

**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON JANUARY 28, 2019 AT 5:30 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	Gary Moore
Councilmember	Adrian Hernandez
Councilmember	J. David Little
Deputy City Manager	Jon Branson
City Attorney	Darrin Coker
City Secretary	Young Lorfing

Absent: Councilmember Reed and Councilmember Owens.

Others in attendance: Jon Branson Deputy City Manager, Matt Buchanan President of EDC, Trent Epperson Assistant City Manager, 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 and Capital Projects, Clarence Wittwer Director of Public Works, Andrea Brinkley Assistant Director of Public Works and Joshua Lee Communication Director.

The invocation was given by Mayor Pro-Tem Perez and the Pledge of Allegiance was led by City Attorney Darrin Coker.

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

**CITIZEN COMMENTS:** None

**PUBLIC HEARING:** None

**CONSENT AGENDA:**

- A. Consideration and Possible Action - Second and Final 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.
- B. Consideration and Possible Action - Resolution No. R2019-25** - A Resolution of the City Council of the City of Pearland, Texas, authorizing a contract for construction management, construction inspection and materials testing services with Freese and Nichols, Inc., for the Shadow Creek Ranch Bike/Pedestrian Trail Project, in the amount of \$133,575.00.

- C. Consideration and Possible Action – Resolution No. R2019-17** - A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for preventative maintenance and repairs on standby generators to LJ Power Generators, in the estimated amount of \$90,000.00, for the period of January 30, 2019 through January 29, 2020.
- D. Consideration and Possible Action - Resolution No. R2019-19** - A Resolution of the City Council of the City of Pearland, Texas, authorizing a contract with LEAF Engineers for design services, associated with the Recreation Center and Natatorium Generator and other Improvements Project, in the estimated amount of \$99,810.00.
- E. Consideration and Possible Action - Resolution No. R2019-23** - A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a 2nd Extension of the Industrial District Agreement with Denbury Resources, Inc.
- F. Consideration and Possible Action - Resolution No. R2019-21** - A Resolution of the City Council of the City of Pearland, Texas, directing staff to proceed with the annexation of approximately 13.0904 acres generally located at 7409 Bailey Road.
- G. Consideration and Possible Action - Resolution No. R2019-22** - A Resolution of the City Council of the City of Pearland, Texas, awarding a unit supply contract to NAPCO Chemical Company, Inc., for the purchase of sodium bisulfite liquid to serve various City water reclamation facilities, in the estimated amount of \$75,800.00, for the period of February 11, 2019 through February 10, 2020.

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

Councilmember Hernandez stated he would like to remove Item A for additional discussion.

Councilmember Moore stated he would like Item D to be removed from the Agenda for further discussion.

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

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

Voting "No" None.

Motion passed 5 to 0, with Councilmember Reed and Councilmember Owens absent.

**MATTERS REMOVED FROM CONSENT AGENDA:**

- A. Consideration and Possible Action - Second and Final 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 Carbone made the motion, seconded by Councilmember Moore to adopt Ordinance No. T-29 on its Second and Final Reading.

City Manager Clay Pearson stated this is the Second and Final Reading 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 Hernandez stated he asked for it to be removed so residents knew it was on the Agenda and also to explore the possibility of adding additional notification requirements to the Ordinance.

City Manager Clay Pearson stated it is not the staff recommendation to add additional notification requirements due to not wanting to get involved with landlord and renter relations and there are already requirements in place.

City Attorney Darrin Coker stated the Council has the ability to add those additional requirements but it is at Council discretion.

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

Voting "No" None.

Motion passed 5 to 0, with Councilmember Reed and Councilmember Owens absent.

**D. Consideration and Possible Action - Resolution No. R2019-19** - A Resolution of the City Council of the City of Pearland, Texas, authorizing a contract with LEAF Engineers for design services, associated with the Recreation Center and Natatorium Generator and other Improvements Project, in the estimated amount of \$99,810.00.

Councilmember Carbone made the motion, seconded by Councilmember Moore to approve Resolution No. R2019-19.

City Manager Clay Pearson stated this is authorizing a contract with LEAF Engineers for design services, associated with the Recreation Center, Natatorium Generator and other Improvement Projects.

Councilmember Little stated the details of the proposal has that it was originally designed for a generator and was removed due to budget restraints but the connections are left and asked staff why an engineering study needs to be done to install a generator.

Director of Engineering and Capital Projects Robert Upton stated the original generator was a smaller size to power the facility in part and the proposed generator will be larger and power the entire facility.

Councilmember Little asked staff what the total amount of membership dues is and how much of that covers operating expenses.

City Manager Clay Pearson stated the Recreation Center and Natatorium are operating above the target for operation costs currently and where it should be financially.

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

Voting "No" None.

Motion passed 5 to 0, with Councilmember Reed and Councilmember Owens absent.

**NEW BUSINESS:**

**Council Input and Discussion Regarding the FY2019 Bond Package Projects** - Discussion and Decision on Scope and Funding Size.

City Manager Clay Pearson stated Council had a meeting in December to discuss the future Bond Consideration that will be on the ballot in May and this is a portion of the Capital Projects that were discussed in that meeting. He further stated this will be for Council to be given another chance to review.

Director of Engineering and Special Projects Robert Upton made a presentation summarizing the requested changes made by Council in the December meeting.

Stephanie Johnson, 2912 Ashbrook Lane, address Council and spoke in support of the Animal Shelter portion of the presented Bonds.

Haley Greenway, 17803 Timothy Street, addressed Council and spoke in support of the Animal Shelter and the proposed new building.

Mayor Pro-Tem Perez stated he is in agreement with the Projects chosen for the Bond Consideration but the new Fire Burn Building should not be paid for by a Certificate of Obligation.

Councilmember Moore stated he is not in agreement with all of the Projects chosen but supports the Bond package as a whole.

Councilmember Carbone asked staff to clarify the Fire Training Building and the Animal Shelter would not be a Facility Referendum.

Director of Engineering and Special Projects Robert Upton stated per the Bond Council the Fire Building and the Animal Shelter are unique items that need to stand on their own.

Conversation ensued between Councilmember Carbone and Director of Engineering and Special Projects Robert Upton regarding budgeting options for the Fire Burn Building.

Councilmember Carbone made the motion, seconded by Councilmember Moore to add the Fire Burn Building to the Bond package for voters.

Mayor Pro-Tem Perez stated the addition of the Fire Burn building will keep the Bond package under the requested amount.

Councilmember Moore asked staff how many bids were received for the Animal Shelter.

City Manager Clay Pearson stated there are no bids for this project, only estimates at this stage.

Mayor Pro-Tem Perez asked how recent the estimates are for the Animal Shelter.

Director of Engineering and Special Projects Robert Upton stated these were done prior to the December meeting and are recent.

**First and Only Reading of Ordinance No. 1497-7** - An Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 1497-6 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.

Mayor Pro-Tem Perez made the motion, seconded by Councilmember Moore to adopt Ordinance No. 1497-7 on its First and Only Reading.

City Manager Clay Pearson stated the City will begin work to improve safety in front of one of its schools and has presented the proposed speed limit changes to Pearland Independent School District who has signed off on it. He further stated this will put that speed limit change into effect for enforcement.

Mayor Pro-Tem Perez stated the speed limit change will be moved 100 feet north and leave the crosswalk from the apartment complex unprotected.

Director of Engineering and Special Projects Robert Upton stated with the Old Alvin project having sidewalks on both sides the City worked with the School District, the children can walk north to the crosswalk and across to the school.

Mayor Pro-Tem Perez stated there is a lot of congestion in the entryway of the subdivision across from the school and would like to see "No Parking" signs as part of this project.

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

Voting "No" None.

Motion passed 5 to 0, with Councilmember Reed and Councilmember Owens absent.

**First Reading of Ordinance No. 1571** - An Ordinance of the City Council of the City of Pearland, Texas, renaming portions of Max Road between Broadway and Hughes Ranch Road to Reid Boulevard; renaming a disconnected section of Max Road to Old Max Court; and naming a currently unnamed road north of Zychlinski Park to Zychlinski Drive; containing a savings clause, a severability clause and a repealer clause.

Councilmember Hernandez made the motion, seconded by Councilmember Little to adopt Ordinance No. 1571.

Manuel Lopez, 2215 Max Road, addressed Council and presented a petition opposing the renaming of Max Road to Reid Boulevard.

City Manager Clay Pearson stated this is the street renaming for two different sections, one near Zychlinski Drive and the other is Max Road. He further stated there is a push for contiguous roads to not have multiple names.

Councilmember Carbone stated this Ordinance will cause multiple residents to make address changes and there is no easy fix to the issue of that area having multiple street names for one road.

Mayor Pro-Tem Perez stated there is no easy fix and there are more homes on Max Road that will be affected and less on Reid Boulevard, but there does need to be a change of street names for contiguous roads. He further stated the amount of addresses that would require change needs to be presented to make a better decision.

Councilmember Moore stated he supports this Ordinance being postponed until the amount of residents affected can be determined.

Conversation ensued between Mayor Pro-Tem Perez and Assistant City Manager Trent Epperson regarding different section options for name changes.

Mayor Pro-Tem Perez made the motion, seconded by Councilmember Moore to postpone the Ordinance for a future meeting.

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

Voting "No" None.

Motion passed 5 to 0, with Councilmember Reed and Councilmember Owens absent.

Mayor Reid called the Regular Meeting into recess at 6:34 p.m. and opened the Joint Public Hearing.

Mayor Reid called the meeting back to order at 8:15 p.m.

**Council Action - Resolution No. R2019-20** - A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply bid for mechanical services (maintenance and repairs) associated with Public Works facilities, with STP Services, in the estimated amount of \$650,000.00, for the period of February 19, 2019 to February 18, 2020.

Councilmember Little made the motion, seconded by Councilmember Moore to approve Resolution No. R2019-20.

City Manager Clay Pearson stated this is a contract renewal for the City's Water and Sewer Operations lines that are in need of specialized pump services.

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

Voting "No" None.

Motion passed 5 to 0, with Councilmember Reed and Councilmember Owens absent.

**Council Action - Resolution No. R2019-24** - A Resolution of the City Council of the City of Pearland, Texas, authorizing a contract for construction management and construction inspection services with Cobb Fendley & Associates, Inc., for the Hughes Ranch Road Project (Smith Ranch Road to Cullen Parkway), in the amount of \$1,487,707.73.

Councilmember Moore made the motion, seconded by Councilmember Little to approve Resolution No. R2019-24.

City Manager Clay Pearson stated this is authorizing a contract for construction management and construction inspection services with Cobb Fendley & Associates, Inc., for the Hughes Ranch Road Project.

Councilmember Moore stated there are two homes on Hughes Ranch Road that will not get a sound wall and are closer to the roadway than the other homes that are getting a sound wall.

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

Voting "No" None.

Motion passed 5 to 0, with Councilmember Reed and Councilmember Owens absent.

**Council Action - Resolution No. R2019-27** - 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 Lower Kirby Regional Detention Project; being 0.7570 acre tract of land, in the James Hamilton Survey, A-881, Harris County, Texas, which is the 10 acre tract described in the deed from Russell G. Allen, Jr. to Nancy Davis Kimbrell, recorded under File No. 2016229672, in the Official Public Records of Real Property, of Harris County, Texas, and out of Lot 4, of the JAMES HAMILTON SURVEY, a subdivision of record in Volume 83, Page 342, of the Deed Records of Harris County, Texas, for the construction and maintenance of 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. R2019-26** - 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 Lower Kirby Regional Detention Project; being 1.820 acres of land, in the James Hamilton Survey, A-881, Harris County, Texas, out of a 12 acre tract described in the deed from Fidelity Bank and Trust Company to O. Y. Ong, Trustee recorded under File Number E829605, in the Official Public Records of Real Property of Harris County, Texas, out of Lot 2, of the JAMES HAMILTON SURVEY SUBDIVISION, a subdivision of record in Volume 83, Page 342 in the Deed Records of Harris County, Texas, and Lot 2 of M.L. PARKER PARTITION, a subdivision of record in Volume 998, Page 20, in the Deed Records of Harris County, Texas, for the construction and maintenance of 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.

Councilmember Carbone made the motion, seconded by Councilmember Perez to approve Resolution No. R2019-27 and R2019-26.

City Attorney Darrin Coker stated these two properties needed to be acquired for the Lower Kirby Regional Detention Project and the City has an agreement with TxDOT to use the property after obtaining fee title. He further stated after working with the property owners the City will exercise eminent domain.

Mayor Pro-Tem Perez asked staff to clarify the appraisal values attached to the property listed in Resolution R2019-27.

City Attorney Darrin Coker provided clarification on the appraisal.

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

Voting "No" None.

Motion passed 5 to 0, with Councilmember Reed and Councilmember Owens absent.

**Council Input and Discussion** - Solicit proposals for a new solid waste contract in FY2020 that will include garbage cart service.

City Manager Clay Pearson stated this is a discussion item for solid waste disposal and there are two years left on the current contract, staff recommendation is to begin accepting competitive bids.

Waste Management Representative Shanna Lopez addressed Council and provided the proposed Waste Management pilot program to begin offering different bins to residents for trash and recycling pickup. She further stated Waste Management would ask for an extension in the contract before investing in additional bins and vehicles.

Conversation ensued between Mayor Pro-Tem Perez and Waste Management Representative Shanna Lopez regarding why it would be necessary to have a pilot program in Pearland for a service offered in other areas.

Mayor Pro-Tem Perez stated he is not in favor of extending the contract with Waste Management without the City opening the services up for bid.

Councilmember Hernandez asked Waste Management Representative Shanna Lopez to speak about the option for residents that do not want the cart.

Waste Management Public Sector Representative Shanna Lopez stated bags will be accepted on certain days of the two day collection schedule.

Councilmember Little stated if residents can opt out of the bins then there is no reason to have a pilot program, it comes down to a resident either having the bin or not having the bin. He further stated he has heard resistance to the bins and having to push a cart down the driveway.

Councilmember Moore stated he has been adamantly against going to the trash bins but after speaking to Waste Management Representative Shanna Lopez he is more in favor of the bins. He further stated with the contract running out he thinks it should go out to bid and although bids may be lower, the service is not going to be the same.

Councilmember Carbone stated Waste Management has done a great job but has had the contract for too long without having to rebid on it and it is time to get other bids in, even if Waste Management is awarded the bid.

Councilmember Moore stated staff could meet with Homeowners Associations to see what options residents can have if they get the trash bins.

**MAYOR/COUNCIL ISSUES FOR CITY COUNCIL DISCUSSION:** None

**OTHER BUSINESS:** None

**ADJOURNMENT:**

Meeting was adjourned at 8:52 p.m.

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



*Tom Reid*

Tom Reid  
Mayor

ATTEST:

*Young Loring*  
Young Loring, TRMC  
City Secretary

