

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON NOVEMBER 26, 2018 AT 6:30 PM, IN THE COUNCIL CHAMBER PEARLAND CITY HALL 3519 LIBERTY DRIVE.

Mayor Reid called the meeting to order at 6:38 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	Woody Owens
City Manager	Clay Pearson
City Attorney	Darrin Coker
City Secretary	Young Lorfing

Absent: Councilmember J. David Little

Others in attendance: Jon Branson Deputy City Manager, Matt Buchanan President of EDC, Trent Epperson Assistant City Manager Trent Epperson, Roland Garcia Assistant Chief – Community Risk Reduction, Michelle Graham Director of Human Resources, John McDonald Director of Community Development, John McCarter Budget & Procurement Manager, Kim Sinistore Executive Director CVB, Johnny Spires Police Chief, Robert Upton Director of Engineering, Andrea Brinkley Assistant Director of Public Works, Joel Hardy Grants – Special Projects Administrator, Joshua Lee Communication Director, Daniel McGhinnis Chief Information Officer and Lawrence Provins Deputy City Attorney.

The invocation was given by Mayor Pro-Tem Perez and the Pledge of Allegiance was led by Deputy City Manager Jon Branson.

ROLL CALL:

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

CITIZEN COMMENTS:

Mayor Reid welcomed Cub Scout Pack 414, Boy Scout 446 and Den Leader Eileen Mellon to the meeting.

CONSENT AGENDA:

- A.** Approval of Joint Public Hearing Minutes held on October 15, 2018, at 6:30 p.m.
- B.** **Consideration and Possible Action - Resolution No. R2018-185** - A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or

his designee to enter into a Letter Finance Agreement with the Lower Kirby Pearland Management District, and a Reimbursement Agreement with the Pearland Economic Development Corporation associated with the Lower Kirby Beltway 8 Water Line Project (Hooper Road to Kirby Drive).

- C. Consideration and Possible Action** - Appointment of Donna Rizzo to Position No. 2 with the term expiring November 1, 2020, to serve on the Development Authority of Pearland Board.
- D. Consideration and Possible Action** - Appointment of Herb Fain, Jr. Position No. 3 to serve as TIRZ No. 2 Board Chairperson starting January 1, 2019 for a one year term.
- E. Consideration and Possible Action Second and Final 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.
- F. Consideration and Possible Action** - Excuse the Absence of Councilmember Gary Moore from the Regular Council Meeting held on November 12, 2018.

Councilmember Carbone made the motion, seconded by Councilmember Moore to adopt Consent Agenda Items A through F.

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

Voting "No" None.

Motion passed 6 to 0.

MATTERS REMOVED FROM CONSENT AGENDA: None

NEW BUSINESS:

Council 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 Reed made the motion, seconded by Councilmember Moore to approve Resolution No. R2018-189.

City Manager Clay Pearson stated this is a Resolution for the City's Financial Policies regarding contracts that the City enters into with vendors.

Conversation ensued between Councilmember Reed and City Manager Clay Pearson regarding where in the proposal the contract term limitations appear, the change to Bonds and the exceptions to the new term limitations.

Councilmember Hernandez asked staff to clarify why multi-year is being used for the contract term.

Budget and Procurement Manager John McCarter stated that is the best practice language that is used per Budget guidelines.

Councilmember Carbone asked staff if they foresee some of the language used for the term limitations becoming an issue in the future.

City Manager Clay Pearson stated the language should not have a negative impact on the City and there are conditions written into the Resolution that allow for flexibility moving forward.

Conversation ensued between Councilmember Carbone and Mayor Pro-Tem Perez regarding the flexibility Council will have with the proposed Resolution.

City Manager Clay Pearson stated there are certain contracts that are more advantageous to extend contracts beyond the term limitation and the Council has the ability to do that.

Councilmember Hernandez stated it is important to have independent audits of quality financial reporting and asked staff for any fee associated with the audits.

City Manager Clay Pearson discussed what fees are associated with the audits and provided the process and peer review health.

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

Voting "No" Councilmember Carbone.

Motion passed 5 to 1, with Councilmember Little absent.

Council Action - Resolution No. R2018-225 - A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for construction services associated with the FM 521 Ground Storage Tank Project, to DN Tanks, in the amount of \$2,932,930.00.

Mayor Pro-Tem Perez made the motion, seconded by Councilmember Moore to approve Resolution No. R2018-225.

City Manager Clay Pearson stated this would reward a contract for the construction of a third ground storage tank to improve the City's water system.

Mayor Pro-Tem Perez asked staff if once the Wastewater Treatment Plant is online will the Coty terminated the process of taking water from the City of Houston.

City Engineer Robert Upton explained the current contract is set up to either take the agreed upon amount of water from the City of Houston or pay a fee daily, therefore the City will take until it can be discussed with the City of Houston to just use the source in emergent situations.

Mayor Pro-Tem Perez asked staff if the Farm to Market Road 521 (FM 521) expansion would impact the proposal.

City Engineer Robert Upton stated there are no plans to expand FM 521 beyond the already planned project, no effect should occur.

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

Voting "No" None

Motion passed 6 to 0, with Councilmember Little absent.

Council Action - Resolution No. R2018-226 - A Resolution of the City Council of the City of Pearland, Texas, authorizing a contract with Enprotec/Hibbs & Todd, Inc., for design services, associated with the Bailey Water Plant Project, in an amount not to exceed \$372,460.00.

Councilmember Hernandez made the motion, seconded by Councilmember Moore to approve Resolution R2018-226.

City Manager Clay Pearson stated this will provide for the better filtering of water running through the underground water pump located on Bailey Road, in addition to repairs to the tank.

Mayor Pro-Tem Perez asked staff if this will help to resolve some of the water quality issues the City is experiencing in that area.

City Manager Clay Pearson stated that is the reason for the project and the results will be able to be reported on.

Conversation ensued between Mayor Pro-Tem Perez and City Engineer Robert Upton regarding the treatment process that will be used to boost the water quality from the tank.

Enprotec/Hibbs & Todd Inc Representative Jordan Hibbs addressed Council and explained the differences in the types of filtration processes that will be used in the process of improving the water quality of the tank on Bailey Road.

Mayor Pro-Tem Perez stated he would like to see the results during the different treatment processes that are used to ensure the best is chosen. He further asked Enprotec/Hibbs & Todd Inc Representative Jordan Hibbs if the company is not local how responsive the firm can be for issues.

Enprotec/Hibbs & Todd Inc Representative Jordan Hibbs stated his firm has been in the area since 2007 and he personally is in the area once a week and response time will be quick.

Councilmember Owens stated he is concerned also with response times per the proposal on the project there will be more Construction Monitors than Construction Inspectors.

City Engineer Robert Upton stated there will be Construction Inspectors onsite and Enprotec/Hibbs & Todd Inc will have Operators that will conduct start up testing and training.

Councilmember Owens stated he is concerned with the language in the contract that states Enprotec/Hibbs & Todd does not accept liability for contractor's performance or work. He further stated his concern due to Enprotec/Hibbs & Todd Inc being the Construction Monitor if no liability is going to be taken and that leaves them Construction Monitor powerless to stop the project if it needs to be done.

City Engineer Robert Upton stated the City will have Construction Inspectors and they will not be from Enprotec/Hibbs & Todd Inc and will have the ability to let the City know the project needs to be held up.

Conversation ensued between Councilmember Owens and Enprotec/Hibbs & Todd Inc Representative Jordan Hibbs regarding the availability of Inspectors, in addition the food and lodging agreement for the out of town inspectors.

Councilmember Owens stated there are firms in the area that can provide these services and had hoped for Enprotec/Hibbs & Todd Inc to plan an office in the area.

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

Voting "No" None

Motion passed 6 to 0, with Councilmember Little absent.

Council Action - Resolution No. R2018-199 - A Resolution of the City Council of the City of Pearland, Texas, authorizing a contract with Stantec Consulting Services, Inc., for design services, associated with the Barry Rose Water Reclamation Facility Expansion Project, in an amount not to exceed \$5,112,366.20.

Councilmember Moore made the motion, seconded by Councilmember Hernandez to approve Resolution No. R2018-199.

City Manager Clay Pearson stated this Resolution will reward a contract for update and modernization of the Barry Rose Water facility.

Mayor Pro-Tem Perez stated this project includes the shuttering of the Longwood Plant and redirecting the flow.

City Engineer Robert Upton stated that is correct and the Longwood Plant would be shut down and reflowed.

Councilmember Moore asked staff if permitting was all going as planned since it has been slow lately.

City Engineer Robert Upton stated the permits will be obtained as the project goes and there is a good working relationship with permitting.

Conversation ensued between Councilmember Owens, City Engineer Robert Upton and Stantec Consulting Services Representative John Keene regarding the scope of work for surveying and right of way as it is shown in the contract.

Councilmember Carbone asked staff if the expansion will trigger any tree mitigation or sidewalks.

City Engineer Robert Upton stated the Planning Department will look at what requirements are necessary.

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

Voting "No" None.

Motion passed 6 to 0, with Councilmember Little absent.

Council Action - Resolution No. R2018-224 - A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for construction services associated with the Hughes Ranch Road Project (Cullen Blvd to Smith Ranch Road), to Triple B Services, LLP, in the amount of \$16,683,347.60.

Councilmember Owens made the motion, seconded by Councilmember Moore to approve Resolution No. R2018-224.

City Manager Clay Pearson stated this is for the widening safety improvements for Hughes Ranch Road from Cullen to Smith Ranch.

Councilmember Moore asked at what point in the project the sound wall will be put in.

City Manager Clay Pearson stated those walls generally are put in toward the end of the project.

Councilmember Moore stated there are homes along that stretch that are not getting a sound wall that are closer to the project than others that are receiving a sound wall.

City Engineer Robert Upton stated when the studies were conducted on the sound walls and those homes did not qualify based on the criteria of those studies.

Conversation ensued between Councilmember Hernandez and City Engineer Robert Upton regarding the timeline for the various parts of the project.

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

Voting "No" None.

Motion passed 6 to 0, with Councilmember Little absent.

Council Action - Resolution No. R2018-227 - A Resolution of the City Council of the City of Pearland, Texas, authorizing the power of eminent domain to acquire fee simple title to certain property for the McHard Road Extension Project (Mykawa Road to Cullen Parkway); being a 0.4361 acre (18,995 square feet) parcel of land located in the F.B. Drake Survey, Abstract 505, Pearland, Brazoria County, Texas and being out of Lot 4, Section 10, Allison Richey Gulf Coast Home Company's Subdivision, according to the plat thereof filed in Volume 2, Pages 23-24, Brazoria County Plat Records (B.C.P.R.) and being out of that certain called 10.088 acres tract as described in a deed executed on September 30, 1977 from Jose C. Rodriguez to J. M. Holm & Company, Inc. recorded under Volume 1364, Page 235, Brazoria County Deed Records (B.C.D.R.), for the construction and maintenance of road, utility and drainage 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.

Council Action - Resolution No. R2018-229 - A Resolution of the City Council of the City of Pearland, Texas, authorizing the power of eminent domain to acquire fee simple title to certain property for the McHard Road Extension Project (Mykawa Road to Cullen Parkway); being a 0.3639 acre (15,853 square feet) parcel of land located in the H.T.& B. R.R. Company Survey, Abstract 243, Pearland, Brazoria County, Texas and being out of Lot 33, Section 19 Allison-Richey Gulf Coast Home Company Subdivision according to the plat thereof filed in Volume 02, Pages 23-24 Brazoria County Plat Records (B.C.P.R.) and being out of that certain called 1.318 acres tract as described in a deed executed November 8, 1968 from Willie W. Jones, et ux. to Robert L. Garner, Jr., et ux. recorded in Volume 1017, Page 297 Brazoria County Deed Records (B.C.D.R.), for the construction and maintenance of road, utility and drainage 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.

Council Action - Resolution No. R2018-228 - A Resolution of the City Council of the City of Pearland, Texas, authorizing the power of eminent domain to acquire fee simple title to certain property for the McHard Road Extension Project (Mykawa Road to Cullen Parkway); being a 0.1503 acre (6,546 square foot) parcel of land located in H.T. & B. RR Company Survey, Abstract 243, Pearland, Brazoria County, Texas and out of Lot 1, Section 19, Allison-Richey Gulf Coast Home Company Subdivision according to the plat thereof filed in Volume 02, Pages 23-24 Brazoria County Plat Records (B.C.P.R.) and being out of that certain called 2.00 acres tract as described in a deed executed on August 9, 2002 from JEB Properties., Inc. to Brantley Investments, L.L.C. recorded under Brazoria County Clerks File (B.C.C.F.) Number 02-041795 of the Official Public Records of Brazoria County (O.P.R.B.C.), for the construction and maintenance of road, utility and drainage 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.

City Attorney Darrin Coker stated the three Resolutions above are to continue the City's process to claim the right of way for the McHard Road Project and voting is for all three Resolutions.

Mayor Pro-Tem Perez made the motion, seconded by Councilmember Reed to approve Resolution No. R2018-227, R2018-229 and R2018-228.

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

Voting "No" None.

Motion passed 6 to 0, with Councilmember Little absent.

Council Input and Discussion - City's future Property tax rebates to in-City Municipal Utility Districts.

City Manager Clay Pearson stated this is being brought to Council to discuss the policies for tax rebates in regards to the Extraterritorial Jurisdiction's located in the City and if Council would like to move forward with these rebates, and at what level, after the established agreement for rates has been satisfied.

Council Input and Discussion - Regarding placing a maximum Finished Floor Elevation limit for building above the floodplain.

City Manager Clay Pearson stated this is for Council discussion to determine if a maximum elevation should be set in addition to the minimum elevation requirements in place for new construction.

MAYOR/COUNCIL ISSUES FOR FUTURE CITY COUNCIL AGENDAS: None

Council adjourned into Executive Session under Texas government Code at 8:22 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.

Council returned from executive session at 8:57 p.m.

NEW BUSINESS CONTINUED:

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

City Attorney Darrin Coker stated he advises that council make a motion to approve the sale or exchange of Real Property.

Mayor Pro-Tem Perez made the motion, seconded by Councilmember Carbone to approve the sale or exchange of property.

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

Voting "No" None.

Motion passed 6 to 0, with Councilmember Little absent.

OTHER BUSINESS: None

ADJOURNMENT

Meeting was adjourned at 9:00 p.m.

Minutes approved as submitted and/or corrected this the ____ day of _____, 2018.

Tom Reid
Mayor

ATTEST:

Young Lorfing, TRMC
City Secretary