

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, MAY 23, 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
Deputy City Manager	Jon Branson
City Attorney	Darrin Coker
City Secretary	Young Lorfing

Others in attendance: Matt Buchanan President of Economic Development Corporation; Trent Epperson Assistant City Manager; Roland Garcia Fire Marshal; Chris Orlea Director of Parks and Recreation; Michelle Graham Director of Human Resource; 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; Joel Hardy Grants Coordinator; Skipper Jones Assistant Director of Capital Projects; Michael Leech Assistant Director of Public Works; Daniel McGhinnis Chief Information Officer; Bob Pearce Purchasing Officer; Johnny Spires Assistant Police Chief.

The invocation was given by Councilmember Reed and the Pledge of Allegiance was led by Assistant Police Chief Johnny Spires.

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

Deputy City Manager Jon Branson introduced Leonard Pineda from the Philippines and Fathir Sidiq from Indonesia visiting Pearland through an exchange program of the International County City Management Association.

Leonard Pineda thanked Pearland for allowing him to have this experience and things he has learned that he can take back to his city.

Fathir Sidiq thanked the Mayor and Councilmembers for the visit to Pearland. Through the fellowship in Pearland he has gained knowledge and experiences that he can take back to his city.

CITIZEN COMMENTS:

Gary Prebilsky, 2453 Roy Road, addressed Council stating his concerns regarding the mowing of ditches and the problems with drainage.

PUBLIC HEARING – None.

Mayor Reid recognized Monica Russo, one of the candidates running for Position No. 6 on City Council.

CONSENT AGENDA:

- A. Consideration and Possible Action – Approval of Minutes:**
 - 1. Minutes of the April 11, 2016, Regular Meeting, held at 6:30 p.m.
- B. Consideration and Possible Action – Excuse the absence of Councilmember Keith Ordeneaux from the Regular Council Meeting held on May 9, 2016.**
- C. Consideration and Possible Action – Excuse the absence of Councilmember Derrick Reed from the Regular Council Meeting held on May 9, 2016.**
- D. Consideration and Possible Action – Resolution No. R2016-78 – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a Street Light Removal/Installation Agreement with CenterPoint Energy, associated with the Bailey Road Project, in the estimated amount of \$62,072.**
- E. Consideration and Possible Action – Resolution No. R2016-72 – A Resolution of the City Council of the City of Pearland, Texas, awarding a unit price service contract for printing and mailing the City's utility bills, to Peregrine Services, Inc., in the estimated amount of \$225,700 for the period of July 1, 2016 through June 30, 2017.**
- F. Consideration and Possible Action – Resolution No. R2016-88 – A Resolution of the City Council of the City of Pearland, Texas, approving a request of the Brazoria County Tax Office to waive the penalty and interest on delinquent taxes for property account # 0212-001-006.**
- G. Consideration and Possible Action – Resolution No. R2016-76 – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for replacement of the roof at the Tom Reid Library to The Garland Company, Inc., in the estimated amount of \$282,938.**
- H. Consideration and Possible Action – Resolution No. R2016-75 – A Resolution of the City Council of the City of Pearland, Texas, renewing a bid for HVAC repair and maintenance services for the Recreation and Natatorium (RCN) to the Lee Thompson Company, in the estimated amount of \$60,000.00 for the period of May 24, 2016 through May 23, 2017.**
- I. Consideration and Possible Action – Resolution No. R2016-90 – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a contract for audit services with Whitley Penn in the amount of \$77,800.00.**

- J. **Consideration and Possible Action – Resolution No. R2016-85** – A Resolution of the City Council of the City of Pearland, Texas, appointing the City’s Planning and Zoning Commission as its Capital Improvements Advisory Committee, and adopting rules of procedure therefor.

- K. **Consideration and Possible Action – Resolution No. R2016-89** – A Resolution of the City Council 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 an Interlocal Agreement between the City and the Pearland Independent School District associated with the Cullen Boulevard Enhancement Project.

Councilmember Hill asked that Consent Agenda Item J be removed from the Consent Agenda for further discussion.

Councilmember Ordeneaux asked that Consent Agenda Item K 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 K with the exception of Items J and K 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 Councilmember Hill Consent Agenda Item J was removed for further discussion.

- J. **Consideration and Possible Action – Resolution No. R2016-85** – A Resolution of the City Council of the City of Pearland, Texas, appointing the City’s Planning and Zoning Commission as its Capital Improvements Advisory Committee, and adopting rules of procedure therefor.

Councilmember Moore made the motion, seconded by Councilmember Ordeneaux, to approve Resolution No. R2016-85.

Deputy City Manager Jon Branson reported chapter 395 of the Texas Local Government Code requires an impact fee analysis before impact fees can be assessed. The land use assumptions and capital improvement plan associated with the impact fees must be updated at least every five years. On March 14, 2016, the City Council authorized Freese and Nichols, Inc. (FNI) to update the 2012 Impact Fee Study for the City’s water and wastewater systems. In Chapter 395, Sec 395.058 requires that (a) On or before the date on which the order, ordinance, or resolution is adopted under Section 395.042, the political subdivision shall appoint a capital improvement advisory committee (CIAC). (b) If the political subdivision has a

planning and zoning commission, the commission may act as the advisory committee if the commission includes at least one representative of the real estate, development, or building industry who is not an employee or official of a political subdivision or governmental entity. The purpose of the CIAC is to review the Draft Impact Fee Study and provide comments on the proposed impact fees to the City Council prior to the fifth business day before the date of the public hearing on the imposition of the fees. Staff is recommending the Planning and Zoning Commission as the advisory committee.

Discussion ensued between Councilmember Hill and City Attorney Darrin Coker regarding one of the board members on the Planning and Zoning Commission will need to meet these qualifications.

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

Voting "No" None.

Motion Passed 5 to 0.

As requested by Councilmember Ordeneaux Consent Agenda Item K was removed for further discussion.

- K. Consideration and Possible Action – Resolution No. R2016-89** – A Resolution of the City Council 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 an Interlocal Agreement between the City and the Pearland Independent School District associated with the Cullen Boulevard Enhancement Project.

Councilmember Moore made the motion, seconded by Mayor Pro-Tem Carbone to approve Resolution No. R2016-89.

Deputy City Manager Jon Branson reported Council is being asked for consideration and approval of a resolution approving a Reimbursement Agreement with the Pearland Economic Development Corporation and an Interlocal Agreement with Pearland Independent School District for Cullen Boulevard Corridor Enhancements.

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

Voting "No" None.

Voting "Abstain" Councilmember Ordeneaux.

Motion Passed 4 to 0, with 1 abstention.

NEW BUSINESS:

First and Only Reading of Ordinance No. 1525 – An Ordinance of the City Council of the City of Pearland, Texas authorizing the issuance of City of Pearland, Texas Certificates of Obligation, Series 2016; prescribing the terms thereof; providing for the payment thereof; awarding the sale thereof; and making other provisions regarding such Certificates and matters incident thereto; and declaring an emergency.

Councilmember Reed made the motion, seconded by Mayor Pro-Tem Carbone, to approve Ordinance No. 1525 on its First and Only Reading.

Deputy City Manager Jon Branson reported that the Certificate of Obligation Act in the Local Government Code, 271.041, the fiscal year 2016 budget included issuing \$12.6 million in Certificates of Obligation for various Capital Improvement projects. On April 11th, City Council approved Resolution 2016-59, authorizing a Notice of Intent to issue Certificates of Obligation in an amount not to exceed \$14,200,000 for approved projects. The Certificate of Obligation Act allows the governing body to issue certificates for professional services (i.e.: engineers, architects, appraisers, etc.) and construction associated for any public work. Work has begun, and expenditures made, on most of these projects and City Council approved a notice of intent to be reimbursed from future bond proceeds in November 2015; Resolution R2015-196. Certificates of Obligation, while not approved by the voters, allows for a public process.

BOSC, Inc. Representative John Robuck gave an overview regarding Ordinance No. 1525 and Ordinance No. 1526.

Discussion ensued between Mayor Pro-Tem Carbone and BOSC, Inc. Representative John Robuck regarding the reason why Ordinance No. 1525 states declaring an emergency.

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

Voting "No" None.

Motion Passed 5 to 0.

First and Only Reading of Ordinance No. 1526 – An Ordinance of the City Council of the City of Pearland authorizing issuance of City of Pearland, Texas, Water and Sewer System Revenue Bonds, Series 2016A; prescribing the terms thereof; providing for the payment thereof; awarding the sale thereof; making other provisions regarding such bonds and matters incident thereto; and declaring an emergency.

Mayor Pro-Tem Carbone made the motion, seconded by Councilmember Moore, to approve Ordinance No. 1526 on its First and Only Reading.

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

Voting "No" None.

Motion Passed 5 to 0.

First Reading of Ordinance No. 1524 – An Ordinance of the City Council of the City of Pearland, Texas, adopting a Park Dedication Formula and a Fee in Lieu of Dedication Calculation Formula; amending the Park Benefit Zone Map; containing a savings clause, a severability clause and a repealer clause; providing for publication and an effective date.

Councilmember Ordeneaux made the motion, seconded by Councilmember Moore, to approve Ordinance No. 1524 on its First Reading.

Deputy City Manager Jon Branson reported adjusting the ordinance to reflect a market based strategy assuming current property values the initial impact should produce a 63% increased contribution to the Parkland Dedication accounts to off-set General Fund dollars, primarily for Capital Improvements.

Director of Parks and Recreation Chris Orlea gave an overview of a Park Dedication Formula and a Fee in Lieu of Dedication Calculation Formula.

Discussion ensued between Councilmember Ordeneaux and Parks and Recreation Director Chris Orlea regarding the comparison to other cities.

Discussion ensued between Mayor Pro-Tem Carbone and Parks and Recreation Director Chris Orlea regarding doubling the fee and the Dedication Calculation Formula that the consequences are a lot of small parks which will require maintenance.

Mayor Pro-Tem Carbone stated he struggles with the formula side, increasing a fee over 100%.

Councilmember Moore stated his big concern is a lot of pocket parks that do not serve a purpose.

Discussion ensued between Councilmember Reed and Parks and Recreation Director Chris Orlea on how Council will stay informed regarding pocket parks.

Deputy City Manager Jon Branson stated the vast majority of developments that come in provide the fee in lieu of land. He further stated in this Ordinance there is an agreement if a developer comes in and wants to build and maintain their own park, the City can give them credit for that donation.

Councilmember Ordeneaux stated he likes that it is being broken down by estimated cost of land and number of units. He stated this is a much better set up than raising the general tax rate.

Councilmember Hill stated he is pleased there are east side and west side residents in the same zone which will bring unity.

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

Voting "No" Mayor Pro-Tem Carbone.

Motion Passed 4 to 1.

Council Action – Resolution No. R2016-74 – A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply contract for landscape maintenance services (medians, right of ways and City facilities) with Maldonado Nursery & Landscaping, Inc. in the estimated amount of \$599,480.40 from June 1, 2016 through May 31, 2017.

Councilmember Hill made the motion, seconded by Mayor Pro-Tem Carbone, to approve Resolution No. R2016-74.

Larry Marcott, 3606 Inverness Court, addressed Council stating his concerns of the cost of mowing grass. He stated it is not right that some of the grass the City is mowing belongs to the people. Make better use of the tax money and not spend it on mowing grass.

Deputy City Manager Jon Branson reported that Council is being asked to renew a unit supply contract for landscape maintenance services (medians, right-of-ways and City facilities) with Maldonado Nursery & Landscaping, Inc. in the estimated amount of \$599,480.40 from June 1, 2016 through May 31, 2017.

Discussion ensued between Council, Deputy City Manager Jon Branson and Rights of Way Superintendent Eric Hammond regarding how it is decided on how far back the City mows.

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

Voting "No" Mayor Pro-Tem Carbone.

Motion Passed 4 to 1.

Council Input and Discussion – Regarding right-of-way mowing responsibilities throughout various parts of the city.

Deputy City Manager Jon Branson gave an overview regarding right-of-way mowing responsibilities throughout various parts of the city.

Assistant City Manager Trent Epperson gave some background history regarding+ right-of-way mowing.

Discussion ensued between Mayor Reid and Assistant City Manager Trent Epperson regarding a property owner can use a weed eater or herbicide to maintain steep ditches.

Mayor Pro-Tem Carbone stated at the last City Council meeting a couple of residents voiced concerns regarding steep ditches. Council was told it would be looked into and resolved. He stated the next thing he heard was the residents were threatened by a fine. He stated that is the frustration on his side.

Deputy City Manager Jon Branson stated the Drainage District have not been maintaining these areas in question, the City has. He further stated the City has tried to transition to the point where it is the responsibility of the property owners.

Councilmember Hill stated he understands there might be some interest from the Brazoria County Drainage District regarding the right-of-way mowing that he would like to consider.

Councilmember Ordeneaux stated he likes the idea of the Drainage District because some of the residents do pay into the Brazoria County Drainage District. He would like to see Staff and the Drainage District come up with a plan to maintain some of the right-of-ways.

Mayor Pro-Tem Carbone asked if something could be done regarding the Code Enforcement action going on while this is being sorted out.

City Attorney Darrin Coker stated if Council would like Administration to direct Code Enforcement to stand down as far as issuing citations while the City works with the Brazoria County Drainage District to come up with a potential solution that can be done.

City Attorney Darrin Coker stated the Texas Supreme Court case that authorizes the City even if it is a right-of-way that is dedicated through a plat the City does not own that right-of-way and fee title. The City will only hold that in trust for the public. There is the Local Government Code and Transportation Code that allows governmental entities to impose the requirement on the adjacent property owners to maintain that portion of public easement. The public purpose being served by that is it does not create a nuisance such as a high weeds or creating a flood hazard by not being maintained. That responsibility can be placed on a property owner as long as the City does not own it and fee title. If it is property the City has obtained the City cannot place the requirement on another individual.

Discussion ensued between Councilmember Ordeneaux and City Attorney Darrin Coker regarding the vast majority of the steep ditches and right-of-ways the City does not own and fee title. He stated the right-of-ways are usually acquired through the original plats when properties were dedicated for roadways.

Councilmember Moore stated he would like for Staff to look into contacting Brazoria County Drainage District regarding maintaining some of the right-of-ways.

Councilmember Reed stated on behalf of the Councilmembers he would like to recognize last week was Police Officers Week and thanked the men and women Officers and the staff that work in the Police Department for their service in Pearland.

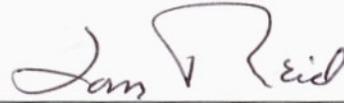
MAYOR/COUNCIL ISSUES FOR FUTURE CITY COUNCIL AGENDAS: None.

OTHER BUSINESS: None.

ADJOURNMENT

Meeting was adjourned at 8:08 p.m.

Minutes approved as submitted and/or corrected this the 13th day of June, A.D., 2016.



Tom Reid
Mayor

ATTEST:



Young Loring, TRMC
City Secretary





THIS PAGE LEFT BLANK INTENTIONALLY