

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, APRIL 9, 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 6:32 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: Daniel Baum Deputy Fire Chief; 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; Jimontanae McBride City Planner; John McCarter Budget Officer; Chris Orlea Director of Parks and Recreation; Cynthia Pearson Director of Finance; Kim Sinistore Executive Director of the Convention/Visitors Bureau; Robert Upton City Engineer; Andrea Brinkley Assistant Director of Public Works; Joel Hardy Grants-Special Projects Administrator; Skipper Jones Assistant Director of Capital Projects; 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 Assistant Police Chief Chad Randall.

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

CITIZENS COMMENTS:

Alisha Payor, 5502 Willowpeak Court, addressed Council stating her concerns regarding the un-manned fire station in Lakes of Savannah.

Rosa Saade, 2016 Tide Rock Lane, stating her concerns regarding the odor from Blue Ridge Landfill.

PUBLIC HEARING: None.

CONSENT AGENDA:

A. Approval of Minutes:

1. Minutes of November 20, 2017, Joint Special Meeting held at 6:30 p.m.
2. Minutes of March 5, 2018, Regular Meeting held at 6:30 p.m.
3. Minutes of March 19, 2018, Joint Special Meeting held at 6:30 p.m.

B. Consideration and Possible Action – Resolution No. R2018-64 - A Resolution of the City Council of the City of Pearland, Texas, authorizing an amended contract for professional services with Huitt-Zollars, Inc., in the additional amount of \$102,290.00, for design services associated with the Orange Street Service Center Renovation Project.

C. Consideration and Possible Action – Resolution No. R2018-66 - A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply bid for the purchase of office supplies with Staples Advantage, in an amount not to exceed \$150,000.00, for the period of April 15, 2018 through April 14, 2019.

D. Consideration and Possible Action – Resolution No. R2018-65 - A Resolution of the City Council of the City of Pearland, Texas, authorizing participation in an interlocal pricing arrangement with the Texas Buy Board, in the amount of \$107,951.36, for the purchase of playground equipment and related installation from Grounds for Play (Woodcreek Park and Hyde Park).

E. Consideration and Possible Action – Resolution No. R2018-62 - A Resolution of the City Council of the City of Pearland, Texas, approving unit priced costs for temporary personnel services with TEI Staffing, in an amount not to exceed \$135,000.00, for the period ending September 13, 2018.

F. Consideration and Possible Action – Resolution No. R2018-63 - A Resolution of the City Council of the City of Pearland, Texas, ratifying emergency expenditures, in the amount of \$80,595.00, associated with HVAC rental equipment for the Public Safety Building.

MATTERS REMOVED FROM CONSENT AGENDA:

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

Mayor Reid asked that Consent Agenda Item D 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 F with the exception of Items B and D as presented on the Consent Agenda.

Councilmember Ordeneaux left the Chamber at 6:47 p.m.

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

Voting "No" None.

Motion Passed 6 to 0, with Councilmember Ordeneaux absent from the Chamber.

Councilmember Ordeneaux returned to the Chamber at 6:49 p.m.

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

- B. Consideration and Possible Action – Resolution No. R2018-64 - A Resolution of the City Council of the City of Pearland, Texas, authorizing an amended contract for professional services with Huitt-Zollars, Inc., in the additional amount of \$102,290.00, for design services associated with the Orange Street Service Center Renovation Project.**

Councilmember Carbone made the motion, seconded by Councilmember Moore to approve Resolution No. R2018-64.

Councilmember Carbone stated he would like an overview of this item and the additional funds for design services.

City Manager Clay Pearson presented an overview of this project and further stated the additional work will be funded out of the project contingency.

Discussion ensued between Councilmember Carbone and City Manager Clay Pearson regarding the next Bond Referendum.

Councilmember Ordeneaux thanked staff for the tour of Keep Pearland Beautiful and the Orange Street facility. He further stated the facility on Orange Street is one of the oldest City buildings. Staff has done a good job trying to utilize that space, but it is time to give Staff and the employees what they need. He fully supports this item.

Discussion ensued between Councilmember Perez and City Engineer Robert Upton regarding re-visiting the master plan and taking this opportunity to reprogram and take away the buildings that are not necessary.

Discussion ensued between Councilmember Owens, City Engineer Robert Upton and Assistant City Manager Trent Epperson regarding the reconstruction and fund amount.

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 D was removed for further discussion.

- D. Consideration and Possible Action – Resolution No. R2018-65 - A Resolution of the City Council of the City of Pearland, Texas, authorizing participation in an interlocal pricing arrangement with the Texas Buy Board, in the amount of \$107,951.36, for the purchase of playground equipment and related installation from Grounds for Play (Woodcreek Park and Hyde Park).**

Councilmember Carbone made the motion, seconded by Councilmember Moore to approve Resolution No. R2018-65.

City Manager Clay Pearson reported Council is being asked to authorize participation in an Interlocal pricing arrangement with the Texas Buy Board for the purchase of playground equipment and installation from Grounds for Play.

Discussion ensued between Councilmember Moore and Director of Parks and Recreation Chris Orlea regarding the lighting in the park.

Director of Parks and Recreation Chris Orlea clarified the playground equipment for Hyde Park was provided through grant funding at no cost to the City.

Discussion ensued between Councilmember Perez and Director of Parks and Recreation Chris Orlea regarding the City is providing everything Woodcreek residents

asked for and saving money because the City does not need to do a floodplain mitigation on site.

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

Voting "No" None.

Motion Passed 7 to 0.

NEW BUSINESS:

First Reading of Ordinance No. 1558 - An Ordinance of the City Council of the City of Pearland, Texas, authorizing issuance of City of Pearland, Texas, water and sewer system revenue bonds, series 2018A; prescribing the terms thereof; providing for the payment thereof; awarding the sale thereof; and making other provisions regarding such bonds and matters incident thereto.

Councilmember Moore made the motion, seconded by Councilmember Perez to approve Ordinance No. 1558 on its First Reading.

City Manager Clay Pearson reported Council is being asked to authorize the issuance of City of Pearland, Texas, Water and Sewer System Revenue Bonds.

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

Voting "No" None.

Motion Passed 7 to 0.

Council Action - Resolution No. R2018-69 - A Resolution of the City Council of the City of Pearland, Texas, declaring intention to reimburse project expenditures from proceeds of future tax-exempt Permanent Improvement Bonds.

Mayor Pro-Tem Reed made the motion, seconded by Councilmember Moore to approve Resolution No. R2018-69.

City Manager Clay Pearson reported Council is being asked for approval declaring intention to reimburse project expenditures from proceeds of future tax-exempt Permanent Improvement Bonds.

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

Voting "No" None.

Motion Passed 7 to 0.

First Reading of Ordinance No. 2000M-167 - 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 9.719 acres, located in the R.T Blackburn Survey, Abstract 160, in Harris County, Texas; said 9.719 acre tract being out of Lot 30 of Orchard Ridge Addition to Almeda, a subdivision of record in Volume 64, Page 7, of the Harris County Deed Records (H.C.D.R.), same being all of the remainder of a called 9.7917 acre tract of land recorded in the name of John Clinton Bybee, Jr., in Harris County Clerk's File Number (H.C.C.F. No.) 20130220749. **(South of Riley Road, east side of Almeda School Road, immediately south of 14739 Almeda School Road, Pearland, TX.)** Zone Change Application No. ZONE 18-00001, a request of Edward Lang representing Biggie Crane and Rigging, applicant, on behalf of John Clinton Bybee Jr., owner; **for approval of a change in zoning from the Spectrum District Sub-district 5 (S5) zoning to a Light Industrial (M-1) zoning district**; on approximately 9.719 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-167 on its First Reading.

Mayor Reid read into the record the Planning & Zoning Commission's recommendation to forward to Council for approval of a change in zoning from the Spectrum District Sub-district 5 (S5) zoning to a Light Industrial (M-1).

Senior Planner Martin Griggs presented an overview of the requested zone change. He further stated there needs to be an amendment. Ordinance No. 2000M-167 has already been taken, this will need to be changed to Ordinance No. 2000M-169.

Councilmember Ordeneaux made the motion, seconded by Councilmember Moore to amend the motion to reflect Ordinance No. 2000M-167 will be changed to Ordinance No. 2000M-169.

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

Voting "No" None.

Motion Passed 7 to 0.

Mayor Reid called for the vote on the amended motion.

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

Voting "No" None.

Motion Passed 7 to 0.

First Reading of Ordinance No. 2000M-168 - 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, a tract or parcel containing 8.438 acres or 367,536 square feet of land being part of the residue of a called 118.755 acre tract of land conveyed to Marion E. Settegast Jr., et al as recorded in Volume 1421, Page 25 of the Brazoria County Deed Records (B.C.D.R.), situated in the Thomas J. Green survey, Abstract No. 198, Brazoria County, Texas. **(North and east of 2550 Pearland Parkway directly across from Shallow Creek Drive, Pearland, TX.)** Zone Change Application No. ZONE 18-00002, a request of Pengo Realty, LLC. Represented by Andrew Allemand of Windrose Land Services, applicant, on behalf of Sealy Carlita Settegast and Brentwood Partners, LP representing Beeman Strong & Co. Inc., owner; **approval of an addendum to add land and change the zoning from the Single-Family Residential-2 (R-2) zoning district to a Planned Development (PD) (Center at Pearland Parkway) zoning district;** on approximately 8.438 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 Little made the motion, seconded by Councilmember Moore to approve Ordinance No. 2000M-168 on its First Reading.

Mayor Reid read into the record the Planning & Zoning Commission's recommendation to forward to Council for approval of a change in zoning from the Single-Family Residential-2 (R-2) Zoning District to a Planned Development (PD).

Senior Planner Martin Griggs presented an overview of the requested zone change.

Councilmember Carbone asked for clarification for the residents regarding the intersection at Pearland Parkway and Shallow Creek Dr.

City Engineer Robert Upton stated the developer submitted a Traffic Impact Analysis for this development. The proposed intersection at Pearland Parkway and Shallow Creek Dr. will require the installation of a traffic signal.

Discussion ensued between Councilmember Ordeneaux and City Engineer Robert Upton regarding not wanting to see on Pearland Parkway every 1000 to 2000 feet a traffic light. Voting "Aye" Councilmembers Little, Perez, Owens, Carbone, Moore, Reed, and Ordeneaux.

Voting "No" None.

Motion Passed 7 to 0.

First Reading of Ordinance No. 2000T-27 - An Ordinance of the City Council of the City of Pearland, Texas, amending selected provisions of the Unified Development Code regarding the Land Use Matrix, regulations specific to use (micro-breweries/ micro-distilleries/ micro-wineries), regulations associated with landscape buffer, and to the tree mitigation fee credits; having a savings clause, a severability clause, and a repealer clause; providing for codification, publication and an effective date.

Councilmember Perez made the motion, seconded by Councilmember Moore to approve Ordinance No. 2000T-27 on its First Reading.

City Planner Jimontanae McBride presented an overview of the amended selected provisions of the Unified Development Code.

Councilmember Owens stated he would like to see the liquor stores spaced farther apart from each other and not all clustered together.

Director of Community Development John McDonald stated some numbers were discussed, but there was no consistency on what that number should be. If Council would like to give staff some direction this item can come back with an amendment.

Councilmember Ordeneaux stated the great thing about package and liquor stores is they are off premise. Council has two very different views and that is why staff was not able to get direction from Council.

Councilmember Perez stated with respect to the liquor stores he does not think they will all survive, the market will make that determination. He further stated regarding the tree ordinance his general belief is the City has a piece of land to develop and the tree canopy developed after the project is complete exceeds the canopy that was there before development, he does not believe it is fair to say the City requires an additional canopy. If there is another Councilmember that has the same concern he would like to have an amendment or postpone this portion and come back with language that grants that credit. He stated the idea would be the City has a landscape requirement that states regardless of the conditions of the amount of trees on site you already have to put in so many trees. If there are existing trees on the site, in addition to that you have to mitigate for the trees that are on site. He further stated the language would be if the canopy that is required per the landscaping requirements exceeds what would be required in the mitigation the City gives them the credit. If it does not they will have to put in what is required above that. Give the credit for the trees that are required for the landscaping to mitigate the existing protected trees.

Discussion ensued between Councilmember Little and City Attorney Darrin Coker regarding the state law that was amended in the last legislative session did not provide an exemption for existing home owners. If it is an existing residential property in Pearland the ordinance does not apply to them already under the City's ordinance.

Councilmember Ordeneaux stated he would like to pull this and look at it more regarding re-development of single family lots.

Director of Community Development John McDonald stated what this amendment does is adopts what the state adopted in legislation last year which the City is already in-acting because the City is required to do so. It does not change the current regulations that are in place or a single family residential development. He further stated if Council could adopt this because it does not change the rules. Staff has had discussions with City Attorney Darrin Coker and Urban Forester Jerry Bradshaw trying to come up with some credit allowances for developments. Staff can continue those discussions and bring something to Council in the future to consider.

Councilmember Ordeneaux stated he is ok with doing that.

Mayor Pro-Tem Reed stated along with the amendment Councilmember Perez proposed he would like to propose to increase the distance for liquor stores near a day care or child care facility, church, public hospital or a private/public school from 300 feet to 500 feet.

Councilmember Ordeneaux stated why is Council attempting to change some rules regarding liquor stores when this body can override them at any time.

Councilmember Moore stated if it is a Conditional Use Permit (CUP) and it will stay a CUP then it does not matter the distance. He does not think there needs to be any changes regarding the liquor stores.

Councilmember Perez stated he does not know by increasing the spacing what it resolves.

Discussion ensued between Mayor Pro-Tem Reed and Councilmember Perez regarding having a separate workshop to discuss the item of spacing between liquor stores and schools.

Councilmember Moore stated he is not in favor of having a separate workshop to discuss spacing between liquor stores and schools.

Councilmember Perez stated he is comfortable with passing the component of the liquor store and the component of the tree ordinance, but he would like in the nearest workshop discuss credits for tree mitigation.

Councilmember Ordeneaux stated he agrees with that.

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

Voting "No" Councilmember Owens and Reed.

Motion Passed 5 to 2.

First Reading of Ordinance No. 1557 - An Ordinance of the City Council of the City of Pearland, Texas (the "City"), ratifying the terms of Ordinance No. 1541 dated August 14, 2017 (the "Consent Ordinance"), which ordinance approved Consent Conditions and consented to the creation of Brazoria County Municipal Utility District No. 69 (the "District") within the City's corporate boundaries.

Councilmember Owens made the motion, seconded by Councilmember Perez to approve Ordinance No. 1557 on its First Reading.

City Attorney Darrin Coker reported the Attorney General's Office is requiring the developer to submit a new Consent Petition in order to strictly comply with Texas Water Code section 54.016 which requires that a petition be submitted by owners of a majority of the assessed value in the District. Since the developer did not close on the property with the same entity that signed the Development Agreement (First Capital, subsequently assigned to Massey Oaks Development, LP which is the same group), the Attorney General's Office is requiring the developer to submit a new Consent Petition signed by the current owner/developer of the property, Massey Oaks Development, LP. This is a minor technical requirement the developer must comply with in order for the Municipal Utility District to be formally authorized. Nothing has changed with respect to the City's original Consent Conditions.

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

Voting "No" None.

Motion Passed 6 to 0, with Councilmember Ordeneaux abstaining.

Second and Final 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.

Councilmember Carbone made the motion, seconded by Councilmember Moore to approve Ordinance No. 1556 on its Second and Final Reading.

City Manager Clay Pearson reported Council is being asked to approve the revised Capital Improvement Plan for the City, updating impact fees in accordance with State Law.

Councilmember Ordeneaux absent from the Chamber at 8:15 p.m.

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

Voting "No" None.

Motion Passed 6 to 0, with Councilmember Ordeneaux absent from the Chamber.

Councilmember Ordeneaux returned to the Chamber at 8:17 p.m.

Council Action – Resolution No. R2018-67 - 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 Stantec Consulting Services, Inc., in the amount of \$1,898,743.00, for preliminary design services associated with Surface Plant Package No. 3.

Councilmember Moore made the motion, seconded by Mayor Pro-Tem Reed to approve Resolution No. R2018-67.

City Manager Clay Pearson reported Council is being asked to enter into a contract with Stantec Consulting Services, Inc., for preliminary design services associated with Surface Plant Package No. 3.

Discussion ensued between Councilmember Carbone and City Engineer Robert Upton regarding funding for the design services.

Discussion ensued between Councilmember Ordeneaux and City Engineer Robert Upton regarding possible scale down of construction because of growth and limiting city limits.

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

Voting "No" None.

Motion Passed 7 to 0.

Council Action – Resolution No. 2018-11 - A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a Development Agreement with Meritage Homes Co., for the satisfaction of parkland dedication and trail construction associated with the Riverstone Ranch Development

(generally located along Clear Creek between Hughes Road and the Green Tee development).

Mayor Pro-Tem Reed made the motion, seconded by Councilmember Moore to approve Resolution No. 2018-11.

City Manager Clay Pearson reported Council is being asked Council to enter into a Development Agreement with Meritage Homes Co., for the satisfaction of parkland dedication and trail construction associated with the Riverstone Ranch Development.

Discussion ensued between Councilmember Perez and City Engineer Robert Upton regarding the portion of the Boulevard section of road.

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

Voting "No" None.

Motion Passed 7 to 0.

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

Council adjourned into Executive Session under Texas Governmental Code at 8:24 p.m. to discuss the following:

EXECUTIVE SESSION UNDER TEXAS GOVERNMENT CODE

- 1. Executive Session – Section 551-072 – Deliberations Regarding Real Property** – Regarding the acquisition of real property.
- 2. Executive Session – Section 551-071 – Consultation with the City Attorney** – Regarding for legal advice on matters subject to the attorney-client privilege.
- 3. Executive Session – Section 551-074 – Personnel Matters** – Regarding appointment/removal of members of the Planning and Zoning Commission.
- 4. Executive Session – Section 551-087** – Regarding Economic Development Negotiations.

Council returned from Executive Session at 9:59 p.m.

NEW BUSINESS CONTINUED:

Council Action – Regarding the acquisition of real Property.

Councilmember Carbone made the motion, seconded by Mayor Pro-Tem Reed authorizing staff to proceed with the acquisition of real property specially property for the right-of-way of the Max Road project as discussed in Executive Session.

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

Voting "No" None.

Motion Passed 7 to 0.

Council Action – Regarding legal advice on matters subject to the attorney-client privilege.

No Council action taken.

Council Action – Regarding appointment/removal of members of the Planning and Zoning Commission.

No Council action taken.

Council Action – Regarding Economic Development Negotiations.

Councilmember Carbone made the motion, seconded by Mayor Pro-Tem Reed to authorize the City Manager or his designee to enter into an amended tax abatement agreement with Prospect No. 1401 and to authorize the Pearland Economic Development Council to enter into an amended loan agreement with Prospect No. 1401 as discussed in Executive Session.

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

Voting "No" None.

Motion Passed 6 to 0, with Councilmember Ordeneaux abstaining.

Councilmember Carbone made the motion, seconded by Mayor Pro-Tem Reed to approve a development agreement with Prospect No. 1407 and a reimbursement agreement with the Pearland Economic Development Corporation for drainage, demolition, and roadway improvement associated with Prospect No. 1407 and authorizing the City Manager to execute the agreements.

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

Voting "No" None.

Motion Passed 6 to 0, with Councilmember Ordeneaux abstaining.

OTHER BUSINESS: None.

ADJOURNMENT

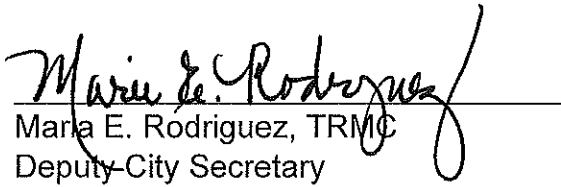
Meeting was adjourned at 10:02 p.m.

Minutes approved as submitted and/or corrected this the 14th day of May, A.D., 2018.



Tom Reid
Mayor

ATTEST:



Maria E. Rodriguez, TRMC
Deputy City Secretary

