

**CITY OF ROSENBERG
REGULAR CITY COUNCIL MEETING MINUTES**

On this the 18th day of June 2024, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Regular Session, open to the public in the Rosenberg City Hall Council Chamber, located at 2110 4th Street, Rosenberg, Texas.

Present: William Benton, Mayor
Marc A. Morales, Councilor At-Large, Position 1
Jessica Jaramillo-Moreno, Councilor At-Large, Position 2 (Via Video Conference)
Felix Vargas, Jr., Councilor, District No.1
Susan Euton, Mayor Pro Tem
Hector Trevino, Councilor, District No. 3
George Zepeda, Councilor, District No. 4

Staff Present: John Maresh, City Manager
Joyce Vasut, Assistant City Manager
Danyel Swint, City Secretary
Charles Kalkomey, City Engineer
Rigo Calzoncin, Executive Director of Public Services
Jonathan White, Police Chief
Jack Helton , Assistant Fire Chief
Mohamed Bireima, Director of Planning
Brandon Morris, City Attorney
Shelton Besson, Director of Information Services

Call to order: City Hall Council Chamber
Mayor Benton called the meeting to order at 6:30 p.m.

Invocation and Pledge of Allegiance.
Charles Kalkomey led the invocation and pledge.

Announcements.
Mayor Benton announced the following:

- Juneteenth Holiday Closure
- Juneteenth Event at the Black Cowboy Musuem
- Mother/Son Dance Set for June 28
- Family 4th Celebration Set for July 4

GENERAL COMMENTS FROM THE AUDIENCE.
Citizens who have registered with the City Secretary prior to the meeting being called to order and desire to address the City Council with comments of a general nature, as it relates to the City of Rosenberg, will be heard at this time. Speakers may speak on up to three (3) specific agenda items, or a maximum of once during General Comments and up to two (2) additional specific agenda items. Each speaker is limited to three (3) minutes, except that a speaker who addresses the City Council through a translator is limited to six (6) minutes. Speakers are not allowed to distribute documentation while addressing City Council. Speakers making personal, impertinent, profane or slanderous remarks may be removed from the room and shall be barred from reentering the Chamber during the session of City Council. 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 have registered with the City Secretary prior to the meeting being called to order and desire to address the City Council with regard to matters on the Consent Agenda or Regular Agenda will be heard at this time, or the time the item is considered. Speakers may speak on up to three (3) specific agenda items, or a maximum of once during General Comments and up to two (2) additional specific agenda items. Each speaker is limited to three (3) minutes, except that a speaker who addresses the City Council through a translator is limited to six (6) minutes. Speakers are not allowed to distribute documentation while addressing City Council. Speakers making personal, impertinent, profane or slanderous remarks may be removed from the room and shall be barred from reentering the Chamber during the session of City Council. 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 City Council Workshop Meeting for May 28, 2024 and City Council Regular Meeting for June 4, 2024. (Danyel Swint, City Secretary)**
 - B. **Consideration of and action on the Final Plat of Evergreen Section Three, a subdivision of 32.447 acres of land situated in the R.H. Earnest Survey, Abstract 388 and the B.B.B. & C.R.R. Company Survey, Section 11, Abstract No. 132, City of Rosenberg, Fort Bend County, Texas; 42 Lots, 4 Reserves, and 2 Blocks.**

EXECUTIVE SUMMARY

The Final Plat of Evergreen Section Three is 32.447 acres consisting of forty-two (42) lots, four (4) reserves, and two (2) blocks. It is located west of Section Two of Evergreen Subdivision. Reserve "C" is approximately 16.7 acres and restricted to detention use.

All lots are sixty (60) feet in width or greater, and parkland dedication requirements and/or fees are being met per City requirements. Primary access to this subdivision will be from Evergreen Falls Drive and Saddle Wood Lane via the future Spacek Road.

At the February 20, 2024, regular Planning Commission meeting, the Planning Commission recommended approval of the Final Plat to City Council. Seeing no conflicts with the approved Development Agreement and applicable regulations, staff recommends approval of the Final Plat of Evergreen Section Three.

- C. **Consideration of and action on Resolution No. R-3692, a Resolution authorizing the City Manager to execute and accept, for and on behalf of the City, a Storm Sewer Easement described as a 0.1395 acre (6,075 square foot) tract of land situated in the G.M. Stone Survey, Abstract No. 312, City of Rosenberg, Fort Bend County, Texas, and being a portion of a called 60.62 acre tract of land as described as Tract One in an instrument to GMS Land Company, LLC recorded under File Number (F.N.) 2014136676 of the Official Public Records of Fort Bend County (O.P.R.F.B.C.), as conveyed to the City by GMS Land Company, LLC.**

EXECUTIVE SUMMARY

This item has been placed on the agenda to authorize the acceptance of a Storm Sewer Easement (Easement) granted by GMS Land Company, LLC, to the City as part of the Seabourne Creek at Fountains Drive development. The Final Plat of Seabourne Creek at Fountains Drive was approved by City Council on November 14, 2023 and is a subdivision of 55.81 acres of land in the G.M. Stone Survey, Abstract No. 312, City of Rosenberg, Fort Bend County, Texas. The tract is located east of State Highway 36, west of Fountains Drive, and fronts on the south side of U.S. Highway 59/Interstate 69 (I-69). A copy of the Vicinity Map and Final Plat are attached.

This Easement is one of three (3) easements to be granted to the City within this development prior to the recording of the Final Plat.

This proposed easement would allow for the construction, operation, and maintenance of a storm sewer line

and appurtenances within a 0.1395 acre strip of land, owned by GMS Land Company, LLC. The easement connects to a proposed detention basin within the development. The Developer will construct the storm sewer line and appurtenances. After approval by the City of the construction, the City will own, operate, and maintain this infrastructure. The City will not own, operate, or maintain the detention basin.

The Easement is attached as Exhibit "A" to Resolution No. R-3692. Staff has no objections and recommends approval of Resolution No. R-3692 as presented, authorizing the City Manager to execute and accept the Easement documents.

- D. **Consideration of and action on Resolution No. R-3693, a Resolution authorizing the City Manager to execute and accept, for and on behalf of the City, a Storm Sewer Easement described as a 0.3924 acre (17,092 square foot) tract of land situated in the G.M. Stone Survey, Abstract No. 312, City of Rosenberg, Fort Bend County, Texas, and being a portion of a called 60.62 acre tract of land as described as Tract One in an instrument to GMS Land Company, LLC recorded under File Number (F.N.) 2014136676 of the Official Public Records of Fort Bend County (O.P.R.F.B.C.), as conveyed to the City by GMS Land Company, LLC.**

EXECUTIVE SUMMARY

This item has been placed on the agenda to authorize the acceptance of a Storm Sewer Easement (Easement) granted by GMS Land Company, LLC, to the City as part of the Seabourne Creek at Fountains Drive development. The Final Plat of Seabourne Creek at Fountains Drive was approved by City Council on November 14, 2023 and is a subdivision of 55.81 acres of land in the G.M. Stone Survey, Abstract No. 312, City of Rosenberg, Fort Bend County, Texas. The tract is located east of State Highway 36, west of Fountains Drive, and fronts on the south side of U.S. Highway 59/Interstate 69 (I-69). A copy of the Vicinity Map and Final Plat are attached.

This Easement is one of three (3) easements to be granted to the City within this development prior to the recording of the Final Plat.

This proposed easement would allow for the construction, operation, and maintenance of a storm sewer line and appurtenances within a 0.3924 acre strip of land, owned by GMS Land Company, LLC. The easement connects to a proposed detention basin within the development. The Developer will construct the storm sewer line and appurtenances. After approval by the City of the construction, the City will own, operate, and maintain this infrastructure. The City will not own, operate, or maintain the detention basin.

The Easement is attached as Exhibit "A" to Resolution No. R-3693. Staff has no objections and recommends approval of Resolution No. R-3693 as presented, authorizing the City Manager to execute and accept the Easement documents.

- E. **Consideration of and action on Resolution No. R-3694, a Resolution authorizing the City Manager to execute and accept, for and on behalf of the City, a Sanitary Sewer Easement described as a 0.4035 acre (17,577 square foot) tract of land situated in the G.M. Stone Survey, Abstract No. 312, City of Rosenberg, Fort Bend County, Texas, and being a portion of a called 60.62 acre tract of land as described as Tract One in an instrument to GMS Land Company, LLC recorded under File Number (F.N.) 2014136676 of the Official Public Records of Fort Bend County (O.P.R.F.B.C.), as conveyed to the City by GMS Land Company, LLC.**

EXECUTIVE SUMMARY

This item has been placed on the agenda to authorize the acceptance of a Sanitary Sewer Easement (Easement) granted by GMS Land Company, LLC, to the City as part of the Seabourne Creek at Fountains Drive development. The Final Plat of Seabourne Creek at Fountains Drive was approved by City Council on November 14, 2023 and is a subdivision of 55.81 acres of land in the G.M. Stone Survey, Abstract No. 312, City of Rosenberg, Fort Bend County, Texas. The tract is located east of State Highway 36, west of Fountains Drive, and fronts on the south side of U.S. Highway 59/Interstate 69 (I-69). A copy of the Vicinity Map and Final Plat are attached.

This Easement is one of three (3) easements to be granted to the City within this development prior to the recording of the Final Plat.

This proposed easement would allow for the construction, operation, and maintenance of a sanitary sewer line and appurtenances within a 0.4035 acre strip of land across the tract owned by GMS Land Company, LLC. The easement will connect to the existing Southeast Trunk Sewer line along the south line of the development. The Developer will construct the sanitary sewer line and appurtenances. After approval by the City of the construction, the City will own, operate, and maintain this infrastructure.

The Easement is attached as Exhibit "A" to Resolution No. R-3694. Staff has no objections and recommends approval of Resolution No. R-3694 as presented, authorizing the City Manager to execute and accept the Easement documents.

- F. **Consideration of and action on Resolution No. R-3689, a Resolution authorizing the City Manager to execute, for and on behalf of the City, an Interlocal Agreement by and between the City and the Fort Bend Subsidence District regarding participation as a sponsor in the Water Conservation Education Program.**

EXECUTIVE SUMMARY

The City of Rosenberg has participated in the Fort Bend Subsidence District (District) Water Conservation Education (Learning to be Water Wise) Program (Program) annually since FY2007. The purpose of the Program is to increase water conservation awareness by educating elementary and intermediate students, along with other water conservation program objectives. Per the attached correspondence from Ms. Denise Ma, Water Conservation Program Coordinator, the District is preparing for FY2024-2025 and has provided an Interlocal Agreement (Agreement) to formalize the City's continued sponsorship of the Program. This Agreement, attached to Resolution No. R-3689 as Exhibit "A", requires renewal on an annual basis. The proposed FY2025 Budget for the Subsidence Fund (Fund 514) includes a \$32,000 appropriation for said purpose to sponsor up to eight hundred twenty (820) students, which is the same amount of funding budgeted for the last several years.

The City receives a certificate for water conservation credit equal to 84,000 gallons of groundwater for each student, at a cost of thirty-eight dollars (\$38.00) per student. Each certificate can be held for up to twenty (20) years after the issuance date. These water conservation credits are a valuable asset that can be used by the City to help meet up to 30% of the District's groundwater reduction requirement, or they can be sold to other public or private entities that must also comply with the groundwater reduction requirement. The City is able to meet the 30% reduction requirement for FY2025 using treated surface water purchased from the Brazosport Water Authority. However, the District's current regulatory plan increases the groundwater reduction requirement from 30% to 60% in 2027. This will increase the value and need for these credits as a part of the City's strategy to comply with the District's groundwater reduction requirements. The credits received from the Program along with additional over-conversion credits issued for reclaimed/reuse water and surface water conversion that exceeds the 30% requirement will be banked until such time they are needed.

Staff recommends approval of Resolution No. R-3689 as presented.

- G. **Consideration of and action on Resolution No. R-3685, a Resolution authorizing the Police Chief to acquire, for and on behalf of the City, controlled property from the Texas Law Enforcement Support Office (LESO) Program in the fiscal year 2025.**

EXECUTIVE SUMMARY

The Rosenberg Police Department currently participates in the Texas Law Enforcement Support Office (LESO) Program. This program, managed by the Texas Department of Public Safety, allows law enforcement agencies to acquire excess Department of Defense property. Participation in the program requires the law enforcement agency to provide an updated comprehensive list of controlled property to the public and the Civilian Governing Body (CGB) no later than July 1 of each consecutive year.

A public notice was published in the local newspaper on June 9, 2024, in both English and Spanish informing the local community of its intent to potentially request the following controlled property:

Weapons (pistols, shotguns, long rifles), Weapon modification kits, Weapon parts, Training Weapons. Aircraft (Fixed & Rotary), Aircraft parts, Armored Vehicles (MRAPs, Peacekeepers, Armored HMMWVs & NTAVs), Vehicle parts, Weapon-mounted optics & lasers, Handheld Optics & lasers, Night Vision Devices (including thermal equipment), Optical & sighting equipment (range finders, boresights etc), Tactical cargo vehicles (HMMWV, Cargo trucks), Watercraft, Unmanned Ground Vehicles (all robots), Wheel assemblies, Tools (hand, pneumatic & power), Purpose-built Handheld Breaching Equipment, Decontamination Equipment, Computers & peripherals, Camouflage & deception equipment, Radio & Telephone Equipment, Generators, Lighting & observation towers, Riot gear (helmets, face shields, fixed batons over 2 ft., wearable gear & shields), Capability Sets, and Camera Sets.

Staff recommends approval of Resolution No. R-3685 as presented.

ACTION

Motion by Councilor At-Large, Position 1 Marc A. Morales, seconded by Councilor, District No. 3 Hector Trevino to approve all Consent Agenda items.

VOTE: 7 - 0 Carried - Unanimously

REGULAR AGENDA

2. **Hold public hearing on annexation of area on request of owner of a tract or parcel containing 15.702 acres of land situated in the G. M. Stone Survey, Abstract No. 312, Fort Bend County, Texas, being that certain called 15.702 acre tract of land conveyed to CenterPoint Energy Houston Electric, LLC as recorded under County Clerk's File No. 2019102904, Official Public Records Fort Bend County, Texas.**

EXECUTIVE SUMMARY

This is the required public hearing on the voluntary annexation of 15.702 acres of land located on the south side of J Meyer Road and to the west of FM 2218. A vicinity map is attached for review.

The tract was annexed by the City in 2012, but subject to a Chapter 43 Texas Local Government Code Non-Annexation Development Agreement (Agreement) which allows the tract, while in agricultural use, to continue with the Extraterritorial Jurisdiction (ETJ) status.

The City issued a Commercial Building Permit on March 7, 2024, for the construction of an electrical substation. Therefore, as per the Agreement, this activity constitutes the submission of a petition from the owner for voluntary annexation.

This voluntary annexation requires that the City hold a public hearing. Notice of the hearing has been published on the City website and in the Fort Bend Herald.

Staff recommends holding the required public hearing at this time, before taking action on the annexation petition in the subsequent agenda item.

KEY DISCUSSIONS

- Charles Kalkomey read the Executive Summary.
- Mayor Benton opened the Public Hearing at 6:39:11 p.m.
- There were no comments from the public.
- Mayor Benton closed the Public Hearing at 6:39:58 p.m.

3. **Consideration of and action on Ordinance No. 2024-31, an Ordinance providing for the extension of the City Limits of the City of Rosenberg, Texas, by voluntary annexation of a tract or parcel containing 15.702 acres of land situated in the G. M. Stone Survey, Abstract No. 312, Fort Bend County, Texas, being that certain called 15.702 acre tract of land conveyed to CenterPoint Energy Houston Electric, LLC as recorded under County Clerk's File No. 2019102904, Official Public Records, Fort Bend County, Texas; granting to said tract of land and to all current and future inhabitants of said tract of land the rights and privileges of other citizens and binding said current and future inhabitants by all of the acts, ordinances, regulations and resolutions of said City, now in effect and to be hereafter adopted; providing a severability clause; providing for an effective date; providing for a savings clause and repealing conflicting ordinances or resolutions.**

EXECUTIVE SUMMARY

Attached for City Council's review and approval is Ordinance No. 2024-31, providing for the voluntary annexation of 15.702 acres of land into the corporate limits of the City.

As noted in the previous agenda item, the property is located on the south side of J Meyer Road and to the west of FM 2218. A vicinity map is attached for review. The 15.702 acre tract is owned by CenterPoint Energy Houston Electric, LLC, and is being brought into the City voluntarily per the submittal of a Commercial Building Permit Application for the construction of the electrical substation of said property.

This area was annexed by the City on September 4, 2012 by Ordinance 2012-27, but was subject to a Chapter 43 Texas Local Government Code Non-Annexation Development Agreement (Agreement) allowing the property to retain its Extraterritorial Jurisdiction (ETJ) status for tax purposes until such time the property is developed for use other than agricultural.

The City issued a Commercial Building Permit on March 7, 2024, for the construction of the electrical substation. Therefore, as per the Agreement, this activity constitutes the submission of a petition from the owner for voluntary annexation.

Considering the required public hearing was held on the previous agenda item and the City's approval of the petition per Resolution No. R-3669 on May 21, 2024, staff has no objections and recommends approval of Ordinance No. 2024-31, allowing the voluntary annexation of said 15.702 acre tract into the corporate limits of the City to be completed. Attached to Ordinance No. 2024-31 is the Services Agreement with the legal description of the property being annexed.

KEY DISCUSSIONS

- Charles Kalkomey read the Executive Summary.
- There was no discussion on this item.

ACTION

Motion by Councilor, District No. 3 Hector Trevino, seconded by Councilor At-Large, Position 1 Marc A. Morales to adopt Ordinance No. 2024-31, an Ordinance providing for the extension of the City Limits of the City of Rosenberg, Texas, by voluntary annexation of a tract or parcel containing 15.702 acres of land situated in the G. M. Stone Survey, Abstract No. 312, Fort Bend County, Texas, being that certain called 15.702 acre tract of land conveyed to CenterPoint Energy Houston Electric, LLC as recorded under County Clerk's File No. 2019102904, Official Public Records, Fort Bend County, Texas; granting to said tract of land and to all current and future inhabitants of said tract of land the rights and privileges of other citizens and binding said current and future inhabitants by all of the acts, ordinances, regulations and resolutions of said City, now in effect and to be hereafter adopted; providing a severability clause; providing for an effective date; providing for a savings clause and repealing conflicting ordinances or resolutions.

VOTE: 7 - 0 Carried - Unanimously

4. **Hold public hearing on annexation of area on request of owner of a tract or parcel containing 12.4400 acres (541,886 square feet) of land, situated in the S.P. Railroad Company Survey, Abstract Number 332, Fort Bend County, Texas, being that certain called 12.4400 acre tract of land conveyed to Southwest Islamic Center Inc., LLC recorded under County Clerk's File No. 2023052666, Official Public Records, Fort Bend County, Texas.**

EXECUTIVE SUMMARY

This is the required public hearing on the voluntary annexation of 12.4400 acres of land. The property is located north of Muegge Road, west of Scott Road, and south of U.S. Highway 90A West. A vicinity map is attached for review.

The property was annexed by the City on May 7, 2013 by Ordinance No. 2013-23, but subject to a Chapter 43 Texas Local Government Code Non-Annexation Development Agreement (Agreement). This agreement allowed the tract, while in agricultural use, to continue with the Extraterritorial Jurisdiction (ETJ) status.

The property owner has submitted a Petition for Annexation into the City Limits. This voluntary annexation requires that the City hold a public hearing. Notice of the hearing has been published on the City website and in the Fort Bend Herald.

Staff recommends holding the required public hearing at this time, before taking action on the annexation petition in the subsequent agenda item.

KEY DISCUSSIONS

- Charles Kalkomey read the Executive Summary.
- Mayor Benton opened the Public Hearing at 6:47:54 p.m.
- There were no comments from the public.
- Mayor Benton closed the Public Hearing at 6:48:20 p.m.

5. **Consideration of and action on Ordinance No. 2024-32, an Ordinance providing for the extension of the City Limits of the City of Rosenberg, Texas, by voluntary annexation of a tract or parcel containing 12.4400 acres (541,886 square feet) of land, situated in the S.P. Railroad Company Survey, Abstract Number 332, Fort Bend County, Texas, being that certain called 12.4400 acre tract of land conveyed to Southwest Islamic Center Inc., LLC recorded under County Clerk's File No. 2023052666, Official Public Records, Fort Bend County, Texas; granting to said tract of land and to all current and future inhabitants of said tract of land the rights and privileges of other citizens and binding said current and future inhabitants by all the acts, ordinances, regulations and resolutions of said City, now in effect and to be hereafter adopted; providing a severability clause; providing for an effective date; providing for a savings clause and repealing conflicting ordinances or resolutions.**

EXECUTIVE SUMMARY

Attached for City Council's review and approval is Ordinance No. 2024-32, providing for the voluntary annexation of 12.4400 acres of land into the corporate limits of the City.

As noted in the previous agenda item, the property is generally located north of Muegge Road, west of Scott Road, and south of U.S. Highway 90A West. A vicinity map is attached for review. The 12.4400 acre tract is owned by Southwest Islamic Center Inc., LLC, and is being brought into the City voluntarily per the submittal of a Plat and Land Plan Application for the filing of a subdivision plat of said property and the submittal of a Petition for Voluntary Annexation.

This area was annexed by the City on May 7, 2013 by Ordinance No. 2013-23, but was subject to a Chapter 43

Texas Local Government Code Non-Annexation Development Agreement (Agreement) allowing the property to retain its Extraterritorial Jurisdiction (ETJ) status for tax purposes until such time the property is developed for use other than agricultural.

Considering the required public hearing that was held on the previous agenda item and the acceptance of the filing of the petition per Resolution No. R-3679 was approved by City Council on May 21, 2024, staff has no objections and recommends approval of Ordinance No. 2024-32 allowing the voluntary annexation into the corporate limits of the City to be completed. Attached to Ordinance No. 2024-32 is a Services Agreement with the legal description of the property being annexed.

KEY DISCUSSIONS

- Charles Kalkomey read the Executive Summary.
- Councilor Morales asked how many members are part of the center. Charles Kalkomey stated he did not have a number of members and further explained that they have not seen any plans yet and therefore do not know the size of the facility.
- Councilor Morales expressed concerns about traffic.
- Dr. Syed Azeemudin, president of the Southwest Islamic Center, LLC, explained that they currently have about 8-10 members.
- Councilor Zepeda also expressed concerns about traffic.
- There was no further discussion on this item.

ACTION

Motion by Mayor William Benton, seconded by Councilor, District No. 3 Hector Trevino to adopt Ordinance No. 2024-32, an Ordinance providing for the extension of the City Limits of the City of Rosenberg, Texas, by voluntary annexation of a tract or parcel containing 12.4400 acres (541,886 square feet) of land, situated in the S.P. Railroad Company Survey, Abstract Number 332, Fort Bend County, Texas, being that certain called 12.4400 acre tract of land conveyed to Southwest Islamic Center Inc., LLC recorded under County Clerk's File No. 2023052666, Official Public Records, Fort Bend County, Texas; granting to said tract of land and to all current and future inhabitants of said tract of land the rights and privileges of other citizens and binding said current and future inhabitants by all the acts, ordinances, regulations and resolutions of said City, now in effect and to be hereafter adopted; providing a severability clause; providing for an effective date; providing for a savings clause and repealing conflicting ordinances or resolutions.

VOTE: 7 - 0 Carried - Unanimously

6. **Consideration of and action on Resolution No. R-3688, a Resolution accepting the filing of a petition by landowner for annexation of a tract or parcel containing 19.83 acres being out of that certain 20.83 acres (907,205 square feet) of land, out of the Northwesterly Corner of a called 115.672-acre tract of land as conveyed by instrument recorded in Volume 252, Page 637 of the Deed Records of Fort Bend County, Texas, being out of Lot No. 10 of the Meyer and Pleak Subdivision according to the Map or Plat thereof recorded in Volume 36, Page 330 of said Deed Records, being situated in the Robert E. Handy Survey, Abstract No. 187, in Fort Bend County, Texas, and being that same certain called 20.83 acre tract described in deed to Spacek Ventures LLC as recorded in County Clerk's File No. 2022115275, Official Public Records, Fort Bend County, Texas, save and except that certain 0.5 acre tract previously annexed into the Corporate Limits of the City of Rosenberg, Texas, by Annexation Ordinance No. 2011-27 and given Fort Bend Central Appraisal District Property Identification Number R42812, further save and except that certain 0.5 acre tract previously annexed into the Corporate Limits of the City of Rosenberg, Texas, by Annexation Ordinance No. 2011-27 and given Fort Bend Central Appraisal District Property Identification Number R244062.**

EXECUTIVE SUMMARY

Staff is in receipt of a petition for the voluntary annexation of 19.83 acres out of a 20.83 acre tract of land, generally located east of Spacek Road and north of Bryan Road. A vicinity map is attached for review.

The original tract was a called 21.788 acre tract described in deed to James Allen Thomas, et ux, recorded under County Clerk's File No. 2003164645, Official Public Records, Fort Bend County, Texas. This tract was part of a 230.4 acre tract known as the Spacek Tracts, which was annexed into the corporate limits of the City on November 22, 2011 by Ordinance No. 2011-27. The City also entered into a Chapter 43 Texas Local Government Code Development Agreement (Agreement) for non-annexation with James Allen Thomas, et ux, for all of the 21.788 acre tract except the two 0.5 acre tracts around existing structures.

The previous owners conveyed a 0.9620 acre tract to the City for additional right-of-way for Spacek Road as recorded under County Clerk's File No. 2016066618, Official Public Records, Fort Bend County, Texas. The petition for voluntary annexation for 19.83 acres as submitted represents the residue of the original tract subject to the Agreement.

The Agreement states that the tract of land may retain its extraterritorial jurisdiction status until the use of the property changes. Any change that would require the issuance of a building permit to allow the construction of any buildings or other improvements on the property would trigger full annexation of the tract.

On June 3, 2024, the current property owner, Spacek Ventures LLC, submitted a petition for annexation of the 19.83 acres into the corporate limits of the City in order to proceed with the platting and development of the property.

Resolution No. R-3688 is being presented as a petition for annexation. The Application is attached as Exhibit "A" and the Agreement is attached as Exhibit "B" to Resolution No. R-3688.

Staff recommends approval of Resolution No. R-3688 to accept the filing of the petition by the landowner and to initiate the process of approval of the annexation ordinance at a future City Council Meeting.

KEY DISCUSSIONS

- Charles Kalkomey read the Executive Summary.
- Councilor Trevino asked if this is where the apartment complex would be built. Charles Kalkomey explained that initially, they were planning to build townhomes there, but now the plan is to build a private school.
- Councilor Vargas asked what grades the school would cover. Charles Kalkomey stated he believes it would be grades 1-12.
- Councilor Vargas asked if it would be a one or two-story building. Charles Kalkomey explained that while he has not seen the building plans yet, he has seen a site layout with several campus areas. He mentioned that the elementary section would be separate from the rest of the site. In terms of transportation and parking, they have done a good job managing traffic, which is often an issue during pick-up and drop-off times.
- Mayor Benton discussed the potential tax revenue if the property is not a non-profit.
- There was no further discussion on this item.

ACTION

Motion by Councilor, District No. 3 Hector Trevino, seconded by Councilor, District No.1 Felix Vargas, Jr. to approve Resolution No. R-3688, a Resolution accepting the filing of a petition by landowner for annexation of a tract or parcel containing 19.83 acres being out of that certain 20.83 acres (907,205 square feet) of land, out of the Northwesterly Corner of a called 115.672-acre tract of land as conveyed by instrument recorded in Volume 252, Page 637 of the Deed Records of Fort Bend County, Texas, being out of Lot No. 10 of the Meyer and Pleak Subdivision according to the Map or Plat thereof recorded in Volume 36, Page 330 of said Deed Records, being situated in the Robert E. Handy Survey, Abstract No. 187, in Fort Bend County, Texas, and being that same certain called 20.83 acre tract described in deed to Spacek Ventures LLC as recorded in County Clerk's File No. 2022115275, Official Public Records, Fort Bend County, Texas, save and except that certain 0.5 acre tract previously annexed into the Corporate Limits of the City of Rosenberg, Texas, by Annexation Ordinance No. 2011-27 and given Fort Bend Central Appraisal District Property Identification Number R42812, further save and except that certain 0.5 acre tract previously annexed into the Corporate Limits of the City of Rosenberg, Texas, by Annexation Ordinance No. 2011-27 and given Fort Bend Central Appraisal District Property Identification Number R244062.

VOTE: 7 - 0 Carried - Unanimously

7. **Consideration of and action on Resolution No. R-3690, a Resolution authorizing the City Manager to negotiate and execute a Mutual Consent Agreement to extend the award date of Bid No. 2024-15B for the Fire Station No. 1 Reconstruction Project.**

EXECUTIVE SUMMARY

A Notice to Bidders for the Fire Station No. 1 Reconstruction Project was published on March 24 and March 31, 2024, with a Thursday, April 18, 2024 bid opening date. The bid opening date was changed to April 25 2024, and all eligible bidders were notified. The Notice to Bidders specified that bids may be held by the City of Rosenberg for a period not to exceed sixty (60) days from the bid opening date for the purpose of reviewing the bids and investigating the bidders qualifications prior to the contract award.

The City has been awarded a \$4.1 million grant by the Texas General Land Office (GLO) for this project. However, the formal grant funding agreement and associated Authorization to Utilize Grant Funds (AUGF) have not been finalized and; therefore, the bid will not be able to be awarded within the sixty (60) day period from the bid opening date. The City's Procurement Policy for grant funded projects does allow the sixty (60) day period to be extended in thirty (30) day increments if agreeable by the bidder.

The City received four (4) bids on April 25, 2024, and recommends the second lowest bidder, C.A. Walker Construction, for the project bid award since the lowest bidder lacks experience for a project of this magnitude and the references did not check out. C.A. Walker Construction, the second lowest bidder, has agreed to this first thirty (30) day extension which is attached as Exhibit "A" to Resolution No. R-3690. Additional extensions may be necessary, dependent on the time it will take the GLO to finalize the Agreement and AUGF.

Staff recommends approval of Resolution No. R-3690 as presented.

KEY DISCUSSIONS

- Rigo Calzoncin read the Executive Summary.
- Mayor Benton asked if the City would come into possession of the \$4.1 million. Rigo Calzoncin confirmed that this is the plan, which is why the City cannot award the project until they have that agreement.
- Mayor Benton asked if the project would proceed even without the grant. John Maresh explained that without the grant, they would need to find a new funding source for the \$4.1 million to proceed with the project.
- Councilor Trevino asked why Contractor No. 1 was not chosen even though their bid was about \$290,000 less. Rigo Calzoncin explained that after reviewing the references, Contractor No. 1 had no previous fire station experience.
- Councilor Morales asked if they were bound to this bidder despite their lack of experience. Rigo Calzoncin clarified that the recommended bidder, C.A. Walker Construction, does have the necessary experience.
- Councilor Zepeda asked if the building would be one or two stories. Rigo Calzoncin confirmed it would be a one-story building.
- Councilor Zepeda asked if the property to the left of the building was purchased. Rigo Calzoncin explained that the City was able to obtain a 15-foot property from the next-door neighbor.
- Councilor Jaramillo-Moreno asked if the renovations are expected to not exceed the \$4.1 million. Rigo Calzoncin explained that the City has separate funds already budgeted for the project in addition to the \$4.1 million.
- Mayor Benton asked if the City met with Bass Construction in Rosenberg about the project. Rigo Calzoncin stated that due to the GLO Funds, the City needs to follow a specific procurement policy.
- Mayor Benton asked if the City could ask a local construction company to match the bid of another construction company. Brandon Morris explained that the City could not do that, especially due to the specific procedures required by the GLO funding.
- Mayor Benton asked if there was an estimated start and completion date. Rigo Calzoncin estimated a completion date of 365 days after giving the contractor notice to proceed. He further explained that he does not have an estimated start date yet but hopes it will be soon, as they are still working on answering some questions for the GLO funding.
- There was no further discussion on this item.

ACTION

Motion by Councilor, District No. 3 Hector Trevino, seconded by Councilor At-Large, Position 1 Marc A. Morales to approve Resolution No. R-3690, a Resolution authorizing the City Manager to negotiate and execute a Mutual Consent Agreement to extend the award date of Bid No. 2024-15B for the Fire Station No. 1 Reconstruction Project.

VOTE: 7 - 0 Carried - Unanimously

8. **Consideration of and action on Resolution No. R-3686, a Resolution authorizing the Mayor to execute, for and on behalf of the City, an agreement for Law Enforcement and Fire Marshal services, by and between the City of Rosenberg, Texas, and Fort Bend EpiCenter Sports Facilities Management, LLC (FBE SFM, LLC), for events held at the EpiCenter Event and Convention Center, when deemed necessary for public safety.**

EXECUTIVE SUMMARY

This item was discussed at the May 28, 2024, City Council Workshop. At the direction of council, this item has been placed on the agenda for consideration and approval of Resolution No. R-3686, an Agreement between the City of Rosenberg and Fort Bend EpiCenter Sports Facilities Management, LLC (FBE SFM, LLC).

The proposed Agreement, attached as Exhibit "A", would establish the terms, conditions, and processes by which the Rosenberg Police and Fire Marshal's office would provide services for events held at the EpiCenter Event and Convention Center. This agreement would remain in effect for a period of one (1) year.

Staff recommends approval of Resolution No. R-3686 as presented.

KEY DISCUSSIONS

- Chief White read the Executive Summary.
- Councilor Morales and Councilor Zepeda discussed traffic concerns.
- Councilor Trevino asked for reassurance that the City would not be left short-staffed of officers during events at the EpiCenter. Chief White assured that staffing levels would be maintained.
- Mayor Benton highlighted that the City could terminate the agreement with a 90-day notice if necessary.
- There was no further discussion on this item.

ACTION

Motion by Councilor, District No. 3 Hector Trevino, seconded by Councilor At-Large, Position 1 Marc A. Morales to approve Resolution No. R-3686, a Resolution authorizing the Mayor to execute, for and on behalf of the City, an agreement for Law Enforcement and Fire Marshal services, by and between the City of Rosenberg, Texas, and Fort Bend EpiCenter Sports Facilities Management, LLC (FBE SFM, LLC), for events held at the EpiCenter Event and Convention Center, when deemed necessary for public safety.

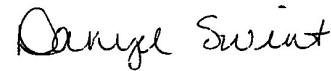
VOTE: 7 - 0 Carried - Unanimously

9. **Adjournment.**

ACTION

Motion by Councilor, District No. 3 Hector Trevino, seconded by Councilor, District No.1 Felix Vargas, Jr. to adjourn the meeting at 7:25 p.m.

VOTE: 7 - 0 Carried - Unanimously



Danyel Swint, City Secretary