

**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, NOVEMBER 23, 2015, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

Mayor Reid called the meeting to order at 6:30 p.m. with the following present:

Mayor	Tom Reid
Mayor Pro-Tem	Tony Carbone
Councilmember	Derrick Reed
Councilmember	Gary Moore
Councilmember	Keith Ordeneaux
City Manager	Clay Pearson
City Attorney	Darrin Coker
Deputy City Secretary	Maria E. Rodriguez

Absent Councilmember Greg Hill.

Others in attendance: Claire Bogard Director of Finance; Jon Branson Deputy City Manager; Matt Buchanan President of Economic Development Corporation; J.C. Doyle Police Chief; Trent Epperson Assistant City Manager; Roland Garcia Fire Marshal; Michelle Graham Director of Human Resource; Lata Krishnarao Director of Community Development; Kevin Byal Building Official; Frankie Legaux, City Planner; Vance Riley Fire Chief; Kim Sinistore Executive Director of the Convention/Visitors Bureau; Daniel Chris Orlea Director of Parks and Recreation; McGhinnis Chief Information Officer; Eric Wilson Public Works Director; John McCarter Management Assistant; Sparkle Anderson Communications Manager; Skipper Jones Assistant Director of Capital Projects; Bob Pearce Purchasing Officer; John Knight Manager, Information Technology.

The invocation was given by Councilmember Ordeneaux and the Pledge of Allegiance was led by Mayor Pro-Tem Carbone.

**ROLL CALL:** Mayor Reid, Mayor Pro-Tem Carbone, Councilmembers Moore, Reed, and Ordeneaux.

**CITIZEN COMMENTS:**

Jessica Roe 3611 Curtis Ln, address Council stating she is against the annexation and that the City is using it to pay for Bailey Road. She stated there is a better way to pay for Bailey Road.

Larry Marcott 3606 Inverness Ct., addressed Council discussing the current petition drive to put hard liquor alcohol sales, adding new restaurants, and adding to the city's sales tax. He stated the City of Pearland is losing a lot of tax money to surrounding cities. Mr. Marcott stated that the organization of Pearland Citizens for Economic Freedom is currently looking for signatures to get this on the ballot. The qualification for placement on the ballot is to obtain at least a total of 7,000 signature and the goal is to reach 8,000 signatures. Mr. Marcott encouraged everyone to get out and support keeping the money in Pearland by signing the petition at locations around town or by logging into the website [pearlanddrinklocal.com](http://pearlanddrinklocal.com).

## CONSENT AGENDA:

- A. Consideration and Possible Action – Approval Of Minutes:**
1. Minutes of the October 19, 2015 Joint Public Hearing minutes held at 6:30 p.m.
- B. Consideration and Possible Action – Second and Final Reading of Ordinance No. 543-9 –** An Ordinance of the City Council of the City of Pearland, Texas, amending Chapter 32 of the City of Pearland Code of Ordinances, Taxicabs, modifying requirements for the operation of Taxicabs within the city; providing a penalty for violation; having a savings clause, a severability clause, and a repealer clause; providing for codification, publication and an effective date.
- C. Consideration and Possible Action – Resolution No. R2015-208 –** A Resolution of the City Council of the City of Pearland, Texas, accepting the City's Investment Report for the quarter ending September 2015.
- D. Consideration and Possible Action – Resolution No. R2015-215 –** A Resolution of the City Council of the City of Pearland, Texas, renewing a bid for EMS billing services with Digitech Computer, Inc. in the amount of \$151,000.
- E. Consideration and Possible Action – Resolution No. 2015-219 –** A Resolution of the City Council of the City of Pearland, Texas, awarding a unit supply bid for fire apparatus & preventative maintenance and repairs to Metro Fire Apparatus Specialists in the estimated amount of \$60,000 beginning November 24, 2015 and ending November 24, 2016.
- F. Consideration and Possible Action – Resolution No. R2015-222 –** A Resolution of the City Council of the City of Pearland, Texas, awarding a unit supply bid for fire apparatus & preventative maintenance and repairs to Siddons-Martin Emergency Group in the estimated amount of \$60,000 beginning November 24, 2015 and ending November 24, 2016.
- G. Consideration and Possible Action – Resolution No. 2015-201 –** A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to renew a Software Maintenance Contract with Sungard HTE/OSSI in the estimated amount of \$244,446.77 for the period of October 1, 2015 through September 30, 2016.
- H. Consideration and Possible Action – Resolution No. R2015-216 –** A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for construction services associated with the Garden Road Water Well Rehabilitation Project to O'Day Drilling Company, in the amount of \$63,796.00.
- I. Consideration and Possible Action – Resolution No. R2015-214 –** A Resolution of the City Council of the City Of Pearland, Texas, authorizing the City Manager or his designee to enter into an Interlocal Agreement for the cooperative purchase of goods and services with the City of Missouri City.

Councilmember Reed asked that Consent Agenda Items G be removed from the Consent Agenda for further discussion.

Councilmember Ordeneaux made the motion, seconded by Councilmember Moore, to adopt Consent Agenda Items A through I with the exception of Item G, as presented on the Consent Agenda.

Voting "Aye" Councilmembers Ordeneaux, Carbone, Reed, and Moore.

Voting "No" None.

Motion Passed 4 to 0, with Councilmember Hill absent.

### **MATTERS REMOVED FROM CONSENT AGENDA**

As requested by Councilmember Reed Consent Agenda Item G was removed for further discussion.

- G. Consideration and Possible Action – Resolution No. 2015-201 – A** Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to renew a Software Maintenance Contract with Sungard HTE/OSSI in the estimated amount of \$244,446.77 for the period of October 1, 2015 through September 30, 2016.

Councilmember Ordeneaux made the motion, seconded by Councilmember Moore, to approve Resolution No. R2015-201 as presented on the Consent Agenda.

City Manager Clay Pearson reported this is a renewal of a Software Maintenance Contract which consists of the current financial package. Although the city is transitioning to a new system the city will be keeping the old one up and accessible for the computers at the Public Safety, OSSI which the City will be using going forward.

Discussion ensued between City Council, and Chief Information Officer Daniel McGhinnis regarding the current maintenance coverage, the cost of the renewal of the contract, and the terms of the agreement.

Voting "Aye" Councilmembers Moore, Carbone, and Ordeneaux.

Voting "No" Councilmember Reed.

Motion Passed 3 to 1, with Councilmember Hill absent.

### **NEW BUSINESS:**

**Second and Final Reading of Ordinance No. 1521** - An Ordinance extending the city limits of the City of Pearland, Texas, to include certain land area within certain limits and boundaries and annexing to the City of Pearland the area within such limits and boundaries (**area 1, approximately 242 acres of land generally located at north of Bailey Road, south of Arnold Drive, east of Kennedy Drive, and west of Manvel Road**); approving a service plan for all of the area within such limits and boundaries; containing other provisions related to the subject; and providing a savings and severability clause.

Councilmember Carbone made the motion, seconded by Councilmember Ordeneaux, to approve Ordinance No. 1521 on its Second and Final Reading.

David Draper addressed Council and stated he has read in the paper that the City has already completed the annexation. Mr. Draper stated everything being done is for the city and not for the community.

Bruce Kirby stated this country is founded on people being taxed without being represented. He stated he is being taken in without a choice to vote. The city is now taking his property into the city's jurisdiction and charging him thousands and thousands of dollars for nothing.

Juanita Vergith 4045 Bailey Rd., stated the county has taken over her property and she is not happy with the annexation. Mrs. Vergith stated she contacted many representatives of the City and received no response. She stated she had a hard time getting out of her driveway due to her view being obstructed by bushes on both sides. She had to pull out the branches and burn them herself.

City Manager Clay Pearson stated this is the second of two City Council readings for the possible Annexation of Area 1. The city is undertaking some major road improvements including Bailey Road. The areas in questioner in the city's planned extra territorial jurisdiction, so they have been eligible for annexation since created. Following up on recommendations of past plans and Council's actions. This process started earlier this year and the First Reading being approved at the last meeting 5 to 0. It is staff's positive recommendation for reasons provided in the Council packet and in the City's best interest given the city's road investment itself. The annexation will allow future growth to be guided by the city's regulations and conforms to the long range plans for the area.

Mayor Pro-Tem Carbone stated in the First Reading of this Ordinance there were some questions regarding capacity. He thank staff for providing the memo and asked staff to provide the public with a brief outline regarding the water capacity and where it is being provided.

Assistant City Manager Trent Epperson stated in the total water production system's current firm capacity of the city is 33 million gallons per day that equates to 48,590 water connections. There are currently about 36,000 water connections. The City has enough current capacity to provide water services to the proposed annexation area. As far as who pays for the water and sewer system, only the rate payers that are on the city's water and/or sewer system. The taxes that are payed on property do not go towards any of the utilities. That is an enterprise fund only self-sustained by the rates of the actual users of the water and sewer system payed into.

Mayor Pro-Tem Carbone asked if a water line is in the plans to go in at the time the road is scheduled to go in.

Assistant City Manager Trent Epperson stated a water line it is not in the plans to go in at the time the road goes in. Staff has looked at the schedule on the surface water plant in this corridor and potentially it is one of the main distribution corridor for the water out of the surface water plant. As the city looks into updating the Water Master Plan within in the next couple of years the goal is to make sure that when the corridor is in it is placed everything is in the correct location and correct size.

Voting "Aye" Councilmembers Ordeneaux, Carbone, Reed, and Moore.

Voting "No" None.

Motion Passed 4 to 0, with Councilmember Hill absent.

**Second and Final Reading of Ordinance No. 1522** – An Ordinance extending the city limits of the City of Pearland, Texas, to include certain land area within certain limits and boundaries and annexing to the City of Pearland the area within such limits and boundaries (**area 2, approximately 242 acres of land generally located at south of Bailey Road, east of Manvel Road and west of Veterans Road**); approving a service plan for all of the area within such limits and boundaries; containing other provisions related to the subject; and providing a savings and severability clause.

Councilmember Reed made the motion, seconded by Councilmember Moore, to approve Ordinance No. 1522 on its Second and Final Reading.

City Manager Clay Pearson stated this is the second of two City Council readings for the possible Annexation of Area 2 extending the city limits of the City of Pearland, Texas, to include certain land area within certain limits and boundaries and annexing to the City of Pearland.

Mayor Pro-Tem Carbone requested a contact number to be provided for residents in the event of concerns or issues with the contractors.

City Manager Clay Pearson stated that residents with concerns regarding the road construction should start by contacting the City Manager's office at 281-652-1662.

Voting "Aye" Councilmembers Moore, Reed, Carbone, and Ordeneaux.

Voting "No" None.

Motion Passed 4 to 0, with Councilmember Hill absent.

**Second and Final Reading of Ordinance No. 1497-1** An Ordinance of the City Council of the City of Pearland, Texas, establishing school zone speed limits established for vehicles under the provisions of the Texas Transportation Code (extending certain times and limits), upon certain streets and highways, of parts thereof, within the corporate limits of the City of Pearland, as set out in this ordinance; and providing a penalty.

Councilmember Moore made the motion, seconded by Councilmember Reed, to approve Ordinance No. 1497-1 on its Second and Final Reading.

City Manager Clay Pearson stated this ordinance is to amend the established school speed zone. This is done from time to time with new schools and expansions. Staff received a request from the Alvin Independent School District to change the school zone speed limit signs to coincide with elementary school hours. Staff has reviewed the request and at this time is providing the recommendation to formalize the new school speed zone.

Voting "Aye" Councilmembers Ordeneaux, Carbone, Reed, and Moore.

Voting "No" None.

Motion Passed 4 to 0, with Councilmember Hill absent.

**Second and Final Reading of Ordinance No. 2000M-139** – An Ordinance of the City Council of the City of Pearland, Texas, **amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas**, for the purpose of changing the classification of certain real property, being a 3.850 acre tract in the H.T. & B.R.R. Company Survey, Abstract No. 564, Brazoria County, Texas. Said 3.850 acre tract is in Lot 1, Block 1 of the New Harvest Christian Fellowship Subdivision as recorded in Clerk's File No. 2010052506 in the Brazoria County Official Public Records, Brazoria County, Texas (**generally located at 12216 Broadway Street, Pearland, TX**), Zone Change 2015-10Z, a request of Arnold A Patterson, applicant; on behalf of Pearland New Harvest Christian Fellowship, Inc. owner; for approval of a change in zoning from the **Single Family Residential – 1 (R-1) zoning districts to the Office Professional (OP) zoning district**; on approximately 3.850 acres of land, providing for an amendment of the zoning district map; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

Mayor Reid read into the record the Planning & Zoning Commission's recommendation of five to zero to forward to Council for approval of the Zone Change 2015-10Z.

Councilmember Ordeneaux made the motion, seconded by Mayor Pro-Tem Carbone, to approve Ordinance No. 2000M-139 on its Second and Final Reading.

City Manager Clay Pearson reported the item has been seen on a First Reading it does have a positive staff recommendation, and appropriate set of uses, retails, and accessories for this corridor.

Voting "Aye" Councilmembers Moore, Carbone, and Ordeneaux.

Voting "No" Councilmember Reed.

Motion Passed 3 to 1, with Councilmember Hill absent.

**Resolution No. R2015-213** – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for the North/South Ditch Maintenance Project (a component of the Cowart Creek Watershed Improvements) to Reddico Construction Company, in the estimated amount of \$2,077,255.00.

Mayor Pro-Tem Carbone made the motion, seconded by Councilmember Moore, to approve Resolution No. R2015-213.

Assistant City Manager Trent Epperson stated this is the last of the drainage projects to be associated with the Cowart Creek Diversion project. What this particular project does is take six of the Roadways that are between Bailey Road and County Road 100 and redirects the flows from those ditches to another facility off of the Bailey Road Corridor. Basically draining of the existing ditches and replacement of the culverts along those roadways to achieve the drainage requirements and purposes of the project.

Voting "Aye" Councilmembers Moore, Reed, Carbone, and Ordeneaux.

Voting "No" None.

Motion Passed 4 to 0, with Councilmember Hill absent.

**Resolution No. R2015-217** – A Resolution of the City Council of the City of Pearland, Texas, approving an update of the Parks and Recreation Master Plan.

Councilmember Reed made the motion, seconded by Councilmember Moore, to approve Resolution No. R2015-217.

Deputy City Manager Jon Branson stated this item was presented to Council back in 2010 when the Council adopted the most recent Parks and Recreation Master Plan. In a growing vibrant community it is important to review the plan and re-evaluate the priorities to let the public discuss what they want in the community. Approximately a year ago the city engaged in a company called Greenway LLC, to evaluate the existing plan, meet with citizen groups, along with the Parks and Recreation Board to look at priorities in the community. Greenway LLC, has put together an actual proposed update to that plan. Also, the Texas Parks & Wildlife requires the Plan to be updated every five (5) years. Staff has reviewed and are in favor of the proposed Master Plan.

Director of Parks & Recreation Chris Orlea addressed Council and provided a brief summary of the proposed five year Parks and Recreation Master Plan.

Voting "Aye" Councilmembers Ordeneaux, Carbone, Reed, and Moore.

Voting "No" None.

Motion Passed 4 to 0, with Councilmember Hill absent.

**First Reading of Ordinance No. 1209-1** – An Ordinance of the City Council of the City of Pearland, Texas, amending Chapter 7, *Building*, of the City of Pearland Code of Ordinances, as it may have been, from time to time, amended, to repeal the existing Article V, *Unsafe Building Abatement*; and adopting a new Article V, *Substandard and Vacant Building Abatement*; having a savings clause, a severability clause, and a repealer clause; and providing for codification and an effective date.

Councilmember Moore made the motion, seconded by Mayor Pro-Tem Carbone, to approve Ordinance No. 1209-1 on its First Reading.

Charles McMurrey, 5259 Spring Branch Drive, stated that he is in support of this ordinance and if the city is going to participate in Green Space, it should also be maintaining the homes in the city. Mr. McMurrey stated there are home in the city that are extremely dilapidated. He has been working closely with city staff, but at this time the city does not have the adequate amount of staff, or the right tools to resolve the problem. Should this ordinance be passed tonight his request is that the resources be provided to staff to help resolve these issues.

City Manager Clay Pearson stated there are a minority of properties that are not being maintained, or are up to standards. The city needs to have a process to be able to address these issues. We will work with property owners where possible, and as much as possible, but in the end there needs to be compliance.

City Attorney Darrin Coker stated he will be addressing items seven and eight because these items go hand in hand. This ordinance is going to address a unique circumstance in the city and will not be used for the majority of code enforcement cases. Code Enforcement does a good job at working to build a relationship with the citizens. Prior to the issuance of a violation they have already had a dialog so that the matter can be remedied. In the event that the circumstance do not remedied they are issued a violation and at times a court citation. Currently the court does not order the individual to fix the situation being considered to be a nuisance. There are not very many nuisance in the city but they do exist and they need to be addressed. This ordinance establishes a process to enforce these cases to try to remedy the situation. More importantly it establishes a due process. The following item on the agenda is to establish a Municipal Court of Record ordinance. In order for the Municipal Court to be able to enforce those cases the ordinance must be amended. This is a minor amendment to allow these cases to be heard in Municipal Court.

Councilmember Ordeneaux stated this will allow the citizens to do their business in town and keep from having to go to Brazoria County.

Councilmember Moore asked if the homes with the block grants would fall into that category.

City Attorney Darrin Coker stated the homes that will be targeted will usually be vacant or dilapidated or in need to be secured. Other situations would be if the home is vacant or being occupied in an unsafe condition. In those cases the city would want to work with other agencies that can provide assistance to those individuals.

Voting "Aye" Councilmembers Ordeneaux, Carbone, Reed, and Moore.

Voting "No" None.

Motion Passed 4 to 0, with Councilmember Hill absent.

**First Reading of Ordinance No. 976-2** - An Ordinance of the City Council of Pearland, Texas, amending Ordinance No. 976-1 as it applies to the City's Municipal Court of Record; providing for concurrent jurisdiction of the Court with district courts and county courts at law for matters involving the enforcement of health and safety and nuisance abatement ordinances; providing that this ordinance shall be cumulative of all ordinances; providing a savings clause, a severability clause, a repealer clause; and providing for an effective date.

Councilmember Ordeneaux made the motion, seconded by Councilmember Moore, to approve Ordinance No. 976-2 on its First Reading.

Voting "Aye" Councilmembers Moore, Reed, Carbone, and Ordeneaux.

Voting "No" None.

Motion Passed 4 to 0, with Councilmember Hill absent.

**Resolution No. R2015-207** – A Resolution of the City Council of the City of Pearland, Texas, authorizing a contract for professional services with Huitt-Zollars, Inc., in the amount of \$428,670.00 for design services associated with Phase 1 of the Orange Street Service Center Renovation Project.

Mayor Pro-Tem Carbone made the motion, seconded by Councilmember Moore, to approve Resolution No. R2015-207.

Assistant City Manager Trent Epperson stated this item to enter into a contract with Huitt Zollars, Inc. for the design services associated with Phase 1 of the Orange Street Service Center renovation Project. In addition to the new facility there will also be an administration building, and renovation to some of the older buildings. This will allow some of the operational groups into the renovated spaces and create space at city hall complex for the growth experienced in the past few years and future expected growth.

Mayor Pro-Tem Carbone asked if the city was selling bonds for this project.

Assistant City Manager Trent Epperson stated it is to be funded with the issuance of Certificates of Obligation.

Mayor Pro-Tem stated he struggles with additional debt issue and asked if it would be feasible to push the renovation to the next bond package.

Assistant City Manager Trent Epperson stated that currently there is not enough space to move staff into, along with the buildings being in such bad shape.

Voting "Aye" Councilmembers Moore, Reed, and Ordeneaux.

Voting "No" Mayor Pro-Tem Carbone.

Motion Passed 3 to 1, with Councilmember Hill absent.

**Resolution No. R2015-211** – A Resolution and Order of the City Council of the City of Pearland, Texas, casting votes for candidates for the Fort Bend County Appraisal District Board Of Directors for the 2016-2017 term.

Councilmember Reed made the motion, seconded by Councilmember Ordeneaux, to approve Resolution No. R2015-211.

Voting "Aye" None.

Voting "No" Councilmembers Ordeneaux, Carbone, Reed, and Moore.

Motion Failed 4 to 0, with Councilmember Hill absent.

**Resolution No. R2015-210** – A Resolution and Order of the City Council of the City of Pearland, Texas, casting votes for candidates for the Harris County Appraisal District Board of Directors for the 2016-2017 term.

Councilmember Moore made the motion, seconded by Councilmember Carbone, to approve Resolution No. R2015-210.

Mayor Pro-Tem Carbone made the motion to amend the motion to cast the votes for Ed Heathcott seconded by Councilmember Ordeneaux.

Voting "Aye" Councilmembers Ordeneaux, Carbone, Reed, and Moore.

Voting "No" None.

Motion Passed 4 to 0, with Councilmember Hill absent.

Mayor Reid called for the vote of the original motion as amended.

Voting "Aye" Councilmembers Ordeneaux, Carbone, Reed, and Moore.

Voting "No" None.

Motion Passed 4 to 0, with Councilmember Hill absent.

**Resolution No. R2015-212** – A Resolution and Order of the City Council of the City of Pearland, Texas, casting votes for candidates for the Brazoria County Appraisal District Board of Directors for the 2016-2017 term.

Councilmember Ordeneaux made the motion, seconded by Councilmember Moore, to approve Resolution No. R2015-212.

Mayor Pro-Tem Carbone moves to amend this motion and cast the votes for Rubye Jo Knight second by Councilmember Ordeneaux.

Voting "Aye" Councilmembers Moore, Reed, Carbone, and Ordeneaux.

Voting "No" None.

Motion Passed 4 to 0, with Councilmember Hill absent.

Mayor Reid called for the vote of the original motion as amended.

Voting "Aye" Councilmembers Moore, Reed, Carbone, and Ordeneaux.

Voting "No" None.

Motion Passed 4 to 0, with Councilmember Hill absent.

**First Reading of Ordinance No. 1416-2015** – An Ordinance of the City Council of the City of Pearland, Texas, amending Chapter 9, *Electricity*, of the City of Pearland Code of Ordinances, as it may have been, from time to time, amended, to amend Section 9-153, entitled *Adopted*, Section 9-157, entitled *Wiring Generally*, and Section 9-159, entitled *Installation of Service Conduit, Wires, etc.*; having a savings clause, a severability clause, and a repealer clause; and providing for codification and an effective date.

Councilmember Carbone made the motion, seconded by Councilmember Reed, to approve Ordinance No. 1416 on its First Reading.

Building Official Kevin Byal addressed Council and stated item numbers 13 through 17 are all related to the adoption of codes. At the November 9, 2015, City Council meeting staff presented Council with findings of the comprehensive review of the 2015 International Codes. At that session Council requested clarification on the influence of code adoption on the City's ISO ratings. Since then staff met on several occasions to review the 2015 Edition of the International Code and the 2014 Edition to National Electrical Codes and in the findings it appears to be a relapsing of the codes. There has been a National Home Builder Organization that have come together and reviewed the codes also. In May of 2015 ISO has changed the way they evaluate these codes. It has not taken away the building codes totally from home builders but it has been removed from the Fire Department's certification. The Code effectiveness Insurance organizations can, and do review the City's building codes effectiveness rates which is directly affects by the codes being presented. Staff will be looking at ways to get better rating. Having lower rating codes will result in more savings on insurance and for the citizens.

Mayor Pro-Tem Carbone thanked staff for looking into this item and also for providing the memo. It is still frustrating about some of the things, but better ratings, more savings of money on insurance rates.

Councilmember Ordeneaux stated that the feedback he has received by reaching out to an architect and to a local commercial builder is that this will help them and not be effecting the commercial industry.

Voting "Aye" Councilmembers Moore, Reed, Carbone, and Ordeneaux.

Voting "No" None.

Motion Passed 4 to 0, with Councilmember Hill absent.

**First Reading of Ordinance No. 1209-2015** – An Ordinance of the City Council of the City of Pearland, Texas, amending Chapter 7, Building, of the City of Pearland Code of Ordinances, as it may have been, from time to time, amended, to amend Section 7-13, entitled Building Code Adopted; Section 7-13.1, entitled Local Amendments, Section 7-26, entitled Swimming Pool Code—Adopted; conflicting provisions, Section 7-26.1, entitled Same—Amendments, Modifications, Additions, Deletions, Section 7-51, entitled Mechanical Code adopted, and Section 7-51.1, entitled Local Amendments, and to add Article II  $\frac{3}{4}$ , to be entitled Existing Building Code; having a savings clause, a severability clause, and a repealer clause; and providing for codification and an effective date.

Councilmember Reed made the motion, seconded by Councilmember Ordeneaux, to approve Ordinance No. 1209 on its First Reading.

Voting "Aye" Councilmembers Ordeneaux, Carbone, Reed, and Moore.

Voting "No" None.

Motion Passed 4 to 0, with Councilmember Hill absent.

**First Reading of Ordinance No. 1210-2015** – An Ordinance of the City Council of the City of Pearland, Texas, amending Chapter 23, *Plumbing and Gas*, of the City of Pearland Code of Ordinances, as it may have been, from time to time, to amend Section 23-1, entitled *Plumbing Code Adopted*; to amend Section 23-1.1, entitled *Local Amendments*; and to amend Section 23-161, entitled *Fuel Gas Code Adopted*; having a savings clause, a severability clause, and a repealer clause; and providing for codification and an effective date.

Councilmember Moore made the motion, seconded by Councilmember Carbone, to approve Ordinance No. 1210 on its First Reading.

Voting "Aye" Councilmembers Moore, Reed, Carbone, and Ordeneaux.

Voting "No" None.

Motion Passed 4 to 0, with Councilmember Hill absent.

**First Reading of Ordinance No. 1296-2015** – An Ordinance of the City Council of the City of Pearland, Texas, amending chapter 7, *Building*, of the City of Pearland Code of Ordinances, as it may have been, from time to time, amended, to amend Section 7-61, entitled *Standard Code Adopted, conflicting provisions*; to adopt a new Article VI, to be entitled *Windstorm Resistant Construction*; to amend Section 7-81, entitled *Residential Code Adopted*; to amend Section 7-81.1, entitled *Local Amendments*; and to amend Section 7-82, entitled *Energy Code Adopted*; having a savings clause, a severability clause, and a repealer clause; and providing for codification and an effective date.

Councilmember Ordeneaux made the motion, seconded by Councilmember Moore, to approve Ordinance No. 1296 on its First Reading.

Voting "Aye" Councilmembers Ordeneaux, Carbone, Reed, and Moore.

Voting "No" None.

Motion Passed 4 to 0, with Councilmember Hill absent.

**First Reading of Ordinance No. 1211-2015** – An Ordinance of the City Council of the City of Pearland, Texas, amending Chapter 10, Fire Prevention and Protection, of the City of Pearland Code of Ordinances, as it may have been, from time to time, amended, to amend Article III, entitled Fire Code; having a savings clause, a severability clause, and a repealer clause; and providing for codification and an effective date.

Mayor Pro-Tem Carbone made the motion, seconded by Councilmember Ordeneaux, to approve Ordinance No. 1211 on its First Reading.

Voting "Aye" Councilmembers Moore, Reed, Carbone, and Ordeneaux.

Voting "No" None.

Motion Passed 4 to 0, with Councilmember Hill absent.

## **MAYOR/COUNCIL ISSUES FOR FUTURE CITY COUNCIL AGENDAS**

**Council Input and Discussion** – Regarding Rail Road Signals at Walnut and SH 35.

City Manager Clay Pearson stated Council had some questions regarding the rail road signals and Assistant City Manager Trent Epperson will provide a quick overview of this item.

Assistant City Manager Trent Epperson stated currently all the signals from South Highway 35 and Walnut north of the Beltway 8 are under the control of TxDot. They still have not closed out the project including all of those signals. Staff has gone out to observe the signal and it has been communicated and addressed that with TxDot. It is expected to have control of those signals by the end of this year at that point it will be looked at by Staff for additional optimization.

Mayor Reid stated he has notice that depending on which direction the train is going determines on whether it sounds or not.

Assistant City Manager Trent Epperson stated it is his understanding that it does not signal going south at that particular location due to the Magnolia overpass as well as Bailey. It does signal when it is heading northbound. At this time Staff is working on establishing the Quiet Zone which is currently being reviewed by the appropriate federal agencies. It is expected to be fully implemented within a few months.

**Council Input and Discussion – Regarding Neighborhood Traffic Policy and speed limit requirements.**

City Manager Clay Pearson stated the City is obligated to follow state parameters for highway set speed limits, also related the City of Pearland does have a Traffic Policy that has been in effect in the event of traffic issues that may come up.

Assistant City Manager Trent Epperson stated the City does have a speed limit of less than 30 miles per hour per Texas State Law citing the Texas Transportation Code that regulates a city's ability to deviate from the prima facie (state designated) speed limits, as well as the code itself. The minimum allowable speed limit is 30 mph and can only be lowered to 25 mph under limited circumstances and the completion of a traffic study is required along with supporting documentation to the State. In regards to the existing policy it establishes when and where to apply common measures and the where the parameters are placed. The Traffic Policy was originally adopted to move some of the easy decision on a lot of the traffic control devices to a Traffic Committee. The committee is needed to discuss requests, complaints and other issues throughout the City that apply to traffic and serves as an advisory board to the City Council and handle citizen complaints.

Councilmember Moore thanked staff for providing the update regarding Neighborhood Traffic Policy and speed limit requirements.

Councilmember Moore asked if a police speed box can be placed in the areas where the city is receiving the complaints on tally the speed.

Assistant City Manager Trent Epperson stated the Traffic Review Committee is made up of staff from a City Engineering, Public Works, and Police Departments. One of the first things they do is decide if there is a needs for some type of enforcement. There are devices that measure speed, count traffic to get the daily average traffic, as well as 85 percent of speed on any of those areas of complaints. When the speed is five miles an hour or over, that is when it is time to look at some other options or additional enforcement that can be done.

**OTHER BUSINESS:**

Council adjourned into Executive Session under Texas Government Code at 8:04 p.m.to discuss the following.

**EXECUTIVE SESSION UNDER TEXAS GOVERNMENT CODE**

1. **Section 551.074 – Personnel Matters** – Regarding the Annual Evaluation of the Municipal Court Judge.

**NEW BUSINESS CONTINUED:**

Council returned from Executive Session at 9:01 p.m.

**Council Action** – Regarding the Annual Evaluation of the Municipal Court Judge.

No Council Action taken on this item.

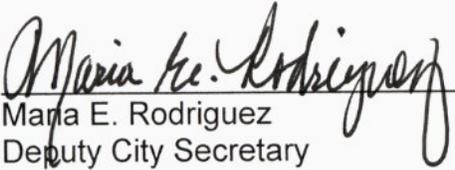
**ADJOURNMENT**

Meeting was adjourned at 9:02 p.m.

Minutes approved as submitted and/or corrected this the 22<sup>nd</sup> day of February, A.D., 2016.

  
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Tom Reid  
Mayor

ATTEST:

  
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Maria E. Rodriguez  
Deputy City Secretary

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