

**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, DECEMBER 14, 2015, AT 5:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

Mayor Reid called the meeting to order at 5:30 p.m. with the following present:

Mayor	Tom Reid
Mayor Pro-Tem	Tony Carbone
Councilmember	Derrick Reed
Councilmember	Gary Moore
Councilmember	Keith Ordeneaux
Councilmember	Greg Hill
City Manager	Clay Pearson
Deputy City Attorney	Lawrence Provins
City Secretary	Young Lorfing

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; Chris Orlea Director of Parks and Recreation; Michelle Graham Director of Human Resource; Lata Krishnarao Director of Community Development; Frankie Legaux City Planner; Sue Polka Director of Engineering; Vance Riley Fire Chief; Kim Sinistore Executive Director of the Convention/Visitors Bureau; Eric Wilson Public Works Director; Daniel McGhinnis Chief Information Officer; Eric Wilson Public Works Director; Skipper Jones Assistant Director of Capital Projects; Michael Leech Assistant Director, Public Works; Richard Mancilla Assistant City Engineer; John McCarter Management Assistant; Daniel McGhinnis Chief Information Officer; Rick Overgaard Assistant Finance Director; Bob Pearce Purchasing Officer; Jennifer Huhn Court Administrator.

The invocation was given by Councilmember Moore and the Pledge of Allegiance was led by Police Chief J.C. Doyle.

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

**CITIZEN COMMENTS:**

Jack Fariss, 3513 Linwood, addressed Council stating his concerns regarding the drainage problems in his subdivision.

George Hawk, 3508 E. Orange, addressed Council stating his concerns regarding the elevation and drainage problems in his subdivision.

Janice Bradley, 3508 E. Orange, addressed Council stating her concerns regarding the drainage problems in her subdivision.

Anna Clark, 2015 Isla Drive, addressed Council stating her concerns regarding the flooding and drainage problems. She further stated her concerns regarding the sidewalk is not useable for handicap.

**PUBLIC HEARING: None**

**CONSENT AGENDA:**

**A. Consideration and Possible Action – Approval Of Minutes:**

1. Minutes of the November 16, 2015, Special Meeting held at 7:30 p.m.

**B. Consideration and Possible Action – Second and Final Reading of Ordinance No. CUP 2015-10** – An Ordinance of the City Council of the City of Pearland, Texas, approving a **Conditional Use Permit (CUP) to allow for a school use and to allow additional height to the existing steeple**, Being a 9.9978 acre tract of land out of Lots E and 105, Section No. 1, A.C.H. & B.R.R Co. survey, Abstract Number 147, according to the plat thereof as filed in Volume 2, Page 1 Brazoria County Plat Records, Pearland, Brazoria County, Texas. **(Located at 2209 Old Alvin Rd., Pearland, TX)**, Conditional Use Permit Application No 2015-10, within the Single Family Residential -2 (R-2) zoning district, at the request of Sheila Rowley of Studio Red Architects, applicant; on behalf of the Archdiocese of Galveston-Houston, owner; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

**C. Consideration and Possible Action – Second and Final Reading of Ordinance No. CUP 2015-11** – An Ordinance of the City Council of the City of Pearland, Texas, approving a **Conditional Use Permit (CUP)** to allow for a reduction of transparency, articulation and façade requirements on a new building, being That certain 11.983 acre tract out of a 27.056 acre tract out of a 48.035 acre tract being the Easterly part of a 94.243 acre tract in the F.B. Drake Survey, A- 1181, and the H.T.& B.R.R. Survey, A-413, Harris County, Texas **(Located at 3303 S. Sam Houston East, Pearland, TX.)** Conditional Use Permit Application No 2015-11, within the Light Industrial (M-1) zoning district, at the request of N. Khalfe of Powers Brown Architecture, applicant; on behalf of Spencer Bennett, owner, containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

**D. Consideration and Possible Action – Second and Final Reading of Ordinance No. CUP 2015-12** – An Ordinance of the City Council of the City of Pearland, Texas, approving a **Conditional Use Permit (CUP)** to allow for a fuel station and convenience store, being a tract or parcel containing 1.8712 acres of land, being all of Lot 1, Block 1, Stripes

Pearland, Map or Plat thereof recorded under Brazoria County Clerks File (B.C.C.F.) No. 2015042573, situated in the A.C.H. & B. Survey, Abstract No. 507, Brazoria County, Texas; and being a tract or parcel containing 0.4592 acres of land being all of Restricted Reserve "A", Block 1, Stripes Pearland, Map or Plate thereof recorded under Brazoria County Clerks File (B.C.C.F.) No. 2015042573, situated in the A.C.H. & B. Survey, Abstract No. 507, Brazoria County, Texas. (**Located at 3808 S. Main Street, Pearland, TX.**) Conditional Use Permit Application No 2015-12, within the General Commercial (GC) zoning district, at the request of Windrose Land Services, Inc., applicant; on behalf of T&B Alexander Family LTD Partnership, owner, containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

- E. **Consideration and Possible Action – Second and Final Reading of Ordinance No. 2000T-19** – An Ordinance of the City Council of the City of Pearland, Texas, amending selected provisions of the Unified Development Code of the City; allowing the Restaurant (With No Drive-In or Drive Thru service) Use in the BP- 288 zoning district; having a savings clause, a severability clause, and a repealer clause; providing for codification, publication and an effective date.
- F. **Consideration and Possible Action – Resolution No. R2015-231** - A Resolution of the City Council of the City of Pearland, Texas, renewing a Fire/EMS dispatch services agreement with Harris County Emergency Corps, in the amount of \$180,000 for the period of January 1, 2016 through December 31, 2016.
- G. **Consideration and Possible Action – Second and Final Reading of Ordinance No. 1518 - 1** – An Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 1518, the 2015-2016 Annual Budget Ordinance, by; authorizing the City Manager or his designee to take all actions necessary to facilitate the changes identified herein without further approval of City Council; providing a savings clause, a severability clause, a repealer clause, and an effective date.
- H. **Consideration and Possible Action** – Excuse the absence of Councilmember Greg Hill from the Regular Council Meeting held on December 7, 2015.
- I. **Consideration and Possible Action – Resolution No. R2015-223** – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a Development Agreement with DR Horton associated with the oversizing of the Bakers Landing Detention Pond and constructing the associated improvements in the estimated amount of \$120,000.00.

- J. **Consideration and Possible Action – Resolution No. R2015-234 – A** Resolution granting the consent of the City Council of the City of Pearland, Texas, consenting to the annexation of property, generally located at the intersection of SH 35 and Hampshire Street, into Harris-Brazoria Counties Municipal Utility District No. 509.
- K. **Consideration and Possible Action – Resolution No. R2015-225 – A** Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply contract for water fittings and related parts to MDN Enterprises, in the estimated amount of \$80,000, beginning December 14, 2015 through December 13, 2016.

Mayor Pro-Tem Carbone asked that Consent Agenda Item F be removed from the Consent Agenda for further discussion.

Councilmember Ordeneaux asked that Consent Agenda Items I and J be removed from the Consent Agenda for further discussion.

Councilmember Hill made the motion, seconded by Mayor Pro-Tem Carbone, to adopt Consent Agenda Items A through K with the exception of Items F, I and J as presented on the Consent Agenda.

Voting “Aye” Councilmembers Hill, Ordeneaux, Carbone, Reed, and Moore.

Voting “No” None.

Motion Passed 5 to 0.

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

As requested by Mayor Pro-Tem Carbone Consent Agenda Item F was removed for further discussion.

- F. **Consideration and Possible Action – Resolution No. R2015-231 - A** Resolution of the City Council of the City of Pearland, Texas, renewing a Fire/EMS dispatch services agreement with Harris County Emergency Corps, in the amount of \$180,000 for the period of January 1, 2016 through December 31, 2016.

Councilmember Hill made the motion, seconded by Mayor Pro-Tem Carbone to approve Resolution No. R2015-231.

City Manager Clay Pearson reported in November 2012, the City awarded a bid to Harris County Emergency Corps for EMS and Fire dispatching services. The initial term of the agreement runs through December 31, 2015. Fire Department management recommends that the contract be renewed for one (1) year. In the spring, staff will present future options for dispatching services for Council review and discussion at the Spring Council Budget Session.

Mayor Pro-Tem Carbone stated his concerns regarding the City utilizing a Dispatch Service that is located in Houston and not familiar with the Pearland area.

Discussion ensued between Council and Fire Chief Vance Riley regarding calls and/or information requests received in 2015.

Mayor Pro-Tem Carbone stated it does not give him comfort knowing the City is receiving dispatch calls from an out of area agency. He further stated he wants Staff to look into this and he hopes there will be a better solution. He would like to see the City bring back the local dispatch.

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

Voting "No" Mayor Pro-Tem Carbone.

Motion Passed 4 to 1.

As requested by Councilmember Ordeneaux Consent Agenda Items I and J was removed for further discussion.

Councilmember Hill made the motion, seconded by Councilmember Moore to approve Resolution No. R2015-223.

- I. **Consideration and Possible Action – Resolution No. R2015-223** – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a Development Agreement with DR Horton associated with the oversizing of the Bakers Landing Detention Pond and constructing the associated improvements in the estimated amount of \$120,000.00.

City Manager Clay Pearson reported in late October 2015, Council approved the Planned Development (PD) for the Baker's Landing subdivision and discussions were held with the developer, DR Horton, to determine if a cooperative development agreement could be reached wherein both parties would benefit so that the City would be able to obtain detention capacity in the detention pond that is a part of the Baker's Landing subdivision reducing the impact of land lost to ponds, while providing detention capacity for redevelopment as soon as possible.

Councilmember Ordeneaux stated he pulled this Resolution because he votes against this as a whole.

Voting "Aye" Councilmembers Hill, Carbone, and Reed.

Voting "No" Councilmembers Ordeneaux and Moore.

Motion Passed 3 to 2.

**J. Consideration and Possible Action – Resolution No. R2015-234 – A** Resolution granting the consent of the City Council of the City of Pearland, Texas, consenting to the annexation of property, generally located at the intersection of SH 35 and Hampshire Street, into Harris-Brazoria Counties Municipal Utility District No. 509.

Councilmember Hill made the motion, seconded by Councilmember Moore to approve Resolution No. R2015-234.

City Manager Clay Pearson reported Municipal Utility District (MUD) 509 recently submitted an application for the City's consent to the annexation of an additional 84.946 acres into its boundaries. The acreage will be developed as the Baker's Landing Development. The MUD rebate for the acreage will be \$0.10, not the \$0.15 that applies to the original MUD foot print.

Councilmember Ordeneaux stated he will continue to vote against this.

Discussion ensued between Council and the Attorney for the Municipal Utility District Ryan Harper regarding homes in the existing MUD.

Voting "Aye" Councilmembers Hill, Carbone, and Reed.

Voting "No" Councilmembers Ordeneaux and Moore.

Motion Passed 3 to 2.

**NEW BUSINESS:**

**Council Action – Resolution No. R2015-232 – A** Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a contract with Halff Associated, in the amount of \$106,575.00 for engineering services associated with the joint City of Pearland/Brazoria Drainage District No. 4 Master Drainage Plan Project Phase 1.

Councilmember Ordeneaux made the motion, seconded by Councilmember Moore, to approve Resolution No. R2015-232.

Assistant City Engineer Richard Mancilla gave an overview of the Master Drainage Plan.

Mike Yost with Brazoria Drainage District No. 4 asked Council to approve this contract tonight, to continue the drainage work and the joint projects that the City and the District work together on.

City Engineer Sue Polka gave an overview of the ongoing drainage issues and tying them into the Master Drainage Plan.

City Manager Clay Pearson stated it is important to have these master plans put together to look at the different topic areas. This will help the City to stay ahead of the curve.

Joseph Kohler, 3416 E. Orange Street, addressed Council stating they have been well known as the forgotten neighborhood. The street is undersized, there is street flooding, no sidewalks, and no curbs. He asked Council to do something in that neighborhood that will improve the area.

Stephanie Kohler, 3416 E. Orange Street, addressed Council stating when it rains her yard floods along with the streets. She asked Council to do something regarding the drainage and streets.

Kenneth Carter, 3607 E. Orange Street, addressed Council stating when it rains the water stands in his yard. There is no place for the water to drain.

Roland Cavazos, 5828 Broadway, addressed Council thanking them for allowing the residents to speak regarding the Wagon Trail drainage issues. He further stated there are several businesses in the area, and on January 22, 2015 was the first flood of seven in that area. He stated the residents would like to know the scope of the work that is going to be done and a completion date. He thanked Council for their efforts and stated the residents and business owners are grateful.

Mona Chavarria, 2810 Wagon Trail Road, addressed Council stating she purchased the 2810 Wagon Trail property eight years ago. There has never been a flooding issue except for a hurricane and a three day tropical storm. She stated she has been flooded seven times this year. She thanked Staff and the Assistant Director of Public Works Michael Leech for all their efforts. She stated she would like to know if redirecting the water from Wagon Trail to Cantu and Ochoa is still a consideration.

Anna M. Cejka, 3508 Linwood Street, addressed Council stating she agrees with the other speakers that the drainage issues with E. Orange and Linwood streets need to be fixed as soon as possible. She stated she has lived there for three years and each year there is more water in the back yard that does not drain.

Jimmy Cejka, 3508 Linwood Street, addressed Council stating his concerns regarding the condition of the drainage and Orange Street.

Joseph Koza, 3519 Linwood Street, addressed Council stating all he is looking for is what has been promised to the residents twenty years ago. A solution to the drainage. He stated he has paid taxes in Pearland for more than fifty years and it is time the drainage issues are solved on Orange, Linwood streets and surrounding area.

Paul Eskine, 3516 E. Orange Street, addressed Council stating he is representing the residential and business owners on Orange Street, from Slider to Main Street and Linwood Drive. He stated several residents have met with Councilmembers to explain the situation. We would like the City to see the urgent need to solve this problem. Over the last 45 years there has been little done to solve the situation. He stated the residents appeal to the City to do something to correct the problem and improve the drainage.

Mildred Eskine, 3516 E. Orange Street, addressed Council stating she agrees with what the other speakers stated regarding the drainage in the neighborhood.

Linda Shaw, 3510 Linwood Street, addressed Council stating she and her husband has lived at 3510 Linwood for 48 years. They have two daughters and grandchildren living in Pearland. She stated they are here to stay, but they are needing help with the drainage issues. She stated in the 48 years living on Linwood the only improvement has been repaving the street. She asked Council to remember the older areas of Pearland and consider the problems of drainage and the streets.

Don Purdum, 3504 E. Orange Street, addressed Council stating he and his family have resided at this property for 35 years. He stated he agrees with every commit that has been made tonight. The drainage has been a constant problem in this neighborhood. We have asked for help many times, and received very little. Three years ago he was told by Public Works he would receive a survey showing the elevation of Orange Street verses the thresholds. He never received such a survey and he would appreciate one now. He asked Council to consider these drainage issues.

Kris Schoeffler, 5205 Magnolia Street, addressed Council stating he loves this town and he has been here a long time. He stated there is the new Pearland and the older Pearland, he is excited about all the new things coming in. He would like for Council to remember the older Pearland. He stated he has been meeting with Staff and Council regarding these issues. He knows this is not going to be a fast process, but he knows this will be something that can be resolved.

Kathye Warfield, 3526 Linwood Street, addressed Council stating her house gathers the water. When it rains the water is over her sidewalk and on the patio. This is a problem and we need Council's consideration and help.

Discussion ensued between Councilmember Reed and Director of Public Works Eric Wilson regarding these drainage issues and the plan to solve these issues.

Assistant City Manager Trent Epperson stated a contract was approved a month ago to do overlay on Orange Street and Old Alvin Road. A rough ballpark figure is four to five hundred thousand dollar project. To drop a road and put in an underground storm system is a multimillion dollar project.

Discussion ensued between Councilmember Moore, Assistant City Manager Trent Epperson and Director of Engineering Sue Polka regarding the time frame for Orange Street, Phase I and II of Wagon Trail Road and the outfall and watershed.

Discussion ensued between Mayor Pro-Tem Carbone and Director of Public Works Eric Wilson regarding the design scope of the Old Alvin widening and asking for two design projects.

Mayor Pro-Tem Carbone and Councilmember Moore was in favor of two design projects and maybe that would be faster getting a temporary solution for Orange Street and Old Alvin Road.

Assistant City Manager Trent Epperson stated the main thing is funding.

Mayor Pro-Tem Carbone stated a couple of weeks ago the City was issuing Certificates of Obligation to renovate the Service Center on the corner of Old Alvin Road and Orange Street. He stated he is going to have a hard time looking people in the eye and stating the city has funds to renovate City Buildings, but not to keep water out of their homes.

Councilmember Ordeneaux stated he echoes most of the points that have been made. The issue he sees with the Old Town Site is flooding on private property. Unless there is an alley way or right-of-way Government cannot do work on private property. He stated he would like to see Orange Street done all the way to Schlieder Street, all the way out to Barry Rose. The City needs to pay some of the debt off, otherwise the City is stacking debt on top of debt.

Councilmember Hill stated he agrees with speeding this up in regards to drainage. The roads are important also, but the main concern is the drainage. We need to make it happen, he does not know what the cost will be, but this needs to be priority number one. There are three well established identifying groups present tonight, Linwood/Orange area, Walnut area, and the Fite/Wagon Trail and FM 518 area. He thanked Staff for being responsive to the residents regarding these issues. He stated the City needs to get this done as quickly as possible.

Mayor Reid stated Council has stated a desire to move on this as quickly as possible. He cautioned on moving at a quick pace before doing a quality check to make sure the water flows away and not cause an issue for another subdivision.

Discussion ensued between Councilmember Moore and Assistant City Manager Trent Epperson regarding drainage issues for the existing residents and businesses in the area of Walnut Street and Baker's Landing.

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

Voting "No" None.

Motion Passed 5 to 0.

**Council Action – Second and Final Reading of Ordinance No. 1518-2** – An Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 1518-1 the 2015-2016 Annual Budget Ordinance as it applies to a request for carryovers and budget amendments for the Pearland Economic Development Corporation by authorizing the City Manager or his designee to take all actions necessary to facilitate the changes identified herein without further approval of City Council; providing a savings clause, a severability clause, a repealer clause, and an effective date.

Mayor Pro-Tem Carbone made the motion, seconded by Councilmember Moore, to approve Ordinance No. 1518-2 on Second and Final Reading.

City Manager Clay Pearson reported at the 2015 fiscal year end, there were Pearland Economic Development Corporation contracts, purchases and projects that were approved and budgeted in fiscal year 2015 but the actual expenditures will not be incurred until fiscal year 2016. The carryover for these expenditures are being requested and the budget for those items to be re-established in fiscal year 2016.

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

Voting "No" Mayor Pro-Tem Carbone.

Motion Passed 4 to 1.

**Council Action – Resolution No. R2015-230** – A Resolution of the City Council of the City of Pearland, Texas, awarding a Bid for Sludge Disposal Services to Solid Recovery Services, Inc., in the estimated amount of \$379,000.00, beginning December 15, 2015 through December 14, 2016.

Councilmember Reed made the motion, seconded by Councilmember Moore, to approve Resolution No. R2015-230.

City Manager Clay Pearson reported the City has five wastewater treatment facilities, four of which include dewatering facilities for bio-solid waste. At these four sites a vendor is contracted to provide roll off boxes, as well as, hauling services to a landfill when the boxes become full. Due to the growth of the City, over the past five years, there has been an approximate 10% increase each year on production volumes.

Discussion ensued between Councilmember Reed and Director of Public Works Eric Wilson regarding the number of complaints received and getting those complaints addressed.

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

Voting "No" None.

Motion Passed 5 to 0.

**Council Action – Resolution No. R2015-233** – A Resolution of the City Council of the City of Pearland, Texas, approving Pearland Economic Corporation expenditures estimated to be \$758,900 for construction of the Lower Kirby Underground Electrical Phase II Duct Bank Facility and approving the related Terms and Conditions agreement with CenterPoint Energy.

Councilmember Moore made the motion, seconded by Councilmember Hill, to approve Resolution No. R2015-233.

City Manager Clay Pearson reported Council is asked for approval of Pearland Economic Development Corporation expenditures for construction of the Lower Kirby Underground Electrical Phase II Duct Bank Facility and related CenterPoint Terms and Conditions agreement.

Councilmember Reed amended the motion, seconded by Councilmember Hill, that the PEDC expenditures actual cost is \$609,314 for construction of the Lower Kirby Underground Electrical Phase II Duct Bank Facility.

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

Voting "No" None.

Motion Passed 5 to 0.

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

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

Voting "No" None.

Motion Passed 5 to 0.

**Council Action – Resolution No. R2015-235** – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for the purchase of thirty-seven (37) fleet vehicles from Caldwell Country Chevrolet-Ford in the amount of \$1,157,139.47 through the TASB Buyboard.

Councilmember Hill made the motion, seconded by Councilmember Moore, to approve Resolution No. R2015-235.

City Manager Clay Pearson reported City departments require the annual purchase of new and replacement vehicles to facilitate performance of essential City services.

Discussion ensued between Councilmember Hill and City Manager Clay Pearson regarding the City's non-specialized fleet vehicle requirements.

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

Voting "No" None.

Motion Passed 5 to 0.

## MAYOR/COUNCIL ISSUES FOR FUTURE CITY COUNCIL AGENDAS

### OTHER BUSINESS:

Council adjourned into Executive Session under Texas Government Code at 7:47 p.m. to discuss the following.

Executive Session under Texas Government Code

1. **Section 551.074 – Personnel Matters** – Regarding the City Manager's Annual Review.

### New Business Continued:

Council returned from Executive Session at 8:05 p.m.

**Council Action** – Regarding the City Manager's Annual Review.

No Council Action taken.

### ADJOURNMENT

Meeting was adjourned at 8:07 p.m.

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



Tom Reid  
Mayor

ATTEST:



Young Loring, TRMC  
City Secretary

