

**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, MARCH 25, 2019, AT 6:30 P.M. IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

Mayor Reid called the meeting to order 6:35 p.m. with the following present:

Mayor	Tom Reid
Mayor Pro-Tem	Trent Perez
Councilmember	Tony Carbone
Councilmember	Derrick Reed
Councilmember	Gary Moore
Councilmember	J. David Little
Deputy City Manager	Jon Branson
City Attorney	Darrin Coker
City Secretary	Young Lorfing

Absent: Councilmember Adrian Hernandez

Others in attendance: Trent Epperson Assistant City Manager, Michelle Graham Director of Human Resources, John McDonald Director of Community Development, Chris Orlea Director of Parks and Recreation, Cynthia Pearson Director of Finance, 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, Joel Hardy Grants – Special Projects Administrator, Joshua Lee Communication Director and Lawrence Provins Deputy City Attorney.

The invocation was given by Councilmember Carbone and the Pledge of Allegiance was led by Mayor Pro-Tem Perez.

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

**CITIZEN COMMENTS:** None

**PUBLIC HEARING:**

Docketed Public Hearing ROW Abandonment (CR 89).

**STAFF REVIEW:**

City Attorney Darrin Coker stated this Hearing regarding a petition for the abandonment of a portion of a Public Right of Way. He further made a presentation on the Right of Way requested for abandonment and the process to complete the abandonment.

**COUNCIL/STAFF DISCUSSION:** None.

**ADJOURNMENT:**

Meeting was adjourned at 6:40 p.m.

**PUBLIC HEARING:**

Docketed Public Hearing - Voluntary Annexation of approximately 13.0904 acres generally located at 7409 Bailey Road.

**STAFF REVIEW:**

Grants – Special Projects Administrator Joel Hardy made a presentation to Council regarding the Voluntary Annexation of the property generally located at 7409 Bailey Road at the property owner’s request.

**CITIZEN COMMENTS:**

Infinity Real Estate Group Representative Mona Miller address Council and stated she has the contract on the property and is here with the owners to answer any questions.

Overland Group Representative Spencer Marston address Council and stated he is with the developer of the land and is here to answer questions.

**COUNCIL/STAFF DISCUSSION:**

Councilmember Owens asked staff if this property falls into an existing Emergency Services District (ESD).

Grants – Special Projects Administrator Joel Hardy stated the property falls into Emergency Service District #4 currently but will be requested to be annexed out of ESD #4.

Councilmember Carbone thanked staff for providing notice of the annexation to the School District.

**ADJOURNMENT:**

Meeting was adjourned at 6:47 p.m.

**CITIZEN COMMENTS:**

Melissa Washington, 2903 Amber Hill Trail, address Council on behalf of the Texas General Land Office and stated there will be a North Brazoria County Homeowner Assistance Fair March 29th and 30th to assist with Hurricane Harvey relief.

**CONSENT AGENDA:**

- A. Approval of minutes of January 28, 2019, Joint Public Hearing 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 March 4, 2019.
- C. **Consideration and Possible Action** - Excuse the Absence of Councilmember Gary Moore from the Regular Council Meetings held on February 25, 2019, and March 4, 2019.
- D. **Consideration and Possible Action - Resolution No. R2019-75** - A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for water meter testing and repair services with Southern Flowmeter, Inc. in the estimated amount of \$231,865.00 for the period beginning April 1, 2019 through March 31, 2020.

- E. Consideration and Possible Action - Resolution No. R2019-76** - A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a Reimbursement Agreement between the City and the Pearland Economic Development Corporation; and an Agreement between the City, Blue Ridge Transportation Group, LLC and Pearland Municipal Management District No.2, associated with the SH 288 Corridor Aesthetic Improvements Project.
- F. Consideration and Possible Action - Resolution No. R2019-92** - A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a Reimbursement Agreement between the City and the Pearland Economic Development Corporation, in accordance with an existing Letter Finance Agreement with Pearland Municipal Management District No. 1, associated with the Lower Kirby Master Drainage Plan Land Acquisition.
- G. Consideration and Possible Action - Resolution No. R2019-83** - A Resolution of the City Council of the City of Pearland, Texas, amending a contract with R. G. Miller Engineers, in the additional amount of \$6,145.20, for design services associated with the Veterans Drive Lift Station Project (McLean Road to Veterans Drive).
- H. Consideration and Possible Action - Resolution No. R2019-84** - 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 with Harris County Flood Control District (“HCFCD”) associated with the Green Tee Terrace Bike and Pedestrian Trail Project.
- I. Consideration and Possible Action - Resolution No. R2019-89** - A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply contract for auto parts to Auto Plus Auto Parts, in the estimated amount of \$75,000.00, for the period of April 2nd, 2019 through April 1st, 2020.
- J. Consideration and Possible Action - Resolution No. R2019-90** - A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply contract for auto parts to XL Parts, LLC, in the estimated amount of \$75,000.00, for the period of April 2nd, 2019 through April 1st, 2020.
- K. Consideration and Possible Action - Resolution No. R2019-88** - A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for the purchase of SCBA cylinders and air packs, from Municipal Emergency Services, in the amount of \$140,585.00.
- L. Consideration and Possible Action - Resolution No. R2019-91** - 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 with Brazoria County for paving services, for the period of October 1, 2018 through September 30, 2019.
- M. Consideration and Possible Action - Second and Final Reading of Ordinance No. 1358-17** - An Ordinance of the City Council of the City of Pearland, Texas, amending non-development usage and service fees (Delores

Fenwick Nature Center); containing a savings clause, a severability clause, a repealer clause, providing for publication and an effective date.

- N. Consideration and Possible Action - Resolution No. R2019-87** - 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 Half Associates, in the amount of \$297,171.00, for development of the City's Multi-Modal Master Plan (Trails Master Plan and Sidewalk Gap Analysis); and authorizing the appropriation of \$162,000.00 from the Park Development Fund.
- O. Consideration and Possible Action - Resolution No. R2019-93** - 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, with the Texas Department of Transportation (TxDOT), for off-site Material Testing Services associated with Hughes Ranch Road Project (Cullen Parkway to Smith Ranch Road).
- P. Consideration and Possible Action - Resolution No. R2019-82** - A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a design services contract with KIT Professionals, Inc., in the amount of \$273,068.00, associated with the Southdown Plant Ground Storage Tank Replacement Project, and authorizing an additional appropriation of \$205,000.00 for the Project.

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

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

Voting "No" None.

Motion passed 6 to 0 with Councilmember Hernandez absent.

**MATTERS REMOVED FROM CONSENT AGENDA:**

- D. Consideration and Possible Action - Resolution No. R2019-75** - A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for water meter testing and repair services with Southern Flowmeter, Inc. in the estimated amount of \$231,865.00 for the period beginning April 1, 2019 through March 31, 2020.

Councilmember Carbone made the motion, seconded by Councilmember Moore to approve Resolution No. R2019-75.

Deputy City Manager Jon Branson stated this Resolution relates to a bid for Southern Flowmaster to test the City's large meters in compliance with Texas Commission on Environmental Quality (TCEQ) regulations and guidelines for water accountability.

Conversation ensued between Mayor Pro-Tem Perez, Deputy City Manager Jon Branson and City Attorney Darrin Coker regarding the protection the City has against the contractor not performing within the expectations of the contract.

Mayor Pro-Tem Perez asked staff how the repair of the meters will be coordinated with the addition of the planned new meters.

Director of Public Works Clarence Wittwer stated a schedule for the repairs will be maintained just as the schedule for the planned meters has been kept.

Councilmember Little asked staff if the City decides to move forward with Advanced Metering Infrastructure would the mandated testing still have to occur.

Director of Engineering and Capital Projects Robert Upton stated TCEQ would still require the testing be done on the meters.

Councilmember Moore asked staff what the frequency of the TCEQ testing will be.

Director of Engineering and Capital Projects Robert Upton stated testing is an annual requirement.

Councilmember Owens asked staff if Southern Flowmeter was made aware of the issues with the prior contactor so to avoid the same outcome.

Director of Public Works Clarence Wittwer stated he did make Southern Flowmeter aware of prior issues and trusts there will be no problems due to his previous experience with Southern Flowmeter.

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

Voting "No" None

Motion passed 6 to 0 with Councilmember Hernandez absent.

- L. Consideration and Possible Action - Resolution No. R2019-91** - 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 with Brazoria County for paving services, for the period of October 1, 2018 through September 30, 2019.

Councilmember Carbone made the motion, seconded by Councilmember Moore to approve Resolution No. R2019-91.

Deputy City Manager Jon Branson stated every year the City enters into an Interlocal Agreement with Brazoria County for maintenance on asphalt streets, this is the contract for the repairs.

Conversation ensued between Mayor Pro-Tem Perez and Director of Public Works Clarence Wittwer regarding the differences in the descriptions of the roads to be repaired and the illustration presented and what roads could be added to that plan.

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

Voting "No" None

Motion passed 6 to 0 with Councilmember Hernandez absent.

#### **NEW BUSINESS:**

**Council Action - Resolution No. R2019-86** - A Resolution of the City Council of the City of Pearland, Texas, accepting the City's comprehensive annual financial report for fiscal year 2018

and the accompanying independent audit as presented by the accounting firm of Whitley Penn, LLP.

Councilmember Reed made the motion, seconded by Mayor Pro-Tem Perez to approve Resolution No. R2019-86.

Deputy City Manager Jon Branson stated this will accept the City's comprehensive annual financial report for fiscal year 2018 and the independent audit as presented by the accounting firm of Whitley Penn, LLP.

Whitley Penn Engagement Partner Lupe Garcia made a presentation to Council regarding the findings of the firm and the Audit Process.

Councilmember Carbone stated the General Fund Balance should be getting higher and in coming Budget it should be considered.

Whitley Penn Engagement Partner Lupe Garcia stated there are expenses related to Hurricane Harvey that have not been reimbursed and once that occurs the General Fund Balance should look better.

Councilmember Moore asked what the fund balance will be once the Hurricane Harvey funds have been reimbursed.

Whitley Penn Engagement Partner Lupe Garcia provided the projected increase in the General Fund Balance.

Councilmember Moore asked what caused the General Fund Balance to drop in the years 2016 and 2017.

Deputy City Manager Jon Branson stated it was a decision made to lower that fund balance by funding projects and expenditures for work that needed to be performed.

Councilmember Little stated once the Hurricane Harvey reimbursements come in the City will be where it needs to be on the General Fund Balance.

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

Voting "No" None

Motion passed 6 to 0 with Councilmember Hernandez absent.

**Council Action - Resolution No. R2019-66** - 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 six (6) pieces of heavy equipment, in the amount of \$703,030.00, from Dogget Heavy Machinery.

Mayor Pro-Tem Perez made the motion, seconded by Councilmember Moore to approve Resolution No. R2019-66.

Deputy City Manager Jon Branson stated staff is recommending the City to enter into an Interlocal Agreement to replace worn out equipment and to purchase a new piece of heavy equipment to make moving materials more efficient.

Conversation ensued between Councilmember Little and Director of Public Works Clarence Wittwer regarding the replacement equipment and salvaging the out of service equipment.

Fleet Superintendent Jacoby Perkins stated there is a salvage value to the equipment through the use of an auction.

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

Voting "No" None

Motion passed 6 to 0 with Councilmember Hernandez absent.

**First Reading of Ordinance No. 1572** - An Ordinance of the City Council of the City of Pearland, Texas, abandoning a portion of certain right-of-way and easements recorded in the plat records of, Brazoria County, Texas, within the corporate city limits of Pearland, Brazoria County, Texas; having a savings clause and a severability clause; and providing for an effective date.

Councilmember Little made the motion, seconded by Councilmember Moore to approve Ordinance No. 1572 on its First Reading.

Deputy City Manager Jon Branson stated this is the item from the Public Hearing earlier in this Agenda.

City Attorney Darrin Coker stated this is an abandonment of a portion of County Road 89 where it intersects with Cullen Boulevard. He further stated the City does not have need for the Right of Way and the requestor has met all of the conditions.

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

Voting "No" None

Motion passed 6 to 0 with Councilmember Hernandez absent.

**Council Action - Resolution No. R2019-78** - A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager and/or the Chief Financial Officer to negotiate and execute any and all contracts and other documents incident to establishing bank and investment account(s) for the purpose of investing in authorized investments and financial institution deposits.

Councilmember Moore made the motion, seconded by Councilmember Reed to approve Resolution No. R2019-78.

Deputy City Manager Jon Branson stated this is to negotiate and execute all contracts and other documents involving establishing bank and investment account(s) for the purpose of investing in authorized investments and financial institution deposits.

Councilmember Little stated the language of the Resolution states "any and all" but the idea of it is to execute two specific contracts.

Vallyview Consulting Representative Susan Anderson stated the intent of the item is to obtain a Certificate of Deposit and it will establish a standardized agreement for collateral. She further stated it will establish two people who can sign off on those types of agreements and shows the bank who is authorized to sign.

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

Voting "No" None

Motion passed 6 to 0 with Councilmember Hernandez absent.

**Council Action - Resolution No. R2019-94** - A Resolution of the City Council of the City of Pearland, Texas, accepting the Final Report of the Ad Hoc Committee on the Unified Development Code (UDC).

Councilmember Owens made the motion, seconded by Councilmember Moore to approve Resolution R2019-94.

Deputy City Manager Jon Branson stated at the authorization of the Council an Ad Hoc Committee was created and this will accept that committee's Final Report.

Director of Community Development John McDonald provided the findings of the Ad Hoc Committee and its recommendations.

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

Voting "No" None

Motion passed 6 to 0 with Councilmember Hernandez absent.

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

**OTHER BUSINESS:** None

**ADJOURNMENT**

Meeting was adjourned at 8:00 p.m.

Minutes approved as submitted and/or corrected this the \_\_\_\_ day of \_\_\_\_\_, A.D., 2019.

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Tom Reid  
Mayor

ATTEST:

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Young Lorfing, TRMC  
City Secretary