

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, JULY 25, 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	Gary Moore
Councilmember	Tony Carbone
Councilmember	Derrick Reed
Councilmember	Keith Ordeneaux
Councilmember	Trent Perez
City Manager	Clay Pearson
City Attorney	Darrin Coker
City Secretary	Young Lorfing

Absent: Councilmember Greg Hill.

Others in attendance: Jon Branson Deputy City Manager; J.C. Doyle Police Chief; Trent Epperson Assistant City Manager; Michelle Graham Director of Human Resource; Lata Krishnarao Director of Community Development; Chris Orlea Director of Parks and Recreation; Cynthia Pearson Director of Finance; Sue Polka Director of Engineering; Vance Riley Fire Chief; Michael Leech Assistant Director of Public Works; John McCarter Management Assistant; Daniel McGhinnis Chief Information Officer; Rick Overgaard Assistant Finance Director; Bob Pearce Purchasing Officer; Lawrence Provins Deputy City Attorney.

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

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

CITIZEN COMMENTS:

PUBLIC HEARING: None.

CONSENT AGENDA:

A. Consideration and Possible Action – Approval of Minutes:

1. Minutes of the July 18, 2016, Special Meeting held at 7:00 p.m.

B. Consideration and Possible Action – Second and Final Reading of Ordinance No. 2000M-149 – 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 of land containing 4.1919

acres of land out of Lot Forty-One (41), Section 25, H.T. & B. R.R .Company Survey, Abstract 245, Brazoria County, Texas, and being designated on the Block Books of Brazoria County, Texas of Section 25 and being a part of the same land described in Deed from C. W. Boots, et. ux. to Joe H. Reeder, by Deed dated June 22, 1959, recorded in Volume 744, Page 457, Deed Records, Brazoria County, Texas, Less, Save and Except a 20.00 foot strip along the North side reserved in Deed recorded in Volume 116, Page 581, Deed Records, Brazoria County, Texas, and lying in the road. **(Located at 5134 Bailey Road)** Zone Change Application No. ZONE 16-00005, a request of Beverly Childs, owner/applicant; for approval of a change in zoning from the Suburban Development (SD) zoning district to the Office & Professional (OP) zoning district; on approximately 4.1919 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.

- C. **Consideration and Possible Action – Second and Final Reading of Ordinance No. CUP 16-00004** – An Ordinance of the City Council of the City of Pearland, Texas, approving a **Conditional Use Permit (CUP) to allow for Child Day Care Center (Business) in the Office & Professional zone**, being a tract of land containing 4.1919 acres of land out of Lot Forty-One (41), Section 25, H.T. & B. R.R .Company Survey, Abstract 245, Brazoria County, Texas, and being designated on the Block Books of Brazoria County, Texas of Section 25 and being a part of the same land described in Deed from C. W. Boots, et. ux. to Joe H. Reeder, by Deed dated June 22, 1959, recorded in Volume 744, Page 457, Deed Records, Brazoria County, Texas, Less, Save and Except a 20.00 foot strip along the North side reserved in Deed recorded in Volume 116, Page 581, Deed Records, Brazoria County, Texas, and lying in the road. **(Located at 5134 Bailey Road.)** Conditional Use Permit Application No CUP 16-00004, within the Office & Professional (OP) zoning district, at the request of Beverly Childs, owner/applicant, 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 No. 16-00002** – An Ordinance of the City Council of the City of Pearland, Texas, approving a **Conditional Use Permit (CUP) to allow for a gas station and convenience store in the General Commercial (GC) zone**, being a .875+ acre tract being all of Lot "D" of Dixie Plaza out of amending Plat 518 recorded in C. F. No. 2008026747, Map Records of Brazoria County, Texas, located in the City of Pearland, Brazoria County, Texas. **(3200 Dixie Farm Road, Pearland, Texas.)** Conditional Use Permit Application No CUP 16-00002, within the General Commercial (GC) zoning district, at the request of Pan American Engineers, LLC, Ron Bordelon, applicant; on behalf of Murphy Oil USA, Inc. 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. 1517-1** – An Ordinance of the City Council of the City of Pearland, Texas, amending the 2015 Comprehensive Plan to include the SH 35 Redevelopment Plan and act as a guide for regulating land use within the incorporated limits of Pearland; containing a savings clause, a severability clause and a repealer clause; and providing an effective date.
- F. **Consideration and Possible Action** – Excuse the absence of Councilmember Derrick Reed from the Regular Council Meeting held on July 11, 2016.
- G. **Consideration and Possible Action – Resolution No. 2016-136** – A Resolution of the City Council of the City of Pearland, Texas, renewing a fixed unit rate contract for plan review services with Freese and Nichols, Inc., in the estimated amount of \$100,000.00 for the period of August 1, 2016 through September 30, 2017.
- H. **Consideration and Possible Action – Resolution No. R2016-134** – A Resolution of the City Council of the City of Pearland, Texas, awarding a unit supply contract for citywide water and sanitary sewer on call repair and maintenance services to Texas Pride Utilities, LLC, for the period of July 25, 2016 through September 30, 2017.

Councilmember Carbone made the motion, seconded by Councilmember Reed, to adopt Consent Agenda Items A through H as presented on the Consent Agenda.

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

Voting "No" None.

Motion Passed 5 to 0, with Councilmember Hill absent.

NEW BUSINESS:

First Reading of Ordinance No. 2000M-148 – 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 16.305 acre tract in Section 16 of the H.T. & B. RR Co. Survey, Abstract 546, Brazoria County, Texas. Said tract is part of a 15 acre tract of land described in a deed to Marvin Wayne Smith as recorded under Brazoria County Clerk's File No. 85197 113, and part of a 3.00 acre tract described in a deed to Marvin Wayne Smith as recorded under Brazoria County Clerk's File No. 85197 105. **(Located at 3546 & 3618 Harkey Road, Pearland, TX.)** Zone Change Application No. ZONE 16-00004, A request of Chad Thumann, R. West Development, applicant, on behalf of Patrick Tagtow, owner; for approval of a change in zoning from the **Single Family Residential-1 (R-1) zoning district to a Single Family Residential-3 (R-3) zoning district**; on approximately 16.305 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 Reed made the motion, seconded by Councilmember Carbone, to approve Ordinance No. 2000M-148 on its First Reading.

Mayor Reid read into the record the Planning & Zoning Commission's recommendation to forward to Council for approval of the Zone Change Application No. 16-00004.

Director of Community Development Lata Krishnarao reported the requested Zone Change Application No. 16-00004.

City Attorney Darrin Coker stated on this particular item regarding the action taken by the Planning & Zoning Commission resulted in a denial of the request to a Single Family Residential-3 (R-3). Consequently it does require a super majority, which means three quarters of the entire Council which would be a total of five votes even though there is a Councilmember absent this evening. It is not based on the Councilmembers that are present, it is based on the total number of Councilmembers voting. There will need to be five votes to approve something that would deviate from the recommendation of the Planning & Zoning Commission.

Discussion ensued between Councilmembers and the applicant Chad Thumann with R. West Development regarding the Single Family Residential-3 (R-3).

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

Voting "No" None.

Motion Passed 5 to 0, with Councilmember Hill absent.

Council Action – Resolution No. R2016-130 – A Resolution of the City Council of the City of Pearland, Texas, authorizing a construction contract to Pepper Lawson Waterworks for the Reflection Bay Water Reclamation Facility 6 MGD Expansion Project, in the amount of \$44,657,000.00 contingent upon the closing of the TWDB loan for this project on August 4, 2016; and authorizing the appropriation of \$19,690,000 for the project.

Mayor Pro-Tem Moore made the motion, seconded by Councilmember Ordeneaux, to approve Resolution No. R2016-130.

Assistant City Manager Trent Epperson stated he will report on this item and the next two items because they all relate to Reflection Bay Water Reclamation Facility.

Discussion ensued between Councilmember Carbone, Assistant City Manager Trent Epperson and CSM Smith, Inc. Representative regarding the bids and the existing system will keep the odor under control.

Discussion ensued between Councilmember Perez, Assistant City Manager Trent Epperson and a Pepper Lawson Waterworks Representative regarding the construction time frame.

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

Voting "No" None.

Motion Passed 5 to 0, with Councilmember Hill absent.

Council Action – Resolution No. R2016-131 – A Resolution of the City Council of the City of Pearland, Texas, authorizing a contract for construction management and construction inspection services with Ardurra Group, for the Reflection Bay Water Reclamation Facility 6 MGD Expansion Project, in the amount of \$1,780,817.00, contingent upon the closing of the TWDB loan for this project on August 4, 2016.

Councilmember Ordeneaux made the motion, seconded by Mayor Pro-Tem Moore, to approve Resolution No. R2016-131.

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

Voting "No" None.

Motion Passed 5 to 0, with Councilmember Hill absent.

Council Action – Resolution No. R2016-132 – A Resolution of the City Council of the City of Pearland, Texas, authorizing a contract for construction materials testing services with Terracon Consultants, Inc., for the Reflection Bay Water Reclamation Facility 6 MGD Expansion Project, in the amount of \$272,555.00, contingent upon the closing of the TWDB loan for this project on August 4, 2016.

Councilmember Perez made the motion, seconded by Mayor Pro-Tem Moore, to approve Resolution No. R2016-132.

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

Voting "No" None.

Motion Passed 5 to 0, with Councilmember Hill absent.

Council Action – Resolution No. R2016-133 – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid to Peltier Brother Construction, Ltd of Houston, for the rehabilitation of the Liberty and Parkview Lift Stations, in the amount of \$625,141.00.

Councilmember Carbone made the motion, seconded by Councilmember Reed, to approve Resolution No. R2016-133.

City Manager Clay Pearson reported Council is being asked to award a bid to Peltier Brother Construction, Ltd of Houston, for the rehabilitation of the Liberty and Parkview Lift Stations, in the amount of \$625,141.00.

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

Voting "No" None.

Motion Passed 5 to 0, with Councilmember Hill absent.

Council Action – Resolution No. R2016-135 – A Resolution of the City Council of the City Of Pearland, Texas, approving the Amended bylaws of the Pearland Library Board.

Councilmember Reed made the motion, seconded by Councilmember Mayor Pro-Tem Moore, to approve Resolution No. R2016-135.

Dale Pillow, 2302 Meadow Green Drive, addressed Council stating she is the Chair of the Pearland Library Board. The Board worked very hard updating the bylaws and asking Council to approve them.

Deputy City Manager Jon Branson reported the current bylaws have outdated roles and requirements of the Pearland Library Board that no longer help the body achieve the goals and established missions of the group. In the proposed iteration, all financial capacities involving the exchange of funds on behalf of the Pearland Branch Libraries will transition to the accounting discretion of the City of Pearland or the designated Friends group, depending on the intention of the donation or contribution.

Discussion ensued between Councilmember Carbone and Deputy City Manager Jon Branson regarding the Library funds.

Discussion ensued between Councilmember Ordeneaux and City Attorney Darrin Coker regarding the bylaws will dictate the role of the board members.

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

Voting "No" None.

Motion Passed 5 to 0, with Councilmember Hill absent.

Second and Final Reading of Ordinance No. 1518-4 – An Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 1518-3, 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; providing a savings clause, a severability clause, a repealer clause, and an effective date.

Mayor Pro-Tem Moore made the motion, seconded by Councilmember Carbone, to approve Ordinance No. 1518-4 on its Second and Final Reading.

City Manager Clay Pearson reported City staff is submitting for Council consideration and approval a revised budget for the 2015-2016 fiscal year based on fiscal year 2016 year-end projections.

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

Voting "No" None.

Motion Passed 5 to 0, with Councilmember Hill absent.

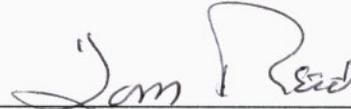
MAYOR/COUNCIL ISSUES FOR FUTURE CITY COUNCIL AGENDAS: None.

OTHER BUSINESS: None.

ADJOURNMENT

Meeting was adjourned at 7:21 p.m.

Minutes approved as submitted and/or corrected this the 12th day of September, A.D., 2016.



Tom Reid
Mayor

ATTEST:



Young Lorfing, TRMC
City Secretary



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