

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON JANUARY 14, 2019 AT 6:30 PM, IN THE COUNCIL CHAMBER PEARLAND CITY HALL 3519 LIBERTY DRIVE.

Mayor Reid called the meeting to order at 6:31 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
Deputy City Manager	Jon Branson
City Attorney	Darrin Coker
City Secretary	Young Lorfing

Others in attendance: Matt Buchanan President of EDC, John McDonald Director of Community Development, John McCarter Budget & Procurement Manager, Chris Orlea Director of Parks & Recreation, Cynthia Pearson Director of Finance, Kim Sinistore Executive Director CVB, Johnny Spires Police Chief, Robert Upton Director of Engineering and Capital Projects, Clarence Wittwer Director of Public Works, Joel Hardy Grants-Special Projects Administrator, Skipper Jones Assistant Director of Capital Projects, Joshua Lee Communication Director and Daniel McGhinnis Chief Information Officer.

The invocation was given by Councilmember Carbone and the Pledge of Allegiance was led by Grants-Special Projects Administrator Joel Hardy.

ROLL CALL: Mayor Reid, Councilmembers Carbone, Reed, Moore, Hernandez, Little and Owens.

CITIZEN COMMENTS:

Charles McMurray, 5209 Spring Branch, addressed Council and stated his appreciation for the Code Enforcement Department, asked that Council readdress the definition of a junk vehicle, discussed the Charter Review Committee and City Budget.

Jenelle Tarr, 5303 Leggett Lane, addressed Council and stated her concern for the safety of children due to traffic and speeding in her neighborhood.

Melissa Ondrias, 5305 Leggett Lane, addressed Council and stated traffic and speeding is a danger in her neighborhood.

PUBLIC HEARING: None

CONSENT AGENDA:

A. Consideration and Possible Action - Approval of Minutes:

Minutes of November 19, 2018 Joint Special Meeting held at 6:30 p.m.

Minutes of November 26, 2018 Regular Meeting held at 6:30 p.m.

Minutes of December 10, 2018 Special Meeting held at 6:30 p.m.

Minutes of December 17, 2018 Joint Special Meeting held at 6:30 p.m.

Minutes of December 17, 2018 Regular Meeting held at 6:30 p.m.

- B. Consideration and Possible Action - Resolution No. R2019-13** - 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 Clute, Texas.
- C. Consideration and Possible Action - Resolution No. R2019-16** - A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply bid for the purchase of Police Department firearm ammunition with Bailey's House of Guns, in the estimated amount of \$62,625 for the period of January 24, 2019 through January 23, 2020.
- D. Consideration and Possible Action** - Excuse the Absence of Councilmember Trent Perez from the Regular Council Meeting held on December 17, 2018.

Councilmember Carbone made the motion, seconded by Councilmember Moore to approve Consent Agenda Items A through D as presented on the Consent Agenda.

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

Voting "No" None.

Motion passed 7 to 0.

NEW BUSINESS:

First Reading of Ordinance No. T-29 - An Ordinance of the City Council of the City of Pearland Texas, Amendments to the Unified Development Code (UDC) No. (T-29) - A request of the City of Pearland, for a proposed amendment to permit massage establishment only by a Conditional Use Permit (CUP), provide regulations for massage establishments, and to allow additional tree credits to provide developers relief from tree mitigation requirements.

Councilmember Reed made the motion, seconded by Councilmember Moore to adopt Ordinance No. T-29.

Deputy City Manager Jon Branson stated this Ordinance addresses the request from Council for clarification on the guidelines regarding massage establishments obtaining a Conditional Use Permit and an update to the UDC regarding tree mitigation.

Planning Manager Martin Griggs made a presentation to Council outlining the recommended Amendments regarding massage establishments and tree mitigation changes to the UDC.

Darrell Isenberg, 1406 Silver Maple Lane, addressed Council and spoke on behalf of Executive Director of Upbound Carrie Taylor. He further stated she would like to thank Council for its work towards ending Human Trafficking.

Councilmember Carbone asked staff why it is not in the Ordinance that an employee cannot reside overnight at the massage establishment.

Director of Community Development John McDonald stated it is already against the law for an employee to reside in a Commercial area overnight.

Councilmember Carbone asked staff if it could be added to the Ordinance.

City Attorney Darrin Coker stated when a Certificate of Occupancy is applied for it is either Business/Commercial or Residential and a person staying overnight would be a violation of the Occupancy Permit. He further stated the provision could still be added to the Ordinance.

Mayor Pro-Tem Perez stated the Ordinance is not applicable to massages that occur in a common place open to the public and would like to clarify that this Ordinance does not extend to businesses providing massages as an ancillary service.

Director of Community Development John McDonald stated it is correct and in the example of a business providing haircuts that also gives a massage, a CUP would not be required as long as the service is secondary and in the open.

Conversation ensued between Mayor Pro-Tem Perez and Urban Forester Jerry Bradshaw regarding the changes to the tree mitigation Amendment in the UDC.

Councilmember Hernandez asked staff how this type of Ordinance can be used going forward in the UDC for other types of businesses in the future such as spas and modeling studios.

City Attorney Darrin Coker stated the Council could add the same criteria to those types of businesses but it would have to be through another amendment to the UDC and not attached to the Ordinance presented currently.

Councilmember Hernandez stated he received an email from a citizen suggesting that landlords be required to sign a consent approval for these types of businesses going forward and would like to add that to the Ordinance.

Director of Community Development John McDonald stated any time a CUP is applied for, letters are sent out to all property owners with a 250 foot radius and if it is rental space the landlord is required to sign the CUP also.

Conversation ensued between Councilmember Hernandez and Director of Community Development regarding additional measures that can be taken to notify landlords and businesses when a CUP is applied for.

Councilmember Little asked staff for an estimate on the amount of massage establishments that currently are operating after the hours of operation proposed.

Director of Community Development John McDonald stated currently there are not any that the City is aware of that are operating after 10:00 p.m.

Councilmember Little asked staff how the City will handle businesses that conform to the proposed clear glass windows but put up barriers so that views are obstructed.

Director of Community Development John McDonald stated currently there is language in the Ordinance that does not allow for businesses to obstruct views so that a passerby cannot see what the business type is.

Councilmember Reed stated when this was initially brought up it was to protect the citizens and address human trafficking but has turned into protecting massage parlor owners and there is too much focus off what the real reason for this Ordinance is.

Councilmember Moore stated the Ordinance does not address businesses that offer massages as ancillary services but the massage is done behind closed doors.

Director of Community Development John McDonald stated businesses that would offer massages that are not in plain view of the public would be required to obtain a CUP just like the businesses that offer massages as the primary service.

Conversation ensued between Councilmember Moore and Director of Community Development John McDonald regarding businesses that do massages without a state license and how the City can address those businesses.

Councilmember Carbone made the motion, seconded by Councilmember Little to amend the motion to include the restriction to employees staying overnight and add language to the Ordinance stating it does not apply to businesses that provide massages as a secondary service and is not the primary business purpose.

Mayor Reid called for the vote on the amended motion.

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

Voting "No" None.

Amendment passed 7 to 0.

Mayor Reid called for the vote on the original motion as amended.

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

Voting "No" None.

Motion passed 7 to 0 as amended.

Council Action - Regarding appointment of the 2019 Charter Review Commission.

City Attorney Darrin Coker stated Council will need to vote on appointment to the Charter Review Commission that will make suggested changes to the City's Charter and provided the names of the top candidates that received Council votes.

Mayor Reid stated he selects E. Craig Slater as the Mayor's appointment as Chair to the Charter Commission.

Mayor Pro-Tem Perez made the motion, seconded by Councilmember Moore to amend the motion to show the appointments of Michael Wills III, Gerald Koza Jr., E. Craig Slater, Ruby Lee Sandars and Paul Eskine to the Charter Review Commission with E. Craig Slater appointed as Chair.

Mayor Reid called for the vote on the amendment.

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

Voting "No" None.

Amendment passed 7 to 0.

Mayor Reid called for the vote on the original motion.

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

Voting "No" None.

Motion passed 7 to 0 as amended.

Council Action - Resolution No. R2019-15 - A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a contract for investment advisory services with Valley View Consulting, in an amount not to exceed \$50,000, for the period of February 1, 2019 through January 31, 2020, and appropriating \$50,000 for investment advisory services.

Councilmember Hernandez the motion, seconded by Councilmember Moore to approve Resolution No. R2019-15.

Deputy City Manager Jon Branson stated the City manages the Budget portfolio internally and this Resolution will allow the City to enter into an agreement with a company that will provide Investment Advisory services.

Councilmember Carbone stated the contract is for one year but the attachment shows it remains in effect until December of the year 2020.

Deputy City Manager Jon Branson stated that term is a one year contract with a mutual agreed upon one year renewal if both parties are in agreement.

Councilmember Carbone asked staff to make sure the legality of this being a one year contract is in place. He further stated this service is advisory and Valley View Consulting will not be actively investing the City's funds.

Deputy City Manager Jon Branson stated that Valley View will not be handling City funds and the purpose of this is to monitor the City's funds and the Stock Market so that recommendations can be made.

Assistant Finance Director Rhonda Daugherty stated the City wants to maintain a non-discretionary advisement service that can analyze the Stock Market and make suggestions based on trends.

Owner of Valley View Consulting Dick Long addressed Council and provided a summary of the services that his company offers and how it will benefit the City.

Conversation ensued between Mayor Pro-Tem Perez and Owner of Valley View Consulting Dick Long regarding funds that will be used in between the projects it has been allocated for and returned as projects begin, in addition to how the funds will be invested.

Councilmember Owens asked staff if any of them have been in contact with any of the Cities that have utilized the proposed service in the past.

Deputy City Manager Jon Branson stated he has spoken to the people familiar with the services with Missouri City and Deer Park, both cities recommended Valley View Consulting.

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

Voting "No" None.

Motion passed 7 to 0.

Council Action - Resolution No. R2019-14 - A Resolution of the City Council of the City of Pearland, Texas, amending the City's Engineering Design Criteria Manual.

Councilmember Little made the motion, seconded by Councilmember Moore to approve Resolution No. R2019-14.

Deputy City Manager Jon Branson stated this Resolution will cover recommended changes to the City's Engineering Design Criteria Manual.

Director of Engineering and Capital Projects Robert Upton presented to Council the amendments and recommended changes.

Councilmember Owens stated the silkscreens used during construction are not being taken care of well and the City should address those.

Director of Engineering and Capital Projects Robert Upton stated that the City is monitoring areas where work is being done and actively correcting any issues identified.

Conversation ensued between Councilmember Owens and Director of Engineering and Capital Projects Robert Upton regarding the amount of eighteen wheelers traveling on common roadways and the amount of damage they cause, the roads that do not have the stability to support regular traffic of that size vehicle and how the City is addressing large vehicles taking those roads.

Councilmember Little stated some of the turn lanes on State Highway 35 are narrow and asked staff if the Engineering Design Criteria Manual addresses how wide those lanes need to be.

Director of Engineering and Capital Projects Robert Upton stated there are driveway width requirements for residential and commercial properties and those lanes will be covered under those requirements.

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

Voting "No" None.

Motion passed 7 to 0.

MAYOR/COUNCIL ISSUES FOR CITY COUNCIL DISCUSSION

Council Input and Discussion - Regarding the City of Pearland Grease Trap Policies.

Deputy City Manager Jon Branson stated this was brought to light by Councilmembers and will address the Ordinance that prohibits multiple users from sharing use of a common grease trap.

Director of Public Works Clarence Wittwer discussed the reason why this Ordinance is in place and provided a rundown of that policy.

Mayor Reid asked staff if there are regularly scheduled inspections of facilities with a grease trap.

Deputy City Manager Jon Branson stated the grease traps are inspected twice a year.

Conversation ensued between Councilmember Moore and Environmental Services Superintendent Laurie Rodriguez regarding the inspection process the City uses to determine compliance.

Mayor Pro-Tem Perez stated he asked this to go for discussion and stated he is in favor of a shared grease trap because it is more sanitary, cleaner and will be easier for the City.

Councilmember Moore asked staff what happens when a business that uses grease traps moves out and a business that does not utilize grease traps moves in.

Environmental Services Superintendent Laurie Rodriguez stated the business that moves in and does not use a grease trap would be required to make sure the grease trap is cleaned, filler put in and the trap bypassed.

Councilmember Moore stated in past experience he has dealt with grease traps and is also in support of a shared grease trap.

Councilmember Carbone stated staff is recommending to continue the individual grease traps and asked what Council needs to know since they are leaning toward a shared trap.

Director of Public Works Clarence Wittwer stated the repercussions of going from a single trap per user to a shared trap.

Environmental Services Superintendent Laurie Rodriguez advised Council of issues she has had in her past experience with shared grease traps.

Mayor Pro-Tem Perez stated strip centers should be able to choose between a shared grease trap or an individual trap used in the construction of the business and suggested it be presented to Council as an actionable item.

Deputy City Manager Jon Branson stated he has heard three Councilmembers that are in favor of the shared grease trap and would ask that a fourth Councilmember be in favor prior to presenting this as an actionable item.

Councilmember Carbone stated he may be in favor of the item but would like more information prior to making a decision.

Assistant City Manager Trent Epperson stated staff can discuss parameters regarding guidance for the landowners prior to allowing businesses to have a shared grease trap.

Council adjourned into Executive Session under Texas Government Code at 8:46 p.m.

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 9:30 p.m.

NEW BUSINESS CONTINUED:

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

City Attorney Darrin Coker made the recommendation for Council to authorize staff to proceed with action on the Walnut Street property.

Councilmember Carbone made the motion, seconded by Councilmember Moore to authorize staff to take action regarding the Walnut Street property.

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

Voting "No" None.

Voting "Abstain" Mayor Pro-Tem Perez.

Motion passed 5 to 0, with Councilmember Reed absent for Chambers.

City Attorney Darrin Coker stated the second portion of this is to authorize staff to proceed with the sale, lease or exchange of real property for drainage and detention purposes as discussed.

Councilmember Carbone made the motion, seconded by Councilmember Moore to authorize staff to proceed with the sale, lease or exchange of real property for drainage and detention purposes.

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

Voting "No" None.

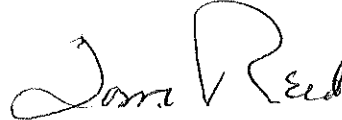
Motion passed 6 to 0, with Councilmember Reed absent for Chambers.

OTHER BUSINESS: None

ADJOURNMENT:

Meeting was adjourned at 9:31 p.m.

Minutes approved as submitted and/or corrected this the 11th day of February, A.D., 2019.



Tom Reid
Mayor

ATTEST:



Young Loring, TRMC
City Secretary

