

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, APRIL 11, 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; Trent Epperson Assistant City Manager; Lata Krishnarao Director of Community Development; Cynthia Pearson Interim Director of Finance; Sue Polka Director of Engineering; Vance Riley Fire Chief; Kim Sinistore Executive Director of the Convention/Visitors Bureau; Eric Wilson Public Works Director; Sparkle Anderson Communications Director; Jennifer Huhn Court Administrator; John Knight Manager, Information Technology; Richard Mancilla Assistant City Engineer; John McCarter Management Assistant; Daniel McGhinnis Chief Information Officer; Rick Overgaard Assistant Finance Director; Bob Pearce Purchasing Officer, Johnny Spires Assistant Police Chief.

The invocation was given by Councilmember Moore 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:

Max Krchnak, 3420 Shadycrest Drive, addressed Council stating he participates in the Shadycrest Homeowners Community garage sale. He stated his concerns regarding scheduling garage sales with the City.

Lihui Cao, 13418 Swiftcreek Drive, addressed Council stating her concerns regarding a foul odor in the Shadow Creek Ranch subdivision.

Jun Yang, 2423 Harbor Chase Drive, addressed Council stating her concerns regarding a foul odor in the Shadow Creek Ranch subdivision.

Richard Garret, 13913 Morgan Bay Drive, addressed Council stating his concerns of the foul odor in the subdivision. He further stated his wife has respiratory issues and the odor is causing her to have respiratory distress. He asked for the City's help to solve this problem.

Nina Gutierrez-Garcia, 2414 Ridgebrook Lane, addressed Council stating she first noticed the foul odor three years ago. She stated her concerns regarding the last seven months how the odor has increased drastically and effecting the quality of life. She asked Council if they could establish a more direct way of communication with the residents regarding the odor issue and how this will be solved.

Judi Hurwitt, 13507 Silent Walk Drive, addressed Council stating three years ago she bought and built her dream home in Shadow Creek Ranch. She stated seven to eight months ago the odor has become a consistent stench. She further stated her concerns regarding health problems.

Jing Jing Sun, 13506 Silent Walk Drive, addressed Council stating her concerns regarding the foul odor and the health issues it is causing herself and her family.

Hongmei Ruan, 2204 Cambridge Shores Lane, addressed Council stating her concerns regarding the foul odor. Over the last several months it is getting worse.

Ed Mears, 2827 Moss Lake Lane, addressed Council stating he appreciates City Council addressing the residents regarding this issue. He has contacted his State Representatives and the Texas Commission on Environmental Quality (TCEQ) regarding the foul odor. If the City will let the residents know what they can do to help the City be affective regarding the State or TCEQ to solve this issue.

Erika Schlette, 2601 Rusting Creek Drive, addressed Council stating her concerns regarding the foul odor not only outside but inside her home in the mornings, and late at night.

Ronak Shah, 2819 Moss Lake Lane, addressed Council stating he and his wife moved to this address six months ago and right away noticed the odor. He stated what he would like to receive communication from the elected officials on what we as a town can do to help the elected officials get an environmental study done that will give the residents an answer regarding this foul odor issue.

Kami Brady, 13302 Jasmine Peak Court, addressed Council stating she lives in the Southlake Subdivision which is south of Shadow Creek Ranch. She stated her concerns regarding the foul odor waking her family up during the night and the health problems they are starting to have because of the odor.

Mayor Reid stated the City is concerned regarding this issue. For the last six months our State Representative Ed Thompson has been working with City Staff regarding the odor. He further stated information and progress made regarding this issue is posted on the City's website.

Mayor Reid called for a 10 minute recess at 7:18 p.m.

Mayor Reid called the Regular Meeting back to order at 7:29 p.m.

PUBLIC HEARING: None.

CONSENT AGENDA:

A. Consideration and Possible Action – Approval of Minutes:

1. Minutes of the March 14, 2016, Regular Meeting held at 6:30 p.m.
2. Minutes of the March 21, 2016, Special Meeting held at 6:00 p.m.

B. Consideration and Possible Action – Resolution No. R2016-58 – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for municipal veterinary services to Pearland Animal Hospital, in the estimated amount of \$40,000.00.

C. Consideration and Possible Action – Resolution No. R2016-62 – A Resolution of the City Council of the City of Pearland, Texas, appointing two (2) Council members to assist City staff in meeting with Brazoria County Commissioners to discuss Fire and EMS issues in the City's extraterritorial jurisdiction (ETJ).

Mayor Reid asked that Consent Agenda Item C be removed from the Consent Agenda for further discussion.

Councilmember Moore made the motion, seconded by Mayor Pro-Tem Carbone to adopt Consent Agenda Items A through C with the exception of Item C as presented on the Consent Agenda.

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

Voting "No" None.

Motion Passed 5 to 0.

MATTERS REMOVED FROM CONSENT AGENDA

As requested by Mayor Reid Consent Agenda Item C was removed for further discussion.

C. Consideration and Possible Action – Resolution No. R2016-62 – A Resolution of the City Council of the City of Pearland, Texas, appointing two (2) Council members to assist City staff in meeting with Brazoria County Commissioners to discuss Fire and EMS issues in the City's extraterritorial jurisdiction (ETJ).

Councilmember Moore made the motion, seconded by Mayor Pro-Tem Carbone to approve Resolution No. R2016-62 and appoint Mayor Pro-Tem Carbone and Councilmember Hill to assist City staff in meeting with Brazoria County Commissioners to discuss Fire and EMS issues in the City's extraterritorial jurisdiction (ETJ).

City Manager Clay Pearson reported at the Strategic Planning Workshop on February 20, 2016 Council recommended that an item be placed on a future Council agenda. That is to appoint two Council members to assist City staff in working with Brazoria County Commissions to obtain additional funding and/or revised response provision into the unincorporated portion of Brazoria County included in the City of Pearland's extraterritorial jurisdiction (ETJ).

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

Voting "No" None.

Motion Passed 5 to 0.

NEW BUSINESS:

First Reading of Ordinance No. CUP 2016-01 - 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, a tract or parcel containing 0.8767 acre portion of a 3.3825 acre tract of land situated in the Thomas J. Green Survey, Abstract 198, in the City of Pearland, Brazoria County, Texas. **(Located at the northeast corner of Broadway St. and Alexander Ln., Pearland, TX)** Conditional Use Permit Application No 2016-01, within the General Business (GB) zoning district, at the request of James Elmore, applicant; on behalf of A&A Business, owner, 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 Councilmember Moore, to approve Ordinance No. CUP 2016-01 on its First Reading.

Mayor Reid read into the record the Planning & Zoning Commission's recommendation to forward to Council for approval of the Conditional Use Permit No. 2016-01.

Director of Community Development Lata Krishnarao reported the applicant is requesting approval of a Conditional Use Permit (CUP) to construct a gasoline station in a General Business (GB) zoning district on the northeast corner of Broadway Street and Alexander Lane. Staff recommends approval of the requested CUP.

Discussion ensued between Councilmember Hill and Director of Community Development Lata Krishnarao regarding the sidewalk in front of the gasoline station.

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

Voting "No" None.

Motion Passed 5 to 0.

First Reading of Ordinance No. CUP 2016-04 - An Ordinance of the City Council of the City of Pearland, Texas, approving a **Conditional Use Permit (CUP) to allow for bail bonds in the General Business (GB) zone**, being a 3.1092 acre tract of land out of Lot 46 of the Allison Richey Gulf Coast Home Company's Subdivision of Section 8, H.T & B.R.R. Co. Survey also called the F.B. Drake Survey, Abstract 504, Brazoria County, Texas, according to the map or plat thereof recorded in Volume 2, Page 24, of the plat records of Brazoria County, Texas. **(Located at 6601 Broadway Street, Pearland, TX.)** Conditional Use Permit Application No 2016-04, within the General Business (GB) zoning district, at the request of Alfred Rucker, applicant; on behalf of Pogie USA LLC, owner, containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

Mayor Pro-Tem Carbone made the motion, seconded by Councilmember Moore, to approve Ordinance No. CUP 2016-04 on its First Reading.

Mayor Reid read into the record the Planning & Zoning Commission's recommendation to forward to Council that the motion failed to pass by a vote of 1 - 6 for the Conditional Use Permit No. CUP 2016-04.

City Manager Clay Pearson reported that the Planning & Zoning and Staff recommendation is a negative recommendation regarding the creditably of this particular use in that neighborhood would not be good.

Voting "Aye" None.

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

Motion Failed 5 to 0.

First Reading of Ordinance No. 2000M-143 - 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 property being a tract or parcel containing 3.8662 acres or 168,441 square feet of land situated in the H.T. & B.R.R. company Survey, Section 81, Abstract 300, Brazoria County, Texas, being the residue of Reserve "B", first amending plat of Southgate Section One, as thereof recorded under Volume 24, Page 123, Brazoria County Plat records, conveyed Lingo Southgate, Ltd. as recorded in Brazoria County Clerk's File No. 01-053025, Brazoria County, Texas. **(Located at the West side of Kirby Drive approximately 1,500 feet South of Broadway Street, Pearland, TX.)** Zone Change Application No. 2016-05Z, a request by Andrew Allemand/Windrose Land Services, applicant; on behalf of Lingo Southgate Ltd., owner; for approval of a change in zoning from the Residential Estate (R-E) and Single Family Residential - 2 (R-2) zoning districts to a General Business (GB) zoning district; on

approximately 3.8662 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.

Councilmember Ordeneaux made the motion, seconded by Councilmember Moore, to approve Ordinance No. 2000M-143 on its First Reading.

Mayor Reid read into the record the Planning & Zoning Commission's recommendation to forward to Council for approval of the Conditional Use Permit No. CUP 2016-05Z.

Director of Community Development Lata Krishnarao reported staff cannot recommend approval of the requested zone change from Single-Family Estate (RE) and Single-Family Residential-2 (R-2) zoning districts to General Business (GB) on the approximately 3.8662 acre site for the following reasons:

1. The proposed development does not comply with the land use designation of the Future Land Use Plan (FLUP). This area is proposed for public and semi-public uses.
2. The Future Land Use Plan (FLUP) indicates this location, in close proximity not only to the Town Center, but also, to an intersection of two Thoroughfares, as a Major Retail Node. Retail nodes are customer oriented activity centers of complementary retail, office, and service uses. Self-storage is a use that is quiet and generating little traffic, and therefore it is not expected to contribute to the vibrancy of this designated retail node. Self-storage facilities should not be located at prime retail corners. The use is better suited for locations that are behind retail uses or within industrial districts.

Staff further recommends a change of zoning from Single-Family Estate (RE) and Single-Family Residential-2 (R-2) zoning districts to Office Professional (OP) for the following reasons:

1. The Office Professional (OP) zoning district is intended to permit a variety of business, office and retail development and would conform to the land use designation of the FLUP and better complement Shadow Creek High School and Fire Station uses as well as, the retail uses located on Kirby Drive and at the Pearland Town Center. A mini-storage facility is not allowed in and OP zoning district.

Jeff Bailey, 5131 Broadway, addressed Council stating he appreciates Council's support and believes this site is the ideal location for this kind of facility. This will be a first class facility and will have tremendous attributes that the City of Pearland will be proud of.

Tracy Goza, 3900 Magnolia, addressed Council asking for consideration and to support this request.

Discussion ensued between Councilmember Reed and Jeff Bailey regarding the size of the signage on the facility.

Councilman Moore stated he is not sure if this is the right kind of facility for this location.

Mayor Pro-Tem Carbone stated this is a long narrow piece of property and he does not think the City will ever get any type of retail business on this property. He further stated he thinks this type of facility is great in this location, and a good use of the property. He stated when he has a client and it is in the middle of tax season he is in favor of his client and not the Internal Revenue Service. He asked that this be taken in favor of the land owner and not someone else.

Councilmember Ordeneaux stated he is ok with the zoning regarding this piece of property.

Councilmember Hill stated this passed with Planning and Zoning and he thinks this type of facility is a good fit for this property.

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

Voting "No" Councilmember Reed.

Motion Passed 4 to 1.

First Reading of Ordinance No. CUP 2016-07 - An Ordinance of the City Council of the City of Pearland, Texas, approving a **Conditional Use Permit (CUP) to allow for self-storage facility in General Business (GB) zoning district**, being a tract or parcel containing 3.8662 acres or 168,441 square feet of land situated in the H.T. & B.R.R. company Survey, Section 81, Abstract 300, Brazoria County, Texas, being the residue of Reserve "B", first amending plat of Southgate Section One, as thereof recorded under Volume 24, Page 123, Brazoria County Plat records, conveyed Lingo Southgate, Ltd. as recorded in Brazoria County Clerk's File No. 01-053025, Brazoria County, Texas. **(Located at the West side of Kirby Drive approximately 1,500 feet South of Broadway Street, Pearland, TX.)** Conditional Use Permit Application No 2016-07, within the General Business (GB) zoning district, at the request of Andrew Allemand/Windrose Land Services, applicant; on behalf of Lingo Southgate Ltd., owner, containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

Councilmember Hill made the motion, seconded by Councilmember Moore, to approve Ordinance No. CUP 2016-07 on its First Reading.

Mayor Reid read into the record the Planning & Zoning Commission's recommendation to forward to Council for approval of the Conditional Use Permit No. CUP 2016-07.

Director of Community Development Lata Krishnarao reported this is a two-step process. The first step is to rezone the property from Single Family Estate District (R-E) and Single Family Residential-2 (R-2) to General Business (GB) and the second step is to apply for a Conditional Use Permit. The proposed use is classified as mini-warehouse/self-storage, and this use is permitted in business, commercial, or industrial districts with the approval of a Conditional Use Permit (CUP).

Councilmember Reed made an amendment to the motion, seconded by Councilmember Moore, that the conditions are met regarding the signage that is reflected in the site plan, relocation of the storm drainage and the building facade materials be limited to no more than thirty percent (30%) stucco.

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

Voting "No" None.

Motion Passed 5 to 0.

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

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

Voting "No" Councilmembers Ordeneaux and Reed.

Motion Passed 3 to 2.

First Reading of Ordinance No. 2000M-144 - An Ordinance of the City Council of the City of Pearland, Texas, approving a **amending Ordinance No. 2000M, the zoning map of the City of Pearland**, Texas, for the purpose of changing the classification of certain property a tract of land containing 48.471 acres of land situated in the James Hamilton Survey, Abstract No. 881 in Harris County and Abstract No. 747 in Brazoria County, Texas. Said 48.471 acre tract is in Lot 5 of the Subdivision of the John Hamilton Survey as recorded in Volume 83, Page 342 in the Harris County Deed Records and is that same 48.4712 acre tract of land described in a deed to Amegy Mortgage Company, L.L.C. as recorded in Clerk's File No's 20100132332 and 20100235353 in the Harris County Clerk's Office. **(Located at the southwest corner of SH 288 and Spectrum Boulevard, Pearland, TX.)** Zoning Change No 2015-14Z, a request of Patti Joiner of Knudson LP., applicant; on behalf of American Modern Green (Houston) LLC, owner; for approval of a change in zoning from the Planned Development (PD) zoning district known as Modern Green Ivy, to a Planned Development (PD) zoning District known as Ivy District; on approximately 48.471 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.

Councilmember Moore made the motion, seconded by Councilmember Hill, to approve Ordinance No. 2000M-144 on its First Reading.

Mayor Reid read into the record the Planning & Zoning Commission's recommendation to forward to Council for approval of the Zoning Change No 2015-14Z.

Director of Community Development Lata Krishnarao reported the applicant is requesting approval of a change in zoning from Modern Green Ivy Planned Development (PD) zoning district to replace the Ivy District Planned Development (PD) zoning district that was approved in 2014. The proposed project will be an urban mixed use development with multi-family, retail, offices, and hotel uses. The development will also include a gated townhome development and a public open space adjacent to Clear Creek. Staff recommends the following conditions be placed on the approval of Ivy District Planned Development (PD):

- a. The applicant shall enter into a Development Agreement with the City for off-site infrastructure and Clear Creek open space: and
- b. Applicant shall address staff's "Outstanding Comments on the Planned Development – dated March 16, 2016."

City Attorney Darrin Coker stated he wants to clarify in respect to the conditions. It will play an important role in how Council votes this evening. It is required to have a three vote majority or a four vote super majority. When the Planning & Zoning Commission took this up they placed conditions on the Development Agreement. For example if the Development Agreement is not approved, that operates by the Planning & Zoning Commission as a denial unless that Development Agreement is there. He stated there is no way the Development Agreement can be in place before now or before the second reading, there are too many things that the City needs to work out with the developer to fill in that gap. What the Planning & Zoning Commission is trying to do is approve the Planned Development (PD), but have a requirement that will not take effect until such time that the Development Agreement is in place, and with a period of time. The recommendation is a year to play it safe in order to get the Development Agreement in place, and to address some of the things such as offsite infrastructure and the amenities package. It does purpose a very nice amenity package, but those things have not been ironed out and the only way the City can get that as part of this and have this PD contingent on it is to have this Development Agreement. It is the recommendation for Council to impose the same contingencies that the Planning & Zoning Commission did. If Council does that it would require a simple three vote majority. If Council does not impose those same requirements it will operate as a denial by the Planning & Zoning Commission and will require a super majority vote.

Councilmember Moore amended the motion, seconded by Mayor Pro-Tem Carbone for the approval of the Planned Development contingent upon the Developer and the City entering into Development Agreements addressing the offsite infrastructure issues as well as the amenity issues that Planning & Zoning Commission required as part of their approval process. And that agreement be entered into within one year after the second reading of the Ordinance.

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

Voting "No" None.

Motion Passed 5 to 0.

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

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

Voting "No" Councilmember Reed.

Motion Passed 4 to 1.

Council Action – Resolution No. 2016-59 – A Resolution Authorizing Publication Of Notice Of Intention To Issue Certificates Of Obligation, In An Aggregate Principal Amount Not To Exceed \$14,200,000, For The Acquisition, Construction And Improvement Of Certain Public Works, Authorizing Distribution Of A Preliminary Official Statement Relating To Such Series Of Certificates And Authorizing Certain Other Matters Relating Thereto.

Councilmember Reed made the motion, seconded by Mayor Pro-Tem Carbone, to approve Resolution No. R2016-59.

Interim Director of Finance Cynthia Pearson gave an overview of Authorizing Publication of Notice of Intention to Issue Certificates of Obligation.

Assistant City Manager Trent Epperson gave an overview of the Bond Projects, General Obligation Bonds, Certificates of Obligation, and Water/Sewer Revenue Bonds.

BOSC, Inc. Representative John Robuck gave an overview of the General Obligation and Refunding Bonds, Series 2016A and Certificates of Obligations, Series 2016.

Mayor Pro-Tem Carbone stated he struggles with the City Hall renovation. He was elected to this position to be officially conservative and that is why he is struggling with it. He thinks the City Hall renovation should be put in the next bond election.

Councilmember Ordeneaux stated he does not think this can wait for a bond election, because the City Hall has not been maintained like it should have been. He thinks the conservative thing to do is to renovate now while the cost is cheap. He further stated where he sees the City saving dollars is cutting reoccurring costs.

Mayor Reid stated the City needs to take care of our obligations and the buildings we have built.

Discussion ensued between Councilmember Reed and Assistant City Manager Trent Epperson regarding the 2007 Bonds and General Obligation.

Councilmember Ordeneaux stated the repairs need to be done right and not put a band-aid on them because down the road it will end up costing the City more. The responsible thing to do is to repair it all the way.

Councilmember Moore stated the City has waited so long to do some of the projects from the bond that we are paying extra money now to get these projects completed. He stated he is frustrated with spending the extra money to complete projects because it was not done right the first time.

Mayor Pro-Tem Carbone amended the motion to change the \$14.1 million to \$9.8 million removing the \$4.25 million for City Hall Complex Renovation.

Amended motion died for lack of second.

Discussion ensued between Councilmembers and Assistant City Manager Trent Epperson regarding the City Hall Complex Renovation and the Orange Street Project.

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

Voting "No" Councilmember Carbone.

Motion Passed 4 to 1.

First Reading of Ordinance No. 1523 – An Ordinance authorizing the issuance of City of Pearland, Texas, permanent improvement and/or refunding bonds in one or more series; setting certain parameters for the bonds; authorizing refunding of certain outstanding obligations; authorizing a pricing officer to approve the amount, the interest rate, price, and terms thereof and certain other procedures and provisions relating thereto.

Mayor Pro-Tem Carbone made the motion, seconded by Councilmember Moore, to approve Ordinance No. 1523 on its First Reading.

City Manager Clay Pearson reported this is the permanent improvement and/or refunding portion of certain outstanding obligations.

Discussion ensued between Mayor Pro-Tem Carbone and BOSC, Inc. Financial Advisor Ryan O'Hara regarding the refunding is level savings.

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

Voting "No" None.

Motion Passed 5 to 0.

Council Action – Resolution No. R2016-54 – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for the new and replacement in-car video systems in the amount of \$765,053.00 to WatchGuard.

Councilmember Ordeneaux made the motion, seconded by Mayor Pro-Tem Carbone, to approve Resolution No. R2016-54.

City Manager Clay Pearson reported no debt service is required to fund these items. The combination of Council approved allocations from our General Fund, Grant Fund and the State's disbursement of public assistance to Pearland from the Office of the Governor will fully fund this purchase.

Police Chief Chris Doyle stated the department did exhausting research and testing on several brands. He stated the officers were extremely impressed with WatchGuard. He does not think the City can afford not to do this.

Discussion ensued between Councilmember Hill and Police Chief Chris Doyle regarding the current Coban system in-car video systems.

Discussion ensued between Councilmember Moore and WatchGuard Representative David Childress regarding the battery life of the body camera.

Discussion ensued between Mayor Pro-Tem Carbone, WatchGuard Representative David Childress and Chief Information Officer Daniel McGhinnis regarding items that will need to be purchased to capture and store the recordings on the Information Technology side.

Discussion ensued between Councilmembers and Chief Information Officer Daniel McGhinnis regarding the budget for the additional equipment.

Discussion ensued between Councilmember Hill and WatchGuard Representative David Childress regarding other City's that utilize WatchGuard.

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

Voting "No" None.

Motion Passed 5 to 0.

Council Action – Resolution No. R2016-60 – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into an Amended Lease Agreement with The University of Houston.

Councilmember Hill made the motion, seconded by Councilmember Moore, to approve Resolution No. R2016-60.

City Manager Clay Pearson reported the property has since been platted to create two parcels (one tract for the new building and a second parcel that contains the leased premises). The Lease amendment contemplates two phases that will occur on May 1st and August 11th of this year 2016. Once the Lease Amendment is approved and executed, it will allow the City to convey the other parcel of property to the University of Houston so that construction of the new building can commence.

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

Voting "No" Councilmember Ordeneaux.

Motion Passed 4 to 1.

Council Action – Resolution No. R2016-53 – A Resolution of the City Council of the City of Pearland, Texas, authorizing the power of eminent domain to acquire fee simple title to certain property for the Hughes Ranch Road Improvement Project; being a 0.1911 of one acre (8,323 square feet) parcel of land located in the H.T.& B. R.R. Co. Survey, Abstract No. 506, Brazoria County, Texas and being situated in Lot 7, Block 20 of the ALLISON RICHEY GULF COAST HOME COMPANY SUBDIVISION, a subdivision per plat or map recorded in Volume 2, Pages 23 - 24, Brazoria County Map Records (B.C.M.R.), said 0.1911 acre parcel being out of and a part of a 1.857 acre residue of a tract described as 2 acres in a conveyance to Jose C. Rodriguez, recorded under Brazoria County Clerk's File (B.C.C.F.) No. 01055783, for the construction and maintenance of water, sewer, drainage and road

improvements on certain real property described herein; authorizing the city attorney, or his designee, and other city officials to take such actions as are necessary to acquire said property, located within the city, by donation, purchase, or by the exercise of the power of eminent domain.

Councilmember Moore made the motion, seconded by Councilmember Reed, to approve Resolution No. R2016-53.

City Attorney Darrin Coker reported this resolution will allow the City to file a condemnation petition associated with the above referenced project. Prior to the filing of a condemnation action, the City Council must approve a resolution, declaring a public necessity, which will be filed as an attachment to the City's Petition. The City is acquiring fee title interest in the property to accommodate the project.

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

Voting "No" None.

Motion Passed 5 to 0.

Council Action – Resolution No. R2016-52 – A Resolution of the City Council of the City of Pearland, Texas, authorizing the power of eminent domain to acquire fee simple title to certain property for the Hughes Ranch Road Improvement Project; being a 0.1009 of one acre (4,397 square feet) parcel of land located in the H.T.& B. R.R. Co. Survey, Abstract No. 506, Brazoria County, Texas and being situated in Lot 22, Block 20 of the ALLISON RICHEY GULF COAST HOME COMPANY SUBDIVISION, a subdivision per plat or map recorded in Volume 2, Pages 23 - 24, Brazoria County Map Records (B.C.M.R.), said 0.1009 acre parcel being out of and a part of a 0.7082 of one acre residue of a tract of land described as 0.9997 of one acre in a conveyance to Ajith Kumar S. Nair and Jeeva Ajith recorded under Brazoria County Clerk's File (B.C.C.F.) No. 2006016690, for the construction and maintenance of water, sewer, drainage and road improvements on certain real property described herein; authorizing the city attorney, or his designee, and other city officials to take such actions as are necessary to acquire said property, located within the city, by donation, purchase, or by the exercise of the power of eminent domain.

Councilmember Reed made the motion, seconded by Councilmember Moore, to approve Resolution No. R2016-52.

City Attorney Darrin Coker reported this resolution will allow the City to file a condemnation petition associated with the above referenced project. Prior to the filing of a condemnation action, the City Council must approve a resolution, declaring a public necessity, which will be filed as an attachment to the City's Petition. The City is acquiring fee title interest in the property to accommodate the project.

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

Voting "No" None.

Motion Passed 5 to 0.

Council Action – Resolution No. R2016-61 – A Resolution of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a Reimbursement and Maintenance Agreement between the City and the Pearland Economic Development Corporation; and awarding a competitive sealed proposal for the construction of the Pearland Parkway and Dixie Farm Road Corridor Enhancements Projects to Jerdon Enterprise, L.P. in the estimated amount of \$1,058,653.53.

Mayor Pro-Tem Carbone made the motion, seconded by Councilmember Moore, to approve Resolution No. R2016-61.

President of Pearland Economic Development Matt Buchanan reported the Pearland 20/20 Strategic Plan outlined the need for City gateways to signal a sense of arrival and stronger identity for the community. Optimize the development potential of Pearland's principal commercial corridors. Work with city officials to develop a plan for adoption of uniform standards for the maintenance of landscaped roads and corridors. Develop iconic and visually appealing gateways to Pearland. The 2015 Pearland Comprehensive Plan also supports an emphasis on community image and aesthetics and incorporates the 20/20 Strategy.

Mayor Pro-Tem Carbone stated he likes the idea, but he has concerns regarding the maintenance cost. He stated he does not like to see using Pearland Economic Development funds for landscaping.

Councilmember Ordeneaux stated he disagrees with Mayor Pro-Tem Carbone. He is willing for Pearland Economic Development to pay for the landscaping. He stated the City's entry ways matter a great deal. Later on down the road the City may find another option to pay for the landscaping maintenance.

Mayor Reid stated with the enhancements into Pearland will create an impression of a community to where people will want to spend more sales tax. The more attractive a community is the more people will want to come.

Discussion ensued between Councilmember Reed and President of Pearland Economic Development Matt Buchanan regarding the cost of maintaining all the gateways into Pearland.

Discussion ensued between Mayor Pro-Tem Carbone and President of Pearland Economic Development Matt Buchanan regarding a management district and taxing businesses along Highway 288.

Councilmember Hill stated he would like to see the enhancements done to the entry ways into Pearland.

Councilmember Moore stated he would like to see the trees and shrubs that are planted are contiguous to this weather and not ones that need more maintaining which in turn will cost more money.

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

Voting "No" Councilmember Carbone.

Motion Passed 4 to 1.

MAYOR/COUNCIL ISSUES FOR FUTURE CITY COUNCIL AGENDAS

OTHER BUSINESS:

Council adjourned into Executive Session under Texas Government Code at 9:49 p.m. to discuss the following.

EXECUTIVE SESSION UNDER TEXAS GOVERNMENT CODE

1. **Section 551.074 - Personnel Matters** – Regarding the Annual Evaluation of the City Manager.
2. **Section 551.071 - Consultation with City Attorney** – Regarding property development and related permits.

NEW BUSINESS CONTINUED:

Council returned from Executive Session at 11:30 p.m.

Council Action – Regarding the Annual Evaluation of the City Manager.

Mayor Pro-Tem Carbone was absent from the Chambers.

Councilmember Ordeneaux made the motion, seconded by Councilmember Reed to amend the City Manager's salary to what was agreed upon in the Executive Session

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

Voting "No" None.

Motion Passed 4 to 0.

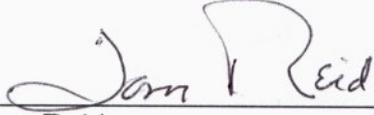
Council Action – Regarding property development and related permits.

No action taken.

ADJOURNMENT

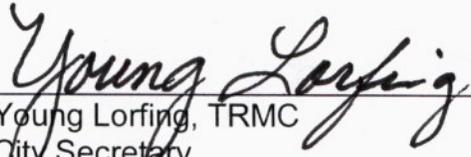
Meeting was adjourned at 11:31 p.m.

Minutes approved as submitted and/or corrected this the 23rd day of May, A.D., 2016.



Tom Reid
Mayor

ATTEST:



Young Lorfing, TRMC
City Secretary

