

**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, APRIL 22, 2019, AT 6:30 P.M. IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

Mayor Reid called the meeting to order 6:36 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	Woody Owens
City Manager	Clay Pearson
City Attorney	Darrin Coker
City Secretary	Young Lorfing

Absent: Councilmember Gary Moore

Others in attendance: Jon Branson Deputy City Manager, Matt Buchanan President of EDC, Michelle Graham Director of Human Resources, John McDonald Director of Community Development, John McCarter Budget and Procurement Manager, Cynthia Pearson Director of Finance, Johnny Spires Police Chief, Robert Upton Director of Engineering and Capital Projects, Clarence Wittwer Director of Public Works, Skipper Jones Assistant Director of Capital Projects, Daniel McGhinnis Chief Information Officer and Lawrence Provins Deputy City Attorney.

The invocation was given by Mayor Reid and the Pledge of Allegiance was led by Councilmember Little.

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

**CITIZEN COMMENTS:** None

**PUBLIC HEARING:** None

**CONSENT AGENDA:**

- A. Approval of minutes of March 18, 2019, Joint Special Meeting 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 April 8, 2019.
- C. **Consideration and Possible Action - Second Reading of Ordinance No. 1573**  
- An Ordinance extending the city limits of the City of Pearland, Texas, to include certain land area within certain limits and boundaries and annexing to the City of Pearland the area within such limits and boundaries (approximately 13.0904

acres located at 7409 Bailey Road); containing an effective date and other provisions related to the subject; and providing a savings and severability clause.

**D. Consideration and Possible Action - Second and Final Reading of Ordinance**

**No. 2000M-183** - 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, Being a 3.1988 acre tract of land situated in the HT&B RR Co Survey, Abstract No. 547, Brazoria County, Texas, being a portion of Lot 12, Section 18, of the Kanawha Texas Company Subdivision of parts of Sections 18 & 22 of the HT&B RR Co Surveys, as recorded in Volume 2, Page 51, Plat Records of Brazoria County, Texas, being a portion that certain tract of land described in deed to Norman W. Hicks, Sr. and wife, Shelia Hicks, as recorded in Volume 91865, Page 818, Official Records of Brazoria County, Texas (O.R.B.C.T.). (East of Charles Avenue, west of the Pearland ISD West Bus Barn, north of the intersection of Bailey Road and CR 101C, with an approximate address of 7409 Bailey Road.) Zone Change Application No. ZONE 18-00023, a request by Spencer Marston, applicant, on behalf of Norman W. Hicks, Sr. and Shelia Hicks, owner; for approval of a zone change from the interim zoning classification of Suburban Development (SD) Zoning District to Neighborhood Service (NS) Zoning District; on approximately 3.1988 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.

**E. Consideration and Possible Action - Second and Final Reading of Ordinance**

**No. 2000M-181** - 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, Being a 22.86 acre tract of land out of a portion of Lots 28, 33, and 39 of W. Zychlinski's Subdivision, recorded in Volume 29, Page 41, of the Brazoria County Deed Records, located in the H.T. & B. R.R. Co. Survey, Abstracts 232 and 542, Brazoria County, Texas. (southwest corner of North Main Street and Rice Drier Road) Zone Change Application No. ZONE 19-00003, a request by Presidio Equities, LLC, applicant and owner; for approval of amendment to the Rice Drier Commerce Park Planned Development District regulations regarding the minimum building size; on approximately 22.86 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.

**F. Consideration and Possible Action - Second and Final Reading of Ordinance**

**No. 2000M-182** - 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, Lot C, Block 1 of the Kingsley Retail Addition, an addition in the City of Pearland, Brazoria County, Texas, according to the plat recorded in File No. 2018048675 in the Plat Records of Brazoria County, Texas. (3100 block of Kingsley Drive) Zone Change

Application No. ZONE 19-00002, a request by Steve Hextell, BROP, LLC, applicant, on behalf of Pei Nan Tsou, representing Beltway 23 LTD, owner; for approval of an amendment to the regulations of the Kingsley & Broadway Planned Development District; on approximately 9.20 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.

- G. Consideration and Possible Action - Second and Final Reading of Ordinance No. 1570-1** - An Ordinance of the City Council of the City of Pearland amending Chapter 30, Utilities, of the City Code of Ordinances by amending Article VI, Illicit Discharge Prohibitions; having a savings clause, a severability clause, a penalty clause and a repealer clause; providing for publication, codification, -and an effective date.
- H. Consideration and Possible Action - Resolution No. R2019-108** - A Resolution of the City Council of the City of Pearland, Texas, renewing a unit price bid for Quarterly Preventative Maintenance and Repairs associated with HVAC Systems and Ice Machines (City Facilities) with The Lee Thompson Company, in the estimated amount of \$208,877.00, for the period beginning April 30, 2019 and ending April 29, 2020.
- I. Consideration and Possible Action - Resolution No. R2019-107** - A Resolution of the City Council of the City of Pearland, Texas, renewing a unit price bid (secondary contract) for repair services associated with HVAC Systems and Ice Machines (City Facilities) to Fort Bend Mechanical, in the estimated amount of \$50,000.00, for the period beginning April 30, 2019 and ending April 29, 2020.
- J. Consideration and Possible Action - Resolution No. R2019-109** - A Resolution of the City Council of the City of Pearland, Texas, amending a contract for design services with H.R. Green, in the additional amount of \$9,239.77, associated with the Hughes Ranch Road/Brookney Road Drainage Project.
- K. Consideration and Possible Action - Resolution No. R2019-111** - A Resolution of the City Council of the City of Pearland, Texas, awarding a general service contract, through an interlocal cooperative purchasing agreement with the City of Sugarland, for street sweeping services to Kustom Cleaning, in the estimated amount of \$69,285.00, beginning April 30, 2019 through April 29, 2020.

Councilmember Carbone made the motion, seconded by Councilmember Owens to adopt Consent Agenda Items A through K with the exception of Item H, I, J and K as presented on the Consent Agenda.

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

Voting "No" None.

Motion passed 6 to 0 with Councilmember Moore absent.

**MATTERS REMOVED FROM CONSENT AGENDA:**

**H. Consideration and Possible Action - Resolution No. R2019-108** - A Resolution of the City Council of the City of Pearland, Texas, renewing a unit price bid for Quarterly Preventative Maintenance and Repairs associated with HVAC Systems and Ice Machines (City Facilities) with The Lee Thompson Company, in the estimated amount of \$208,877.00, for the period beginning April 30, 2019 and ending April 29, 2020.

Councilmember Carbone made the motion, seconded by Councilmember Little to approve Resolution No. R2019-108.

City Manager Clay Pearson stated this renews a contract for repairs associated with the HVAC Systems and Ice Machines for Quarterly Preventative Maintenance and Repairs.

Councilmember Reed stated he wanted the Resolution pulled because The Lee Thompson Company has been on contract for such a long period of time and verified this contract is a renewal.

City Manager Clay Pearson stated staff has evaluated the bids for this project in 2018 and The Lee Thompson Company was the lowest.

Councilmember Reed stated the City needs to continue to give other companies a chance to bid on services and not enter into long term contracts.

Councilmember Little stated he has broken down the cost for each facility on this contract and asked staff if that is in line with industry standards.

City Manager Clay Pearson stated the calculations are not as straight forward as evenly distributing the cost between facilities due to the need for each facility. He further stated the contract was bid out and the lowest was chosen.

Councilmember Reed stated a company came prior with a proposal and offered to do a run through of the City's HVAC and asked staff why this is coming up in addition to that proposal.

City Manager Clay Pearson stated the company that came in prior was offering a one-time assessment of the facilities and the Lee Thompson Company provides on-going maintenance.

Councilmember Owens stated there is another proposal in this Agenda that appears to be for the same scope of work but on an Emergency basis and asked staff if there is an estimate of what the cost has been so far this year for these services.

City Manager Clay Pearson stated staff will collect the information and provide that to Council. Mayor Reid stated when the air conditioning went out last year it would have been helpful to have this contract.

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

Voting "No" None.

Motion passed 6 to 0 with Councilmember Moore absent.

- I. Consideration and Possible Action - Resolution No. R2019-107 - A**  
Resolution of the City Council of the City of Pearland, Texas, renewing a unit price bid (secondary contract) for repair services associated with HVAC Systems and Ice Machines (City Facilities) to Fort Bend Mechanical, in the estimated amount of \$50,000.00, for the period beginning April 30, 2019 and ending April 29, 2020.

Councilmember Carbone made the motion, seconded by Councilmember Little to approve Resolution No. R2019-107.

City Manager Clay Pearson stated this is a renewal of a previous contract and is a backup in the case that the primary contractor is unavailable.

Conversation ensued between Councilmember Owens and City Manager Clay Pearson regarding the need for this contract, the services that will differ from the primary contractor and what the estimate was based on.

Deputy City Manager Jon Branson provided the cost for the services last year and stated the estimates are based on the use of last year for that same service.

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

Voting "No" None.

Motion passed 6 to 0 with Councilmember Moore absent.

- J. Consideration and Possible Action - Resolution No. R2019-109 - A** Resolution of the City Council of the City of Pearland, Texas, amending a contract for design services with H.R. Green, in the additional amount of \$9,239.77, associated with the Hughes Ranch Road/Brookney Road Drainage Project.

Councilmember Carbone made the motion, seconded by Councilmember Hernandez to approve Resolution No. R2019-109.

City Manager Clay Pearson stated this is an amendment to the existing contract with H.R. Green for the Hughes Ranch Road/Brookney Road Drainage Project.

Conversation ensued between Mayor Pro-Tem Perez and Director of Engineering and Capital Projects Robert Upton regarding the direction given to H.R. Green to limit the scope of the project to a specific repair.

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

Voting "No" None.

Motion passed 6 to 0 with Councilmember Moore absent.

- K. Consideration and Possible Action - Resolution No. R2019-111 - A**  
Resolution of the City Council of the City of Pearland, Texas, awarding a general service contract, through an interlocal cooperative purchasing agreement with the City of Sugarland, for street sweeping services to Kustom Cleaning, in the estimated amount of \$69,285.00, beginning April 30, 2019 through April 29, 2020.

Councilmember Carbone made the motion, seconded by Mayor Pro-Tem Perez to approve Resolution No. R2019-111.

City Manager Clay Pearson stated this contract is for street cleaning to keep debris off the street and out of the storm system. He further stated this will be a backup for when the City's street sweeper is not functional.

Conversation ensued between Councilmember Hernandez, City Manager Clay Pearson and Director of Public Works Clarence Wittwer regarding the cost to purchase and maintain another sweeper, in addition to the cost of staff to operate the machine, versus the cost of this contract.

Assistant Director of Public Works Andrea Brinkley spoke about the use of existing staff if this proposal is approved and the responsibilities of the City's employee to monitor the work to make sure it is being done.

Mayor Pro-Tem Perez stated if the City goes to contract the employee would not be laid off but if the City added another machine then another employee would be needed to operate that additional unit. He further asked staff if this is a short term fix or is it expected to be a long term investment.

Director of Public Works Clarence Wittwer stated the expectation for this would be a one year contract with the option to renew after an initial evaluation.

Councilmember Little asked staff if sweeping the streets quarterly is part of the criteria for the City's permit.

City Manager Clay Pearson stated it is a requirement of the Federal Permit.

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

Voting "No" None.

Motion passed 6 to 0 with Councilmember Little absent.

## **NEW BUSINESS:**

**Council Action - Resolution No. R2019-104** - A Resolution of the City Council of the City of Pearland, Texas, awarding a construction services contract, associated with the Mary's Creek Lift Station Project, to Reddico Construction Company in the amount of \$566,365.00.

Councilmember Reed made the motion, seconded by Councilmember Carbone to approve Resolution No. R2019-104.

City Manager Clay Pearson stated this is a contract award for construction services associated with the Mary's Creek Lift Station Project.

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

Voting "No" None.

Motion passed 6 to 0 with Councilmember Moore absent.

**Council Input and Discussion** - Regarding formalizing a policy regarding requests for new water and sewer utility connections outside the City Limits.

City Manager Clay Pearson stated staff is requesting Council direction on a policy for the City to address requests from residents outside of the Pearland City limits that want to use the City's water and sewer.

City Attorney Darrin Coker provided Council with policy guidelines and points to consider when advising staff on the requested policy. He further stated one of the address' up for discussion at this meeting will be a request in the Amie Lane area. City Attorney Darrin Coker stated if the City services residents outside of the Extraterritorial Jurisdiction then it takes away the incentive to petition the City for annexation. He further advised staff on the conditions of providing utilities to residents outside of the City limits, including Code Enforcement and City.

Assistant City Manager Trent Epperson presented the effect of providing utilities as it pertains to the City's operational area of the City and upcoming projects that would make it difficult to provide utilities to residents outside of the City.

Mayor Reid stated the City has provided utilities to residents outside of the City with the intent the properties would be annexed and when the time came for annexation the Extraterritorial Jurisdictions declined to follow through.

Mayor Pro-Tem Perez stated he recuses himself from this particular discussion with the speakers due to a business relationship but will be a part of the discussion going forward.

Alan Mueller, 4201 Broadway, addressed Council and spoke in support of providing utilities of Menon Enclave stating there is a willingness to be annexed by the City if provided City sewer services only.

Venugopal Menon, 6862 Amie Lane, addressed Council and spoke in support of the City providing utilities to the Temple in question.

Conversation ensued between Councilmember Carbone and City Manager Clay Pearson regarding how the water and sewer model was created and what was taken into consideration when that was done, including possible Extraterritorial Jurisdiction expansion.

Councilmember Hernandez stated the whole picture needs to be looked at instead of one situation at a time. He further asked staff if the area is not contiguous can developers be offered future incentives.

Assistant City Manager Trent Epperson stated he is not sure how a program like that could work given the cost for a single lot or small development.

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

Council adjourned into Executive Session under Texas government Code at 8:00 p.m. to discuss the following.

**EXECUTIVE SESSION UNDER TEXAS GOVERNMENT CODE**

**1. Section 551-074 – Personnel Matters** – Regarding appointments to the Boards and Commissions.

Council returned from Executive Session at 8:20 p.m.

**OTHER BUSINESS:** None

**ADJOURNMENT**

Meeting was adjourned at 8:25 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