65 retirees for the period January 01, 2016, through December 31, 2016. Aetna submitted a renewal rate increase of point two percent (0.20%) for the 2017 plan year. This caused a total increase of \$0.62 per month, for a total premium amount of \$299.46 per month.

Currently, there are seventeen total: (16) retirees on the plan and one (1) dependent. In 2017 the City will pay 95 percent of the premium (or \$284.49 per month) and retirees pay 5 percent of the premium (or \$14.97 per month) for a total monthly premium of \$299.46. These contribution rates mirror what is currently paid for active employees as outlined in Resolution R-697. The retiree pays one hundred percent (100%) of the dependent coverage, which is \$299.46 per month.

Representatives from the City's employee benefits consultant Holmes Murphy and Associates, Inc., have reviewed the proposal and are recommending renewal. Holmes Murphy has indicated that this is a strong renewal proposal and is well below the normal increase they are seeing for this type of plan within this renewal cycle.

Staff recommends approval of Resolution No. R-2255, authorizing acceptance of the Aetna Group Medicare Advantage Over 65 Retiree Extended Services Area (ESA) PPO Plan at the renewal rate of \$61,089.84 for the 2017 Plan Year.

KEY DISCUSSION POINTS

- Lori Remington read the Executive Summary.
- Councilor Euton said it was a very good rate for this coverage.
- Councilor Jozwiak agreed that this is a very good rate for our retirees.
- Councilor Benton added that the City could pay 100% of the premium and he would be in favor of that.

ACTION

Motion by Councilor at Large, Position 2 Amanda J. Barta, seconded by Councilor, District 4 Lynn Moses to approve Resolution No. R-2255, a Resolution authorizing acceptance of Aetna Group Medicare Advantage Over 65 Retiree Extended Services Area (ESA) PPO Plan for the 2017 Year Renewal, as recommended by Holmes Murphy and Associates, Inc.

VOTE: 7 - 0 Carried - Unanimously

5. **Consideration of and action on Resolution No. R-2256, a Resolution awarding Bid No. 2016-25 for Street Sweeping Services for a one-year term, to commence February 01, 2017, through January 31, 2018; and, authorizing the Interim City Manager to negotiate and execute, for and on behalf of the City, a General Services Contract related thereto, and/or all necessary documentation regarding same.**

EXECUTIVE SUMMARY

On Wednesday, December 07, 2016, bids were received and opened for the City of Rosenberg (City) Street Sweeping Services Contract. Two (2) bids were received. The bid documents were published in the newspaper, placed on the City's website, and staff also emailed bid documents to area contractors.

A bid summary form is attached for review. Yes America Now, Inc., DBA Yes America Enterprises, submitted a bid in the base amount of \$62,496.00 for twelve (12) monthly street sweeping cycles covering 104.16 curb miles at \$50.00 per curb mile, and an alternate bid item in the amount of \$15,892.00 for four (4) additional street sweeping cycles during the months of November through February covering 79.46 curb miles at \$50.00 per curb mile. The total bid including the alternate sweeping is \$78,388.00 for a one-year term with the option to extend for one additional year at the discretion of the City. The initial annual Contract term is from February 1, 2017, through January 31, 2018. The references for Yes America Now, Inc., were checked and found to be acceptable for the type of and quantity of work specified in the Contract.

Staff recommends approval of Resolution No. R-2256, awarding Bid No. 2016-25 to Yes America Now, Inc., DBA

Yes America Enterprises, in the total amount of \$78,388.00 for the Street Sweeping Services Contract, base bid and alternate bid for a one (1) year term effective February 01, 2017; and authorizing the Interim City Manager to negotiate and execute all required documentation.

KEY DISCUSSION POINTS

- Rigo Calzoncin read the Executive Summary and asked the representative from the contractor to be prepared to answer any questions.
- Councilor Jozwiak asked what the cost for street sweeping services was last year and Rigo Calzoncin reported it was approximately \$98,000.
- The representative from Yes America Enterprises explained they do about 100 miles every two weeks for the City of Houston and there is a manager that checks all the streets and if it is not done properly, they repeat the process at no charge. He also explained they just purchased a new 2017 model sweeper with a looped vacuum system that has worked very well.

ACTION

Motion by Councilor, District 1 Jimmie J. Pena, seconded by Councilor, District 4 Lynn Moses to approve Resolution No. R-2256, a Resolution awarding Bid No. 2016-25 for Street Sweeping Services for a one-year term, to commence February 01, 2017, through January 31, 2018; and, authorizing the Interim City Manager to negotiate and execute, for and on behalf of the City, a General Services Contract related thereto, and/or all necessary documentation regarding same.

VOTE: 7 - 0 Carried - Unanimously

6. **Review and discuss the installation of speed humps on Callender Street, and take action as necessary to direct staff.**

EXECUTIVE SUMMARY

This item has been added to the Agenda at the request of Councilor Barta and Councilor Benton to provide an opportunity for City Council to consider the addition of speed humps on Callender Street.

KEY DISCUSSION POINTS

- Rigo Calzoncin was present to answer any questions.
- Councilor Moses pointed out that there were not enough signatures collected for this, and Rigo Calzoncin explained it was also at the Council's discretion to put in a speed hump.
- Councilor Moses asked Fran Naylor, 1424 Callender Street, to answer some questions regarding when the problem of speeders begins in a normal day.
- Fran Naylor said during the morning hours, when people are going to work, until 5:00 p.m. and using Callender Street as a cut through street.
- Councilor Benton was in favor of putting the speed hump on the street.
- Councilor Barta asked if there was a sign stating "no trucks," and Rigo Calzoncin confirmed there is a sign stating "no truck" traffic. Councilor Barta supports a speed hump.
- Councilor Jozwiak supports a speed hump to try it temporarily to slow the traffic down.
- Councilor Euton asked if the 20 properties are homes and trailers and stated signatures collected were not even half the property owners on that street that signed the petition.
- Rigo Calzoncin explained some lots have multiple homes on them.
- Mayor McConathy requested that in the future, she would like to see a cost differential on rating the speed hump for the speed limit so that it would still reduce the traffic, but not hinder mobility.

ACTION

Motion by Councilor, District 1 Jimmie J. Pena, seconded by Councilor at Large, Position 1 William Benton to approve the installation of speed humps on Callender Street.

VOTE: 7 - 0 Carried - Unanimously

7. **Consideration of and action on acceptance of resignations from Renée Butler and Noel Valdes from the City's Main Street Advisory Board, and appointment of replacement members.**

EXECUTIVE SUMMARY

Both Ms. Renée Butler and Ms. Noel Valdes have recently resigned from the Main Street Advisory Board. The advertisement for applicants ran in the Fort Bend Herald newspaper on Sundays, November 13, and 20, 2016.

The membership requirements of this Board, per Article II. Membership, Section 2.1 Number of Members states: "The Board shall consist of no fewer than nine (9) members and no more than eleven (11) members." With the resignation of Ms. Butler and Ms. Valdes, the Board will consist of seven (7) members.

City Council will need to accept the resignations of Ms. Butler and Ms. Valdes, and appoint two (2) replacement Board members to fill out these unexpired terms. Ms. Butler's unexpired term ends June 2017, and Ms. Valdes' unexpired term ends June 2018.

The applications were sent to City Council under separate cover for review and consideration for replacement positions. The list of applicants is attached.

KEY DISCUSSION POINTS

- Linda Cernosek read the Executive Summary.

ACTION

Motion by Councilor, District 4 Lynn Moses, seconded by Councilor at Large, Position 1 William Benton to accept the resignations from Renée Butler and Noel Valdes from the City's Main Street Advisory Board.

VOTE: 7 - 0 Carried - Unanimously

Motion by Councilor at Large, Position 1 William Benton to appoint Michael Richard to replace Renee Butler on the Main Street Advisory Board.
Motion died for lack of a second.

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor, District 4 Lynn Moses to appoint Rhoda Saka (Danziger) to replace Renee Butler on the Main Street Advisory Board.

VOTE: 7 - 0 Carried - Unanimously

ACTION

Motion by Councilor, District 1 Jimmie J. Pena, seconded by Councilor, District 4 Lynn Moses to appoint Marco Ruiz to replace Noel Valdes on the Main Street Advisory Board.

VOTE: 7 - 0 Carried - Unanimously

8. **Consideration of and action on acceptance of resignations from Christy Hawkins, Sam Orlando, and Wayne Jory from the City's Water/Wastewater Impact Fee Task Force, and appointment of replacement members.**

EXECUTIVE SUMMARY

Ms. Christy Hawkins, Mr. Sam Orlando, and Mr. Wayne Jory have resigned from the Water/Wastewater Impact Fee Task Force. The City Council will need to accept these three (3) resignations.

Mr. Wayne Jory held the position as the Extraterritorial Jurisdiction (ETJ) representative. A replacement appointment will be required for the Water/Wastewater Impact Fee Task Force (Task Force) for someone living in the City's ETJ. This position was advertised in the Fort Bend Herald Newspaper on November 13 and November 20, 2016. The applications received were sent to the City Council for review under separate cover.

In addition, a replacement position from the current Planning Commission will need to be appointed. Mr. Michael Parsons previously served in this capacity and will take the position previously held by Ms. Hawkins. The City Council will need to appoint someone from the current Planning Commission to serve as the Planning Commission's representative. The current Planning Commissioners are: William Bennett, Steven Monk, Lester Phipps, Jr., Wayne Poldrack, James Urbish, and Sergio Villagomez.

It will not be necessary to appoint anyone in Mr. Orlando's position, since he served as an alternate on the Task Force.

KEY DISCUSSION POINTS

- Linda Cernosek read the Executive Summary.

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor, District 4 Lynn Moses to accept the resignations from Christy Hawkins, Sam Orlando, and Wayne Jory from the City's Water/Wastewater Impact Fee Task Force.

VOTE: 7 - 0 Carried - Unanimously

ACTION

Motion by Councilor, District 4 Lynn Moses, seconded by Councilor at Large, Position 1 William Benton to postpone all nominations for replacement to the Water/Wastewater Impact Fee Task Force and ask the Planning Commissioners if they have an interest in serving on this committee.

VOTE: 7 - 0 Carried - Unanimously

9. **Consideration of and action on acceptance of the resignation of Eric Ramirez from the City of Rosenberg Image Committee, and appointment of a replacement member.**

EXECUTIVE SUMMARY

Mr. Eric Ramirez submitted his resignation from the Image Committee. This item serves for the City Council to accept Mr. Ramirez's resignation from the Image Committee and direct the City Secretary to advertise for a possible replacement member.

KEY DISCUSSION POINTS

- Linda Cernosek read the Executive Summary.

ACTION

Motion by Councilor, District 4 Lynn Moses, seconded by Councilor at Large, Position 1 William Benton to accept the resignation of Eric Ramirez from the Image Committee.

VOTE: 7 - 0 Carried - Unanimously

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor, District 2 Susan Euton to nominate Jacob Balderas to replace Eric Ramirez on the Image Committee.

VOTE: 7 - 0 Carried - Unanimously

10. **Consideration of and action on acceptance of the resignation of Eric Ramirez from the City of Rosenberg Parks and Recreation Board, and appointment of a replacement member.**

EXECUTIVE SUMMARY

Mr. Eric Ramirez submitted his resignation from the Image Committee and the Parks and Recreation Board. This item serves for the City Council to accept Eric Ramirez's resignation from the Parks and Recreation Board.

The Parks and Recreation Board requires seven (7) to thirteen (13) members on the Board. The Parks Board will have seven (7) members after Mr. Ramirez's resignation. It will be Council's discretion to add another member at this time.

This item serves to accept Eric Ramirez's resignation and direct the City Secretary if City Council wishes to advertise for a replacement member.

KEY DISCUSSION POINTS

- Linda read the Executive Summary.
- Councilor Euton suggested the Council table any nominations to this Board until June 2017, and advertise for both the Image Committee and the Parks and Recreation Board to get volunteers.

ACTION

Motion by Councilor at Large, Position 2 Amanda J. Barta, seconded by Councilor at Large, Position 1 William Benton to accept the resignation of Eric Ramirez from the City of Rosenberg Parks and Recreation Board

VOTE: 7 - 0 Carried - Unanimously

11. **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 Texas Government Code Section 551.072; to deliberate the appointment, employment, and duties of the City Manager pursuant to Section 551.074 of the Texas Government Code; to hear and evaluate a complaint against employee(s) pursuant to Texas Government Code Section 551.074(a)(2) and to receive legal advice regarding said complaint pursuant to Texas Government Code Section 551.071; and to deliberate the deployment of information technology system and network security for the Rosenberg Police Department pursuant to Section 551.076 of the Texas Government Code.**

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor, District 4 Lynn Moses to adjourn to Executive Session.

VOTE: 7 - 0 Carried - Unanimously

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

Mayor McConathy reconvened Regular Session at 10:00 p.m.

13.

Adjournment.

There being no further business, Mayor McConathy adjourned the Regular City Council Meeting at 10:00 p.m.



Linda Cernosek, TRMC, City Secretary