

**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, MAY 13, 2019, AT 6:30 P.M. IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

Mayor Reid called the meeting to order 6:30 p.m. with the following present:

Mayor	Tom Reid
Mayor Pro-Tem	Trent Perez
Councilmember	Tony Carbone
Councilmember	Derrick Reed
Councilmember	Adrian Hernandez
Councilmember	J. David Little
Councilmember	Gary Moore
Councilmember	Woody Owens
City Manager	Clay Pearson
City Attorney	Darrin Coker
City Secretary	Young Lorfing

Others in attendance: Jon Branson Deputy City Manager, Matt Buchanan President of EDC, Trent Epperson Assistant City Manager, Michelle Graham Director of Human Resources, John McDonald Director of Community Development, Chris Orlea Director of Parks and Recreation, Kim Sinistore Executive Director CVB, Johnny Spires Police Chief, Robert Upton Director of Engineering and Capital Projects, Scott Williams Building Official, Clarence Wittwer Director of Public Works, Young Lorfing City Secretary, Andrea Brinkley Assistant Director of Public Works, Joel Hardy Grants – Special Projects Administrator, Joshua Lee Communication Director, Daniel McGhinnis Chief Information and Lawrence Provins Deputy City Attorney.

The invocation was given by Councilmember Carbone and the Pledge of Allegiance was led by Councilmember Hernandez.

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

**CITIZEN COMMENTS:**

Scott Feules, 3203 Forrester Dr, addressed Council and spoke about moving local elections from May to November.

Robert Philbrook, 4019 Crystal Lake Circle South, addressed Council and spoke about the water meter change out program and the Kerrville Bus transportation Agreement.

Ben Smith, 9330 Broadway St, addressed Council and spoke about bicycle safety and the month of May being National Bike Month.

**PUBLIC HEARING:** None

**CONSENT AGENDA:**

- A. Approval of Minutes of April 22, 2019, Regular Meeting held at 6:30 p.m.
- B. **Consideration and Possible Action** - Excuse the Absence of Councilmember Gary Moore from the Regular Council Meetings held on April 22, 2019.
- C. **Consideration and Possible Action - Resolution No. R2019-118** - A Resolution of the City Council of the City of Pearland, Texas, accepting the City's Investment Report for the quarter ending March 2019.
- D. **Consideration and Possible Action - Resolution No. R2019-117** - A Resolution of the City Council of the City of Pearland, Texas, renewing a contract for the purchase of automotive tires, from Goodyear Tire and Rubber Company (Adame Auto Center), through a member governmental purchasing agreement with National Purchasing Partners (NPP), in the estimated amount of \$100,000.00, for the period of May 15, 2019 through May 14, 2020.
- E. **Consideration and Possible Action - Resolution No. R2019-115** - A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to renew a contract for audit services with Whitley Penn, in the amount of \$75,300.00, for the period of July 7, 2019 through July 6, 2020.
- F. **Consideration and Possible Action - Second and Final Reading of Ordinance No. 1462-2** - An Ordinance of the City Council of the City of Pearland, Texas, amending Article 5, Chapter 2, Ethics, of the City of Pearland Code of Ordinances ; having a savings clause, a severability clause, and a repealer clause; providing for codification and an effective date.
- G. **Consideration and Possible Action - Resolution No. R2019-113** - A Resolution of the City Council of the City of Pearland, Texas, ("City") suspending the effective date for ninety days in connection with the rate increase filing made on or about April 5, 2019 by Centerpoint Energy Houston Electric LLC; authorizing the City's continued participation in a coalition of cities known as the "Texas Coast Utilities Coalition;" authorizing participation in proceedings at the Public Utility Commission of Texas; authorizing the hiring of attorneys and consultants; requiring reimbursement of reasonable legal and consultant expenses; requiring proof of notice; finding that the meeting complies with the Open Meetings Act; making other findings and provisions related to the subject; and declaring an effective date.
- H. **Consideration and Possible Action - Resolution No. R2019-112** - A Resolution of the City Council of the City of Pearland, Texas, ("City") responding to the application of Centerpoint Energy Resources Corp., Texas Coast Division, to increase rates under the Gas Reliability Infrastructure Program; suspending Centerpoint's proposed effective date for forty-five

days; authorizing the City to continue to participate in a coalition of cities known as the "Texas Coast Utilities Coalition" of cities; determining that the meeting at which the resolution was adopted complied with the Texas Open Meetings Act; making such other findings and provisions related to the subject; and declaring an effective date.

- I. Consideration and Possible Action - Resolution No. R2019-110 - A**  
Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply bid for the purchase of Fire Department Uniforms to Galls Parent Holdings, LLC, in the estimated amount of \$73,000.00, for the period of May 14, 2019 through May 13, 2020.
  
- J. Consideration and Possible Action - Resolution No. R2019-116 - A**  
Resolution of the City Council of the City of Pearland, Texas, renewing a unit cost bid for street and sidewalk maintenance with Greenscapes Six, LLC, in the estimated amount of \$150,000.00 for Fiscal Year 2019, the estimated amount of \$300,000.00 for Fiscal Year 2020, for the period of May 31, 2019 through May 30, 2020.

Councilmember Carbone made the motion, seconded by Councilmember Moore to adopt Consent Items A through J with the exception of Item D and Item J 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:**

- D. Consideration and Possible Action - Resolution No. R2019-117 - A**  
Resolution of the City Council of the City of Pearland, Texas, renewing a contract for the purchase of automotive tires, from Goodyear Tire and Rubber Company (Adame Auto Center), through a member governmental purchasing agreement with National Purchasing Partners (NPP), in the estimated amount of \$100,000.00, for the period of May 15, 2019 through May 14, 2020.

Councilmember Carbone made the motion, seconded by Councilmember Moore to approve Resolution No. R2019-117.

City Manager Clay Pearson stated this is a contract renewal with Adame Auto Center through a member governmental purchasing agreement with National Purchasing Partners.

Conversation ensued between Councilmember Little and City Manager Clay Pearson regarding clarification that the City is not purchasing \$100,000.00 worth of tires at once and if the prices have been confirmed as market standard.

Councilmember Owens stated the City has multiple different types of equipment and asked staff if this is a bid for all types of tires.

City Manager Clay Pearson discussed the breakdown previously provided to Council for each tire type and need.

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

Voting "No" None.

Motion passed 7 to 0.

**J. Consideration and Possible Action - Resolution No. R2019-116 - A**

Resolution of the City Council of the City of Pearland, Texas, renewing a unit cost bid for street and sidewalk maintenance with Greenscapes Six, LLC, in the estimated amount of \$150,000.00 for Fiscal Year 2019, the estimated amount of \$300,000.00 for Fiscal Year 2020, for the period of May 31, 2019 through May 30, 2020.

Councilmember Carbone made the motion, seconded by Councilmember Moore to approve Resolution No. R2019-116.

City Manager Clay Pearson stated this is a contract renewal for street and sidewalk maintenance with Greenscapes Six, LLC and staff recommends approval.

Councilmember Owens asked staff of the previous expenditure approved has already be used this year.

City Manager Clay Pearson stated the City has exhausted the previous amount due to the lower than usual approval amount.

Councilmember Owens asked staff how much of the streets and sidewalks repair is being done with City staff since a new concrete truck was purchased.

Director of Public Works Clarence Wittwer stated City employees are doing the bulk of the work.

Assistant Director of Public Works Andrea Brinkley stated City staff is working on Utility cuts that are the result of repairs needed after water and sewer line breaks. She further stated that if the repairs are within proximity to a sidewalk in need of repair, the staff will coordinate to perform that repair as well.

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. 1107-1** - An Ordinance of the City Council of the City of Pearland, Texas, amending Chapter 30, Utilities, of the City of Pearland Code of Ordinances, as it may have been, from time to time, to amend Article V, Cross-Connection Control and Prevention; having a savings clause, a severability clause, and a repealer clause; and providing for codification and an effective date.

Councilmember Reed made the motion, seconded by Councilmember Little to adopt Ordinance No. 1107-1.

City Manager Clay Pearson stated this is an Ordinance to maintain the integrity of the City's utility system.

Mayor Pro-Tem Perez stated the backflow preventers are important to the City's managing the water system but are expensive and hard to gauge early on in a project. He further asked for clarification on how the City is conveying the need of a backflow preventer in the proper circumstance when requesting bids.

Backflow Compliance Program Coordinator Mike Morrison addressed Council regarding how plans are reviewed and what staff is doing to make sure contractors know how to install and when to install backflow preventers.

Mayor Pro-Tem Perez asked staff with respect to the criteria listed in the policy would it require any commercial property to have a backflow preventer.

Backflow Compliance Program Coordinator Mike Morrison stated not all commercial development would be required to install a backflow preventer but any development that has the potential for containments or cross connections would be required to install a backflow preventer.

Mayor Pro-Tem stated there needs to be a clause in the Engineering Design Criteria Manual that states specifically what uses require a backflow preventer, in addition to where it can be located and secured.

Director of Engineering and Capital Projects Robert Upton stated that during predevelopment meetings with Developers these issues are addressed.

Councilmember Hernandez asked staff if this would be retroactive to residential builds without a backflow preventer.

Backflow Compliance Program Coordinator Mike Morrison stated if this Resolution is approved it would be retroactive to prior builds and residents would be notified by mail.

Conversation ensued between Councilmember Carbone and Backflow Compliance Program Coordinator Mike Morrison regarding the inspection and necessary fees for existing businesses and residents.

Councilmember Carbone stated this is a Texas Commission on Environmental Quality requirement and asked staff if there was a way to provide relief to small businesses that will have to incur this cost.

City Attorney Darrin Coker stated the permit fees would fall on the technicians that would be performing the work.

Councilmember Moore asked staff if there is a target year of build that is going to be looked at for these inspections due to newer builds are more likely to have the needed backflow preventers.

Backflow Compliance Program Coordinator Mike Morrison stated most areas already are in compliance and there is no target neighborhood or year of build to look at.

Councilmember Carbone stated a home with a pool and irrigation system will have two backflow preventers and asked staff if that means those homes would have to have a test done on their system.

Backflow Compliance Program Coordinator Mike Morrison stated those homes would be required to have those test performed and any issues would have to be addressed.

Mayor Pro-Tem Perez stated at this point it is a requirement of the Texas Commission on environmental Quality and homes will have to comply.

Director of Public Works Clarence Wittwer stated these tests are a requirement of the Clean Water Act and it essentially states that any water line that has the potential to release contaminants in the system must have a backflow preventer.

Councilmember Hernandez asked staff if there was a program that can be put together for low income families to help with septic issues and help install a backflow preventer.

Director of Public Works Clarence Wittwer stated staff will look into the existence of a program for low income family to assist with septic system issues.

Mayor Pro-Tem Perez asked staff how they plan on reaching out to residents and letting them know an inspection of their backflow preventer will be required.

Backflow Compliance Program Coordinator Mike Morrison stated staff will communicate through the City of Pearland's backflow webpage, flyers will go out with the water bill and staff will host community events to raise awareness of the requirement.

Mayor Pro-Tem Perez asked staff what is the penalty for not complying with this regulation.

Backflow Compliance Program Coordinator Mike Morrison stated penalty would include a fine or termination of water service until compliance.

Councilmember Moore asked staff how much time will be allowed to a resident to complete the requirements.

Backflow Compliance Program Coordinator Mike Morrison stated the plan is between 30 and 60 days once the program is in place.

Councilmember Moore stated the Texas Commission on Environmental Quality website reads that a homeowner can install the backflow preventer without the City certification.

Backflow Compliance Program Coordinator Mike Morrison stated that is true that an unlicensed homeowner can do the work, however the homeowner would have to get a certified inspector to certify the work.

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

Voting "No" Councilmember Carbone.

Motion passed 6 to 1.

**Council Action - Resolution No. R2019-77-** A Resolution of the City Council of the City of Pearland, Texas, renewing a contract for cleaning services (City Facilities) with A & A Cleaning Services, in the estimated amount of \$389,393.00, beginning June 1, 2019 through May 31, 2020.

Mayor Pro-Tem Perez made the motion, seconded by Councilmember Owens to approve Resolution No. R2019-77.

City Manager Clay Pearson stated this is renewing a contract for cleaning services with A & A Cleaning Services.

Councilmember Little asked staff if A & A Cleaning Services has the option to renew the contract and the City was unable to get bids.

City Manager Clay Pearson stated A & A Cleaning Services has performed well and staff is in agreement with the renewal.

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

Voting "No" None.

Motion passed 7 to 0.

**Council Action - Resolution No. R2019-105 -** A Resolution of the City Council of the City of Pearland, Texas, renewing an existing unit supply contract, in the estimated amount of \$2,150,000.00, for Sanitary Sewer Rehabilitation Services to IPR South Central, LLC, for the period of May 20, 2019 through May 19, 2020.

Councilmember Hernandez made the motion, seconded by Councilmember Moore to approve Resolution No. R2019-105.

City Manager Clay Pearson stated this is renewing an existing unit supply contract for Sanitary Sewer Rehabilitation Services to IPR South Central, LLC.

Councilmember Owens stated there were lower bids submitted for this contract and asked staff why this vendor was chosen.

Assistant City Manager Trent Epperson stated the bids were a per unit bid and when applied to a list of projects, IPR South Central LLC was the lowest on the majority of sample projects when the bid was initially done years back. He further stated this is the third and final renewal so the contract will be rebid when it comes up again.

Conversation ensued between Councilmember Owens and Assistant City Manager Trent Epperson regarding how often there will be the need for mobilization and what causes a mobilization charge from IPR South Central LLC.

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

Voting "No" None.

Motion passed 7 to 0.

**Council Action - Resolution No. R2019-120** - A Resolution of the City Council of the City of Pearland, Texas, authorizing an expenditure of the Pearland Economic Development Corporation, in the amount of \$404,700.00, with Kimley-Horn and Associates, Inc. for planning services associated with the Broadway Corridor Development Plan.

Councilmember Little made the motion, seconded by Councilmember Moore to approve Resolution No. R2019-120.

City Manager Clay Pearson stated this is authorizing an expenditure of the Pearland Economic Development Corporation for planning services associated with the Broadway Corridor Development Plan with Kimley-Horn and Associates, Inc.

President of EDC Matt Buchanan addressed Council and presented on the Broadway Corridor Development Plan.

Assistant City Manager Trent Epperson addressed Council and presented on the Reconstruction and Widening, in addition to the Development Plan for Phase I and Phase II of the Broadway Corridor.

Kevin Cole, 3808 Houston Lake Dr, addressed Council and spoke in opposition to the proposed Broadway Corridor Development Plan.



Conversation ensued between Councilmember Owens and Assistant City Manager Trent Epperson regarding the Phase I and Phase II construction.

Councilmember Little asked staff about the feasibility of only having a sidewalk on one side of the proposed Development Plan to help the businesses along that corridor.

Assistant City Manager Trent Epperson stated the Texas Department of Transportation (TxDOT) requires bike and pedestrian access but there are other options on how to achieve that access, such as a shared use path.

Councilmember Little asked staff if there are any areas that TxDOT is not proposing a curb and gutter for the use of underground drainage.

Assistant City Manager Trent Epperson stated curb and gutter is proposed throughout the project but there are other drainage requirements from TxDOT.

Councilmember Hernandez asked staff how small businesses will be made aware of the various meetings and workshops the City will be hosting.

The Kimley-Horn and Associates' Representative stated flyers will be sent out in addition to surveys for the businesses to share thoughts and suggestions.

Councilmember Carbone asked staff what the financial impact on businesses will be and what the issues of non-conformity on this project are.

The Kimley-Horn and Associates' Representative stated staff will look at the plans and do everything possible to avoid or minimize damage to small businesses.

Hawes-Hill Representative Tony Allender addressed Council and discussed non-conformity.

Mayor Pro-Tem Perez stated more attention needs to be paid to the use of the street and how the impact to businesses can be minimized. He further stated the business owners need to be made aware of the changes early in the process so that they can begin planning.

Councilmember Moore asked the Kimley-Horn Representative how often Council will be updated on the status of the talks with TxDOT.

The Kimley-Horn Representative stated Council will receive a monthly update.

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

Voting "No" None.

Motion passed 7 to 0.

**Council Action - Resolution No. R2019-119** - A Resolution of the City Council of the City of Pearland, Texas, approving Windstorm and Wind Driven Rain Insurance through AmRisc Carriers, in the amount of \$558,075.00, for the period of May 26, 2019 to May 25, 2020.

Councilmember Owens made the motion, seconded by Councilmember Moore to approve Resolution No. R2019-119.

City Manager Clay Pearson stated this is approving Windstorm and Wind Driven Rain Insurance through AmRisc Carriers.

Conversation ensued between Councilmember Carbone and City Manager Clay Pearson regarding the call for bids on this project.

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:** None

Council adjourned into Executive Session under Texas Government Code at 9:07 p.m. to discuss the following:

**EXECUTIVE SESSION UNDER TEXAS GOVERNMENT CODE**

1. **Section 551.071 - Attorney Client Privilege** - Consultation with City Attorney on Confidential Matters Related to Attorney Client Privilege.
2. **Section 551.072 - Consultation with City Attorney** - Regarding the Sale, Lease, Purchase, or Exchange of Real Property.

**NEW BUSINESS CONTINUED:**

Council returned from Executive Session at 10:30 p.m.

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

City Attorney Darrin Coker advised Council that a motion be made to acquire property for the McHard Road right-of-way and regional detention, as well as the acquisition of four acres of land from the Pearland Independent School District for public purposes as discussed in Executive Session.

Councilmember Hernandez made the motion, seconded by Councilmember Moore to approve the items discussed in Executive Session.

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

Voting "No" None.

Motion passed 7 to 0.

**OTHER BUSINESS:** None

**ADJOURNMENT**

Meeting was adjourned at 10:33 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