

**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON NOVEMBER 12, 2018 AT 6:30 PM, IN THE COUNCIL CHAMBER PEARLAND CITY HALL 3519 LIBERTY DRIVE.**

Mayor Reid called the meeting to order at 6:30 p.m. with the following present:

Mayor	Tom Reid
Mayor Pro-Tem	Trent Perez
Councilmember	Tony Carbone
Councilmember	Derrick Reed
Councilmember	Adrian Hernandez
Councilmember	J. David Little
Councilmember	Woody Owens
City Manager	Clay Pearson
City Attorney	Darrin Coker
City Secretary	Young Lorfing

Absent: Councilmember Gary Moore

Others in attendance: Daniel Baum Assistant Fire Chief, Trent Epperson Assistant City Manager, Michelle Graham Director of Human Resources, John McCarter Budget and Procurement Manager, 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 and Capital Projects, Andrea Brinkley Assistant Director of Public Works, Skipper Jones Assistant Director of Capital Projects, John Knight IT Manager, Joshua Lee Director of Communications, Daniel McGhinnis Chief Information Officer and Lawrence Provins Deputy City Attorney.

The invocation was given by Councilmember J. David Little and the Pledge of Allegiance was led by Leadership Pearland Class member Kerry Lackey.

**ROLL CALL:**

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

**CITIZEN COMMENTS:**

Girl Scout Troop 143008 Representative Sasha addressed Council and stated the Troop is here tonight to earn their "Inside Government" patch, in addition to explain some of the activities the Troop has done regarding government.

Pearland Chamber of Commerce CEO Carol Arts-Bucek addressed Council and spoke about the day's events and the different departments the Chamber visited.

**PUBLIC HEARING:** None

**CONSENT AGENDA:**

- A. Approval of Regular Meeting Minutes held on September 24, 2018 at 6:30 p.m.  
Approval of Regular Meeting Minutes held on October 8, 2018 at 6:30 p.m.  
Approval of Joint Special Meeting Minutes held on October 15, 2018 at 6:30 p.m.  
Approval of Regular Meeting Minutes held on October 22, 2018 at 6:30 p.m.  
Approval of Special Meeting Minutes held on October 22, 2018 at 6:00 p.m.
- B. **Consideration and Possible Action - Resolution No. R2018-189** - A Resolution of the City Council of the City of Pearland, Texas, amending the City's Comprehensive Financial Management Policy Statements to enhance the City's long-term goal of maintaining fiscal health and stability.
- C. **Consideration and Possible Action - Resolution No. R2018-187** - A Resolution of The City Council of the City of Pearland, Texas, adopting an Amended Investment Policy, Investment Strategy and approved Brokers in accordance with Chapter 2256 of the Government Code ("Public Funds Investment Act").
- D. **Consideration and Possible Action - Resolution No. R2018-210** - A Resolution of the City Council of the City of Pearland, Texas, renewing a software maintenance contract with Tyler Technologies, Inc., for software maintenance services in the amount of \$212,617.00.
- E. **Consideration and Possible Action - Resolution No. R2018-211** – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to renew a Software Maintenance Contract with Superior, LLC (formerly Sungard HTE/OSSI), in the estimated amount of \$288,093.80.
- F. **Consideration and Possible Action - Resolution No. R2018-222** - A Resolution of The City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to participate in an interlocal cooperative pricing arrangement with the Texas Department of Information Resources (DIR) for the purchase of phone related services from AT&T, in the amount of \$108,690.00.
- G. **Consideration and Possible Action - Resolution No. R2018-223** - A Resolution of the City Council of the City of Pearland, Texas, renewing a Software Maintenance Contract with Environmental Systems Research Institute ("ESRI"), in the amount of \$262,500.00, for support of the Geographic Information System ("GIS").
- H. **Consideration and Possible Action - Resolution No. R2018-197** - A Resolution of the City Council of the City of Pearland, Texas, authorizing participation in a cooperative contract through the Texas BuyBoard for heavy equipment services (repair, rental and parts) with Associated Supply Company Inc. (ASCO), in an amount not to exceed \$175,000.00, for the period of November 13th, 2018 to November 12th, 2019.
- I. **Consideration and Possible Action - Resolution No. R2018-216** - A Resolution of the City Council of the City of Pearland, Texas, amending a contract for

construction materials testing services with Rabba Kistner Consultants, in the additional amount of \$24,996.50, associated with the Corrigan Ditch Sub-Basin of Mary's Creek Project.

- J. Consideration and Possible Action - Resolution No. R2018-217** - A Resolution of the City Council of the City of Pearland, Texas, renewing a primary unit supply contract to Envirodyne Laboratories, Inc. for water and wastewater laboratory testing services, in an amount not to exceed \$121,730.00, for the period of November 20, 2018 through November 19, 2019.
- K. Consideration and Possible Action - Resolution No. R2018-218** - A Resolution of the City Council of the City of Pearland, Texas, renewing a secondary unit supply contract to Eastex Environmental Laboratory, Inc. for water and wastewater laboratory testing services, in an amount not to exceed \$55,980.00, for the period of November 20, 2018 through November 19, 2019.
- L. Consideration and Possible Action** - Excuse the Absence of Councilmember Derrick Reed from the Regular Council Meeting held on October 22, 2018.
- M. Consideration and Possible Action - Resolution No. R2018-215** - A Resolution of the City Council of the City of Pearland, Texas, approving a final change order with Reddico Construction Company, in the amount of \$58,984.80, associated with the Hughes Ranch Road Waterline Project.
- N. Consideration and Possible Action - Resolution No. R2018-221** - A Resolution of the City Council of the City of Pearland, Texas, authorizing the purchase of replacement fire bunker gear from NAFECO in an amount not to exceed \$104,500.00.

Councilmember Carbone made the motion, seconded by Mayor Pro-Tem Perez to adopt Consent Agenda Items A through N with the exception of B, E and M as presented on the Consent Agenda.

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

Voting "No" None.

Motion passed 6 to 0, with Councilmember Moore absent.

#### **MATTERS REMOVED FROM CONSENT AGENDA:**

- B. Consideration and Possible Action - Resolution No. R2018-189** - A Resolution of the City Council of the City of Pearland, Texas, amending the City's Comprehensive Financial Management Policy Statements to enhance the City's long-term goal of maintaining fiscal health and stability.

Councilmember Carbone made the motion, seconded by Mayor Pro-Tem Perez to approve Resolution No. R2018-189.

City Manager Clay Pearson stated this is for updates to the Financial Management Policy which set up Council policies for financial and procurement rules, including contract terms.

Councilmember Reed stated he requested the Resolution be pulled due to it not being what was expected when the discussion was had in August of this year and is not in agreement with the language of the proposed changes. He further stated the language does not address all of the areas it should, in particular General Services.

Budget and Procurement Manager John McCarter stated the contract terms are to limit the initial contract to three years with two possible renewals and the five year change with Financial Consultants is meant to mimic that model. He further stated any contract term beyond that would require a super majority by Council to pass.

Councilmember Reed stated he would like those terms to be outlined in this document and not just implied, this proposal should be held off until that change is properly reflected.

Councilmember Hernandez stated he prefers the previous language used on the Capital Projects, particularly the ongoing maintenance portion due to it being more specific to the intent.

Conversation ensued between Councilmember Reed and Budget and Procurement Manager John McCarter regarding the contract terms and the need for Council to approve any renewals. Further discussed was the reason the terms were not uniform across all contracts.

Councilmember Carbone stated if the City has a good relationship with a vendor and then the term ends it would take a super majority from Council to continue that relationship, but it would just take a majority vote to bring in a vendor the City has no relationship with.

Mayor Pro-Tem Perez stated that his understanding is that the initial term cannot exceed five years but if the City would like to continue services with a vendor, the opportunity is still available and would not exclude the vendor from reapplying.

City Attorney Darrin Coker stated if the vendor did want to continue with the City it would take a super majority from Council for the vendor to be able to continue providing services.

Councilmember Reed stated the idea behind this proposal is to make vendors be competitive and not be able to ride out a long contract without offering competitive pricing.

Budget and Procurement Manager John McCarter stated the initial three year term will be under the agreed upon terms and if the City is happy with the vendor the terms will be renewed. He further stated at the end of a five year term the City the rebid process will start over.

Mayor Pro-Tem Perez stated he would like the language of the proposal to outline more clearly what the terms will be, how they are renewed and that a vendor rebidding after the initial term is not penalized by needing a super majority from Council. He further asked staff if the City has contracts that would be more beneficial to not limit the term.

City Manager Clay Pearson stated the City generally does not have contracts that would be hindered by setting a limit on the amount of time the contract is signed for.

Conversation ensued between Mayor Pro-Tem Perez and City Manager Clay Pearson regarding the use of limited term contracts and if it may cause vendors to not want to do business with the City.

Councilmember Reed stated the term multiyear is used often in the proposal and would like staff to explain what that means.

Director of Finance Cynthia Pearson stated the language has changed for the Best Practices put out by the Governmental Financial Offices Association and any term that goes beyond one year is referred to as multiyear, this is just an update to the policy.

Mayor Pro-Tem Perez made the motion, seconded by Councilmember Reed to postpone Resolution R2018-189 to the next Regular Council Meeting.

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

Voting "No" None.

Motion to postpone passed 6 to 0, with Councilmember Moore absent.

**E. Consideration and Possible Action - Resolution No. R2018-211 - A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to renew a Software Maintenance Contract with Superior, LLC (formerly Sungard HTE/OSSI), in the estimated amount of \$288,093.80.**

Councilmember Carbone made the motion, seconded by Councilmember Little to approve Resolution No. R2018-211.

City Manager Clay Pearson stated this is a renewal for software key to performing functions within the Permits Department and Police record keeping.

Councilmember Owens stated he asked for this to be removed for discussion due to the initial contract being signed so long ago and is an example of long contract terms and the contract is basically just updated language.

City Manager Clay Pearson stated this is just a contract renewal and is standard with software upgrades, this would not fall under the proposed contract terms.

Councilmember Carbone asked staff if the expectation is that the existing software start performing better than it has historically.

City Manager Clay Pearson stated there have been difficulties in the past with Customer Service and repairs, but there is hope those issues are resolved.

Mayor Reid stated he is hesitant when vendors work on the City systems and staff has done a great job of keeping up with software issues.

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

Voting "No" None.

Motion passed 6 to 0, with Councilmember Moore absent.

**M. Consideration and Possible Action - Resolution No. R2018-215 - A Resolution of the City Council of the City of Pearland, Texas, approving a final change order with Reddico Construction Company, in the amount of \$58,984.80, associated with the Hughes Ranch Road Waterline Project.**

Councilmember Carbone made the motion, seconded by Councilmember Hernandez to approve Resolution No. R2018-215.

City Manager Clay Pearson stated this is the final change order associated with the Hughes Ranch Road Waterline Project.

Councilmember Owens stated he asked for this to be removed and asked staff if this is due to things being missed initially or is additional work needed.

Director of Engineering and Capital Projects Robert Upton stated plans to reuse some material instead of total replacement was initially thought to be of good use but the decision was made to not proceed that way. He further stated some areas were in an old Municipal Utility District (MUD) and the maps were not accurate.

Conversation ensued between Councilmember Owens and Assistant City Manager Trent Epperson regarding the reasons why work was performed without Council approval and why those additional changes were needed.

Mayor Pro-Tem Perez stated it is hard to predict water lines and determine where all of the service lines are and with this being part of an old MUD with no plans available made it that more difficult. He further stated it would be detrimental to not allow changes to be made in the field and approved by staff.

Conversation ensued between Councilmember Hernandez and Assistant City Manager Trent Epperson regarding the triggers that would bring a change order in front of Council.

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

Voting "No" None.

Motion passed 5 to 0, with Councilmember Moore absent and Mayor Pro-Tem Perez absent from Chambers.

## **NEW BUSINESS:**

**First Reading of Ordinance No. 2000M-178** - 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 amending the text within an approved planned development located on certain property, Lot A in Block 1 being 21.4007 acres of a subdivision of 30.6687 acres / 1,335,927 square feet situated in the W.T. Dobson Survey, Abstract No. 187, City of Pearland, Brazoria County, Texas. (Northeast corner of Cullen Parkway and McHard Road, Pearland TX.) Zone Change Application No. ZONE 18-00017, a request of Lake Park Pearland Ltd. Represented by James Johnson, applicant and owner; approval of amendments to the text within the Lake Park Planned Development regarding sign regulations; on approximately 21.4007 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 Hernandez to approve Ordinance No. 2000M-178.

City Manager Clay Pearson stated this was carried over by Council to allow the Applicant to appear in front of Council and has a positive recommendation to allow for a smaller sign to be placed on the property.

Applicant James Johnson addressed Council and stated the sign is too large and he would like Council approval to amend the sign.

Councilmember Carbone stated the vote failed when it went in front of Planning and Zoning and asked Senior Planner Martin Griggs to explain why the proposed change failed.

Senior Planner Martin Griggs stated when it went to Planning and Zoning it failed due to the development as a whole.

Councilmember Reed asked what the original sign design was prior to this request.

Applicant James Johnson stated it was the standard etched limestone sign and is what is seen normally in subdivisions.

Councilmember Reed stated the proposed sign has a basic appearance in comparison to the surrounding subdivisions.

Councilmember Owens stated the sign is nice looking and if the Developer is willing to put more money into a subdivision than that should be allowed and the sign does not negatively affect the area.

Councilmember Hernandez stated he is in support of the sign change and would like to see a sign erected.

Councilmember Owens stated he would like to know the reason why Planning and Zoning denied the proposal.

Senior Planner Martin Griggs stated Planning and Zoning was not impressed with the project as a whole and not a lot of conversation on why they did not like the sign occurred.

Councilmember Owens stated Planning and Zoning has no justification in denying the request and after the Developer has put so much into the development it does not make sense to deny the request.

Councilmember Reed stated Planning and Zoning is there in an advisory function and Council is tasked with reviewing the proposal.

Councilmember Carbone made the motion, seconded by Councilmember Little to postpone Ordinance 2000M-178 to the next Regular Council Meeting.

Mayor Reid called for the vote on the amended motion.

Voting "Aye" Councilmember Little.

Voting "No" Councilmembers Carbone, Reed, Perez, Hernandez and Owens.

Motion to postpone failed 5 to 1, with Councilmember Moore absent.

Mayor Reid called for the vote on the original motion.

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

Voting "No" Councilmember Reed.

Motion failed 5 to 1, with Councilmember Moore absent.

**First Reading of Ordinance No.T-28 ZONE 18-00009** - An Ordinance of the City Council of the City of Pearland Texas, Amendments to the Unified Development Code (UDC) No. (T-28) ZONE 18-00009 - A request of the City of Pearland, for a proposed amendment to Section 4.1.3.2 of the UDC regarding improvements required upon expansion and related planning triggers.

Mayor Pro-Tem Perez made the motion, seconded by Councilmember Little to approve Ordinance No. T-28 ZONE 18-00009.

City Manager Clay Pearson stated this proposes an amendment to the UDC as requested by Council to address new construction or development having to meet requirements depending on the size and scope of the project.

Mayor Pro-Tem Perez and Senior Planner Martin Griggs regarding the trigger for the UDC and what the difference would be between what Planning and Zoning proposed and what staff is proposing as the triggers.

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

Voting "No" None.

Motion passed 6 to 0, with Councilmember Moore absent.

**Council Action - Resolution No. R2018-219** - A Resolution of The City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to participate in an interlocal cooperative pricing arrangement with the Houston-Galveston Area Council (HGAC) for the purchase of one (1) ambulance, in the amount of \$244,622.27, from Mac Haik Dodge Chrysler Jeep via appropriation of \$300,000 from Fund 501.  
Fire Station #8 Ambulance Purchase AIR-18-448

Councilmember Hernandez made the motion, seconded by Councilmember Little to approve Resolution No. R2018-219.

City Manager Clay Pearson stated this is a purchase for an ambulance using the cooperative pricing arrangement with the Houston-Galveston Area Council.

Mayor Pro-Tem Perez asked staff how a dealership is chosen for these types of purchases.

City Manager Clay Pearson stated the choice comes from the BuyBoard who has already accepted bids.

Councilmember Little asked staff if this price is for the vehicle fully equipped from the dealership.

Assistant Fire Chief Daniel Baum stated the vehicle will be bought at Mac Haik and outfitted with the machines and technology by Frazer.

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

Voting "No" None.

Motion passed 6 to 0, with Councilmember Moore absent.

**Council Action - Resolution No. R2018-220** - A Resolution of The City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to participate in an interlocal cooperative pricing arrangement with the Houston-Galveston Area Council (HGAC) for the purchase of one (1) aerial platform truck and one (1) pumper truck, in the amount of \$2,298,921.00, from Siddons-Martin Emergency Group via appropriation of \$2,820,000 from Fund 501.

Councilmember Little made the motion, seconded by Councilmember Carbone to approve Resolution No. R2018-220.

City Manager Clay Pearson stated this is for the purchase of an aerial platform truck and for a pumper truck for the Fire Department.

Councilmember Little stated the bid was awarded to a company in Denton and would like to know if the vehicle is manufactured in Texas.

Assistant Fire Chief Daniel Baum stated the particular truck proposed is manufactured in Wisconsin.

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

Voting "No" None.

Motion passed 6 to 0, with Councilmember Moore absent.

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

Council adjourned into Executive Session under Texas government Code at 8:10 p.m. to discuss the following:

**EXECUTIVE SESSION UNDER TEXAS GOVERNMENT CODE**

1. **Section 551.072** - Consultation with City Attorney - Regarding the Sale, Lease or Exchange of Real Property.
2. **Section 551.087** - Consultation with City Attorney - Regarding Economic Development Negotiations.

Council returned from Executive Session at 9:30 p.m.

**NEW BUSINESS CONTINUED:**

**Council Action** – Regarding the Sale, Lease or Exchange of Real Property.

Councilmember Carbone made the motion, seconded by Councilmember Reed authorizing staff to proceed with the sale of surplus City property on Walnut Street.

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

Voting "No" None.

Motion passed 5 to 0, with Councilmember Moore absent and Mayor Pro-Tem Perez recusing from vote.

**OTHER BUSINESS:** None

**ADJOURNMENT**

Meeting was adjourned at 9:32 p.m.

Minutes approved as submitted and/or corrected this the \_\_\_\_ day of \_\_\_\_\_, 2018.

---

Tom Reid  
Mayor

ATTEST:

---

Young Lorfing, TRMC  
City Secretary