

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON AUGUST 13, 2018 AT 6:30 PM, IN THE COUNCIL CHAMBER PEARLAND CITY HALL 3519 LIBERTY DRIVE.

Mayor Reid called the meeting to order at 6:34 p.m. with the following present:

Mayor	Tom Reid
Mayor Pro-Tem	Trent Perez
Councilmember	Tony Carbone
Councilmember	Derrick Reed
Councilmember	Gary Moore
Councilmember	Adrian Hernandez
Councilmember	J. David Little
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 EDC, Trent Epperson Assistant City Manager, Roland Garcia Assistant Chief - Community Risk Reduction, John McDonald Director of Community Development, John McCarter Budget Officer, Chris Orlea Director of Parks and Recreation, Cynthia Pearson Director of Finance, Vance Riley Fire Chief, Johnny Spires Police Chief, Robert Upton Director of Engineering, Andrea Brinkley Assistant Director of Public Works, Joel Hardy Grants-Special Projects Administrator, Jennifer Huhn Court Administrator, Skipper Jones Assistant Director of Capital Projects, Joshua Lee Communication Director and Lawrence Provins Deputy City Attorney.

The invocation was given by Councilmember Owens and the Pledge of Allegiance was led by Parks and Recreation Advisory Board Member Buck Stevens.

ROLL CALL:

Mayor Reid, Mayor Pro-Tem Perez, Councilmembers Carbone, Moore, Hernandez, Little, Reed and Owens.

CITIZEN COMMENTS:

Dana Morrison, 3405 Fox Court, addressed Council and spoke in opposition of the planned gas station on the corner of John Lizer and Pearland Parkway due to its close proximity to other gas stations.

Kelly Moody, 3708 Pine Bark Court, addressed Council on behalf of the Forever Parks Foundation and thanked Council for the partnership and the support provided, in addition to speaking about various fundraising projects.

Buck Stevens, 4701 West Orange, addressed Council and spoke about the proposed Railroad Depot restoration project and stated he is in agreement with the original plans. He also stated that the project continues to start but slowly comes to a halt.

CONSENT AGENDA:

- A. **Consideration and Possible Action - Resolution No. R2018-139** - 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 ARKK Engineers, in the amount of \$97,405.00, for professional design services associated with underground piping infrastructure for water production facilities.
- B. **Consideration and Possible Action - Resolution No. R2018-121** - A resolution of the City Council of the City of Pearland, Texas, approving Flood Insurance through the National Flood Insurance Program in the amount of \$32,940.00 for the period beginning September 17, 2018 to September 16, 2019.
- C. **Consideration and Possible Action - Resolution No. R2018-138** - A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply contract for Sanitary Sewer/Waterline On-Call repair and maintenance services to Texas Pride Utilities, LLC, in an amount not to exceed \$150,000.00, for the period of September 1, 2018 through August 31, 2019.
- D. **Consideration and Possible Action - Resolution No. R2018-140** - 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, in the amount of \$208,177.50, for professional design services associated with the SH 288 Northbound Frontage Road Off-Site Drainage Project.
- E. **Consideration and Possible Action - Resolution No. R2018-141** - 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 for the cooperative purchase of goods and services with the City of Rosenberg, Texas.
- F. **Consideration and Possible Action - Resolution No. R2018-143** - A Resolution of the City Council of the City of Pearland, Texas, authorizing additional expenditures through a contract amendment with Envirodyne Laboratories, Inc., for water and wastewater laboratory testing services, in the amount of \$47,825.00, for a total contract amount of \$149,695.00.
- G. **Consideration and Possible Action - Second and Final Reading of Ordinance No. 1562** - An Ordinance of the City Council of the City of Pearland, Texas, amending the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Two (Amendment No. 4), City of Pearland, Texas to facilitate the construction of City facilities and infrastructure improvements (“Improvements”); authorizing the City Secretary to distribute such plans; containing findings and provisions related to the foregoing subjects; and providing for severability.

Mayor Reid stated staff has requested Item B be removed from the Agenda to be discussed at a later date.

Councilmember Carbone made the motion, seconded by Councilmember Moore to adopt Consent Agenda Items A through G with the exception of Item B as it appears on the Consent Agenda.

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

Voting "No" None.

Motion passed 7 to 0.

NEW BUSINESS:

First and Only Reading of Ordinance No. 1566 - An Ordinance of the City Council of City of Pearland, Texas Certificates of Obligation, Series 2018; prescribing the terms thereof; providing for the payment thereof; awarding the sale thereof; making other provisions regarding such Certificates and matters incident thereto; and declaring an emergency.

Councilmember Reed made the motion, seconded by Councilmember Moore to approve Ordinance No. 1566 on its First and Only Reading.

City Manager Clay Pearson stated this Ordinance is for the sale of Certificates of Obligation that Council approved prior.

Director of Finance Cynthia Pearson stated the Fiscal Year 2018 budget included Certificates of Obligation for projects that were not budgeted in the 2007 Bond Referendum and Council previously adopted Resolutions with the intent to reimburse project expenditures from future Certificates of Obligation bonds.

Financial Advisor John Robuck presented the results of the sale of Water and Sewer System Revenue Bonds, Permanent Improvement Bonds and Certificates of Obligation.

Councilmember Carbone asked what the City's current bonds rate is and the recent information that Moody has put out.

Financial Advisor John Robuck stated through the process of selling bonds, companies ask for a rating so that investors have an idea of the credit rating quality of the bonds being sold, at this time Moody stated the City had a stable outlook previously but has now changed that to a negative rating based on the balance reserve.

Conversation ensued between Councilmember Carbone and Financial Advisor John Roebuck regarding how changes in the City's credit rating will affect future debt service, as the rating could fluctuate up or down.

Mayor Pro-Tem Perez stated it was not the policy but the trend that caused the rating to change. He stated that Council voted to pay down the policy since the City was so high over the minimum

balance and asked is it expected that if the minimum policy is held and kept, would it affect the credit rating of the City.

Financial Advisor John Robuck stated per his conversations with the analyst for Moody, they would like to see the balance increase and not drop. He further stated the Reserve needs to be raised which is going to be difficult, the City used Reserve for Capital Projects and Hurricane Harvey recovery which was a wise decision because it saved taxpayer's money but caused the Reserve to be lowered.

Conversation ensued between Mayor Pro-Tem and Financial Advisor John Robuck regarding the effects of reissuing in debt and being downgraded by Moody, what would be the additional cost comparison, how much the City would need in Reserve and what actions to take to change the rating.

Councilmember Moore stated he does not want to see the City go below the fund balance and have to pay more money. He stated the City should remain steady on the fund or possibly above the balance.

Councilmember Owens asked if the proposed projects listed can be changed at any time.

City Manager Clay Pearson stated the City normally issues those with a general term so that the City is not locked into a project and can change as needed, but those are targeted projects according to the Capital Improvement Plan.

Councilmember Owens stated at budget time there is a smaller amount for streets and sidewalks then what is needed, while other projects are funded more appropriately. He further stated he did not feel the Green Tee Trail was needed and the funds for that could be used to improve streets and sidewalks.

City Manager Clay Pearson stated the Green Tee project has been in the adopted budget for some time, a part of the Capital Improvement Plan and money was obtained from outside sources so the City is committed to that project. He stated that project is part of a larger project to tie in parts of the City, such as the River Bridge private development. City Manager Clay Pearson stated streets and sidewalks is a concern but is not suggested on the operating side due to having to issue debt for a longer period of time.

Councilmember Owens stated the amount budgeted for street and sidewalks is not appropriate when the need is higher to do those repairs, the current allowed amount will create minimal repair. He stated it is nice to have new projects but other needs cannot be ignored.

Mayor Pro-Tem Perez asked staff if the Tax Increment Reinvestment Zone reimbursement could be used to pay down the bonds early and if it would be a beneficial strategy, would there be a penalty.

Director of Finance Cynthia Pearson stated she is unaware at this time but there will be conversations with Bond Council and the City's Financial Advisors about the Tax Increment Reinvestment Zone and the possibility of what can be done with those funds, Council will be advised after that.

Financial Advisor John Robuck stated that if the Bonds are issued and paid back with cash there would be no penalty, penalty would apply if the City refinanced with other bonds.

Voting "Aye" Councilmember Carbone, Perez, Hernandez, Little, Moore and Owens.

Voting "No" None.

Motion passed 6 to 0, with Councilmember Reed absent from Chambers.

Council Action - Resolution No. R2018-146 - A Resolution of the City Council of the City of Pearland, Texas, authorizing expenditures for two change orders associated with the SH288 Corridor Enhancements Interlocal Agreement (Hardscape Components) between the City, Pearland Municipal Management District No. 2, and Brazoria County, in the amount of \$500,000 for the SH288 sculpture foundations and \$121,461.62 for the Hughes Ranch Road Drainage Improvements.

Mayor Pro-Tem Perez made the motion, seconded by Councilmember Moore to approve Resolution R2018-146.

Assistant City Manager Trent Epperson stated this is to authorize projects that the City is asking the Brazoria County Toll Road Authority to change order into the Toll Road project. He stated it is meant to add enhancements to the State Highway 288 corridor that were not ready to be added into the project at the time, along with added drainage in the Hughes Ranch project.

Councilmember Owens stated there appears to have been seventeen change orders on this project and he is hoping those are not changes by the City.

Assistant City Manager Trent Epperson stated that the project is not the City's and there is only one change order initiated by the City, this being the first and only.

Councilmember Moore stated it was mentioned that the money for the pipe under Hughes Ranch Road is part of the existing project and asked staff if additional cost would be incurred.

Assistant City Manager Trent Epperson stated the pipe was always a part of the project and the opportunity is here to have the work done along with the Toll Road project so that the City does not have to go back and tear up the road to replace it.

Councilmember Moore stated it is already budgeted and will get spent now rather than later.

Assistant City Manager Trent Epperson confirmed that is the intention of this project.

Councilmember Little asked staff to clarify the pear monuments will be located at both the FM518 and SH288 intersection and the McHard Road and SH288 intersection.

Assistant City Manager Trent Epperson confirmed the locations as correct.

Mayor Pro-Tem Perez asked staff on the construction of the storm sewer for Hughes Ranch Road if this was going to be an open cut without having to bore and jack the road.

Assistant City Manager Trent Epperson stated there would be no need to do any additional work on this project.

Mayor Pro-Tem Perez asked staff to provide at a later date what the savings on the project will be since it is being performed in the earlier stages rather than the later stages. He also asked staff to provide the extent of the proposed pipe and how far it will stretch.

Assistant City Manager Trent Epperson stated the pipe will extend only under Hughes Ranch Road.

Councilmember Carbone stated in the Resolution it mentions \$500,000 but further down it shows Economic Development Corporation (EDC) passed a Resolution to reimburse \$420,000 and would like to know where the difference is coming in.

President of EDC Matt Buchanan stated it was passed as \$420,000 or the actual cost and that is usually based on what the estimated cost is at the time but changes along with the estimated cost.

Councilmember Carbone asked staff when the Economic Development Corporation passed the Resolution.

President of EDC Matt Buchanan stated the Resolution was passed in June of 2018.

Councilmember Carbone stated the amount approved by the City would just be the foundation for the monuments and asked staff for the estimate for the monuments to be made.

President of EDC Matt Buchanan stated the cost in total will be \$3 million for the monuments.

Voting "Aye" Councilmember Reed, Perez, Hernandez, Little, Moore and Owens.

Voting "No" Councilmember Carbone.

Motion passed 6 to 1.

Council Action - Resolution No. R2018-147 - 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 Fiscal Year 2019 Annual Action Plan.

Councilmember Hernandez made the motion, seconded by Councilmember Moore to approve Resolution R2018-147.

Grants-Special Projects Administrator Joel Hardy stated this is the final measure to approve the action plan to be submitted to the Housing and Urban Development Department. He stated this plan has gone before Council and the Public, the appropriate time was provided for a Public Hearing and is ready for final approval from Council.

Mayor Pro-Tem Perez stated these are valuable contributions and thanked staff for the effort put into making this work.

Councilmember Hernandez stated he would also like to thank staff and agrees these are valuable contributions for the residents of the City.

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

Voting "No" None.

Motion passed 7 to 0.

First Reading of Ordinance No. 2000M-173 - 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, Lots Two (2) and Three (3), of Detenbeck and Barnhart Subdivision, of 4.512 acres of land being the North 1.663 acres of lot Seventy-Seven (77) and the South 2.849 acres of Lot Eighty (80), of the Figland Orchards Subdivision, HT&B RR Co. Survey, Section Thirteen (13), Abstract 240, Brazoria County, Texas, according to the map record in Volume 15, Page 10 of the Plat Records of Brazoria County, Texas. **(5905 & 5909 Bardet Street, Pearland TX.)** Zone Change Application No. ZONE 18-00010, a request of Luke Billiot, applicant, on behalf of Horace Scott Clark, owner; **approval of a change in the zoning classification from Neighborhood Services (NS) zoning district to General Commercial (GC) zoning district**; on approximately 0.6942 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 2000M-173 on its First Reading.

City Manager Clay Pearson stated this is for a rezoning of Wagon Trail from a Neighborhood Services (NS) zoning district to General Commercial (GC) zoning district which matches with the Master Plan for land use.

Councilmember Little stated it makes sense with the other General Commercial in the surrounding area.

Councilmember Little stated he drove by the area and it makes sense to rezone the area to General Commercial with the buildings in that area.

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

Voting "No" None.

Motion passed 7 to 0.

First Reading of Ordinance No. 1565 - An Ordinance of the City Council of the City of Pearland, Texas, approving the annexation of approximately 31.42 acres by Brazoria County Municipal Utility District No. 22 (Lakes of Savannah).

Councilmember Moore made the motion, seconded by Mayor Pro-Tem Perez to approve Ordinance 1565 on its First Reading.

City Manager Clay Pearson stated Municipal Utility District 22 consists of The Lakes of Savanna subdivision and this action would help facilitate for the developers to continue that project under the same development terms.

Councilmember Owens stated there are improvements for County Road 48 listed and would like to know what those improvements are.

Councilmember Owens stated from County Road 48, the first mile to mile and a half is a two lane asphalt road with ditches on both sides and he would consider it a dangerous road until it becomes a four lane road. He further stated based on the amount of residents in that area something needs to be done to correct that.

Assistant City Manager Trent Epperson stated the Development Agreement may require that the developers provide a four lane street, but also the County has a project to widen the lanes.

Councilmember Moore stated he agrees the annex should take place before the City builds anything there and would like to know what the impact would be for this becoming a part of the City as far as Police, Fire, water and sewer lines, waste treatment and what would be the impact fee to become part of the City.

City Manager Clay Pearson stated this is an annexation into the Municipal Utility District and not into the City limits, would remain in the Brazoria County unincorporated area and be serviced by Brazoria County. He further stated that per the existing agreement for Fire, it would be serviced primarily from Station No. 5 located on Kirby Drive and when Station No. 8 is opened in Shadow Creek it will increase the capacity. City Manager Clay Pearson stated the water and sewer is handled by the Municipal Utility District presently but will eventually be incorporated within the City limits. He stated there is a strategic partnership for Municipal Utility District 21 and Municipal Utility District 22 that does protect the City.

Councilmember Little stated it was mentioned that the City would still provide the Fire protection and has an agreement been reached with The Lakes of Savanna.

City Manager Clay Pearson stated the City does have an agreement with The Lakes Of Savannah but currently proposed Amendments have not been approved.

Mayor Pro-Tem Perez stated as the subdivision grows and there are more contributors, is that going to offset some of the expenditures and justify additional staffing in that area.

City Manager Clay Pearson stated it would not because the money that is paid is for offsetting existing costs and would not be a primary area to add staff to.

Councilmember Reed asked staff how long it would extend that Municipal Utility District.

City Manager Clay Pearson stated Friendswood Development is in control of that Municipal Utility District.

City Attorney Darrin Coker stated in the past the debt that was issued stayed within their current maturity schedule and no debt issued recently has extended past the maturity date. He stated that as of now there has not been any debt issuance so the maturity schedule is unavailable. He further stated Council approval would still be needed to issue debt since it is a Municipal Utility District located in the City's Extraterritorial Jurisdiction.

Councilmember Reed stated he is unfamiliar with their Municipal Utility District Board but in the past the Homeowners Associations have approved an extension in the past but would not want to put money towards staffing emergency services and feels the agreement needs to be restructured since the agreement is not current.

City Attorney Darrin Coker stated it has been two months since the City responded to the proposed Amendments and have received no response to emails and phone calls.

Councilmember Reed stated it may be a way to extend the Municipal Utility District and keep the structure the same on the part of the other entities.

Conversation ensued between Mayor Pro-Tem Perez and City Attorney Darrin Coker regarding the extension being part of the original development agreement and what would occur once the property is added to the Municipal Utility District.

City Manager Clay Pearson stated this would insure there is continuity in that development and if the City were to develop without this there would not be the same controls in place.

Councilmember Moore stated he would like to know what the response time is from Fire Station No. 5 or will be from Fire Station No. 8 to this area.

City Manager Clay Pearson stated it would depend on the location of the units at the time and the development is closer to those stations and travel times would be quicker than the current times to the more southern parts of the area.

Councilmember Owens stated the Fire Station is not of adequate size to handle that area and in an emergency, Station No. 4 or Station No. 8 would have to respond so he is not in favor of this Ordinance.

Conversation ensued between Mayor Pro-Tem Perez, Councilmember Reed and Councilmember Owens regarding the pros and cons of allowing the annexation of the land to the Municipal Utility District and the absence of the Municipal Utility District board to address existing issues such as the Fire Station.

Mayor Reid stated the Municipal Utility District is doing a tremendous job of building beautiful homes and schools in that area, the Fire Station issue will need to be handled as time goes on. He stated he does not want this land not annexed and a larger issue become of it later, and there should be continuity in the look of the homes.

Councilmember Owens stated he disagrees because this is a residential area that cannot provide protection for the number of citizens already living there but the Municipal Utility District

wants 34 more acres of land to build in an area they cannot protect with the existing population. He further stated the response times for the City would create a difficult situation.

Councilmember Hernandez asked staff if it is normal for a Municipal Utility District to bring these request forward without having a representative present at Council meetings.

City Attorney Darrin Coker stated the Municipal Utility District was made aware that this would go in front of Council at this meeting.

Councilmember Hernandez stated the Fire Station is too small and that seems to be the issue.

City Manager Clay Pearson stated that is only one of the issues but the contract calls for the City to provide service in the same manner as is provided for the rest of the City, any additional requests would be priced and presented to the Municipal Utility District. He stated there is not a need for a full service Fire Station at the time.

Councilmember Moore stated he wants to clarify the subdivision will not go to any Wastewater Treatment Plant of the City's.

Director of Engineering Robert Upton stated the Wastewater Treatment Plant would not be used.

Voting "Aye" Councilmember Carbone, Perez, Hernandez and Little.

Voting "No" Councilmember Reed, Moore and Owens.

Motion passed 4 to 3.

First and Only Reading of Ordinance No. 1497-6 - An Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 1497-5 as it applies to certain times and limits for school zones established for vehicles under the provisions of the Texas Transportation Code upon certain streets and highways, of parts thereof, within the corporate limits of the City of Pearland, as set out in this ordinance; and providing a penalty; and declaring an emergency.

Councilmember Owens made the motion, seconded by Councilmember Moore to adopt Ordinance 1497-6 on its First and Only Reading.

City Manager Clay Pearson stated as part of similar work the City meets with school districts and find out if any new facilities have opened and review the speed zones the City sets on Public streets and after that have identified some areas that need tweaks to the speed limit in school zones.

Councilmember Carbone thanked staff for working with the school districts to get these done prior to the start of the new school year.

Councilmember Reed advised that he saw times shortened on this Ordinance.

Director of Engineering Robert Upton stated there was a school zone added in at the new McNair Junior High School in the Alvin Independent School District and the District also requested a fifteen minute change in the start times for the School Zone.

Councilmember Perez stated for next year this needs to be pushed to sooner in the year so that if problems arise they can be addressed prior to the start of the school year.

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

Voting "No" None.

Motion passed 7 to 0.

Council Action - Resolution No. R2018-137 - A Resolution of the City Council of the City of Pearland, Texas, authorizing the power of eminent domain to acquire fee simple title and easement to certain property for the Mykawa Road Lift Station Project; being fee simple title to all that certain 0.1125 acre (4,900 square feet) tract of land situated in the H.T.&B. R.R. Co. Survey, Abstract No. 232, Brazoria County, Texas, and being out of and a part of Lot 60, of W. Zychlinski's Subdivision, a plat recorded under Vol. 29, Pg. 43 of the Brazoria County Deed Records (B.C.D.R.) and further being part of the same called 20.603 acre tract described in a Special Warranty Deed dated August 27, 2010 conveyed from Bison Creditors' Liquidating Trust to The Buying Source, LLC and recorded under Brazoria County Clerk's File Number (B.C.C.F. No.) 2010037487; and a sanitary sewer easement to all that certain 0.3865 acre (16,837 square feet) tract of land situated in the H.T.&B. R.R. Co. Survey, Abstract No. 232, Brazoria County, Texas, and being out of and a part of Lots 55 & 60, of W. Zychlinski's Subdivision, a plat recorded under Vol. 29, Pg. 43 of the Brazoria County Deed Records (B.C.D.R.) and further being part of the same called 20.603 acre tract described in a Special Warranty Deed dated August 27, 2010 conveyed from Bison Creditors' Liquidating Trust to The Buying Source, LLC and recorded under Brazoria County Clerk's File Number (B.C.C.F. N;.) 2010037487; for the construction and maintenance of sanitary sewer improvements on certain real property described herein; authorizing the city attorney, or his designee, and other city officials to take such actions as are necessary to acquire said property, located within the city, by donation, purchase, or by the exercise of the power of eminent domain.

Councilmember Carbone made the motion, seconded by Mayor Pro-Tem Perez to approve Resolution R2018-137.

Councilmember Little asked staff if any other locations in that area have been looked at for construction of this Lift Station Project.

Director of Engineering Robert Upton stated other tracts of land had been looked at but this is the ideal location and to move it more North would add close to \$500,000 to the project due to depth and relocation of sanitary sewer lines.

Councilmember Moore asked staff if this is specifically for the McHard Road extension.

Director of Engineering Robert Upton stated this project is in preparation for the Mykawa Road project and will combine the lift stations from three to two and will relocate them out of the right of way in the future project.

Councilmember Moore asked staff if it would be more feasible to move the stations to the East off McHard Road.

Director of Engineering Robert Upton stated it would not be feasible due to the gravity coming off McHard Road.

City Attorney Darrin Coker stated it is for the Mykawa Road and McHard projects. He stated the appraisal for this land is \$7700.00 and the property owner is seeking \$140,000 for the tract of land and no agreement could be reached. He further stated the next step would be an eminent domain hearing through the County Court.

Voting "Aye" Councilmembers Carbone, Reed, Perez, Hernandez, Little and Owens

Voting "No" None.

Motion passed 6 to 0, with Councilmember Moore absent from the Chambers.

Council Action - Resolution No. R2018-145 - A Resolution of the City Council of the City of Pearland, Texas, approving a final change order with Construction Masters of Houston, Inc., in the amount of \$152,885.09, associated with the City Hall Renovation Project.

Councilmember Reed made the motion, seconded by Mayor Pro-Tem Perez to approve Resolution R2018-145.

City Manager Clay Pearson stated one of the Capital Projects was renovating City Hall and the annex in lieu of any new construction to improve the workspaces, modernize the HVAC (Heating, ventilation, and air conditioning) and improve security. He stated these are additional funds identified during that time.

Councilmember Owens asked staff who the architect was for this project.

Assistant City Manager Trent Epperson stated the Firm on the project was HBL Ziegler Cooper Architects.

Councilmember Owens stated it shows amounts for Additional MEP Items and Additional Architectural Items and would like to know if the City can recoup any of those costs.

Assistant City Manager Trent Epperson stated staff is working with the Legal Department to see if any of those funds can be recouped.

Councilmember Owens stated when you hire an architect they are expected to not miss things like this which makes the City have to go back and fund those errors.

Mayor Pro-Tem Perez and Director of Engineering Robert Upton discussed if the change order will pay the contractor in full and then the City will pursue reimbursement after that through Legal remedies and whether any of the overage was caused by the Architect.

Councilmember Carbone stated in the write up for this Resolution there is verbiage regarding an exterior sign and does not see that amount calculated into the requested change order.

Assistant City Manager Trent Epperson stated that is being bid separately and may be bundled into another project.

Conversation ensued between Councilmember Carbone and staff regarding where the funds for the signage fit into this change order and where it would be without the signage added in.

Mayor Pro-Tem Perez stated Council could amend the motion to exclude the cost of the sign and have it come back to Council.

Councilmember Carbone stated he is okay with the Ordinance but would like the section addressing the sign to be removed.

City Attorney Darrin Coker stated it is at the Council's discretion on what they would like to exclude.

Councilmember Carbone made the motion, seconded by Mayor Pro-Tem Perez to remove the appropriation for the sign from the Capital Improvement Plan fund balance.

Mayor Reid called for the vote on the amendment.

Voting "Aye" Councilmember Carbone, Reed, Hernandez, Little, Moore and Owens.

Voting "No" Mayor Pro-Tem Perez.

Amendment passed 6 to 0.

Councilmember Moore asked staff if the amount listed was for more than one sign or just one.

City Manager Clay Pearson stated that amount is a cost estimate of one sign and has not been bid out.

Councilmember Hernandez stated that during the final inspection by the Fire Marshal it was discovered some doors were not functioning properly in the event of a fire and door fixtures were then changed to make sure they did function properly in the event of a fire. He stated he would like to know how they would function to let people in.

Director of Engineering Robert Upton stated the doors are designed to automatically be unrestricted, no badge required, in the event that a fire alarm is activated.

Mayor Reid called for the vote on the amended motion.

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

Voting "No" None.

Motion passed 6 to 0, with Councilmember Owens absent from the Chamber.

Council Input and Discussion - Regarding consideration of alternative plan design for retiree insurance.

Deputy City Manager Jon Branson made a presentation outlining the proposed insurance plan for retirees and possible Amendments, no Council decision is needed at this time.

Director of Corporate Benefits Actuarial Analytics of IPS Advisors Mark Guajardo answered questions about the eligibility of employees.

MAYOR/COUNCIL ISSUES FOR FUTURE CITY COUNCIL AGENDAS: None

Council adjourned into Executive Session under Texas Government Code at 8:43 p.m.

EXECUTIVE SESSION UNDER TEXAS GOVERNMENT CODE

1. **Executive Session - Section 551.072 - Consultation with the City Attorney**
– Regarding the purchase, exchange or lease of property.
2. **Executive Session - Section 551.071 - Consultation with the City Attorney**
– Regarding pending and potential litigation.

Council returned from Executive Session at 9:27 p.m.

OTHER BUSINESS: NONE

ADJOURNMENT

Meeting was adjourned at 9:29 p.m.

Minutes approved as submitted and/or corrected this the (date).

Tom Reid
Mayor

ATTEST:

Young Lorfing, TRMC
City Secretary