

**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON DECEMBER 10, 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	J. David Little
Councilmember	Gary Moore
Councilmember	Adrian Hernandez
Councilmember	Woody Owens
City Manager	Clay Pearson
City Attorney	Darrin Coker
City Secretary	Young Lorfing

Others in attendance: Jon Branson Deputy City Manager, Trent Epperson Assistant City Manager, Michelle Graham Director of Human Resources, John McDonald Director of Community Development, John McCarter Budget & Procurement Manager, Chris Orlea Director of Parks & Recreation, Kim Sinistore Executive Director CVB, Robert Upton Director of Engineering, Clarence Wittwer Director of Public Works, Joel Hardy Grants – Special Projects Administrator, Skipper Jones Assistant Director of Capital Projects, 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.

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

**CITIZEN COMMENTS:**

Andrew Miller, 3416 Norma Lane, addressed Council and reported on the Keep Pearland Beautiful Annual Report.

**PUBLIC HEARING:** None

**CONSENT AGENDA:**

- A. Approval of minutes of November 12, 2018, Regular Meeting minutes held at 6:30 p.m.
- B. **Consideration and Possible Action** - Excuse the Absence of Councilmember J. David Little from the Regular Council Meeting held on November 26, 2018.
- C. **Consideration and Possible Action - Resolution No. R2018-230** - A Resolution of the City Council of the City of Pearland, Texas, awarding a unit supply contract

for the supply of traffic signs and related materials to Municipal Signs, Inc., in an amount not to exceed \$112,500.00, for the period of December 17, 2018 through December 16, 2019.

- D. Consideration and Possible Action - Resolution No. R2018-238** - A Resolution of the City Council of the City of Pearland, Texas, awarding a unit supply bid for large water meters and related parts with Park Environmental Equipment USA, in an amount not to exceed \$167,470.00, for the period of December 10, 2018 through December 9, 2019.
- E. Consideration and Possible Action - Resolution No. R2018-240** - A Resolution of the City Council of the City of Pearland, Texas, renewing a unit cost contract for property acquisition and relocation services with Right-of-Way Solutions LLC, for the period of December 18, 2018 through December 17, 2019.
- F. Consideration and Possible Action - Resolution No. R2018-244** - A Resolution of the City Council of the City of Pearland, Texas, authorizing the Lower Kirby Pearland Management District ("District") to issue and sell road bonds, totaling \$3,000,000.00, for certain roadway and storm drainage projects (North Spectrum Boulevard between Kirby Drive and the TxDOT Ditch; and South Spectrum Boulevard).

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

**MATTERS REMOVED FROM CONSENT AGENDA:** None

**NEW BUSINESS:**

**First Reading of Ordinance 2000M-179** -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, Tract "A" Field note description of 1.619 acres being out of and a part of Lot 14, of Masterson Subdivision, Section 5, in the H.T.&B.R.R. Survey, Abstract 237, Brazoria County, Texas, according to the recorded map or plat thereof recorded in Volume 28, Page 6 of the deed records of Brazoria County, Texas and being a part of that tract of land as conveyed be Robert J. Heinrich and wife, Janice Jo Ann Heinrich to Lenard R. West and wife, Kathleen M. West as recorded in Volume 1301, Page 620 of the Brazoria County Deed Records on July 30, 1976 and Tract "B" Field note description of 1.619 acres being out of and a part of Lot 14, of Masterson Subdivision, Section 5, in the H.T.&B.R.R. Survey, Abstract 237, Brazoria County, Texas, according to the recorded map or plat thereof recorded in Volume 28, Page 6 of the deed records of Brazoria County, Texas and being a part of that tract of land as conveyed be Robert J. Heinrich and wife, Janice Jo Ann Heinrich to Lenard R. West and wife, Kathleen M. West as recorded in Volume 1301, Page 620 of the Brazoria County Deed Records on July 30, 1976. (1915 Hatfield Road, Pearland TX.) Zone Change Application No. ZONE 18-00020, a request of Larry West, Sr. and Kathleen Ellis,

applicant/owner; approval of a change in the zoning classification from the Light Industrial (M-1) to Single-Family Estate (RE) zoning district; on approximately 3.238 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 Moore to adopt Ordinance 2000M-179.

City Manager Clay Pearson stated this is a rezoning to go from a zoning classification of Light Industrial (M-1) to Single-Family Estate (RE) zoning district, staff is recommending approval.

Kathleen Ellis, P.O. Box 1738, addressed Council and stated all parties involved are here tonight to answer any questions.

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

Voting "No" None.

Motion passed 7 to 0.

**First Reading of Ordinance No. 1570** - An Ordinance of the City Council of the City of Pearland amending Chapter 30, Utilities, of the City Code of Ordinances by adding Article VI, Illicit Discharge Prohibitions; establishing illicit discharge regulations as required by U.S. Environmental Protection Agency guidelines and standards adopted by the Texas Commission on Environmental Quality; having a savings clause, a severability clause, a penalty clause and a repealer clause; providing for publication, codification, and an effective date.

Mayor Pro-Tem Perez made the motion, seconded by Councilmember Moore to adopt Ordinance 2000M-1570.

City Manager Clay Pearson stated this will amend the City Code of Ordinances and add Illicit Discharge Prohibitions as required by U.S. Environmental Protection Agency guidelines and standards adopted by the Texas Commission on Environmental Quality.

Councilmember Moore asked staff how this Ordinance will affect the City's Budget.

Director of Engineering Robert Upton stated the City currently does some of these functions and this Ordinance will assist in Code Enforcement.

Mayor Pro-Tem Perez stated the report shows the City is moving forward with the Class 3 Permit due to the population size and currently the City is not planning at this time to meet Class 4 requirements.

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

Voting "No" None.

Motion passed 7 to 0.

**First Reading of Ordinance No. 1568-1** - An Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 1568, the 2018-2019 Annual Budget Ordinance, by; authorizing the City Manager or his designee to take all actions necessary to facilitate the changes identified herein without further approval of City Council; providing a savings clause, a severability clause, a repealer clause, and an effective date.

Councilmember Hernandez made the motion, seconded by Councilmember Moore to adopt Ordinance 1568-1.

City Manager Clay Pearson stated this Ordinance will allow carryover and Amendments to projects approved in Fiscal Year 2018.

Budget and Procurement Manager John McCarter provided a presentation addressing the Budget Amendment and carryover requested.

Mayor Pro-Tem Perez stated Streets and Sidewalks need to be looked at as a priority.

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

Voting "No" None.

Motion passed 7 to 0.

**Council Action - Resolution No. R2018-237** - A Resolution of the City Council of the City of Pearland, Texas, awarding a unit supply bid for sludge transfer, dewatering and lift station cleaning services to Magna Flow Environmental, in an amount not to exceed \$482,657.00, for the period of December 20, 2018 through December 19, 2019.

Councilmember Little made the motion, seconded by Councilmember Moore to approve Resolution R2018-237.

City Manager Clay Pearson stated this is a contract renewal with Magna Flow Environmental for sludge transfer, dewatering and lift station cleaning services.

Councilmember Carbone stated this bid was in the middle of the highest and lowest bids, asking staff why this one was chosen.

Assistant City Manager Trent Epperson stated this and Resolution No. R2018-243 were bid out at the same time and given to separate vendors, not all vendors bid on both items.

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

Voting "No" None.

Motion passed 7 to 0.

**Council Action - Resolution No. R2018-243** - A Resolution of the City Council of the City of Pearland, Texas, awarding a unit price contract for dewatered bio-solids disposal services to Sprint Waste Services LP, in an amount not to exceed \$350,000.00, beginning December 20, 2018 through December 19, 2019.

Councilmember Moore made the motion, seconded by Councilmember Hernandez to approve Resolution R2018-243.

City Manager Clay Pearson stated this is to award a contract for dewatered bio-solids disposal services to Sprint Waste Services LP.

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

Voting "No" None.

Motion passed 7 to 0.

**Council Action - Resolution No. R2018-242** - 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 Johnston LLC, in the amount of \$425,800.00, for facilities assessment services for thirty three (33) City building facilities.

Councilmember Owens made the motion, seconded by Councilmember Moore to approve Resolution R2018-242.

City Manager Clay Pearson stated this will allow the City to get an assessment of facilities throughout the City to help with allocating funds at Budget time for maintenance.

Councilmember Reed stated there is a need for the facilities to be looked at but cannot support the amount asked for in addition to the short contract. He further added hiring a Facility Manager would be more sensible.

Councilmember Carbone stated it would be nice to have an amount allocated each year for facility repairs but there are far more important things that need to be budgeted for and the funds are not there. He further stated staff in those facilities should be able to determine what is needed and relay that information.

Mayor Pro-Tem Perez asked staff what the benefit to having this put in place is versus what is in-house currently.

City Engineer Robert Upton stated this would give the City a Facility Condition Index Report which would allow the City to determine where the weak points are within the facilities. He further stated it is similar to what was done with streets to determine where to focus funds.

Councilmember Little stated he agrees that this is a function that should be able to be done in-house and things that are high cost can be assessed by staff.

Mayor Reid stated it is a great use of funds to determine what needs to be repaired or replaced rather than find out somewhere down the line and have to come up with unplanned funds.

Conversation ensued between Mayor Pro-Tem Perez and City Engineer Robert Upton regarding what services will be given that cannot be accomplished with existing staff and what buildings will be reviewed.

Councilmember Owens stated he is familiar with the company and its services and it will be beneficial for the City to use the services and the City does not have the staff to assess some issues.

Councilmember Moore stated he is in support of the services but the funds requested are too high and suggested a hybrid program between Johnston LLC and the City.

Councilmember Reed asked staff how often Johnston LLC will be visiting the facilities.

City Engineer Robert Upton stated there will be an initial visit for the assessment and if no follow up is required the report will be submitted.

Councilmember Hernandez asked staff if this will be an ongoing expense after the reports expire or will the initial plans given be enough of an indicator for long term repairs.

Assistant City Manager Trent Epperson stated this will provide a baseline and will be used for creating an Asset Management program for the City.

President of Johnston LLC, Alan Johnston, addressed Council and explained what services the City will receive and the process used to make determinations on repairs or replacement.

Conversation ensued between Mayor Pro-Tem Perez and President of Johnston LLC Alan Johnston regarding what types of Engineering reports will be given, the details of each report and the lifespan of the reports.

Councilmember Reed stated none of the work Johnston LLC does will be warrantied and staff will have to maintain the facilities. He further stated he cannot support the amount and Council has approved enough studies to tell the City how much money to spend and cannot approve another.

Councilmember Hernandez stated the assessment is a visual inspection and does not go into the equipment itself.

President of Johnston LLC Alan Johnston stated they will go in and make sure the equipment is functioning as it should and at its best capacity but will not disassemble anything.

Councilmember Hernandez stated it is possible that Johnston LLC finds an issue and the City calls out for repair and it is determined that the repair is not needed which would cause the City loss of additional funds.

President of Johnston LLC Alan Johnston stated companies can have differing opinions and he trusts that the staff he sends out are experienced and will give proper guidance.

Councilmember Owens stated the inspections will have to be visual due to some things cannot be disassembled and this is an evaluation. He further stated the City asked for the short turnaround time. Councilmember Owens stated it is ultimately up to the City to determine what needs to be repaired and what is priority. He further stated he is in support of this service and it will give the City an outline of what costs are needed.

Conversation ensued between Mayor Pro-Tem Perez and Assistant City Manager Trent Epperson regarding what the City plans to do with the reports both short term and long term.

Councilmember Little stated there are some smaller buildings and cannot see them being so extensive that staff could not handle them. He further asked how the funds would be affected if some of those buildings were removed.

President of Johnston LLC Alan Johnston stated he would need to go back to his office to work up the cost change before committing to a number. He further stated there are things in those buildings that will still need to be inspected.

Mayor Reid stated that staff can reassess what buildings need the most attention and resubmit this Resolution when that is completed.

Councilmember Reed made the motion, seconded by Mayor Pro-Tem Perez to call the question.

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

Voting "No" None.

Motion passed 7 to 0.

Mayor Reid called for the vote on the original motion.

Voting "Aye" Councilmember Perez, Hernandez and Owens.

Voting "No" Councilmember Carbone, Reed, Little and Moore.

Motion failed 4 to 3.

**Council Action - Resolution No. R2018-241** - A Resolution of the City Council of the City of Pearland, Texas, extending initial call response for fire protection and emergency medical services, on a temporary basis, to the portions of the City's Extraterritorial Jurisdiction ("ETJ") located in Brazoria County Emergency Service Districts No. 4 and No. 5 ("Districts").

Councilmember Carbone made the motion, seconded by Councilmember Moore to approve Resolution R2018-241.

City Manager Clay Pearson stated this is specific to the Brazoria County sections of the unincorporated area that receive Emergency Services and will extend initial call response for fire protection and emergency medical services, on a temporary basis until April 15, 2019.

Conversation ensued between Councilmember Hernandez and City Manager Clay Pearson regarding the options the Extraterritorial Jurisdiction has for Emergency Services and whether the Municipal Utility District can be brought up again.

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

Voting "No" Councilmember Reed.

Motion passed 6 to 1.

**Council Action - Resolution No. R2018-239** - A Resolution of the City Council of the City of Pearland, Texas, terminating initial call response for fire protection and emergency medical service to the portion of the City's Extraterritorial Jurisdiction ("ETJ") located in Harris County, effective January 1, 2019.

Councilmember Reed made the motion, seconded by Councilmember Moore to approve Resolution R2018-239.

City Manager Clay Pearson stated this is for the Extraterritorial Jurisdiction located in Harris County and is terminating initial call response for fire protection and emergency medical service effective January 1, 2019. He further stated attempts from the City to contact the Industrial Zone that covers the majority of the district have not been returned.

Mayor Pro-Tem stated Tom Bass Park was not represented by the group that did not respond and Pearland citizens use the Park, it would not be fair to those citizens to not have Pearland Emergency Services.

City Manager Clay Pearson stated it comes down to geography and Pearland citizen's calls for emergency services are not answered by the City in certain areas.

Councilmember Carbone stated the City has determined that no more Emergency Services will be provided but the letter to the Association that covers that area came back undeliverable, has staff contacted the Houston Fire Department.

City Manager Clay Pearson stated that would be the responsibility of the Extraterritorial Jurisdiction to contact that Agency.

Councilmember Carbone stated in the past Pearland answered calls for Emergency Services and now when a caller dials for service the City is hoping Harris County will respond.

City Manager Clay Pearson stated Harris County will answer because it falls under their responsibilities.

Grants – Special Projects Administrator Joel Hardy stated the City has been in contact with Harris County Judge Ed Emmett's Office and have not received a response but will continue to work with Harris County as needed.

Councilmember Carbone stated letters need to be sent out to the residents in that area to let them know the City will not provide Emergency Services.

Mayor Pro-Tem Perez made the motion, seconded by Councilmember Hernandez to amend the motion adding that notification letters will be sent out to residents.

Mayor Reid called for the vote on the amended motion.

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

Voting "No" Councilmember Reed.

Amended Motion passed 6 to 1.

Mayor Reid called for the vote on the original motion.

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

Voting "No" Councilmember Reed.

Motion passed 6 to 1.

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

Council adjourned into Executive Session under Texas government Code at 8:30 p.m. to discuss the following:

**EXECUTIVE SESSION UNDER TEXAS GOVERNMENT CODE**

1. Section 551.071- Consultation with City Attorney regarding privileged and confidential advice on legal matters.

Council returned from Executive Session at 9:01 p.m.

**OTHER BUSINESS: None**

**ADJOURNMENT**

Meeting was adjourned at 9:02 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

