

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, AUGUST 8, 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	Greg Hill
Councilmember	Trent Perez
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; Kevin Byal Building Official; 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; Kim Sinistore Executive Director of the Convention/Visitors Bureau; Eric Wilson Public Works Director; Sparkle Anderson Communications Manager; Joel Hardy Grants Coordinator; 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.

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 Moore, Councilmembers Carbone, Reed, Ordeneaux, Hill, and Perez.

CITIZEN COMMENTS:

Andrew Miller, 5800 Magnolia Street, addressed Council and presented the annual report of Keep Pearland Beautiful. He invited everyone that would like to attend the Open House and Volunteer Appreciation, August 16, 2016 from 6-8 p.m. at the Stella Roberts Recycle Center.

PUBLIC HEARING: None.

CONSENT AGENDA:

- A. **Consideration and Possible Action** – Excuse the absence of Councilmember Greg Hill from the Regular Council Meeting held on July 25, 2016.
- B. **Consideration and Possible Action – Second and Final 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.
- C. **Consideration and Possible Action – Resolution No. R2016-105** – A Resolution of the City Council of the City of Pearland, Texas, amending a fixed unit rate contract for building plan review and inspection services with MiKayla Architects, in the estimated amount of an additional \$50,000.
- D. **Consideration and Possible Action – Resolution No. R2016-139** – A Resolution of the City Council of the City of Pearland, Texas, accepting the 2015 annual report for Tax Increment Reinvestment Zone #2.
- E. **Consideration and Possible Action – Resolution No. R2016-137** – A Resolution of the City Council for the City of Pearland, approving employee ancillary benefits for Employee Life Insurance, Accidental Death and Dismemberment, and Long Term Disability to Symetra, in the estimated amount of \$84,109, for fiscal year 2016-2017.
- F. **Consideration and Possible Action – Resolution No. R2016-145** – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into an Interlocal Agreement with Brazoria County for paving services along Smith Ranch Road in the estimated amount of \$42,247.

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

Councilmember Carbone asked that Consent Agenda Item E be removed from the Consent Agenda for further discussion.

Councilmember Carbone made the motion, seconded by Councilmember Hill, to adopt Consent Agenda Items A through F with the exception of Items C and E as presented on the Consent Agenda.

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

Voting "No" None.

Motion Passed 5 to 0.

MATTERS REMOVED FROM CONSENT AGENDA

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

- C. Consideration and Possible Action – Resolution No. R2016-105 – A Resolution of the City Council of the City of Pearland, Texas, amending a fixed unit rate contract for building plan review and inspection services with MiKayla Architects, in the estimated amount of an additional \$50,000.**

Councilmember Carbone made the motion, seconded by Councilmember Reed to approve Resolution No. R2016-105.

City Manager Clay Pearson reported the current contract with Mikayla Architects began in May 2015 and will expire in September 2016. Staff is requesting the third amendment to the contract to increase the amount from \$220,000 to \$270,000. The week of July 18, 2016, a building inspector tendered his resignation. As a result of this and considering the busy summer construction months, it will be necessary to amend the contract again in order to be able to meet the inspection workload for this vacant position.

Building Official Kevin Byal presented a detailed report on the building plan review and inspection services with Mikayla Architects.

Councilmember Perez stated he has concerns regarding the rate amount for building plan review and inspection services with Mikayla Architects.

Discussion ensued between Mayor Pro-Tem Moore, Building Official Kevin Byal and City Manager Clay Pearson regarding the reasonable amount of inspections an Inspector is asked to do a day.

Mayor Pro-Tem Moore stated his concern if the Inspectors are not getting as many inspections as they should. When the contract with Mikayla Architects ends it may be in the City's best interest to hire more inspectors.

Councilmember Ordeneaux stated this will get the City through this budget year and then the City can look at re-bidding the contract.

Discussion ensued between Councilmember Hill and Building Official Kevin Byal regarding the extension of the contract with Mikayla Architects.

Councilmember Carbone thanked Building Official Kevin Byal and his department for the work they do. He stated after hearing the concerns he is glad the City will be going out for bids when the contract with Mikayla Architects has expired.

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

Voting "No" None.

Motion Passed 6 to 0.

As requested by Councilmember Carbone Consent Agenda Item E was removed for further discussion.

- E. Consideration and Possible Action – Resolution No. R2016-137 – A Resolution of the City Council for the City of Pearland, approving employee ancillary benefits for Employee Life Insurance, Accidental Death and Dismemberment, and Long Term Disability to Symetra, in the estimated amount of \$84,109, for fiscal year 2016-2017.**

Councilmember Carbone made the motion, seconded by Councilmember Perez, to approve Resolution No. R2016-137.

City Manager Clay Pearson reported after reviewing the proposals and IPS negotiating for best and final offer, it is recommended that a carrier change from Lincoln Financial to Symetra occur for the 2016 -2017 fiscal year. Symetra has substantially matched the City's current benefit levels and Symetra's financial proposal represents a 1.3% decrease to current employer costs. Optional employee paid life rates will remain at current levels with Symetra and rates will be guaranteed for 3 years.

Discussion ensued between Councilmember Carbone, Director of Human Resource Michelle Graham and IPS Representative Brian Wilson regarding the process to arrive with the submitted recommendation.

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

Voting "No" Councilmembers Hill and Carbone.

Motion Passed 4 to 2.

NEW BUSINESS:

First Reading of Ordinance No. 2000M-150 – 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 2.939 acres out of Lots 20, 21 and 22 of the George W. Jenkins Subdivision, in Brazoria County, Texas, according to the map or plat thereof recorded in Volume 2, Page 20, of the Brazoria County, Texas Plat Records. **(Northeast corner of Broadway and Shauntel Streets, Pearland, TX.)** Zone Change Application No. ZONE 16-00009, a request of Kris Szecsy applicant, on behalf of George Gartner, owner; **for approval of a an amendment to the Baks Brewery PD to change the name to Bakfish Brewing Co. PD and to allow a maximum of two concessionaires from outside vendors during operating hours of the brewery;** on approximately 2.939 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-150 on its First Reading as amended.

Mayor Reid read into the record the Planning & Zoning Commission's recommendation to forward to Council for approval of the Zone Change 16-00009.

Angela Howe, 2720 Leroy, addressed Council presenting a petition and stating her concerns against zone change No. 16-00009 Bakfish Brewing.

Director of Community Development Lata Krishnarao gave an overview of the requested zone change.

Discussion ensued between Mayor Pro-Tem Moore and Director of Community Development Lata Krishnarao regarding the amount of buffer between residential and the business.

Councilmember Ordeneaux stated he does not see anyway the City can require additional parking. There are several restaurants in Pearland that have occasional overflow parking onto residential. To penalize a business above and beyond the City's Code for being successful, he cannot support that.

Councilmember Reed stated he thinks the real issue is if the City wants to put no parking signs on Shauntel Street.

Councilmember Hill stated he thinks the overflow parking issues can be worked out at a later date by possibly putting up signs.

Discussion ensued between Councilmembers and the applicant Kris Szecsy, regarding the recommendations presented by Planning & Zoning and Staff.

City Attorney Darrin Coker stated the City cannot build contingencies into a Planned Development (PD).

Councilmember Perez stated Council could improve the Planned Development (PD) and then by some other instrument require the parking to be monitored to see how much of a nuisance this is to the neighbors. If it is a too much of a nuisance the City could put into the PD a condition.

City Attorney Darrin Coker stated accept for the fact that they have been grandfathered in with the Planned Development (PD) that was approved.

Councilmember Ordeneaux stated he cannot support that unless it is done to every business that has overflow parking.

Councilmember Reed stated this is two different issues. The ordinance tonight is asking to allow two food trucks. The parking issue will need to be addressed later.

Councilmember Ordeneaux made the motion, seconded by Councilmember Reed to amend the motion on the first reading to include Staff's recommendations.

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

Voting "No" None.

Motion Passed 6 to 0.

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

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

Voting "No" None.

Motion Passed 6 to 0.

Council Action – Resolution No. R2016-141 – A Resolution of the City of Pearland, Texas, authorizing the issuance of the Pearland Economic Development Corporation Sales Tax Revenue Refunding Bonds, Series 2016; authorizing a Sales Tax Remittance Agreement; authorizing a continuing disclosure undertaking in connection with such bonds; and making various findings and provisions related to the subjects.

Mayor Pro-Tem Moore made the motion, seconded by Councilmember Carbone, to approve Resolution No. R2016-141.

BOSC, Inc. Financial Advisor John Robuck gave an overview of the issuance of the Pearland Economic Development Corporation Sales Tax Revenue Refunding Bonds, Series 2016.

Discussion ensued between Councilmember Carbone, Financial Advisor John Robuck and President of Economic Development Corporation Matt Buchanan regarding the fund balance, and setting aside ten percent of the annual sales tax for fiscal year 2016/2017.

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

Voting "No" None.

Motion Passed 6 to 0.

Council Action – Resolution No. R2016-138 – A Resolution of the City Council of the City of Pearland, Texas, approving the U. S. Department of Housing and Urban Development Community Development Block Grant Program year 2016/fiscal year 2017 Annual Action Plan.

Councilmember Ordeneaux made the motion, seconded by Mayor Pro-Tem Moore, to approve Resolution No. R2016-138.

City Manager Clay Pearson reported Council is being asked to approve the City's 10th Annual Action Plan, for submission to the U.S. Department of Housing and Urban Development Community Development Block Grant Program – Program Year 2016, Fiscal Year 2017.

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

Voting "No" None.

Motion Passed 6 to 0.

Council Action – Resolution No. R2016-136 – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for the construction of the Industrial Drive at SH 35 Realignment and Intersection Improvements Project to Excel Paving & Construction Company, in the amount of \$745,192.00.

Councilmember Hill made the motion, seconded by Councilmember Carbone, to approve Resolution No. R2016-136.

City Manager Clay Pearson reported Council is being asked to approve a construction contract with Excel Paving & Construction Company for the Industrial Drive at SH 35 Realignment and Intersection Improvements Project in the amount of \$745,192.

Discussion ensued between Councilmember Carbone and Assistant Director of Capital Projects Skipper Jones regarding the only bid received for this project.

Councilmember Perez stated he is glad to see the City moving forward with this project. There has been several accidents in that area.

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

Voting "No" None.

Motion Passed 6 to 0.

Council Action – Resolution No. R2016-144 – A Resolution of the City Council of the City of Pearland, Texas, approving a revised funding assistance application to the Texas Water Development Board, Drinking Water State Revolving Fund (DWSRF) program; for the preliminary design, pilot testing, final design, and first phase (10 MGD) construction of a Surface Water Treatment Plant and associated water conveyance infrastructure and a water meter change out/replacement program in the amount of \$159.5 million.

Councilmember Perez made the motion, seconded by Mayor Pro-Tem Moore, to approve Resolution No. R2016-144.

Assistant City Manager Trent Epperson reported that this is a revised funding assistance application to the Texas Water Development Board Drinking Water State Revolving Fund (DWSRF) for the costs associated with the preliminary design, pilot testing, final design, and construction of the first phase Surface Water Treatment plant, associated water conveyance infrastructure and a water meter change out/replacement program in the amount of \$159.5 million.

Discussion ensued between Councilmember Carbone, Director of Public Works Eric Wilson and Assistant City Manager Trent Epperson regarding the Capital Improvement Plan (CIP) and the lifespan of a water meter.

Discussion ensued between Mayor Pro-Tem Moore and Director of Public Works Eric Wilson regarding the amount of water taken in by the City.

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

Voting "No" None.

Motion Passed 6 to 0.

MAYOR/COUNCIL ISSUES FOR FUTURE CITY COUNCIL AGENDAS:

Mayor Pro-Tem Moore requested the parking issue at Bakfish Brewing and surrounding neighborhood.

Councilmember Reed requested the Traffic Committee bring back to Council some possible solutions regarding the parking issue at Bakfish Brewing and surrounding neighborhood. He further requested the City adopt a Resolution showing the City/Council supports Fort Bend/Shadow Creek Ranch and their efforts to combine with Alvin Independent School District.

Councilmember Carbone stated an item to note for Staff is to look at the City's Unified Development Code (UDC) to revisit Brewing parking requirements. It will not affect anything currently that is grandfathered in, but it may solve some issues going forward. He stated he would be interested in looking at crushed concrete for more parking at the Bakfish Brewing.

OTHER BUSINESS:

ADJOURNMENT

Meeting was adjourned at 8:13 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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