

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, MARCH 14, 2016, 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
Councilmember	Greg Hill
City Manager	Clay Pearson
City Attorney	Darrin Coker
City Secretary	Young Lorfing

Others in attendance: Jon Branson Deputy City Manager; Matt Buchanan President of Economic Development Corporation; J.C. Doyle Police Chief; Lata Krishnarao Director of Community Development; Frankie Legaux City Planner; Cynthia Pearson Interim Director of Finance; Sue Polka Director of Engineering; Kim Sinistore Executive Director of the Convention/Visitors Bureau; Eric Wilson Public Works Director; Sparkle Anderson Director of Communications; Joel Hardy Grants Coordinator; Jennifer Huhn Court Administrator; Michael Leech Assistant Director of Public Works; Richard Mancilla Assistant City Engineer; John McCarter Management Assistant; Daniel McGhinnis Chief Information Officer; Rick Overgaard Assistant Finance Director; Lawrence Provins Deputy City Attorney; Tara Kilpatrick Budget Officer.

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

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

CITIZEN COMMENTS:

Kenneth Carter, 3607 East Orange Street, addressed Council stating his concerns regarding putting in a sidewalk from Grand Street to Highway 35. He stated the many dangers in that area because of no sidewalk.

PUBLIC HEARING: None.

CONSENT AGENDA:

A. Consideration and Possible Action – Approval Of Minutes:

1. Minutes of the February 8, 2016, Regular Meeting held at 6:30 p.m.
2. Minutes of the February 22, 2016, Regular Meeting held at 6:30 p.m.

Deputy City Manager Jon Branson reported this is a program the City has had since 2012. Gulf Coast Center-Connect Transit will contract with the City to provide transportation services for eligible residents within the City Limits of Pearland for another three (3) years. Eligible participants must be 60 years of age or older, disabled and/or low income designated individual/family. Upon approval Transportation services will continue effective for another three year term through 2018. The program will allow those eligible for the service to secure transportation services 7 days a week, 24 hours per day.

Councilmember Ordeneaux stated he pulled this item because he voted against it in 2012. He further stated he does not have a problem with the program, it works well. What he wanted in 2012 and would like to see is to limit the scope of the area so the City is not sending residents to the Galleria or some area like that. He has no problem with going to the Medical Center or places like that or staying in the Pearland community to shop. He does have a problem with the openness of the Houston area drop off locations.

Discussion ensued between Council and Deputy City Manager Jon Branson regarding a way to limit the scope of the area of drop off locations.

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

Voting "No" Councilmember Ordeneaux.

Motion Passed 4 to 1.

NEW BUSINESS:

First Reading of Ordinance No. CUP 2016-02 - An Ordinance of the City Council of the City of Pearland, Texas, approving a **Conditional Use Permit (CUP) to allow for a gasoline station and convenience store in the General Business (GB) zone**, being a tract or parcel containing 2.157 acres of land, being all of Lot 1, Block 1, JKJ Development recorded under Brazoria County Clerks File (B.C.C.F.) No. 2008015246, and all of a called 0.65 acre tract as described by deed recorded under B.C.C.F. No. 2013054148, situated in the R.B. Lyle Survey, Sec. 4, A-543, City of Pearland, Brazoria County, Texas. **(Located at Northwest corner of Orange Street and Mykawa Road, Pearland, TX.)** Conditional Use Permit Application No 2016-02, within the General Business (GB) zoning district, at the request of James Elmore, applicant; on behalf of Joseph and Mathew John, owners, containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

Councilmember Reed made the motion, seconded by Mayor Pro-Tem Carbone, to approve Ordinance No. CUP 2016-02 on its First Reading.

Mayor Reid read into the record the Planning & Zoning Commission's recommendation to forward to Council for denial of Conditional Use Permit (CUP) Application No. 2016-02.

Director of Community Development Lata Krishnarao reported Staff is not able to recommend approval of the requested CUP on the approximately 2.157 acre site to allow a fuel station use for the following reasons:

1. Conditional Use Permits will allow the Council to review the location, design and configuration of the proposed to determine if the use is compatible to existing land uses. Conditions may be imposed to ensure that a proposed use is suitable at the particular location.
2. Correction of typographical errors, expansion of descriptions and elimination of duplicate entries will add clarity to the Unified Development Code (UDC).

Councilmember Moore asked if there is a way to let a new home owner know if they are purchasing a home that was built on or near a landfill.

Director of Community Development Lata Krishnarao stated when it comes time to update the City's Comprehensive Plan staff will make sure all the land use categories are still relevant and will see how it can be tweaked because of the growth of the City. She further stated staff does look at the categories on a broad scale.

Councilmember Ordeneaux stated he does not know of a legal way to do that. What is in question is outside of the city limits and cannot be controlled to begin with. He stated there should be some rules. When moving things from being permitted to not permitted to Conditional Use Permit (CUP) it muddies the water.

Mayor Pro-Tem Carbone stated he does struggle with taking permitted rights from land owners and having them jump through hoops. He further stated at the same time he does not want to see a Correctional Institution come in without going through some hoops.

Councilmember Hill stated not all zoning is bad, it is a balance and you have to figure out the best balance.

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

Voting "No" Councilmember Ordeneaux.

Motion Passed 4 to 1.

Council Action – Resolution No. R2016-40 – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into an Amended Cost Sharing/Reimbursement Agreement with the Pearland Economic Development Corporation associated with the Hooper Road Expansion Project.

Councilmember Ordeneaux made the motion, seconded by Councilmember Hill, to approve Resolution No. R2016-40.

City Manager Clay Pearson reported Council is being asked to approve an Amendment to the Reimbursement Agreement with the Pearland Economic Development Corporation for the reconstruction of Hooper Road.

First Reading of Ordinance No. 1518-3 – An Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 1518-2, the 2015-2016 Annual Budget Ordinance as it applies to General Fund Over Policy funds by authorizing the City Manager or his designee to take all actions necessary to facilitate the changes identified herein; providing a savings clause, a severability clause, a repealed clause, and an effective date.

Councilmember Reed made the motion, seconded by Councilmember Moore, to approve Ordinance No. 1518-3 on its First Reading as amended.

City Manager Clay Pearson reported Council is being asked for approval of Ordinance No. 1518-3 authorizing the use of the General Fund over policy funds and TxDOT reimbursement for the projects and amending the FY 2016 Adopted Budget.

Deputy City Manager Jon Branson stated that he would like to highlight four of the projects that staff would like to recommend. The Linwood Road Construction and Drainage, the reduction of Certificates of Obligation for City Hall and Annex Remodel and HVAC/Mechanical Replacement, Street Asset Maintenance Recapitalization and the Fire Department Mid-Year Staffing Update.

Budget Officer Tara Kilpatrick gave an overview of the Recommended Expenditures to Fund with the General Fund Over Policy Dollars.

Discussion ensued between Mayor Reid and Budget Officer Tara Kilpatrick regarding if all the projects are approved as presented the City will still have 1.6 million over the two month reserve.

Discussion ensued between Councilmember Ordeneaux, City Manager Clay Pearson and Budget Officer Tara Kilpatrick regarding the Community Development Planning Services, Software Licensing and the Fire Station.

Councilmember Ordeneaux stated street and building maintenance are items to fund with extra funds, he has trouble using extra funds for re-occurring items. He further stated where will the funds come from next year.

Mayor Reid asked the candidates that were present that are running for the new position no. 6 on City Council to stand and introduce themselves.

Adrienne Bell Position No. 6, Monica Russo Position No. 6, Terry Gray Position No. 6, and Trent Perez, Position No. 6.

Discussion ensued between Mayor Pro-Tem Carbone and City Manager Clay Pearson regarding clarification of reducing the Certificates of Obligation City Hall renovation verses other Certificates of Obligation projects.

Mayor Pro-Tem Carbone stated with the decline of sales tax and coming in under budget the last few months he does not want to use the extra funds for the Certificates of Obligation City Hall renovation and he does not think the City should be spending five million to renovate a building. He further stated he would like to keep those funds in reserve.

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

Voting "No" None.

Motion Passed 5 to 0.

Council Action – Resolution No. R2016-36 – A Resolution of the City Council of the City of Pearland, Texas, authorizing a contract for professional services associated with the Water and Wastewater Impact Fee Update, with Freese and Nichols, Inc., in the amount of \$105,100.00.

Councilmember Ordeneaux made the motion, seconded by Councilmember Hill, to approve Resolution No. R2016-36.

City Manager Clay Pearson stated Council is being asked to approve the Professional Services contract for Water and Wastewater Impact Fee Study Update with Freese and Nichols, Inc. in the amount of \$105,100.00.

Discussion ensued between Councilmember Hill and City Engineer Susan Polka regarding the Reflection Bay Plant is included in the Water and Wastewater Impact Fee Study Update.

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

Voting "No" None.

Motion Passed 5 to 0.

Council Input and Discussion – Council-requested update – Orange Street Resurfacing Project.

City Engineer Susan Polka gave an update of the design work of the Orange Street project.

Assistant Director of Public Works Mike Leech gave an update of the Orange Street project.

Paul Eskine, 3516 E. Orange Street, addressed Council stating he is representing the residents of Linwood 1/Orange Street. The residents have been working with the City to get the drainage problems corrected. He further stated they asked that Orange Street not be raised in height due to the fact it acts as a dam which keeps the water from exiting the neighborhood. He further stated his concerns when the City started putting new asphalt on Orange Street which raised the height of the street. He stated if the City can make funds available for a new Service Center they can make funds available for a new concrete street with curb and gutter.

Kathye Warfield, 3526 Linwood Street, addressed Council stating she has 35 years of experience in business and she has learned that people get upset when expectations are not met. She further stated the residents are appreciative for Council hearing their concerns and the City working on the drainage problems, but she wants to express disappointment because what they were told is not happening. She stated she hopes the City and Council will address the issues and solve the problem.

Discussion ensued between Councilmember Moore and City Engineer Susan Polka regarding the engineering report for the drainage issue, and the size of the drainage pipes.

Councilmember Hill stated Staff, Council and the residents are working on this as a team. There was disappointment, and the City has reason to apologize. We will now move forward and solve the problem. It is for the betterment of the town we live in.

Councilmember Moore thanked everyone that has been involved with this issue. It is a credit to the residents that this is being addressed.

Mayor Pro-Tem Carbone stated the five elected officials apologized and asked if Staff had any commits.

City Manager Clay Pearson stated Staff joins the Councilmembers and apologizes to the residents for not living up to what the residents were told. He stated it is painful when the residents state they are not able to trust the City. Staff works every day to try to earn the trust of the residents. He further stated Staff will start working on this issue to see what options there are and to rectify this issue.

Mayor Reid stated the City has good Staff that will work on this issue. He further stated part of the problem is the City has many capital improvement projects and not enough tax base to take care of all the projects. He stated the City is not trying to dodge their responsibilities, they are doing everything they can with the budget they have.

MAYOR/COUNCIL ISSUES FOR FUTURE CITY COUNCIL AGENDAS

Councilmember Reed stated he would like to see the lighting policy relating to back yards of residents.

OTHER BUSINESS:

Council adjourned into Executive Session under Texas Government Code at 9:06 p.m. to discuss the following.

EXECUTIVE SESSION UNDER TEXAS GOVERNMENT CODE

1. **Section 551.087 - Consultations with City Attorney –**
Regarding Economic Development Negotiations.

NEW BUSINESS CONTINUED:

Council returned from Executive Session at 10:13 p.m.

Council Action – Regarding Economic Development Negotiations.

Mayor Pro-Tem Carbone made the motion, seconded by Councilmember Reed, to authorize the Pearland Economic Development Corporation to enter into an amended loan agreement with Pearland Economic Development Corporation Prospect No. 1600 and also authorize the City to enter into amended tax abatement agreement with Prospect No. 1600.