

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, MARCH 26, 2018 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	Derrick Reed
Councilmember	Tony Carbone
Councilmember	Gary Moore
Councilmember	Keith Ordeneaux
Councilmember	J. David Little
Councilmember	Trent Perez
Councilmember	Woody Owens
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; Trent Epperson Assistant City Manager; Michelle Graham Director of Human Resource; John McDonald Director of Community Development; John McCarter Budget Officer; Cynthia Pearson Director of Finance; Vance Riley Fire Chief; Robert Upton City Engineer; Carry Capers Interim Communications Director; Andrea Brinkley Assistant Director of Public Works; Joel Hardy Grants-Special Projects Administrator; Lawrence Provins Deputy City Attorney.

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

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

CITIZENS COMMENTS:

Carol Artz-Bucek, 6117 Broadway, addressed Council stating as President/CEO of the Pearland Chamber of Commerce she would like to invite everyone to the 2018 Business Showcase and Taste of the Town on April 5, 2018.

Mayor Reid called the Public Hearing Meeting to order.

PUBLIC HEARING – To Consider an Amendment of the Land Use Assumptions and Capital Improvements Plan and the Imposition of Water And Sewer Impact Fees In The City Limits.

STAFF REVIEW:

Robert Upton City Engineer stated the purpose of the hearing is to consider the amendment of land use assumptions and a capital improvement plan and the imposition of an impact fee.

Richard Webber Freese and Nichols Representative presented a presentation on the 2018 Water and Wastewater Impact Fee Update.

CITIZEN COMMENTS:

Jimmy Davis, 5004 Colmesneil, addressed Council stating in the presentation regarding the impact fees it was noted that League City had a 2018 amount that was 15% less than Pearland's projected cost. It should be noted that Pearland is coming in higher than the neighboring cities that have the same proposals this year.

COUNCIL/STAFF DISCUSSION:

Discussion ensued between Councilmember Owens and Robert Upton City Engineer regarding the rate is based on estimate of growth and land development for a 5 year period of time.

Councilmember Perez stated he wished there was a way to get this in more of a simplified calculation. He thinks this way of calculating allows for some unpredictability in the development process.

ADJOURNMENT:

The Public Hearing was adjourned.

CONSENT AGENDA:

- A. **Consideration and Possible Action – Resolution No. R2018-60 – A Resolution of the City Council of the City of Pearland naming the Children's Activity Room at the Tom Reid Library the Dale Pillow Children's Storytime/Activity Center.**

- B. **Approval of Minutes:**
 - Minutes of January 22, 2018, Regular Meeting held at 6:30 p.m.
 - Minutes of January 29, 2018, JPH Meeting held at 6:30 p.m.
 - Minutes of February 12, 2018, Special Meeting held at 5:30 p.m.
 - Minutes of February 12, 2018, Regular Meeting held at 6:30 p.m.
 - Minutes of February 26, 2018, Regular Meeting held at 6:30 p.m.

- C. **Consideration and Possible Action – Resolution No. R2018-53** - A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a Bond Counsel Services Agreement with Orrick, Herrington & Sutcliffe LLP, for the period beginning March 27, 2018 through May 23, 2024.
- D. **Consideration and Possible Action – Resolution No. R2018-51** - A Resolution of the City Council of the City of Pearland, Texas, awarding a unit supply bid for water production, water reclamation and lift station grounds maintenance services to Lawnsapes Unlimited, in the estimated amount of \$65,528, for the period of April 1, 2018 through March 31, 2019.
- E. **Consideration and Possible Action – Resolution No. R2018-50** - A Resolution of the City Council of the City of Pearland, Texas, accepting the City's Investment Report for the quarter ending December 2017.
- F. **Consideration and Possible Action – Resolution No. R2018-30** - A Resolution of the City Council of the City of Pearland, Texas, awarding a unit supply contract for auto parts to Auto Plus, in an amount not to exceed \$75,000.00, for the period of March 27, 2018 through March 25, 2019.
- G. **Consideration and Possible Action – Resolution No. R2018-26** - A Resolution of the City Council of the City of Pearland, Texas, awarding a unit supply contract for auto parts to XL Parts, LLC, in an amount not to exceed \$75,000.00 for the period of March 27, 2018 through March 26, 2019.

MATTERS REMOVED FROM CONSENT AGENDA:

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

Councilmember Perez asked that Consent agenda Item C be removed from the Consent Agenda for further discussion.

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

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

Voting "No" None.

Motion Passed 7 to 0.

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

- A. Consideration and Possible Action – Resolution No. R2018-60** – A Resolution of the City Council of the City of Pearland naming the Children's Activity Room at the Tom Reid Library the Dale Pillow Children's Storytime/Activity Center.

Councilmember Carbone made the motion, seconded by Councilmember Moore to approve Resolution No. R2018-60.

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

Voting "No" None.

Motion Passed 7 to 0.

Dale Pillow stated she is honored and so believes in literacy. She further stated it starts with the parents because children are very important.

As requested by Councilmember Perez Consent Agenda Item C was removed for further discussion.

- C. Consideration and Possible Action – Resolution No. R2018-53** - A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a Bond Counsel Services Agreement with Orrick, Herrington & Sutcliffe LLP, for the period beginning March 27, 2018 through May 23, 2024.

Councilmember Carbone made the motion, seconded by Councilmember Moore to approve Resolution No. R2018-53.

Discussion ensued between Councilmember Perez and Deputy City Manager Jon Branson regarding maintaining the current pricing with Orrick, Herrington & Sutcliffe LLP.

Discussion ensued between Councilmember Carbone and City Attorney Darrin Coker regarding professional services does not require the City to go out for bids.

Cynthia Pearson Director of Finance reported 20 attorneys from the Public Finance team from Andrews Kurth LLP recently made the move to Orrick, Herrington & Sutcliffe LLP, which has been the top-ranked bond counsel firm in the country for 20 consecutive years. The team that moved included the City's Public Finance Attorneys and we have been fortunate to have a long term relationship with our current Public Finance team. This team has performed in an excellent manner, and Orrick has agreed to honor our current pricing, which, in November 2017, was held by Andrews Kurth LLP due to our long term relationship.

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

Voting "No" None.

Motion Passed 7 to 0.

NEW BUSINESS:

Council Action - Resolution No. R2018-54 - A Resolution of Appreciation for Councilmember Greg Hill to recognize his contributions and services as Councilmember Position No. 5.

Councilmember Moore made the motion, seconded by Mayor Pro-Tem Reed to approve Resolution No. R2018-54.

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

Voting "No" None.

Motion Passed 7 to 0.

Mayor Reid presented Former Councilmember Greg Hill a Resolution of Appreciation to recognize his contributions and services as Councilmember Position No. 5.

Former Councilmember Greg Hill stated he enjoyed working with the Councilmembers and encouraged them to continue doing good things for the City. He further thanked everyone and stated what is important in life is serving others.

First Reading of Ordinance No. 1556 – An Ordinance of the City Council of the City of Pearland, Texas, revising the Capital Improvements Plan for the City of Pearland; updating impact fees in accordance with State Law; making certain findings, providing a penalty for violation; containing a savings clause, a severability clause and a repealer clause; providing for publication, codification and an effective date.

Mayor Pro-Tem Reed made the motion, seconded by Councilmember Ordeneaux to approve Ordinance No. 1556 on its First Reading.

City Manager Clay Pearson reported Council is being asked for approval of the revising of the Capital Improvement Plan and updating the impact fees.

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

Voting "No" None.

Motion Passed 7 to 0.

First and Only Reading of Ordinance No.1555 - An Ordinance of the City Council of the City of Pearland, Texas, repealing Ordinance No. 1548, Ordinance No. 1549 and Ordinance No. 1551 (Annexation Areas A, C and L); containing an effective date and other provisions related to the subject; and containing emergency, savings and severability clauses.

Councilmember Ordeneaux made the motion, seconded by Councilmember Moore to approve Ordinance No. 1555 on its First and Only Reading.

City Manager Clay Pearson reported Council is being asked to approve Ordinance No. 1555 regarding Annexation Areas A, C and L.

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

Voting "No" None.

Motion Passed 7 to 0.

Council Action – Resolution No. R2018-59 - A Resolution of the City Council of the City of Pearland (City") requesting staff to develop option(s) available to property owners of the City's Extraterritorial Jurisdiction ("ETJ") for financial contributions to the City in exchange for the provision of fire services in the ETJ, beginning with Harris County and then Brazoria County, in an effort to develop equity related to the payment for the high quality fire services provided by the City to areas of the ETJ.

Councilmember Little made the motion, seconded by Councilmember Moore to approve Resolution No. R2018-59.

City Manager Clay Pearson reported staff developed some options available to property owners of the City's Extraterritorial Jurisdiction (ETJ) for financial contributions to the City in exchange for the provision of fire services.

Councilmember Perez stated this means the residents that fought vigorously to not be annexed into the City will not receive fire services unless the services are paid for. It is not fair the City's residents pay tax dollars to provide fire services to the residents in the Extraterritorial Jurisdiction (ETJ).

Councilmember Ordeneaux stated this resolution states the City will cut off fire services to the Extraterritorial Jurisdiction (ETJ) as of December 31, 2018. That gives time for fees and or agreements to be made for these areas. The City has to do something to protect the City residents and property owners.

Councilmember Carbone stated tonight some of the de-annexed Extraterritorial Jurisdiction (ETJ) residents are present and he would like to let them know Council and Staff are working on options that would be a reasonable solution for fire service that will be fair to the ETJ residents and City residents.

Councilmember Perez stated the Extraterritorial Jurisdiction (ETJ) residents will need to create and vote on an Emergency Service District. The City or the County cannot do it for the ETJ residents. The Emergency Service District will collect taxes at a rate that will pay the City to provide fire services.

Discussion ensued between Councilmember Owens and City Manager Clay Pearson regarding Staff will come back to Council in 4 to 6 weeks with fire service options.

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

Voting "No" None.

Motion Passed 7 to 0.

Council Action – Resolution No. R2018-57 - A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a contract with HDR Engineering, Inc., in the amount of \$358,161.00, for design services and authorizing a Reimbursement Agreement between the City and the Pearland Economic Development Corporation in an amount not to exceed \$450,000.00 for design and construction services associated with the SH 288 Northbound Frontage Roads (County Road 59 to FM 518).

Councilmember Perez made the motion, seconded by Councilmember Moore to approve Resolution No. R2018-57.

City Manager Clay Pearson reported Council is being asked to enter into a contract with HDR Engineering, Inc. for design services and authorizing a Reimbursement Agreement between the City and the Pearland Economic Development Corporation for design and construction services associated with the SH 288 Northbound Frontage Roads.

Discussion ensued between Councilmember Perez and City Engineer Robert Upton regarding driveways will be incorporated into the design plan for retail.

Mayor Pro-Tem Reed thanked staff for moving this project up. Once completed it will alleviate some traffic concerns on FM 518.

Councilmember Moore stated by moving this project up it will save the City money and relieve some traffic congestion.

Councilmember Carbone stated he cannot stress enough how much relief this will be on FM 518 by moving this project up.

Councilmember Ordeneaux thanked staff and everyone that worked on getting this project moved up.

Councilmember Perez thanked Brazoria County Commissioner Stacy Adams and County Engineer Matt Hanks for all their diligence in providing Council answers regarding this project.

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

Voting "No" None.

Motion Passed 7 to 0.

Council Action – Resolution No. R2018-49 - A Resolution of the City Council of the City of Pearland, Texas, accepting the City's Comprehensive Annual Financial Report for fiscal year 2017 and the accompanying independent audit as presented by the accounting firm of Whitley Penn, LLP.

Councilmember Owens made the motion, seconded by Mayor Pro-Tem Reed to approve Resolution No. R2018-49.

Whitley Penn, LLP Representative Lupe Garcia presented the Comprehensive Annual Financial Report for fiscal year 2017.

Discussion ensued between Councilmember Little and Whitley Penn, LLP Representative Lupe Garcia regarding how Pearland compares to other cities.

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

Voting "No"

Motion Passed 7 to 0.

Council Action – Resolution No. R2018-10 - A Resolution of the City Council of the City of Pearland, Texas, awarding a contract for replacement of residential, commercial and industrial water meters associated with the Water Meter Change Out Project, to Itron, Inc., in an amount not to exceed \$15,972,453.78.

Councilmember Carbone made the motion, seconded by Councilmember Moore to approve Resolution No. R2018-10.

City Manager Clay Pearson reported Council is being asked to award a contract for replacement of residential, commercial and industrial water meters associated with the Water Meter Change Out Project to Itron Inc.

Discussion ensued between Councilmember Moore and City Manager Clay Pearson regarding meter size.

Discussion ensued between Councilmember Carbone and City Engineer Robert Upton regarding notification to the residents will be by door hangers and information will be on the City's website.

Discussion ensued between Councilmember Perez and City Engineer Robert Upton regarding an implementation plan.

Discussion ensued between Councilmember Owens and City Engineer Robert Upton regarding an accurate reading for water service.

Discussion ensued between Councilmember Little and City Engineer Robert Upton regarding the lowest bid.

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

Voting "No" None.

Motion Passed 7 to 0.

Council Action – Resolution No. R2018-56 - A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a contract with Lockwood, Andrews & Newnam, Inc. (LAN), in the amount of \$2,987,697.11, for professional services associated with the Mykawa Road Expansion Project (FM 518 to Beltway 8).

Councilmember Moore made the motion, seconded by Mayor Pro-Tem Reed to approve Resolution No. R2018-56.

City Manager Clay Pearson reported Council is being asked to enter into a contract with Lockwood, Andrews & Newnam, Inc. for professional services associated with the Mykawa Road Expansion Project.

Discussion ensued between Councilmember Moore and City Engineer Robert Upton regarding turn lanes going into Brookside Village.

Councilmember Ordeneaux thanked staff for moving this forward. Mykawa Road and McHard Road will be a huge benefit regarding traffic in that area.

Discussion ensued between Councilmember Owens and Assistant City Manager Trent Epperson regarding the Mykawa Road Expansion Project and TxDOT starting the Federal Environmental Impact Statement (EIS) process.

Discussion ensued between Councilmember Perez and Assistant City Manager Trent Epperson regarding tree planting and landscape.

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

Voting "No" None.

Motion Passed 7 to 0.

Council Action – Resolution No. R2018-55 - A Resolution of the City Council of the City of Pearland, Texas, approving recommendations of the Property Tax Resale Committee of Brazoria County for the property located at Wagon Trail CR 555, A0240, H T & B, LOT 21-E.

Mayor Pro-Tem Reed made the motion, seconded by Councilmember Moore to approve Resolution No. R2018-55.

Deputy City Manager Jon Branson reported Council is being asked for consideration and denial of the Resolution approving the offer on Wagon Trail CR 555, and approval for staff to move forward with acquisition for the City.

Discussion ensued between Councilmember Carbone and Deputy City Manager Jon Branson regarding the property could be an opportunity in the future for redevelopment.

Discussion ensued between Councilmember Moore and Deputy City Manager Jon Branson regarding several different property owners on each side of this property.

Councilmember Ordeneaux stated he does not have a problem going with Staff's recommendation.

Councilmember Carbone stated he does not have a problem voting this down tonight, it is the direction for the City to start acquiring property is where he has the hesitation.

Councilmember Perez stated he agrees with Councilmember Carbone he does not like the precedence it sets as a City.

President of Pearland Economic Development Corporation Matt Buchanan stated he came across this property when looking at drainage issues on Wagon Trail. He further stated some of the properties facing the paper street that does not exist, has no chance of developing. Long term he could see these properties continuing to come before Council because there is no economic incentive for the people to keep paying taxes. There is no productive use they could ever use for their property. Properties like this is a good reason for the City to regulate the subdivision of property thru the Unified Development Code (UDC) and encourage land to be subdivided in a way that would make it productive.

Voting "Aye" Councilmembers Perez and Carbone.

Voting "No" Councilmembers Reed, Ordeneaux, Little, Owens and Moore.

Motion Failed 5 to 2.

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

Council adjourned into Executive Session under Texas Governmental Code at 8:41 p.m. to discuss the following:

EXECUTIVE SESSION UNDER TEXAS GOVERNMENT CODE

- 1. Executive Session – Section 551-074 – Personnel Matters** – Regarding the appointment of Director of Communications.

Council returned from Executive Session at 8:58 p.m.

NEW BUSINESS CONTINUED:

Council Action – Regarding the appointment of Director of Communications.

Mayor Pro-Tem Reed made the motion, seconded by Councilmember Moore to authorize the City Manager appointment to Director of Communications as discussed in Executive Session.

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

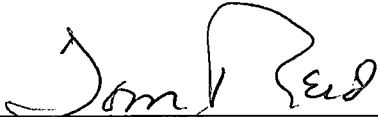
Voting "No" None.

Motion Passed 7 to 0.

ADJOURNMENT

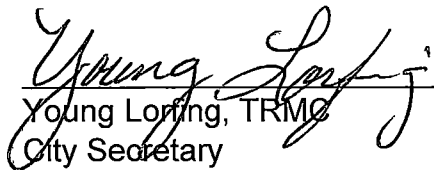
Meeting was adjourned at 9:00 p.m.

Minutes approved as submitted and/or corrected this the 23rd day of April, A.D., 2018.



Tom Reid
Mayor

ATTEST:



Young Loring, TRMG
City Secretary

